

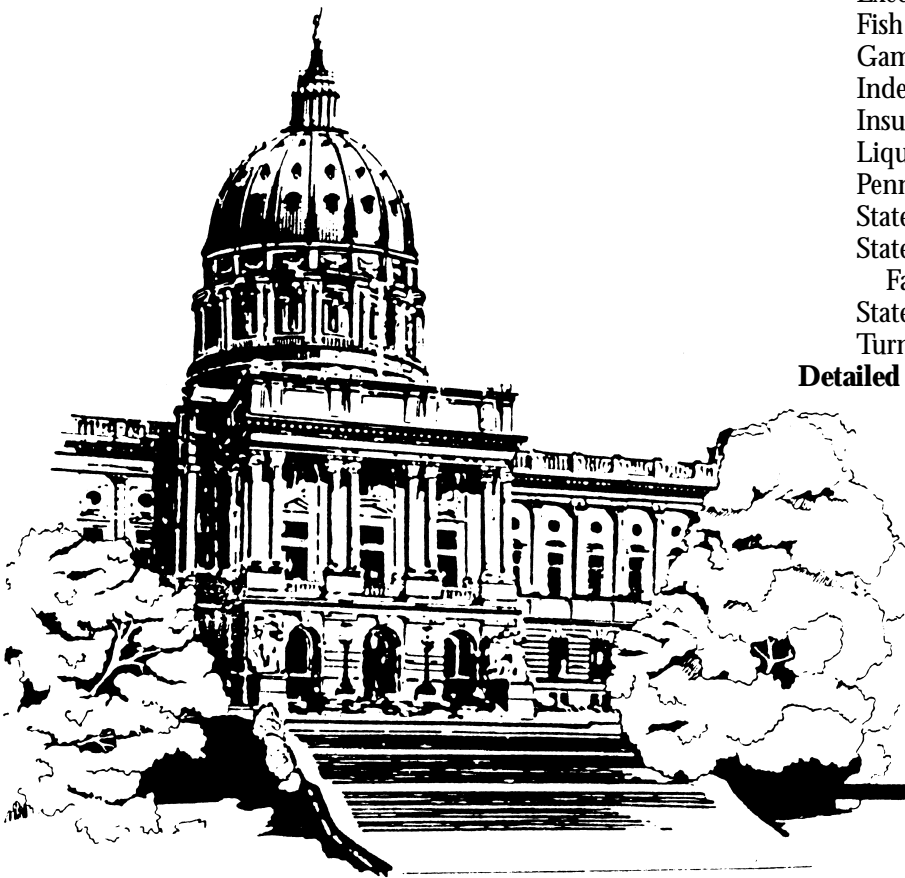
PENNSYLVANIA BULLETIN

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No. 328, March 2002

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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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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THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 9]

Order Amending Rule 909; No. 276; Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a *Final Report* explaining the amendments to Rule of Criminal Procedure 909 (Procedures for Petitions in Death Penalty Cases: Stays of Execution of Sentence; Hearing; Disposition). The amendments permit the judge to grant a 30-day extension of the dispositional time limits in Rule 909. If the judge fails to dispose of the petition within the time limits, the amendments provide a mechanism for notifying the judge that the time limits have expired and, absent action by the judge, for notifying the Supreme Court of the judge's failure to act. The *Final Report* follows the Court's Order.

Order

Per Curiam:

Now, this 12th day of February, 2002, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 30 Pa.B. 2575 (May 27, 2000), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 749), and a *Final Report* to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 909 is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2002.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 9. POST-CONVICTION COLLATERAL PROCEEDINGS

Rule 909. Procedures for Petitions in Death Penalty Cases; Stays of Execution of Sentences; Hearing; Disposition.

* * * * *

(B) Hearing; Disposition

(1) No more than 20 days after the Commonwealth files an answer pursuant to Rule 906(E)(1) or (E)(2), or if no answer is filed as permitted in Rule 906(E)(2), within 20 days after the expiration of the time for answering, the judge shall review the petition, the Commonwealth's answer, if any, and other matters of record relating to the defendant's claim(s), and shall determine whether an evidentiary hearing is required.

[(C)] (2) If the judge is satisfied from this review that there are no genuine issues concerning any material fact, [that] the defendant is not entitled to post-conviction collateral relief, and [that] no legitimate purpose would be served by any further proceedings,

[(1)] (a) the judge shall give notice to the parties of the intention to dismiss the petition and shall state in the notice the reasons for the dismissal.

[(2)] (b) The defendant may respond to the proposed dismissal [by filing a request for oral argument] within 20 days of the date of the notice.

[(3)] (c) No later than 90 days from the date of the notice, or from the date of the [oral argument, if granted] defendant's response, the judge shall:

[(a)] (i) dismiss the petition [,] and issue an order to that effect [, and advise the defendant by certified mail, return receipt requested, of the right to appeal from the final order disposing of the petition and of the time within which the appeal must be taken];

[(b)] (ii) grant the defendant leave to file an amended petition; [and/] or

[(c)] (iii) order that an evidentiary hearing be held on a date certain.

[(D)] (3) If the judge determines that an evidentiary hearing is required, the judge shall enter an order setting a date certain for the hearing, which shall not be scheduled for fewer than 10 days or more than 45 days from the date of the order. The judge may, for good cause shown, grant leave to continue the hearing. No more than 90 days after the conclusion of the evidentiary hearing, the judge shall dispose of the petition.

(4) When the 90-day time periods in paragraphs (B)(2)(c) and (B)(3) must be delayed, the judge, for good cause shown, may enter an order extending the period for not longer than 30 days.

(5) If the judge does not act within the 90 days mandated by paragraphs (B)(2)(c) and (B)(3), or within the 30 day-extension permitted by paragraph (B)(4), the clerk of courts shall send a notice to the judge that the time period for disposing of the petition has expired. The clerk shall enter the date and time of the notice on the docket, and shall send a copy of the notice to the attorney for the Commonwealth, the defendant, and defense counsel, if any.

(6) If the judge does not dispose of the defendant's petition within 30 days of the clerk of courts' notice, the clerk immediately shall send a notice of the judge's non-compliance to the Supreme Court. The clerk shall enter the date and time of the notice on the docket, and shall send a copy of the notice to the attorney for the Commonwealth, the defendant, and defense counsel, if any.

(7) When the petition for post-conviction collateral relief is dismissed by order of the court,

(a) the clerk immediately shall furnish a copy of the order by mail or personal delivery to the Prothonotary of the Supreme Court, the attorney for the Commonwealth, the defendant, and defense counsel, if any.

(b) The order shall advise the defendant of the right to appeal from the final order disposing of the petition, and of the time within which the appeal must be taken.

[(E) Failure of the judge to dispose of the petition within 90 days as required by paragraphs (C)(3) and (D) may result in the imposition of sanctions.]

Comment

* * * * *

Paragraph (B)(3) permits the judge to continue the hearing when there is good cause, such as when the judge determines that briefing and argument are necessary on any of the issues, or when there is a problem with securing the defendant's appearance.

It is intended that once a determination is made under paragraph (B)(3) of this rule that an evidentiary hearing is required, the provisions of Rule 908(C), (D), and (E) apply.

Paragraph (B)(4) was added in 2002 to permit the judge to enter an order for one 30-day extension of the 90-day time limit within which the judge must act pursuant to paragraphs (B)(2)(c) and (B)(3) of this rule. When the judge extends the time, the judge promptly must notify the clerk of courts of the extension order.

Paragraph (B)(5) addresses the situation in which the judge does not comply with the rule's time limits. The clerk of courts is required to give the judge notice that the 90-day time period, or the 30-day extension, has expired. Further non-compliance requires the clerk to bring the case to the attention of the Supreme Court, which is responsible for the administration of the unified judicial system.

It is expected, if there are extenuating circumstances why the judge cannot act within the time limits of the rule, the judge will provide a written explanation to the Supreme Court.

Paragraph (B)(7) requires the clerk to immediately notify the Prothonotary of the Supreme Court, the attorney for the Commonwealth, the defendant, and defense counsel, if any, that the petition has been denied. This notice is intended to protect the defendant's right to appeal.

The clerk of courts must comply with the notice and docketing requirements of Rule 114 with regard to any orders entered pursuant to this rule.

[It is intended that once a determination is made under this rule that an evidentiary hearing is required, the provisions of Rule 1508(c), (d), and (e) apply.]

Official Note: Previous Rule 1509 adopted February 1, 1989, effective July 1, 1989; renumbered Rule 910 August 11, 1997, effective immediately. Present Rule 1509 adopted August 11, 1997, effective immediately; amended July 23, 1999, effective September 1, 1999; renumbered Rule 909 and amended March 1, 2000, effective April 1, 2001; amended February 12, 2002, effective July 1, 2002.

Committee Explanatory Reports:

* * * * *

Final Report explaining the February 12, 2002 amendments concerning extensions of time and sanctions published with the Court's Order at 32 Pa.B. 1174 (March 2, 2002).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 909

**POST-CONVICTION COLLATERAL RELIEF
PETITION—DEATH PENALTY CASES
DISPOSITION: TIME LIMITS; EXTENSIONS;
SANCTIONS**

On February 12, 2002 effective July 1, 2002, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 909 (Procedures for Petitions in Death Penalty Cases: Stays of Execution of Sentence; Hearing; Disposition). The amendments permit the judge to grant a 30-day extension of the dispositional time limits in Rule 909. If the judge fails to dispose of the petition within the time limits, the amendments provide a mechanism for notifying the judge that the time limits have expired and, absent action by the judge, for notifying the Supreme Court of the judge's failure to act.

This proposal has a lengthy history, and underwent some major revisions before the Committee settled on the procedures in the final recommendation sent to the Court. Part I, Background, summarizes the development of the proposal, and explains how the Committee arrived at its final recommendation. Part II, Discussion, describes the changes to Rule 909.

I. BACKGROUND

In August 1997, the Court suspended the Capital Unitary Review Act ("CURA") and adopted correlative amendments to Chapter 900 of the Criminal Rules. These amendments included new Rule 909 (Procedures for Petitions in Death Penalty Cases: Hearing; Disposition) that set forth special procedures governing death penalty cases. The new procedures, inter alia, imposed time limits on the disposition of PCRA petitions in death penalty cases similar to the time limits that had been in CURA, 42 Pa.C.S. §§ 9575 and 9576. When the Court suspended "CURA," it requested that the Committee develop a proposal for amendments to new Rule 909 allowing for an extension of the dispositional time limits for cause shown.

A. The 1999 Proposal

Keeping in mind the principle purposes of the Rule 909 time limits—to reduce delays and promote judicial economy, thereby moving cases along expeditiously yet fairly—the Committee considered various means of addressing the extension question and the issue of sanctions for failure to comply with the time limits.

The extension question was easily resolved. After exploring alternative procedures that would have the judge file a petition for an extension with the president judge or the court administrator, the Committee concluded there was no reason for the judge not to be able to sua sponte order an extension if the judge determined there was good cause for the additional time. Throughout the rules, judges are given discretion to grant extensions in their cases, and we could not articulate any reason why the same would not apply in the context of decisions on post-conviction collateral relief petitions. The Committee, however, did not think the discretion should be unlimited, and agreed there should only be one extension and only for good cause shown. In addition, consistent with the principle of moving these cases along, the Committee concluded that one 30-day extension would afford the judge adequate additional time for the disposition of the petition.

¹ The Committee's *Final Reports* 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 Committee's explanatory *Final Reports*.

The issue of sanctions presented a more daunting task. The Committee was concerned that merely providing that failure to comply with the time limits may result in the imposition of sanctions without some explanation of the types of sanctions could result in confusion similar to the confusion generated by a comparable provision in former Rule 1405² that was subsequently amended in view of *Commonwealth v. Anders*, 725 A.2d 170 (Pa. 1999). The Committee's discussion concerning sanctions resulted in the members considering various means of insuring that the judge would act within the dispositional time limits set by the rules. After considerable debate, the Committee settled upon a deemed denied procedure comparable to the Rule 720 (Post-Sentence Procedures; Appeal) deemed denied procedure.

The Committee published this 1999 proposal at 29 Pa.B. 6462 (December 25, 1999),³ and received two publication responses expressing grave concerns about the deemed denied provision, particularly as it applied to death penalty cases. In view of the concerns about the application of the deemed denied provision to death penalty cases raised by the correspondents, as well as the members, the Committee agreed to reconsider the deemed denied provision to see whether a better alternative could be devised for death penalty cases.

B. *The 2000 Proposal*

The Committee considered several alternatives to the deemed denied procedure for addressing a judge's non-compliance with the time limits of the rule, and agreed that any procedure would have to establish some mechanism to monitor non-compliance, as well as provide an avenue for sanctions to be imposed. As to monitoring, the Committee agreed a viable option would be to require a court-related official within the judicial district, such as the attorney for the Commonwealth, clerk of courts, or court administrator, to watch the dispositional clock. In addition, recognizing that not all failures to meet dispositional time limits are willful, we agreed the new procedure should provide a judge with an opportunity to comply by providing the judge with (1) some reminder that the time was running out and (2) an opportunity to dispose of the petition after receiving the reminder before more severe consequences occur.

Concerning sanctions, the Committee considered various options, but concluded that the Supreme Court, with its general supervisory powers over judges and the unified judicial system, was the appropriate body to impose any sanctions for non-compliance on judges. To implement this concept, we agreed the new procedure would have to include a mechanism for notifying the Court when a judge has failed to act after receiving the reminder.

In discussing the various options, some members expressed concern about placing the burden of notice on the attorney for the Commonwealth. They pointed out that this notice procedure is one of judicial administration, and a judicial function should not be placed on the attorney for the Commonwealth. Furthermore, the members noted that the mere filing of a "failure to act" petition could result in some judges reacting negatively and taking action adverse to the Commonwealth. Finally, the Commonwealth is not always in a position to monitor

the time limits. In view of these considerations, the Committee rejected the attorney for the Commonwealth option.

As an alternative to placing the responsibility with the attorney for the Commonwealth, the Committee considered the clerk of courts for this responsibility. Because clerks of courts have the responsibility of maintaining the court records and dockets in criminal cases, and they already track time limits for judicial disposition of post-sentence motions pursuant to Rule 720, the Committee reasoned it would be easier for the clerks to assume this additional responsibility than, for example, the court administrator or other judicial officers. In addition, this option, in essence, removes any possibility of the retaliatory practices that was a concern of the Commonwealth. The members also noted that death penalty cases are relatively few in number, so adding this responsibility to the duties of the clerk of courts would not create an onerous burden, particularly outside Philadelphia.

On May 27, 2000, the Committee published for comment our Supplemental Report explaining the considerations in the development of this proposal. See 30 Pa.B. 2575 (May 27, 2000). We received three comments in response to the proposal expressing concern about the reaction of the judges to the clerks when they give the notice of non-compliance. The Committee reconsidered this portion of the proposal and a suggestion that the responsibility should be given to the court administrator, and concluded that the proposal should not be changed. The clerk of courts is the court official in the best position to monitor the time clock and therefore to alert the judge when the time has run. Building in an extra step, such as having the clerk give the court administrator notice when the time has run and then having the court administrator give the required notices seemed an unnecessary complication and contrary to the goals of the proposal.

II. DISCUSSION

A. *Extensions of the 90-Day Time Limit on Disposition*

New paragraph (B)(4) of Rule 909 provides for an extension of the 90-day time limits set forth in paragraphs (B)(2)(c) and (B)(3). Because there are cases in which a judge needs additional time to fully and fairly consider all the information before disposing of a petition, we agreed that the rules should include some type of safety valve for these exceptional circumstances. However, we also agreed we did not want the extensions to become a means for circumventing the time limits, and, therefore, have limited the extensions to one 30-day extension.

The Comment makes it clear that the judge must notify the clerk of courts when an extension is granted. This notification ensures the clerk is aware that the 90-day time limit has been extended and the notice requirements are not triggered until the 30-day extension has expired.

B. *Notice of Non-compliance With Time Limits*

The rule changes include two notice procedures when a judge fails to comply with the dispositional time limits in this rule. The first notice is to the judge. New paragraph (B)(5) requires the clerk of courts to send a notice to the judge that the 90-day time limit, or the 30-day extension, has elapsed. To encourage compliance, and recognizing there may be legitimate reasons why the judge did not meeting the time limits in Rule 909, the new procedure includes a 30-day grace period for disposition of the petition between the time the clerk gives the judge the reminder notice and the time the clerk is to send notice to

² Former Rule 1405 has been renumbered Rule 704.

³ The 1999 proposal included changes to Rules 907 and 908, applying the time limits, extension provision, and deemed denied provision to non-capital punishment PCRA cases. The Committee tabled further action on the 1999 proposal as it applies to Rules 907 and 908, and intends to monitor how the provisions in death penalty cases work in practice. If the proposed procedures accomplish the goal of moving these cases along and reduces judicial delay in disposition of the petitions, without imposing unnecessary burdens on the clerks of courts or the Court, we plan to evaluate the feasibility of a comparable proposal for all PCRA cases.

the Court. This 30-day grace period must be indicated in the clerk's notice to the judge.

To ensure there is a record of this notice, new paragraph (B)(5) requires the clerk of courts to make a docket entry of the date and time of the notice. In addition, the clerk must send a copy of the notice to the attorney for the Commonwealth, the defendant, and defense counsel, if any.

The second notice is to the Supreme Court. New paragraph (B)(6) requires the clerk of courts to send a notice to the Supreme Court in those few cases in which the judge has not disposed of the petition within the 30-day grace period after the clerk's notice. Again, to ensure there is a record of the notice, new paragraph (B)(6) requires the clerk to make a docket entry of the date and time of the notice, and to send copies of the notice to the parties.

The Committee is aware that there may be cases in which the judge has a legitimate reason for not complying with the time limits. However, we agreed that the Supreme Court should be the one to make this determination. Accordingly, the Comment includes a provision suggesting that, in those cases in which the judge has a reason for the non-compliance, the judge should provide the Court with a written explanation for the delay.

Correlative to the above changes, current paragraph (E) has been deleted as no longer necessary.

C. "Housekeeping" Changes

In the course of our discussions, the Committee agreed to several changes that are editorial or "housekeeping" in nature. First, the term "legitimate" has been added before "purpose" in paragraph (B)(2) for purposes of clarification.

Next, the phrase "by filing a request for oral argument" has been deleted from paragraph (B)(2)(b). During our reexamination of Rule 909, we considered this requirement, and agreed that the form of answer need not be limited to a request for oral argument, although the judge may hear argument in the appropriate case. Conforming paragraph (B)(2)(c) to this change, the phrase "oral argument, if granted" would be deleted, and replaced by "defendant's response."

In addition, the last phrase of paragraph (B)(2)(c)(i) concerning the requirement that the judge advise the defendant of his or her right to appeal has been moved into a separate paragraph, new paragraph (7). Paragraph (7) includes provisions concerning distributing copies of the judge's order dismissing the petition and the appellate notice requirements. We thought it made more sense to have this be a separate provision to emphasize these important requirements.

A final consideration arose during the Committee's discussions of the time limits and the notice procedures. We noted that the addition of the time limits to Rule 909 has generated questions about whether a PCRA hearing may be continued to allow, for example, for briefing and argument on certain points or for time to have a defendant returned from a state prison facility, and what effect that would have on the time limits. The Committee agreed that, because the time limits are dispositional time limits and run from the conclusion of any hearing, the hearing could be continued without impacting on the time limits. However, because of the questions the Committee had received, as part of this proposal, a Comment

provision has been included making it clear that the judge may continue a hearing and the 90-day time limit would not start to run until after the hearing is concluded.

[Pa.B. Doc. No. 02-332. Filed for public inspection March 1, 2002, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

[246 PA. CODE CHS. 300 AND 500]

Order Amending or Revising the Notes to Rules 314 and 504 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 131; Magisterial Docket No. 1; Book No. 2

The Minor Court Rules Committee has prepared a *Final Report* explaining the amendments or revisions to the Notes to Rules 314 and 504 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective February 12, 2002. These rule changes provide clarification regarding dismissal and reinstatement of complaints in civil and landlord/tenant matters. The changes also provide for several technical or "housekeeping" amendments to these rules. The *Final Report* follows the Court's Order.

Order

Per Curiam:

And Now, this 12th day of February, 2002, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at 30 Pa.B. 6547 (December 23, 2000), and a *Final Report* to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 314 and 504 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices are amended or the Notes thereto are revised as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 300. CIVIL ACTION

Rule 314. Return, Waiver and Failure of Service; Reinstatement.

* * * * *

C. The appearance of a defendant in person or by representative or the filing by [**him**] a defendant of a claim in the case shall be deemed a waiver of any defect in service but not a waiver of a defect in venue.

D. If the complaint is not served on the defendant in time to permit holding a hearing within [**sixty (60)**] 60 days of the filing of the complaint, the district justice shall dismiss the complaint without prejudice.

E. Upon written request of the plaintiff, a complaint **that has been dismissed without prejudice for failure to make service pursuant to subdivision D of**

this rule may be reinstated at any time and any number of times. The date of reinstatement shall be the date upon which the request for reinstatement [**was**] is filed.

Official Note:

* * * * *

Subdivision E [**will permit**] provides for the reinstatement, upon written request of the plaintiff, of a complaint [**which**] that has been dismissed without prejudice for failure [**of**] to make service under subdivision D. Compare Pa.R.C.P. No. [**1010(b)**] **401(b)**. The written request for reinstatement may be in any form and may consist of a notation on the permanent copy of the complaint form, "Reinstatement of complaint requested," [,] subscribed by the plaintiff. The district justice shall mark all copies of the reinstated complaint, "Complaint reinstated. Request for reinstatement filed on _____ (date)." If it is necessary to use a new form [**or form sets**] for the reinstated complaint, the reinstated complaint, except for service portions thereof, shall be an exact copy of the original complaint, although signatures may be typed **or printed** with the mark "s/" indicating an actual signature. The language in subdivision E that a complaint may be reinstated "at any time" will permit reinstatement after a faulty service without waiting for further proceedings in the case. Reinstatement must occur within the period of the statute of limitations from the date of the last filing or reinstatement. Since a reinstated complaint is merely a continuation of the original action, there is no filing fee for reinstating a complaint. **However, there may be additional server costs for service of the reinstated complaint.**

Amended October 17, 1975, effective in 90 days; amended effective March 24, 1977; amended April 25, 1979, effective in 30 days; June 30, 1982 effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [**The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line"**]; amended February 12, 2002, effective immediately.

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 504. Setting the Date for Hearing; Delivery for Service.

* * * * *

Official Note:

The hearing date in subdivision (1) of this rule [**was**] is required to be set not less than seven days from the filing of the complaint because of the requirement [**of Pa. R.C.P.D.J. No.**] in Rule 506(B) that service be made at least five days before the hearing. It was thought that the requirement that the [**complaint be served**] hearing be held not more than fifteen days from the filing of the complaint should provide ample time to make the type of service required in these cases. [**However, the complaint may be reinstated upon written request of the plaintiff as in trespass and assumpsit cases. See Pa. R.C.P.D.J. No. 314 (E) and the Note to Pa. R.C.P.D.J. No. 314.**]

The notice for the defendant set forth in subdivision (4) of this rule varies somewhat from the notice required in [**trespass and assumpsit**] civil actions under [**Pa. R.C.P.D.J. No.**] Rule 305. There are a number of reasons for this. First, there can be no default judgment in these possessory actions and, secondly, it was thought that cross-complaints of defendants in these cases should be limited to those arising out of the occupancy of the premises.

Amended Oct. 17, 1975, effective in 90 days; June 30, 1982, effective 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996; **Note revised February 12, 2002, effective immediately.**

FINAL REPORT¹

Amendments or Revisions to the Notes to Rules 314 and 504 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

CLARIFICATION REGARDING DISMISSAL AND REINSTATEMENT OF COMPLAINTS IN CIVIL AND LANDLORD/TENANT MATTERS

On February 12, 2002, effective immediately, upon recommendation of the Minor Court Rules Committee, the Supreme Court of Pennsylvania amended or revised the Notes to Rules 314 and 504 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.

I. Background

In the course of drafting other proposed rule changes, the Committee had occasion to consider whether or not a landlord/tenant complaint could be reinstated after it had been dismissed because the plaintiff failed to appear at the hearing. Upon review and discussion, the Committee found that there was confusion regarding the proper use of "dismissal" as a disposition, and when a complaint could properly be reinstated after having been dismissed. Accordingly, the Committee recommended amendments or Note revisions, as explained below, to clarify these procedures.

In conjunction with the clarification regarding dismissal and reinstatement, the Committee also recognized the need for several technical or "housekeeping" amendments to Rules 314 and 504.

II. Discussion of Rule Changes

A. Clarification Regarding Dismissal Upon Failure of the Plaintiff to Appear for Landlord/Tenant Hearing and Related Amendments to Rules 314 and 504

As noted above, the Committee considered whether or not a landlord/tenant complaint could be reinstated after it had been dismissed because the plaintiff failed to appear at the hearing.

The Committee noted that the Note to Rule 504 (referring to a landlord/tenant complaint) states, in part, ". . . the complaint may be reinstated upon written request of the plaintiff as in trespass and assumpsit cases. See Pa. R.C.P.D.J. No. 314(E) and the Note to Pa. R.C.P.D.J. No. 314." Pa. R.C.P.D.J. No. 504, Note. The Committee further noted, however, that both Rule 314E and Rule 504 refer to reinstatement in the context of failure to make service. Neither of these rules would seem to expressly permit the reinstatement of a landlord/tenant complaint after it is dismissed because the plaintiff fails to appear for the hearing. After discussion, the Committee agreed that the rules should not provide for reinstatement.

¹ The Committee's Final Report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the Committee's explanatory Final Reports.

ment of a landlord/tenant complaint after it has been dismissed because the plaintiff failed to appear for the hearing. Rather, the Committee agreed that, if the plaintiff wishes to proceed after such a dismissal, the plaintiff must file a new complaint.

Accordingly, the Committee considered the broader issue of the proper use of dismissal as a disposition, and, as it relates to landlord/tenant cases, recommended the following:

1. deleting from the Note to Rule 504 the provision regarding reinstatement and the reference to Rule 314E. The Committee does not believe that these references are necessary in the landlord/tenant rules because, unlike the civil action rules, the landlord/tenant rules do not provide for the dismissal of a complaint for failure to make service. Indeed, the Committee believes that no such provision is necessary because of the nature of service in landlord/tenant cases (first class mail and posting being all that is necessary for good service). By deleting the reference to reinstatement in Rule 504, the Committee hopes to eliminate any confusion about reinstatement after a landlord/tenant complaint is dismissed because the plaintiff fails to appear.

2. amending Rule 314E to make absolutely clear that reinstatement under this rule applies only to complaints that have been dismissed without prejudice for failure to make service pursuant to Rule 314D.

B. *Technical and "Housekeeping" Amendments*

In conjunction with the substantive changes discussed above, the Committee identified a number of technical and "housekeeping" amendments needed in Rules 314 and 504.

In the Note to Rule 504, the Committee recommended a change to the second sentence of the first paragraph to substitute the phrase "complaint be served" with the phrase "hearing be held" to make the language in the note consistent with the rule. The existing reference to complaint being served ". . . not more than fifteen days from the filing of the complaint. . ." is not consistent with the rule and has created some confusion.²

In both rules, the Committee recommended minor changes to correct citation form and cross references, to address gender neutrality issues in the rules, and to make references to other rules more consistent.

[Pa.B. Doc. No. 02-333. Filed for public inspection March 1, 2002, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Deferment of PHICO Insurance Company Cases by Reason of Order of Liquidation; Administrative Doc. 02 of 2002

Order

And Now, this 6th day of February, 2002, upon consideration of the Order of Liquidation entered by the

² This particular change was actually considered by the Committee in 1997 and was identified as the Committee's Recommendation No. 1 of 1997. However, for unknown reasons, the Committee never published the recommendation and there is some confusion as to whether or not it was "officially" submitted to the Supreme Court for approval. Therefore, this change was incorporated into this Recommendation and replaces Recommendation No. 1 of 1997.

Pennsylvania Commonwealth Court dated February 1, 2002 pursuant to the petition of the Insurance Commissioner of the Commonwealth of Pennsylvania, it is hereby *Ordered* and *Decreed* that all cases in which PHICO Insurance Company is a named party shall be placed in deferred status.

It is further *Ordered* and *Decreed* that all actions currently pending against an insured of PHICO Insurance Company shall be placed in deferred status.

By the Court

JOHN W. HERRON,
Administrative Judge

This Administrative Docket is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. ★51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, The Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. The Administrative Docket is also available on the Court's web site at <http://courts.phila.gov>.

[Pa.B. Doc. No. 02-334. Filed for public inspection March 1, 2002, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Live Scan Processing Fee; Misc. 134 January 02

Administrative Order

And Now, this 4th day of February, 2002, effective immediately, the Clerk of Courts is directed to assess a one-hundred-fifty-dollar (\$150.00) Live Scan Processing Fee against any defendant who was processed at a Live Scan site in Montgomery County on or after the effective date of this Order and is either:

1. convicted of any misdemeanor or felony upon their entry of a plea of guilty or nolo contendere, or after a guilty verdict at trial; or
2. admitted to the Accelerated Rehabilitative Disposition (ARD) program.

The first Thirty-Five Thousand Dollars (\$35,000) of the Live Scan Processing Fee, collected pursuant to this Order, shall go directly to the County of Montgomery to off-set the cost of installation of the video conferencing equipment associated therewith. Thereafter, the Live Scan Processing Fee shall be divided as follows: one-third (\$50) to the County of Montgomery, two-thirds (\$100) to the municipality supporting the Live Scan facility.

By the Court

S. GERALD CORSO,
President Judge

[Pa.B. Doc. No. 02-335. Filed for public inspection March 1, 2002, 9:00 a.m.]

WESTMORELAND COUNTY

Rules of Civil Procedure W609 and W611; No. 3 of 2002

Order

And Now this 8th day of February, 2002, it is *Hereby Ordered* that current Westmoreland Rules of Civil Procedure W609 and W611 are rescinded, and new Rules W609 and W611 are adopted.

By the Court

CHARLES H. LOUGHRAN,
President Judge

Rule W609. Bill of Costs.

(a) The following items shall be considered as record costs in a case.

- (1) Fees paid for filing pleadings;
- (2) Fees paid for service of pleadings;
- (3) Fees paid to court reporters for the cost of the original and/or one copy of deposition transcripts;
- (4) Fees paid to videotape operators for the taking of videotape depositions;
- (5) Fees for subpoenas served on witnesses for attendance at oral or videotape depositions, provided the depositions have been taken;
- (6) Statutory per diem witness fees and mileage paid to witnesses whose oral or videotape depositions have been taken;
- (7) Statutory per diem witness fees and mileage paid to witnesses who have appeared and testified at trial;
- (8) Any other costs specifically permitted by statute or Rule of the Pennsylvania Supreme Court.

(b) A bill of costs listing those items sought to be recovered as record costs in an action must be filed with the Prothonotary, as the case may be, within 10 days of

- (1) the entry of a verdict by jury;
- (2) a final order or decree by a judge sitting without a jury in law or in equity;
- (3) the day on which the Prothonotary makes the notation on the docket, in an arbitration case where record costs have been awarded, that notice of entry of the arbitration award has been provided as required by Pa.R.C.P. 1307(a)(3).

A certificate that a copy of the bill of costs has been served on the opposing party or that party's counsel of record shall be filed with the bill of costs.

(c) Objections to items or amounts listed in the bill of costs must be filed by the opposing party or that party's counsel of record within 10 days of receipt of a copy of the bill of costs, in which event the trial judge, or judge assigned by the court administrator, shall enter an order specifying which costs are allowable.

COMMENT: Although it has been the custom in this county that the defendant pay record costs as part of a settlement, case law holds that, absent an agreement between counsel regarding the payment of record costs,

the court has no authority to award costs to either party upon settlement. *Mancine v. Bilesimo, Jr.*, 69 W.L.J. 145 (1987).

With regard to recovery of cost in an arbitration case, see *Sillings v. Protected Home Mutual Life Ins. Co.*, 84 W.L.J. 7 (2001).

Rule W611. Papers and Records.

(a) Papers and documents filed in the Prothonotary's office should be on white paper approximating 8 1/2 inches by 11 inches, with printed matter 6 1/2 inches by 9 1/2 inches.

(b) Papers and documents, including original documents, should be filed without "blue backs" or other covers, and should be bound in the upper left hand corner with a single binder clip or staple. No tape should be used to cover the top of the paper or document.

(c) The front page of the document should indicate the total number of pages, including exhibits, submitted for filing. (For example: Page 1 of 10).

(d) The court administrator and members of a judge's staff may remove records from the Prothonotary's office for official court business. In addition, referees, auditors, masters, attorneys and other similar officers appointed by the court shall have authority to remove records from the Prothonotary's office. All such records shall be returned within three months after their taking unless the court authorizes a longer retention.

(e) Except as provided in section (d), no record shall be removed from the Prothonotary's office except upon subpoena duces tecum or order of court.

COMMENT: See Pennsylvania Rules of Civil Procedure 205.1 through 205.4 regarding the filing of legal papers.

[Pa.B. Doc. No. 02-336. Filed for public inspection March 1, 2002, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that David Lowe Madeira having been suspended from the practice of law in the State of Illinois for a period of sixty days, the Supreme Court of Pennsylvania issued an Order dated February 14, 2002 suspending David Lowe Madeira from the practice of law in this Commonwealth for a period of sixty days, effective March 16, 2002. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 02-337. Filed for public inspection March 1, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 10—BANKS AND BANKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 44]

Mortgage Bankers and Brokers; Continuing Education

The Department of Banking (Department), under the authority contained in sections 304(e) and 310(a) of the Mortgage Bankers and Brokers and Consumer Equity Protection Act (act) (63 P. S. §§ 456.304(e) and 456.310(a)), adopts Chapter 44 (relating to mortgage bankers and brokers and consumer equity protection).

Statutory Authority

This final-form rulemaking is expressly mandated by section 304(e) of the act and is promulgated under that section and section 310(a) of the act.

Background and Purpose

This final-form rulemaking implements a regulatory framework for the oversight of continuing education for licensees under the act, as mandated by section 304(e) of the act, which was originally contained in the act of December 21, 1998 (P. L. 987, No. 131). The act of June 25, 2001 (P. L. 621, No. 55) changed the section to section 304(e). Section 304(e) of the act was the result of the mortgage industry seeking continuing education for the first mortgage industry in this Commonwealth. The mortgage industry also sought to have continuing education regulated by the Department by requiring the Department to promulgate appropriate regulations to govern the continuing education programs.

Explanation of Regulatory Requirements

This final-form rulemaking requires mortgage bankers, mortgage brokers and loan correspondents, as those terms are defined in section 302 of the act (63 P. S. § 456.302), to complete 6 hours of continuing education per annual renewal period, and requires limited mortgage brokers, as that term is defined in the act, to complete 2 hours of continuing education per annual renewal period. Licensees are required to submit proof of compliance with these requirements annually to the Department to renew a license.

Entities Affected

This final-form rulemaking will affect all licensees under the act, approximately 2,848. The rulemaking may also affect any entity or person applying to the Department to become a provider of continuing education programs.

Public Comment

The only comments received by the Department were from the Independent Regulatory Review Commission (IRRC).

Fiscal Impact and Paperwork Requirements

It is expected that the approximately 2,848 licensees under the act will be required to pay tuition costs to continuing education providers, the approximate monetary amount of which is unclear at this time, in addition to travel and travel-related expenses associated with

attending continuing education programs. Licensees that fail to comply with this final-form rulemaking may be subject to a fine of up to \$2,000 for each offense or suspension, revocation or nonrenewal of their license. There will be no savings to the regulated community associated with the implementation of this final-form rulemaking.

Promulgation of this final-form rulemaking will change existing reporting, recordkeeping and other paperwork requirements for the industry as well as the Department. Section 304(e) of the act requires licensees to demonstrate to the satisfaction of the Department that at least one person from each licensed office has attended a required minimum number of hours of continuing education annually. Licensees will need to maintain records indicating what continuing education programs have been attended, by whom, when and where. Demonstration of attendance will be submitted to the Department at the time of license renewal as a requirement of renewal. Licensees and employees will be required to maintain attendance records for the 3 most recent annual renewal periods. This will assist licensees, their employees and the Department in determining whether continuing education requirements have been met, especially in cases when licensee employees have changed employers or employment status, or both. It is noted that fulfillment of the education requirement causes the employees's current licensee employer to be in compliance with this final-form rulemaking. The Department will retain the information provided by the industry to ensure ongoing compliance with the regulations by licensees and their employees.

The Department will promote the quality of the continuing education programs by requiring continuing education providers to submit a course plan which will include outlines, proposed content, instructors' qualifications, and the like.

Forms or reports, or both, have not been developed at this time.

Sunset Date

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

Summary of Comments and Responses on the Proposed Rulemaking

Notice of proposed rulemaking was published at 31 Pa.B. 1236 (March 3, 2001). During the public comment period, the only written comments received by the Department were from IRRC. The Department considered the written comments received in formulating the final-form regulations. The Department has completed a review of the comments and has prepared a Comment and Response Document that addresses each comment on the proposed rulemaking.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 1, 2001, the Department submitted a copy of the proposed rulemaking, to IRRC and the Chairpersons of the House Committee for Business and Economic Development and the Senate Committee on Banking and Insurance.

Under section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with

copies of the comments as well as other documentation. In preparing these final-form regulations, the Department has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on December 10, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 20, 2001, and approved the final-form regulations.

Findings

The Department finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposal published at 31 Pa.B 1236.

Order

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

(a) The regulations of the Department, 10 Pa. Code, are amended by adding §§ 44.1—44.5 to read as set forth in Annex A.

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

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

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

JAMES B. KAUFFMAN, Jr.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 123 (January 5, 2002).)

Fiscal Note: Fiscal Note 3-40 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 10. BANKS AND BANKING

PART IV. BUREAU OF CONSUMER CREDIT AGENCIES

CHAPTER 44. MORTGAGE BANKERS AND BROKERS AND CONSUMER EQUITY PROTECTION

CONTINUING EDUCATION

Sec.	
44.1.	Definitions.
44.2.	Requirements.
44.3.	Reporting, verification and recordkeeping.
44.4.	Review and approval.
44.5.	Enforcement.

§ 44.1. Definitions.

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

Act—The Mortgage Bankers and Brokers and Consumer Equity Protection Act (63 P. S. §§ 456.101—456.3101).

Annual renewal date—July 1 of each calendar year.

Annual renewal period—The licensing term commencing July 1 of 1-calendar year and ending on June 30 of the following calendar year.

Continuing education program—

(i) An educational program as required by section 304(e) of the act (63 P. S. § 456.304(e)) which contributes directly to the enhancement of the professional competence of a mortgage professional to engage in the first mortgage loan business.

(ii) The term does not include programs which instruct in matters such as office or business management, personnel management or similar subjects not directly related to the first mortgage loan business.

Continuing education provider—A provider of a continuing education program that has been approved by the Department.

Credit hour—Sixty minutes of classroom instruction or the equivalent as determined by the Department.

First mortgage loan business—The first mortgage loan business as defined in section 302 of the act (63 P. S. § 456.302).

Instructor—An individual responsible for teaching a continuing education program that has been approved by the Department.

Licensee—A person licensed under the act.

Limited mortgage broker—A limited mortgage broker as defined in section 302 of the act.

Loan correspondent—A loan correspondent as defined in section 302 of the act.

Mortgage banker—A mortgage banker as defined in section 302 of the act.

Mortgage broker—A mortgage broker as defined in section 302 of the act.

Mortgage professional —

(i) A manager of each licensed office maintained by a licensee; any owner, director, officer or W-2 employee of a licensee who has the authority to underwrite or approve loans, either individually or in combination with other individuals as members of a committee; or any owner, director, officer or W-2 employee of a licensee who, as part of his official duties, directly contacts borrowers to present, negotiate or advise regarding loan terms.

(ii) A mortgage professional does not include any individual who engages solely in processing loan applications or other administrative or clerical functions, or both.

Person—A person as defined in section 302 of the act.

§ 44.2. Requirements.

(a) Except as provided in subsection (b), to renew a license, a licensee shall demonstrate to the satisfaction of the Department that:

(1) In the case of a mortgage banker, mortgage broker or loan correspondent, the licensee maintains at least one separate mortgage professional at each licensed office who has successfully completed during the annual renewal period at least 6 credit hours of continuing education programs which shall include 1 credit hour of Pennsylvania residential mortgage law, including the act and the

Loan Interest and Protection Law (41 P. S. §§ 101—605), 1 credit hour of business ethics and 4 credit hours from among one or more of the following subject areas:

(i) Federal residential mortgage law, including the Real Estate Settlement Procedures Act (12 U.S.C.A. §§ 2601—2617), the Truth in Lending Act (15 U.S.C.A. §§ 1601—1667e) and the Equal Credit Opportunity Act (15 U.S.C.A. §§ 1691—1691f).

(ii) The first mortgage loan business.

(2) In the case of a limited mortgage broker, the licensed individual has successfully completed during the annual renewal period at least 2 credit hours of continuing education programs which shall include 1 credit hour of Pennsylvania residential mortgage law, including the act and the Loan Interest and Protection Law and 1 credit hour from among one or more of the following subject areas:

(i) Business ethics.

(ii) Federal residential mortgage law, including the Real Estate Settlement Procedures Act, the Truth in Lending Act and the Equal Credit Opportunity Act.

(iii) The first mortgage loan business.

(b) The continuing education requirements imposed by this chapter shall apply to all renewals of licenses except when an initial licensee has been licensed by the Department for less than 6 months prior to its first annual renewal date, in which case the licensee shall be in compliance with this chapter within 6 months after its first annual renewal date.

(c) A mortgage professional who acts as an instructor shall be credited with 2 credit hours of continuing education for every 1 credit hour taught per annual renewal period.

(d) Continuing education program credit hours earned in excess of the minimum requirement established by this section during any annual renewal period may not be carried over to a successive annual renewal period.

§ 44.3. Reporting, verification and recordkeeping.

(a) Except as provided in § 44.2(b) (relating to requirements), a licensee shall include as part of its renewal application a statement that the requirements of this chapter have been completed by at least one separate mortgage professional at each licensed office, or in the case of a limited mortgage broker, by the licensed individual. The statement shall include a list of continuing education programs completed by the designated mortgage professional for each licensed office or the individual limited mortgage broker licensee. The list shall include:

- (1) The name of continuing education providers.
- (2) The name of continuing education programs.
- (3) The number of credit hours attended by the mortgage professional.
- (4) The locations and dates attended.

(b) The Department may verify satisfactory completion of the requirements of this chapter by methods including examination of the licensee.

(c) The Department may assess licensees examination costs for examinations made under subsection (b) consistent with section 308(a)(4) of the act (63 P. S. § 456.308(a)(4)).

(d) A licensee shall retain all original documents relating to the completion of each continuing education program by each mortgage professional for 3 annual renewal periods.

§ 44.4. Review and approval.

(a) The Department will have the sole authority to approve or deny continuing education programs. The Department does not approve or endorse continuing education providers.

(b) A prospective continuing education provider may apply for continuing education program approval on an application provided by the Department. The application shall be submitted to the Department at least 90 days prior to the first date that the proposed continuing education program will be offered. The applicant shall attach:

(1) An outline of the proposed continuing education program, and the method of instruction, either in-person or through interactive technology.

(2) A resume detailing each proposed instructor's qualifications.

(3) Other information that the Department may require.

(c) The proposed continuing education program is required to satisfy the following criteria to be considered. The program shall be:

(1) A formal program of learning which contributes directly to the professional competence of a mortgage professional to engage in the first mortgage loan business.

(2) At least 1 credit hour.

(3) Conducted by one or more instructors. The following individuals are not qualified to be an instructor, unless the Department determines otherwise:

(i) An individual who has had his license suspended or revoked by the Department.

(ii) An individual who has been the owner, director or officer of a licensee that has had its license suspended or revoked by the Department.

(iii) An individual who has been a party to a Department order or agreement prohibiting the individual from engaging in the first mortgage loan business in this Commonwealth or acting in any other capacity related to activities regulated by the Department.

(d) The Department will have 60 days from receipt of a completed application to approve or deny the proposed continuing education program. An application will be deemed completed when the requirements of subsections (b) and (c) have been fulfilled. If the Department fails to approve or deny an application submitted by a prospective continuing education provider within 60 days of its receipt, the continuing education program will be deemed approved by the Department. The Department may deny an application submitted by a prospective continuing education provider if the continuing education program or provider fails to satisfy any of the conditions or requirements contained in this chapter or the act.

(e) Approval of a continuing education program by the Department is valid for 1 annual renewal period and does not constitute permanent approval of the continuing education program.

(f) Continuing education providers shall provide free access to Department personnel to monitor their continuing education programs.

(g) Continuing education providers shall retain original records of attendance for each continuing education program conducted by the continuing education provider for

3 annual renewal periods and shall provide the Department access to the records upon request.

§ 44.5. Enforcement.

(a) The Department may levy a fine of up to \$2,000 for each offense under section 314(c) of the act (63 P. S. § 456.314(c)) or suspend, revoke or refuse to renew a license under section 313(a) of the act (63 P. S. § 456.313(a)), if a licensee fails to comply with any requirement of this chapter.

(b) The Department may revoke its approval of a continuing education provider's continuing education program if the continuing education provider fails to comply with any requirement of this chapter or the act.

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Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 701, 705, 709, 711 AND 713]

Drug and Alcohol Facilities and Services

The Department of Health (Department) adopts amendments to Part V (relating to drug and alcohol facilities and services) to read as set forth in Annex A.

Purpose and Background

These amendments establish updated and relevant physical plant standards for the licensure of residential and nonresidential services which protect the health and safety of clients being served in drug and alcohol programs within this Commonwealth and employees working in those facilities. These standards reduce the risk of health hazards and problems such as overcrowding, infectious diseases, rodent and other pest hazards to humans, unclean kitchen and food storage areas, and unsafe child care areas.

The Department's Division of Drug and Alcohol Program Licensure (Division) currently inspects and licenses 853 (215 residential and 638 nonresidential) drug and alcohol facilities and applies physical plant standards from Chapters 709, 711 and 713 (relating to standards for licensure of freestanding treatment facilities; standards for certification of treatment activities which are a part of a health care facility; and standards for approval of prevention and intervention activities). The Division inspects drug and alcohol facilities on at least an annual basis. There are no known local physical plant inspection procedures that are in place as a substitute for these standards.

Chapter 705 (relating to physical plant standards) has been created to replace current physical plant regulations which were found throughout Part V. Those physical plant standards as applied to drug and alcohol treatment and rehabilitation facilities and services were not consistent with current health, safety, fire and panic code requirements. They were insufficient to provide minimal health and safety protection for clients and employees. They were vague and minimal in scope. Enforcement for the protection of individuals in these facilities was difficult. The new standards will provide sufficient guidance and detail to inform facilities exactly what is expected

and required. They represent a dramatic improvement in the protection of the patients and employees at the facilities, and they are clear to allow for precise and uniform enforcement.

Provisions deleted by this final-form rulemaking relating to physical plants were located in eight separate subchapters, each dealing with a different type of facility. Those provisions were, for the most part, identical. The more logical approach being applied here is to consolidate all physical plant regulations into one chapter where they can be easily referenced, and to delete the separate physical plant regulations located throughout.

Summary

This final-form rulemaking amends Part V by amending § 701.1 (relating to general definitions); deleting various sections in Chapters 709, 711 and 713. This final-form rulemaking also adds Chapter 705.

General Comments

Proposed rulemaking was published at 29 Pa.B. 5835 (November 13, 1999). A 30-day comment period was provided. The Department received comments from 17 commentators. The commentators were the Independent Regulatory Review Commission (IRRC), the Department of Public Welfare (DPW) (which provided informal comments to the Department in the Spring of 2000, after the public comment period closed), four legislators, two counties, the Pennsylvania Halfway House Association, the Philadelphia Alliance and seven providers. Some comments were identical to others and, where duplicated, are only recited once.

Many of the comments received from DPW suggested that these regulations be made consistent with 55 Pa. Code Chapter 3800 (relating to child residential and day treatment facilities). As much as possible, this consistency has been achieved.

The single most commented upon item was in proposed § 705.5(b) (relating to sleeping accommodations). This subsection requires that each facility maintain certain minimum square footage requirements for resident bedrooms. The main concern expressed by facilities is that the proposed square footage requirements would impose substantial burdens on facilities to the extent that significant costs would be incurred in achieving compliance. They commented further that, in the absence of compliance, a significant number of beds would be lost, resulting in significant revenue losses and the ultimate closing of facilities.

The Department has considered these comments, and after consultation with the staff of IRRC and the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services, the Department has agreed to exempt rooms that had been used as bedrooms prior to the effective date of this final-form rulemaking in currently licensed facilities from the square footage per resident and the maximum number of residents per bedroom requirement. Therefore, rooms used as bedrooms as of the effective date of these final-form regulations will be exempted from this requirement. After the effective date of these final-form regulations, additional beds and additional or replacement bedrooms shall be subject to this requirement.

Finally, the Department consulted with the Department of Labor and Industry (L & I) regarding the Pennsylvania Construction Code Act (code) (35 P. S. §§ 7210.101—7210.1103) and regulations to be adopted with that code. It is anticipated that L & I's proposed regulations will be

published soon. If an inconsistency is identified after the L & I regulations are issued in final-form, the Department will review its regulations at that time and determine whether amendments are necessary.

CHAPTER 701. GENERAL PROVISIONS

Subchapter A. Definitions

Section 701.1 defines the types of facilities used in these regulations. No comments addressing this section were received. This section is adopted as proposed.

CHAPTER 705. PHYSICAL PLANT STANDARDS

This chapter addresses the standards for physical plant for residential and nonresidential facilities. Most of the comments that were made to Subchapter A (relating to residential facilities) were also made to Subchapter B (relating to nonresidential facilities). Rather than repeat the comments and the Department's response to them, the Department will address the parallel regulations simultaneously and provide one response to similar comments applicable to both sections.

Section 705.1. General requirements for residential facilities; Section 705.21. General requirements for nonresidential facilities.

These sections establish general requirements for all facilities.

Comment: The preamble and proposed subsection (c) discuss licensure of facilities. However, licensure is not included in the general requirements. The regulations should be amended to include a cross reference to existing requirements for licensure found in §§ 709.11—709.18.

Response: The Department agrees with this comment and has amended these sections to include a specific reference to the licensure requirements in Chapter 709.

Sections 705.2 and 705.22. Building exterior and grounds.

These sections deal with maintenance of the outside and grounds of all facilities.

Comment: The reference in paragraph (1) to playgrounds is not applicable.

Response: The Department disagrees with this comment. Often facilities admit women for treatment who have children. These children stay with their mothers. Thus, some residential facilities do have children and provide playground equipment for those children. Paragraph (1) does state that compliance is required "when applicable."

Comments: Paragraph (2) requires grounds of the facility to be in "good condition." The phrase "good condition" is unclear. The Department should either add specific requirements for the grounds or delete the requirement that the grounds be in good condition.

The Department should use general and measurable words such as "free from hazards."

Response: The Department agrees with these comments. The unclear language has been deleted and replaced with general and measurable language.

Comments: Paragraph (4) requires removal of garbage "on a regular basis, at least once a week." The phrase "on a regular basis" is unnecessary and should be deleted.

The Department should use general and measurable words such as "trash outside the facility shall be kept in closed receptacles that prevent the penetration of insects and rodents."

Response: The Department agrees with these comments and has amended the paragraphs accordingly.

Section 705.3. Living rooms and lounges.

This section provides for minimum comfort standards in living spaces in residential facilities.

Comments: Proposed paragraph (1) is vague. The Department should delete "appropriately furnished" and "which creates a relaxed and comfortable atmosphere" or use standards that can be clearly understood and enforced.

The Department should use general and measurable words such as "accommodate number of people" and "free from hazard."

Response: The Department agrees with these comments and has amended the section accordingly.

Sections 705.4 and 705.23. Counseling areas.

These sections deal with providing for appropriate space and privacy for counseling.

Comments: The phrase "adequate space" in paragraph (1) is unclear. The Department should delete the term or use a standard that can be clearly understood and enforced.

Paragraph (2) is unclear. The Department should delete "comfortable furnishings" and "which are appropriate for the intended purpose" or use standards that can be clearly understood and enforced.

The term "sufficient" in paragraph (3) is not measurable.

The Department should clarify that there should not be excessive noise that disturbs counseling sessions in paragraph (4).

Response: The Department agrees with these comments and has amended these sections accordingly.

Section 705.5. Sleeping accommodations.

This section establishes minimal adequate safety standards for sleeping quarters in residential facilities.

Comment: Reference should be made to the various provisions of 55 Pa. Code § 3800.102 (relating to child bedrooms).

Response: This section has been rewritten to be consistent with DPW regulations.

Comment: Subsection (a) has several vague requirements. Paragraph (1) requires bed frames to be of "solid construction" and "sized appropriately to the needs of the resident." Paragraphs (2) and (3) use the term "comfortable." The Department should delete these phrases, or use standards that can be clearly understood and enforced.

Response: This subsection is rewritten as suggested. Paragraphs (2) and (3) were combined, as were paragraphs (4) and (5). The word "comfortable" has been deleted in several paragraphs.

Comments: Subsection (b) requires facilities to provide a minimum of 60 square feet of bedroom space per bed (including space occupied by furniture) for each resident sharing a room and a minimum of 80 square feet for single bedrooms. The square footage requirement is unreasonable. The Department should reconsider the impact of this provision. This requirement could cause facilities to eliminate beds and lose significant income.

The Department states that existing facilities would be exempted from certain requirements which might impose costs too great for them to absorb and continue to function effectively. The Department should explain the following:

- The need for this requirement and why the square footage requirements are not included with the “grandfather” exemptions in § 705.1(c).

- How many currently licensed facilities would not meet the requirement in subsection (b) based on their current population.

- How many beds would be lost to existing facilities and how much income these facilities would lose as a result of the proposed square footage requirements.

A significant number of long standing programs will be adversely affected by the 60 square feet per resident requirement.

The “retrofit or close” effect of this section would be very hurtful, especially in the area of women’s and children’s services.

The listed dimensions would create a conflict in the ability of licensed facilities to serve persons due to limitations of existing bedrooms in terms of floor space and ceiling height.

In requiring a minimum of 60 square feet of space per bed, subsection (b) does not exempt existing facilities. If these regulations are made effective, some facilities would be unable to meet the requirement. The population of these facilities would be reduced. These facilities have been licensed for a certain number of residents. This regulation conflicts with the current licensing capacity of the facility. This regulation would decrease the number of available treatment beds within this Commonwealth. Those facilities operating at less capacity would have increased per diem costs. In essence, it would cost more per day to treat an individual and fewer individuals will receive treatment at the same costs to the Commonwealth as before these regulations.

In the case of facilities serving women with children, where the children are residents with their addicted mother, it is often clinically appropriate to have the children in the bedroom with the mothers, thus increasing the number of individuals in excess of four. The standard would result in future programs that serve women with children being forced to provide bedrooms which would accommodate fewer than four women residents because the children would have to be counted in the bedroom number. This regulation would result in higher cost of construction which could not be adequately reimbursed through a fee for service arrangement.

These regulations result in the decommissioning of available beds, thereby decreasing the availability of treatment services to those in need.

While available beds would decrease, the per diem costs of each bed would increase proportionately. Replacing these beds would be difficult, if not impossible. Zoning for drug and alcohol facilities has become more difficult each year. In some cities and townships, the establishment of a drug and alcohol facility is impossible. When zoning is permitted, it is usually in neighborhoods with older buildings making renovations very expensive.

A 110 square foot space with a bunk bed would only accommodate one resident. This site would cause some programs to reduce their population to a point where they would no longer be able to financially support themselves.

The 60 square feet space requirement will place a severe hardship on many existing treatment facilities and halfway houses. Most nonprofit organizations operate under stringent budget constraints. When they are forced to eliminate beds to meet space standards, the loss in

revenue will force many to reduce staff, placing further limits on treatment availability. The loss of only a few beds could force small agencies to close. Existing agencies should be grandfathered, permitting them to continue utilizing current sleeping accommodations.

The American Correctional Association (ACA) Standards for Adult Community Residential Services’ sleeping accommodations requirement is 25 square feet of unencumbered space per client, a lower space requirement than that proposed in this section. When the number of clients (beds) must be reduced, staff must be terminated and treatment capability is reduced, stressing an already taxed system.

The space requirements contained in the proposed standard would have a tremendous impact on the public treatment system and result in significantly increased costs. For programs that utilize bunk beds, the requirement would be excessive. The requirement will result in the loss of beds, thus increasing rates.

Sixty square feet per person will negatively affect programs to the extent of severely limiting total treatment capability accessible to publicly funded clients.

Response: Bedrooms containing beds included in the licensed capacity of facilities licensed as of the effective date of this regulation will be exempted from the requirement relating to square footage per resident. This exemption will not apply to new bedrooms if a facility expands its capacity or renovates to relocate or add bedrooms. Also, this exemption will not apply if the facility relocates or rebuilds. The square footage requirements have been reduced from 80 square feet to 70 square feet for individuals occupying a single bedroom. Wording has been added to reduce the square footage requirements when bunk beds are used from 60 square feet per person to 50 square feet per person. In essence, this allows for two people, with beds, dressers, chairs and anything else they might have, to share a 10 foot by 10 foot room.

This regulation will not affect programs with women and children. Children will not be considered residents for the purpose of calculating the square feet of bedroom floor space required per resident or the maximum number of residents per bedroom.

Similar standards established in other states were reviewed in formulating this subsection. The standard for a majority of states is consistent with this regulation. The following are some examples: New Jersey requires 70 square feet of clear floor space for single occupancy and a minimum of 50 square feet of clear floor space per patient, with 3 feet of clear space between and at the foot of beds. Rhode Island requires 85 square feet for single occupancy and 60 square feet per person for multiple occupancy. Montana requires 100 square feet for single occupancy and 80 square feet per person with no more than 4 persons per room. New York requires 100 square feet exclusive of closet space for single occupancy and 80 square feet per person with a maximum of four persons per room, with an exception of 60 square feet per person for alcohol treatment of less than 5 days.

Subsection (c) is rewritten as suggested.

Subsection (d) is combined with subsection (b) as suggested.

No comment was received on subsections (e)—(h). They have been relettered (d)—(g). The former subsection (f), now subsection (e), has been rewritten for clarification.

Subsection (h) is new, based on suggestions from commentators.

Subsection (i) applies to bedrooms, not the entire facility.

Comments: Subsection (j) should more directly state its requirements, such as "Bedrooms located in a basement shall meet the following requirements: . . ."

Paragraph (1) uses the vague term "appropriate." The Department should delete this term.

Paragraph (3) requires two basement exits "each located reasonably remote from the other in a manner to reduce the possibility that both will be blocked in an emergency situation." It is unclear how a facility would comply with this phrase. The Department should amend this language to more clearly state its intent.

Response: This subsection has been rewritten as recommended.

Other change: The Department added subsection (h) (relating to bedroom windows) based on a recommendation that these regulations be consistent with 55 Pa. Code Chapter 3800. Facilities licensed prior to the effective date of these regulations shall be exempt from this provision.

Sections 705.6 and 705.24. Bathrooms.

These sections provide standards for bathrooms in residential and nonresidential facilities.

Comment: In § 705.6(3), the Department should delete "adequate" and "to meet the needs of the residents" or provide a more definitive standard.

Response: The Department agrees with this comment and has amended this paragraph. This section also now sets a measurable standard for the temperature of hot water.

Comment: In § 705.6 there is no mention of toiletry items and nonslip surfaces.

Response: The Department agrees with this comment and has added a provision regarding slip-resistant surfaces for bathtubs and showers in paragraph (4).

Comments: Section 705.24(1) requires bathrooms to be "conveniently located throughout the facility." It is unclear what the phrase "conveniently located throughout the facility" means. The Department should amend this language to state a more definitive standard.

Section 705.24(1) uses the term "lavatories." Paragraph (3) uses the phrase "toilet and washrooms." For consistency, the Department should use the term "bathrooms" in those paragraphs.

Response: The Department agrees with these comments. The vague unclear language has been deleted and the words and phrases have been changed to be consistent throughout. This section also now sets a measurable standard for the temperature of hot water.

Sections 705.7 and 705.25. Food service.

These sections provide for health and safety standards in food preparation areas for all facilities.

Comment: The term "adequate" in paragraph (1) is vague and should be deleted.

Response: The Department agrees with this comment and has revised the paragraph accordingly.

Comment: "Food preparation areas" should be added to paragraph (3).

Response: The Department agrees and has added the language.

Comment: "Cleanable" should be deleted from paragraph (4).

Response: The Department agrees and has deleted the word.

Comment: The term "properly" in paragraph (5) is vague. Similar requirements in 55 Pa. Code § 3800.104(e) (relating to kitchen areas) specify that cold food must be stored at or below 40°F, hot food at or above 140°F, and frozen foods at or below 0°F. The Department should consider including specific temperature storage requirements in the final-form regulations.

Response: The Department agrees with this comment and has adopted those standards.

Other changes: The Department deleted the words "and dining" from paragraph (7) because this section relates to food preparation areas only and not dining areas. Also, this section has been renamed "food service" to take into account situations when food is prepared and cooked for residents in other than traditional kitchen areas. This section allows for facilities to contract with food vendors or caterers for food service to their residents. In those cases, this section's requirements pertaining to an onsite food preparation area or central food preparation area would not apply. This section also provides for a facility to be served by a single, central food preparation area. This includes "campus-type" arrangements where several residential facilities exist in close proximity and food is prepared within one of the buildings or in an adjacent central "dining hall" area on the campus. This also includes multiple facilities where food is delivered to one or more facilities within a certain geographic area from a central food preparation area operated by the facility either at one of the residential facilities or at a separate location.

For nonresidential facilities, food service is not required. When food service is provided, it may be provided by onsite or central areas, or by contractual arrangements with vendors or caterers.

The health requirements relating to food service, storage, preparation and safety apply to residential and nonresidential facilities only if the facility operates an onsite food preparation area or a central food preparation area.

Sections 705.8 and 705.26. Heating and cooling.

These sections deal with temperature standards in all facilities.

Comments: As written, paragraph (1) would require all facilities to have air conditioning to maintain an indoor temperature of no more than 90°F.

Do all facilities have air conditioning and is the use of fans excluded? The Department should allow for fans or explain the need for this requirement.

Response: The Department agrees with these comments. The language has been revised to require some type of mechanical ventilation whenever the indoor temperature exceeds 90°F.

Comment: Paragraph (2) appears to apply to portable (nonkerosene) electric heaters that have already received approval by Federal regulators concerning their safety. Facilities in older buildings, where heating is generally adequate, still may have certain areas that require supplemental heaters to ensure appropriate temperatures are consistently maintained, especially on very cold or windy days. The requirement to ensure that supplement-

tal heating devices are permanently mounted could cause facilities to incur great expense. Also, in some cases, they are prohibited by landlords.

Response: The Department understands these concerns. Nevertheless, it is of great concern to the Department that portable, unsecured heating devices pose a very high risk of fire. Protecting the health and safety of patients and staff outweighs permitting these devices. Furthermore, this provision is consistent with 55 Pa. Code Chapter 3800.

Finally, these facilities are licensed only by State authority. There is no Federal regulation of drug and alcohol treatment facilities. Therefore, it is unclear what the commentator means when it states that "Federal regulators" have approved these devices for use in licensed facilities. That a particular device has received some type of "safety" approval by a Federal agency is irrelevant for the purposes herein.

Sections 705.9 and 705.27. General safety and emergency procedures.

These sections deal with general safety and emergency procedures.

Comments: Paragraph (4) requires each facility to "provide written procedures for staff and residents to follow in case of an internal or external emergency or disaster." The difference between an "emergency" and a "disaster" is unclear. Furthermore, paragraph (4) refers to "emergencies" and paragraph (5) refers to "fire, or other disaster situations." If there is a distinction between an "emergency" and a "disaster," the Department should define these terms in § 701.1. If there is no distinction, the Department should use a single term consistently.

Paragraph (4) requires the written procedures to be developed with assistance from "qualified fire and safety personnel." To improve clarity, the Department should specify the credentials necessary to be considered "qualified fire and safety personnel." The Department should clarify who reviews the procedures and when the review is conducted.

Paragraph (4)(ii) is lengthy and unclear. The requirements should be listed separately. Also, transfer and evacuation procedures should address situations when the residents are impaired by drugs or alcohol.

The regulatory meaning of "internal or external" emergency is the same and these words should be deleted.

Response: The Department agrees with these comments. Paragraph (4) has been rewritten as suggested to enhance clarity and eliminate vagueness.

Comment: In paragraph (5), all reportable incidents should fall into this category to make it more comprehensive and global.

Response: This is the only mandatory reportable incident provision. At some time in the future, the Department may amend the general licensure requirements to include a reportable incidents section and move the requirements of paragraph (5). The Department has not amended this paragraph based upon the comment.

Sections 705.10 and 705.28. Fire safety.

These sections deal with fire safety.

Comments: Subsection (a)(1)(ii) requires facilities to maintain two exits on every floor. Each exit is to be "remote enough from the other to reasonably ensure that both will not be blocked in an emergency situation." If the intent of subsection (a)(1)(ii) is to prevent everyone from

crowding one exit in an emergency, the Department could specify the number of exits required in relation to the number of occupants per floor in residential facilities. The Department could also specify the minimum distance required between exits. Finally, the phrase "reasonably ensure" is vague and should be deleted.

In §§ 705.10(a)(1)(iii) and 705.28(a)(1)(iv), the term "guards" is vague. The Department should define this term or use another term that more clearly indicates what is required on stairs, ramps, balconies and landings.

Response: The Department agrees with these comments. These subparagraphs have been rewritten and §§ 705.10(a)(1)(iv) and 705.28(a)(1)(v) have been deleted, as appropriate, to provide clarity.

Comments: Subsection (b) requires the facility to "maintain" smoke detectors and fire alarms, but does not state how quickly a malfunctioning alarm must be repaired. Section 3800.130(g) (relating to smoke detectors and fire alarms) of DPW's regulations require repairs to be made within 48 hours of when the smoke detector or fire alarm is discovered to be inoperable. Subsection (b) should specify that if the smoke detectors or fire alarms are inoperable, repairs must be completed within a specific timeframe.

Refer to 55 Pa. Code § 3800.130(b), (f) and (g).

Response: The Department agrees with these comments and has amended the subsection to be consistent with the previously referenced provisions.

Comments: Subsection (c)(4) requires facilities to instruct all staff and residents in the use of fire extinguishers. The primary responsibility of a resident in the case of a fire is to sound the alarm and then to get out. Instructing a resident in the use of a fire extinguisher implicitly requires a resident to use a fire extinguisher and may place the resident at risk. The Department should reconsider the requirement for residents to be instructed in the use of fire extinguishers.

This subsection should specify that if the fire extinguisher is inoperable, repairs shall be completed within a specific timeframe.

Response: The Department agrees with these comments and has revised this subsection accordingly.

Comments: Fire drills should be conducted quarterly or semiannually.

Subsection (d)(1) requires a fire drill to be conducted every 60 days. Since the duration of treatment for some residents and clients of nonresidential facilities may be less than 60 days, the Department should consider more frequent fire drills. Alternatively, the Department could require individual fire drill instruction for new residents. The Department should also define "special incidents."

Subsection (d)(2) requires fire drills to be conducted at different times of the day and night. However, the regulation does not specifically require any drills to be conducted during sleeping hours. The Department should consider periodically requiring fire drills during sleeping hours.

Subsection (d)(3) requires that personnel on all shifts be "trained to perform assigned tasks during emergencies." The Department should clarify what is included in the training and when the training must occur.

Refer to 55 Pa. Code § 3800.132 (relating to fire drills).

Response: The Department agrees with these comments regarding monthly fire drills. It has adopted appropriate language.

Sections 705.11 and 705.29. Child care.

These sections establish safety provisions for child care in all facilities.

Comment: Paragraph (1)(ii) requires access to "suitable recreational equipment." The term "suitable" is vague and should be deleted or replaced with more specific requirements.

Response: The Department agrees and has deleted the word "suitable."

Comments: Rather than security screens, would safety locks suffice in certain circumstances?

Paragraph (2)(ii) requires safety screens for all windows. This requirement appears to be unnecessary for windows that do not open. The Department should revise this requirement to apply to all operable windows.

Paragraph (2)(iii) requires protective caps for each electrical outlet within reach of small children. How is "small" defined? Basically, a child can reach all outlets. Because of the ambiguity of the language, the Department should delete the phrase "within reach of small children" from these paragraphs.

Paragraph (2)(iv) requires facilities to secure storage areas where "potentially dangerous" substances are kept. The Department should delete the phrase "potentially dangerous" or define it so that it can be clearly understood and enforced.

Response: The Department agrees with these comments and has reworded these paragraphs accordingly.

Rescinded Sections

The Department is rescinding the various sections relating to physical plant regulations scattered throughout Part V. The physical plant sections which are rescinded are those in Chapter 709, Subchapters C and G, Chapter 711, Subchapter C—G and Chapter 713, Subchapter C.

Fiscal Impact

There will be some fiscal impact on the drug and alcohol treatment facilities. Due to "grandfathering" provisions, no existing licensed facilities will be required to reduce the number of currently licensed beds. The majority of licensed facilities (638 outpatient) will not be affected at all by these final-form regulations relative to sleeping accommodations.

The remainder of the final-form regulations received little or no comment, indicating that the vast majority of facilities believe that the regulations are appropriate and are already in compliance with them or consider compliance to be achievable at little additional cost.

These final-form regulations will have minimal fiscal impact on the Department. At most, Department staff might be required to spend additional time at each facility. Field representatives inspected physical plants under the previous regulations. The general scope of the inspection, though for the most part not enforceable under the previous regulations, included most of what is now regulated. Where staff could previously only make suggestions to facilities on how to improve health and safety, they can now enforce regulations to make real and substantive health and safety improvements. The net increase in Commonwealth costs in terms of staff inspection time, however, will be negligible.

Paperwork Requirements

A system for inspection of facilities is currently in place. It is anticipated that new inspection forms will be created to replace current forms. The net increase in paperwork is expected to be minimal.

Effective Date/Sunset Date

These final-form regulations are effective upon publication in the *Pennsylvania Bulletin*. For currently licensed facilities, compliance with these final-form regulations will be required within 9 months after they become effective. For any facility that has applied for licensure but has not yet been licensed prior to the effective date of these final-form regulations and for any facility that applies for licensure after the effective date of these final-form regulations, compliance will be required as part of the licensure process. No sunset date has been established. The Department will review and monitor the effectiveness of these regulations on a continuing basis.

Statutory Authority

Statutory authority for this final-form rulemaking is found in Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1051—1059), which require regulations for adequate and proper provisions for: (i) fire prevention; (ii) water supply and sewage disposal; (iii) sanitation; (iv) lighting and heating; (v) ventilation; (vi) safety; (vii) equipment; (viii) bed space; (ix) recordkeeping; and (x) humane care, and which authorize and empower the Department to adopt regulations establishing minimum standards for building, equipment, operation, care, program and services and for the issuance of licenses, as transferred to the Department by Reorganization Plan Number 2 of 1977 (71 P. S. § 751-25); and Reorganization Plan Number 4 of 1981 (71 P. S. § 751-31) and the Pennsylvania Drug and Alcohol Abuse Control Act (71 P. S. §§ 1690.101—1690.114), which gives the Department the power to promulgate rules and regulations necessary to carry out the provisions of the act.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 1, 1999, the Department submitted a copy of the proposed rulemaking published at 29 Pa.B. 5835 to IRRC and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Department has considered comments from IRRC, the Committees and the public.

On September 13, 2001, the Department requested that the regulations be tolled in accordance with section 5.1(g)(1) of the Regulatory Review Act (71 P. S. § 745.5a(g)(1)) to consider revisions recommended by IRRC. IRRC did not object to tolling. The Department submitted the revised regulations to the Committees and to IRRC for their review on October 15, 2001.

On October 23, 2001, the Committees notified IRRC that they disapproved the regulations. On October 29, 2001, the Department withdrew the final-form regulations to make changes to the regulations to satisfy the concerns of the Committees. The Department resubmitted the revised final-form regulations to the Committees and to IRRC for their review on November 14, 2001.

These final-form regulations were deemed approved by the House Health and Human Services Committee and the Senate Public Health and Welfare Committee on December 4, 2001. IRRC met on December 6, 2001, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act. The Office of Attorney General approved the regulations on February 14, 2002.

Contact Person

Questions regarding these final-form regulations may be submitted to John C. Hair, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665. Persons with disabilities may submit questions in alternative formats such as by audio tape or Braille. Speech or learning impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. Persons with disabilities who would like to obtain this document in an alternative format (such as, large print, audio tape or Braille) may contact John Hair so that necessary arrangements may be made.

Findings

The Department finds that:

- (1) Public notice of intention to adopt the regulations adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law.
- (3) The adoption of the final-form regulations is necessary and appropriate.

Order

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

- (a) The regulations of the Department, 28 Pa. Code Part V, are amended by amending § 701.1; by adding §§ 705.1—705.11 and 705.21—705.29; and by deleting §§ 709.27, 709.74, 711.45, 711.57, 711.67, 711.77, 711.88 and 713.27, to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
- (b) The Secretary of Health shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.
- (c) The Secretary of Health shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.
- (d) The Secretary of Health shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (e) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

- (1) For currently licensed facilities, compliance will be required by December 2, 2002.
- (2) For any facility that applies for licensure after March 2, 2002, compliance will be required as part of the licensure process.

(3) For any facility that has applied for licensure before March 2, 2002, but is not licensed until after March 2, 2002, compliance will be required as part of the licensure process.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 6998 (December 22, 2001).)

Fiscal Note: Fiscal Note 10-154 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 28. HEALTH AND SAFETY
PART V. DRUG AND ALCOHOL FACILITIES AND SERVICES

CHAPTER 701. GENERAL PROVISIONS

Subchapter A. DEFINITIONS

§ 701.1. General definitions.

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

* * * * *

Nonresidential facility—A facility that does not provide sleeping accommodations and provides one or more of the following activities: outpatient, partial hospitalization, intake, evaluation or referral activities.

* * * * *

Residential facility—An inpatient, nonhospital facility or inpatient freestanding psychiatric hospital that provides sleeping accommodations and provides one or more of the following activities: residential treatment and rehabilitation services, transitional living services or short-term detoxification services, 24 hours a day.

* * * * *

CHAPTER 705. PHYSICAL PLANT STANDARDS

Subch.

- A. RESIDENTIAL FACILITIES**
- B. NONRESIDENTIAL FACILITIES**

Subchapter A. RESIDENTIAL FACILITIES

- Sec. 705.1. General requirements for residential facilities.
- 705.2. Building exterior and grounds.
- 705.3. Living rooms and lounges.
- 705.4. Counseling areas.
- 705.5. Sleeping accommodations.
- 705.6. Bathrooms.
- 705.7. Food service.
- 705.8. Heating and cooling.
- 705.9. General safety and emergency procedures.
- 705.10. Fire safety.
- 705.11. Child care.

§ 705.1. General requirements for residential facilities.

The residential facility shall:

- (1) Hold a license under Chapter 709 (relating to standards for licensure of freestanding treatment facilities) or a certificate under Chapter 711 (relating to standards for certification of treatment activities which are part of a health care facility).
- (2) Have a certificate of occupancy from the Department of Labor and Industry or its local equivalent.
- (3) Comply with applicable Federal, State and local laws and ordinances.

§ 705.2. Building exterior and grounds.

The residential facility shall:

(1) Maintain all structures, fences and playground equipment, when applicable, on the grounds of the facility so as to be free from any danger to health and safety.

(2) Keep the grounds of the facility clean, safe, sanitary and in good repair at all times for the safety and well-being of residents, employees and visitors. The exterior of the building and the building grounds or yard shall be free of hazards.

(3) Keep exterior exits, stairs and walkways lighted at night.

(4) Store all trash, garbage and rubbish in noncombustible, covered containers that prevent the penetration of insects and rodents, and remove it, at least once every week.

§ 705.3. Living rooms and lounges.

The residential facility shall contain at least one living room or lounge for the free and informal use of clients, their families and invited guests. The facility shall maintain furnishings in a state of good repair.

§ 705.4. Counseling areas.

The residential facility shall:

(1) Maintain space for both individual and group counseling sessions.

(2) Maintain counseling areas with furnishings which are in good repair.

(3) Ensure privacy so that counseling sessions cannot be seen or heard outside the counseling room. Counseling room walls shall extend from the floor to the ceiling.

(4) Locate counseling areas so that noise does not disturb or interfere with counseling sessions.

§ 705.5. Sleeping accommodations.

(a) In each residential facility bedroom, each resident shall have the following:

(1) A bed with solid foundation and fire retardant mattress in good repair.

(2) A pillow and bedding appropriate for the temperature in the facility.

(3) A storage area for clothing.

(b) Each shared bedroom shall have at least 60 square feet of floor space per resident measured wall to wall, including space occupied by furniture. When bunk beds are used, each bedroom shall have at least 50 square feet of floor space per resident measured wall to wall. Bunk beds shall afford enough space in between each bed and the ceiling to allow a resident to sit up in bed. Bunk beds shall be equipped with a securely attached ladder capable of supporting a resident. Bunk beds shall be equipped with securely attached railings on each open side and open end of the bunk. The use of bunk beds shall be prohibited in detoxification programs. Each single bedroom shall have at least 70 square feet of floor space per resident measured wall to wall, including space occupied by furniture.

(c) No more than four residents may share a bedroom.

(d) When calculating the square feet of bedroom floor space under subsection (b) or the number of residents per

bedroom under subsection (c), children occupying a bedroom with an adult family member or guardian may not be included as residents.

(e) Each bedroom shall have direct access to a corridor or external exit.

(f) A bedroom may not be used as a means of egress from or access to another part of the facility.

(g) Sole entrances to stairways or basements may not be located in a resident's bedroom.

(h) Each bedroom shall be ventilated by operable windows or have mechanical ventilation.

(i) Each bedroom shall have a window with a source of natural light.

(j) A residential facility shall prohibit smoking and use of candles in bedrooms.

(k) Bedrooms located in a basement shall meet the following requirements:

(1) The bedroom shall have wall, floor and ceiling coverings such as tile, linoleum, paneling or dry wall.

(2) The bedroom shall have a protective fire wall between the residents and any furnace.

(l) A residential facility shall be exempt from subsections (b), (c), (e), (f) and (i) for rooms that had been used as bedrooms in facilities licensed as of March 2, 2002. If a facility expands its capacity or renovates to relocate or add bedrooms, this exemption does not apply to the new bedrooms. If the facility relocates or rebuilds, this exemption does not apply.

§ 705.6. Bathrooms.

The residential facility shall:

(1) Provide bathrooms to accommodate staff, residents and other users of the facility.

(2) Provide a sink, a wall mirror, an operable soap dispenser, and either individual paper towels or a mechanical dryer in each bathroom.

(3) Have hot and cold water under pressure. Hot water temperature may not exceed 120°F.

(4) Provide privacy in toilets by doors, and in showers and bathtubs by partitions, doors or curtains. There shall be slip-resistant surfaces in all bathtubs and showers.

(5) Ventilate toilet and wash rooms by exhaust fan or window.

(6) Provide toilet paper at each toilet at all times.

(7) Maintain each bathroom in a functional, clean and sanitary manner at all times.

§ 705.7. Food service.

(a) A residential facility shall provide meals to residents through onsite food preparation areas, a central food preparation area or contractual arrangements with vendors or caterers.

(b) A residential facility may operate a central food preparation area to provide food services to multiple facilities or locations. A residential facility that operates an onsite food preparation area or a central food preparation area shall:

(1) Have a food preparation area with a refrigerator, a sink, a stove, an oven and cabinet space for storage.

(2) Clean and disinfect food preparation areas and appliances following each prepared meal.

(3) Clean all eating, drinking and cooking utensils and all food preparation areas after each usage and store the utensils in a clean enclosed area.

(4) Ensure that storage areas for foods are free of food particles, dust and dirt.

(5) Keep cold food at or below 40°F, hot food at or above 140°F, and frozen food at or below 0°F.

(6) Store all food items off the floor.

(7) Prohibit pets in the food preparation area.

(8) Prohibit smoking in food preparation areas.

§ 705.8. Heating and cooling.

The residential facility:

(1) Shall have a heating and cooling ventilation system that is adequate to maintain an indoor temperature of at least 65°F in the winter. When indoor temperatures exceed 90°F, mechanical ventilation such as fans or air conditioning shall be used.

(2) May not permit in the facility heaters that are not permanently mounted or installed.

§ 705.9. General safety and emergency procedures.

The residential facility shall:

(1) Be free of rodent and insect infestation.

(2) Require that pets housed in the residential facility are cared for in a safe and sanitary manner.

(3) Limit smoking to designated smoking areas.

(4) Provide written procedures for staff and residents to follow in case of an emergency which shall include provisions for:

(i) The evacuation and transfer of residents and staff to a safe location.

(ii) Assignments of staff during emergencies.

(iii) The evacuation and transfer of residents impaired by alcohol or other drugs.

(5) Notify the Department within 48 hours of a fire, other disaster or situation which affects the continuation of services.

§ 705.10. Fire safety.

(a) *Exits.*

(1) The residential facility shall:

(i) Ensure that stairways, hallways and exits from rooms and from the residential facility are unobstructed.

(ii) Maintain a minimum of two exits on every floor, including the basement, that are separated by a minimum distance of 15 feet.

(iii) Maintain each ramp, interior stairway and outside steps exceeding two steps with a well-secured handrail and maintain each porch that has over an 18-inch drop with a well-secured railing.

(iv) Clearly indicate exits by the use of signs.

(v) Light interior exits and stairs at all times.

(2) Portable ladders and rope escapes are not considered exits, but may be used in addition to standard exits.

(b) *Smoke detectors and fire alarms.* The residential facility shall:

(1) Maintain a minimum of one operable, automatic smoke detector on each floor, including the basement and attic.

(2) On floors with resident bedrooms, maintain a smoke detector which shall be located within 15 feet of each bedroom door. On floors with no resident bedrooms, the smoke detection device shall be located in a common area or hallway. All detection devices shall be interconnected.

(3) Repair inoperable smoke detectors or fire alarms within 48 hours of the time the detector or alarm is found to be inoperative.

(4) Maintain a manual fire alarm system that is audible throughout the facility in a residential facility where four or more residents reside.

(5) Maintain automatic smoke detectors and fire alarms of a type approved by the Department of Labor and Industry or by the Underwriters Laboratories.

(6) Maintain all smoke detectors and fire alarms so that each person with a hearing impairment will be alerted in the event of a fire, if one or more residents or staff persons are not able to hear the smoke detector or fire alarm system.

(c) *Fire extinguisher.* The residential facility shall:

(1) Maintain a portable fire extinguisher with a minimum of an ABC rating, which shall be located on each floor. If there is more than 2,000 square feet of floor space on a floor, the residential facility shall maintain an additional fire extinguisher for each 2,000 square feet or fraction thereof.

(2) Maintain at least one portable fire extinguisher with a minimum of an ABC rating in each kitchen.

(i) This fire extinguisher shall meet the requirement of one portable fire extinguisher for a 2,000 square foot area.

(ii) The extinguisher shall be located near an exit and away from the cooking area.

(3) Ensure fire extinguishers are inspected and approved annually by the local fire department or fire extinguisher company. The date of the inspection shall be indicated on the extinguisher or inspection tag. If a fire extinguisher is found to be inoperable, it shall be replaced or repaired within 48 hours of the time it was found to be inoperable.

(4) Instruct all staff in the use of the fire extinguishers upon staff employment. This instruction shall be documented by the facility.

(d) *Fire drills.* The residential facility shall:

(1) Conduct unannounced fire drills at least once a month.

(2) Conduct fire drills during normal staffing conditions.

(3) Ensure that all personnel on all shifts are trained to perform assigned tasks during emergencies.

(4) Maintain a written fire drill record including the date, time, the amount of time it took for evacuation, the exit route used, the number of persons in the facility at the time of the drill, problems encountered and whether the fire alarm or smoke detector was operative.

(5) Conduct a fire drill during sleeping hours at least every 6 months.

(6) Prepare alternate exit routes to be used during fire drills.

(7) Conduct fire drills on different days of the week, at different times of the day and night and on different staffing shifts.

(8) Set off a fire alarm or smoke detector during each fire drill.

(9) Prohibit the use of elevators during a fire drill or a fire.

§ 705.11. Child care.

When a residential facility admits children for services or for custodial care, the following requirements apply:

(1) *Building exterior and grounds.* The residential facility shall:

(i) Fence off or have natural barriers to protect children from all areas determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters or roads.

(ii) Provide access to outdoor recreational space and recreational equipment.

(2) *Interior space.* The residential facility shall:

(i) Provide an interior play area which meets the developmental and recreational needs of the children in care.

(ii) Maintain security screens or safety locks for all operable windows.

(iii) Maintain protective caps over each electrical outlet.

(iv) Secure all hazardous and poisonous substances and materials with safety latches or locks.

Subchapter B. NONRESIDENTIAL FACILITIES

Sec.

705.21.	General requirements for nonresidential facilities.
705.22.	Building exterior and grounds.
705.23.	Counseling on activity areas and office space.
705.24.	Bathrooms.
705.25.	Food service.
705.26.	Heating and cooling.
705.27.	General safety and emergency procedures.
705.28.	Fire safety.
705.29.	Child care.

§ 705.21. General requirements for nonresidential facilities.

The nonresidential facility shall:

(1) Hold a license under Chapter 709 (relating to standards for licensure of freestanding treatment facilities), a certificate under Chapter 711 (relating to standards for certification of treatment activities which are part of a health care facility) or approval under Chapter 713 (relating standards of prevention and intervention activities).

(2) Have a certificate of occupancy from the Department of Labor and Industry or its local equivalent.

(3) Comply with applicable Federal, State and local laws and ordinances.

§ 705.22. Building exterior and grounds.

The nonresidential facility shall:

(1) Maintain all structures, fences and playground equipment, when applicable, on the grounds of the facility so as to be free from any danger to health and safety.

(2) Keep the grounds of the facility clean, safe, sanitary and in good repair at all times for the safety and well

being of clients, employees and visitors. The exterior of the building and the building grounds or yard shall be free of hazards.

(3) Keep exterior exits, stairs and walkways lighted at night if in use.

(4) Store all trash, garbage and rubbish in noncombustible, covered containers that prevent the penetration of insects and rodents, and remove it at least once every week.

§ 705.23. Counseling or activity areas and office space.

The nonresidential facility shall:

(1) Maintain space for both individual and group counseling sessions.

(2) Maintain counseling areas with furnishings which are in good repair.

(3) Ensure privacy so that counseling sessions cannot be seen or heard outside the counseling room. Counseling room walls shall extend from the floor to the ceiling.

(4) Locate counseling areas so that noise does not disturb or interfere with counseling sessions.

§ 705.24. Bathrooms.

The nonresidential facility shall:

(1) Provide bathrooms to accommodate staff, clients and other users of the facility.

(2) Provide a sink, a wall mirror, an operable soap dispenser, and either individual paper towels or a mechanical dryer in each bathroom.

(3) Have hot and cold water under pressure. Hot water temperature may not exceed 120°F.

(4) Provide privacy in toilets by doors.

(5) Ventilate bathrooms by exhaust fan or window.

(6) Provide toilet paper at each toilet at all times.

(7) Maintain each bathroom in a functional, clean and sanitary manner at all times.

§ 705.25. Food service.

A nonresidential facility may provide meals to clients through onsite food preparation areas, a central food preparation area or contractual arrangements with vendors or caterers. A nonresidential facility which operates an onsite food preparation area or a central food preparation area shall:

(1) Have a food preparation area with a refrigerator, a sink, a stove, an oven and cabinet space for storage.

(2) Clean and disinfect food preparation areas and appliances following each prepared meal.

(3) Clean all eating, drinking and cooking utensils and all food preparation areas after each usage and store the utensils in a clean enclosed area.

(4) Ensure that storage areas for foods are free of food particles, dust and dirt.

(5) Keep cold food at or below 40°F, hot food at or above 140°F, and frozen food at or below 0°F.

(6) Store all food items off the floor.

(7) Prohibit pets in the food preparation area.

(8) Prohibit smoking in food preparation areas.

§ 705.26. Heating and cooling.

The nonresidential facility:

(1) Shall have a heating and cooling ventilation system that is adequate to maintain an indoor temperature of at least 65°F in the winter. When indoor temperatures exceed 90°F, mechanical ventilation such as fans or air conditioning shall be used.

(2) May not permit in the facility heaters that are not permanently mounted or installed.

§ 705.27. General safety and emergency procedures.

The nonresidential facility shall:

(1) Be free of rodent and insect infestation.

(2) Require that pets which are housed in a nonresidential facility be cared for in a safe and sanitary manner.

(3) Limit smoking to designated smoking areas.

(4) Provide written procedures for staff and clients to follow in case of an emergency which shall include provisions for:

(i) The evacuation and transfer of clients and staff to a safe location.

(ii) Assignments of staff during emergencies.

(5) Notify the Department within 48 hours of a fire, other disaster or situation which affects the continuation of services.

§ 705.28. Fire safety.

(a) *Exits.*

(1) The nonresidential facility shall:

(i) Ensure that stairways, hallways and exits from rooms and from the nonresidential facility are unobstructed.

(ii) Maintain a minimum of two exits on every floor, including the basement, that are separated by a minimum distance of 15 feet.

(iii) Maintain each ramp, interior stairway and outside steps exceeding two steps with a well-secured handrail and maintain each porch that has over an 18 inch drop with a well-secured railing.

(iv) Clearly indicate exits by the use of signs.

(v) Light interior exits and stairs at all times.

(2) Portable ladders and rope escapes are not considered exits, but may be used in addition to standard exits.

(b) *Smoke detectors and fire alarms.* The nonresidential facility shall:

(1) Maintain a minimum of one operable automatic smoke detector on each floor, including the basement and attic.

(2) Place the smoke detector in a common area or hallway. All detection devices shall be interconnected.

(3) Repair inoperable smoke detectors or fire alarms within 48 hours of the time the detector or alarm is found to be inoperative.

(4) Maintain a manual fire alarm system that is audible throughout the facility.

(5) Maintain automatic smoke detectors and fire alarms of a type approved by the Department of Labor and Industry or by the Underwriters Laboratories.

(c) *Fire extinguishers.* The nonresidential facility shall:

(1) Maintain a portable fire extinguisher with a minimum of an ABC rating which shall be located on each floor. If there is more than 2,000 square feet of floor space on a floor, there shall be an additional fire extinguisher for each 2,000 square feet or fraction thereof.

(2) Maintain at least one portable fire extinguisher with a minimum of an ABC rating in each kitchen.

(i) This fire extinguisher shall meet the requirements of one portable fire extinguisher for a 2,000 square foot area.

(ii) The extinguisher shall be located near an exit and away from the cooking area.

(3) Ensure fire extinguishers are inspected and approved annually by the local fire department or fire extinguisher company. The date of the inspection shall be indicated on the extinguisher or inspection tag. If a fire extinguisher is found to be inoperable, it shall be replaced or repaired within 48 hours of the time it was found to be inoperable.

(4) Instruct staff in the use of the fire extinguisher upon staff employment. This instruction shall be documented by the facility.

(d) *Fire drills.* The nonresidential facility shall:

(1) Conduct unannounced fire drills at least once a month.

(2) Conduct fire drills during normal staffing conditions.

(3) Ensure that all personnel on all shifts are trained to perform assigned tasks during emergencies.

(4) Maintain a written fire drill record including the date, item, the amount of time it took for evacuation, the exit route used, the number of persons in the facility at the time of the drill, problems encountered and whether the fire alarm or smoke detector was operative.

(5) Prepare alternate exit routes to be used during fire drills.

(6) Conduct fire drills on different days of the week, at different times of the day and on different staffing shifts.

(7) Set off a fire alarm or smoke detector during each fire drill.

(8) Prohibit the use of elevators during a fire drill or a fire.

§ 705.29. Child care.

When a nonresidential facility admits children for services or for custodial care, the following requirements apply:

(1) *Building exterior and grounds.* The nonresidential facility shall:

(i) Fence off or have natural barriers to protect children from all areas determined to be unsafe including steep grades, open pits, swimming pools, high voltage boosters or roads.

(ii) Provide access to outdoor recreational space and recreational equipment.

(2) *Interior space.* The nonresidential facility shall:

(i) Provide an interior play area which meets the developmental and recreational needs of the children in care.

(ii) Maintain security screens or safety locks for all operable windows.

(iii) Maintain protective caps over each electrical outlet.

(iv) Secure all hazardous and poisonous substances and materials with safety latches or locks.

CHAPTER 709. STANDARDS FOR LICENSURE OF FREESTANDING TREATMENT FACILITIES

Subchapter C. GENERAL STANDARDS FOR FREESTANDING TREATMENT ACTIVITIES

§ 709.27. (Reserved).

Subchapter G. STANDARDS FOR INPATIENT NONHOSPITAL ACTIVITIES—TRANSPORTATION LIVING FACILITIES (TLFs)

§ 709.74. (Reserved).

CHAPTER 711. STANDARDS FOR CERTIFICATION OF TREATMENT ACTIVITIES WHICH ARE A PART OF A HEALTH CARE FACILITY

Subchapter C. STANDARDS FOR INTAKE EVALUATION AND REFERRAL ACTIVITIES

§ 711.45. (Reserved).

Subchapter D. STANDARDS FOR INPATIENT NONHOSPITAL ACTIVITIES—RESIDENTIAL TREATMENT AND REHABILITATION

§ 711.57. (Reserved).

Subchapter E. STANDARDS FOR INPATIENT NONHOSPITAL ACTIVITIES—SHORT-TERM DETOXIFICATION

§ 711.67. (Reserved).

Subchapter F. STANDARDS FOR INPATIENT NONHOSPITAL ACTIVITIES—TRANSITIONAL LICENSING FACILITIES (TLFs)

§ 711.77. (Reserved).

Subchapter G. STANDARDS FOR PARTIAL HOSPITALIZATION ACTIVITIES

§ 711.88. (Reserved).

CHAPTER 713. STANDARDS FOR APPROVAL OF PREVENTION AND INTERVENTION ACTIVITIES

Subchapter C. GENERAL STANDARDS FOR PREVENTION AND INTERVENTION ACTIVITIES

§ 713.27. (Reserved).

[Pa.B. Doc. No. 02-339. Filed for public inspection March 1, 2002, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PHARMACY

[49 PA. CODE CH. 27]

Reference Library and Facsimile Machines

The State Board of Pharmacy (Board) amends §§ 27.14 and 27.20 (relating to supplies; and facsimile machines) to read as set forth in Annex A.

A. *Effective Date*

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

B. *Statutory Authority*

The final-form amendments are authorized under sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9)).

C. *Background and Purpose*

Section 27.14(c)(14) currently requires a pharmacy to have an adequate reference library including two or more of the latest editions of references specifically listed in the section. The final-form rulemaking amends this section by eliminating the specific list of references and replacing it with language that allows a pharmacy to maintain references which are more appropriate and necessary to that pharmacy's area of practice.

Section 27.20 allows a pharmacist to fill a prescription for a Schedule II controlled substance that is received on a facsimile machine under certain conditions. This section is consistent with Federal law with one exception. Federal law allows a pharmacist to use the facsimile prescription as the original prescription for all Schedule II controlled narcotic substances for hospice patients, while § 27.20 only allows a facsimile prescription as the original prescription for "injectable" Schedule II controlled substances for hospice patients. The final-form rulemaking amends this section and makes it consistent with Federal law.

D. *Summary of Comments and Responses on Proposed Rulemaking*

Notice of the proposed rulemaking was published at 31 Pa.B. 2480 (May 12, 2001). Publication was followed by a 30-day public comment period during which the Board received one public comment. Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following is a response to the comments.

Section 24.14. Supplies.

IRRC recommended that the Board consider deleting repeated references to the phrase "an adequate reference library" in this section for greater readability and less repetition. The Board agrees and has amended this section accordingly.

IRRC also commented that the phrase "safe and effective manner" used in subsection (c)(14)(iii)(A) was unclear and recommended that the Board include examples of what it considers "a safe and effective manner." The intention underlying this final-form rulemaking was to ensure that pharmacists had reference materials that are applicable to their type of pharmacy practice (for example, nuclear pharmacy vs. family pharmacy). Therefore, the Board determined not to cite specific referenced volumes. To accommodate IRRC's concern, however, the Board has amended the language in an attempt to clarify what it meant with regard to this particular standard.

Section 27.20. Facsimile machines.

There were three comments regarding this section. First, HPLC, IRRC and Mr. Greene questioned the use of the phrase "which will be administered to . . ." in subsection (a)(2)(i) and (iii). IRRC questioned whether the Board intended to exclude self-administered medications, and if not, recommended that the Board replace the phrase with the phrase "for the direct administration" used in the

Federal regulations. The HPLC noted Mr. Greene's comment that patients often self-administer their medications. Mr. Greene recommended eliminating the phrase "which will be administered to" and replacing it with the word "for." The Board did not intend to exclude self-administration for hospice patients. Its intent is only to be consistent with Federal law. IRRC is correct that Federal law uses the phrase "for the direct administration" but this is in regard to prescriptions written for a Schedule II narcotic substance for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion. See 21 CFR 1306.11(e) (2000) (relating to requirement of prescriptions). Section 27.20(a)(2)(i) follows this Federal regulation and the Board has amended this subsection by deleting the phrase "which will be administered to" and replacing it with "to be compounded for the direct administration" so that it will now be consistent with the most current version of the Federal law. However, this phrase is not used with regard to prescriptions written for Schedule II narcotic substances for patients in a hospice program. Rather, 21 CFR 1306.11(g) (2000) uses the language recommended by Mr. Greene. Therefore, the Board has amended § 27.20(a)(2)(iii) eliminating the phrase "which will be administered to" and replacing it with the word "for." Again, the Board's intent is to have the language in its regulation follow that of the Federal law.

Second, the HPLC noted Mr. Greene's comment that the term "narcotic" should be removed from subsection (a)(2)(i) and (iii) because corresponding Drug Enforcement Administration (DEA) regulations will be applicable to new, nonnarcotic Schedule II controlled substances. However, the Board is not aware of any DEA regulations eliminating the word "narcotic." Rather, the most current version of 21 CFR 1306.11(e) and (g) (2000) still includes the word "narcotic." The Board will not remove the word narcotic from these subsections unless the Federal law removes it.

Finally, the HPLC, IRRC and Mr. Greene recommended that the Board replace "hospice patient" in subsection (a)(2)(iii) with "patient enrolled in a hospice care program" to be consistent with the language in the Federal regulations. The Board agrees with this recommendation and has amended this subsection accordingly.

E. Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Board reviewed this rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation." The final-form rulemaking addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

F. Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no fiscal impact or impose any additional paperwork requirements on the Commonwealth or its political subdivisions. Additionally, the final-form rulemaking should not necessitate any legal, accounting or reporting requirements on the regulated community.

G. Sunset Date

The Board reviews the effectiveness of its regulations on an ongoing basis. Therefore no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 12, 2001, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 2480 to IRRC and to Chairpersons of the SCP/PLC and the HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the SCP/PLC and the HPLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered the comments received from IRRC, the SCP/PLC, the HPLC and the public.

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

I. Contact Person

Further information may be obtained by contacting Melanie Zimmerman, Executive Secretary, State Board Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7156, www.dos.state.pa.us.

J. Findings

The Board finds that:

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

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

(3) These final-form regulations do not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 2480.

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in part B of this Preamble.

K. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 27, are amended by amending §§ 27.14 and 27.20 to read as set forth in Annex A.

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

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

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

MICHAEL A. PODGURSKI, R.Ph.
Chairperson

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

Fiscal Note: Fiscal Note 16A-549 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 27. STATE BOARD OF PHARMACY STANDARDS

§ 27.14. Supplies.

(a) A pharmacy shall maintain a supply of drugs and devices adequate to meet the needs of the health professions and the patients it is intended to serve. The applicant for a pharmacy permit shall show proof by affidavit that the applicant has ordered or possesses and shall continue to maintain an inventory of nonproprietary drugs, devices and equipment appropriate to the practice of that pharmacy. The inventory shall include at least \$5,000 worth of nonproprietary drugs and devices, at cost, from a licensed wholesaler or manufacturer. The inventory may not go below this figure at any time.

(b) Drugs which must be removed from active stock shall be removed in accordance with the following provisions:

(1) The pharmacist manager is responsible for removing from the active stock of the pharmacy and disposing of the following:

- (i) A drug whose expiration date has passed.
- (ii) A drug which does not meet legal standards of strength and purity.
- (iii) A drug which varies from the strength and purity indicated on the label of the commercial container.
- (iv) A drug which has been improperly stored.
- (v) A drug which has deteriorated.
- (vi) A drug which is unfit, misbranded or adulterated under Federal or State statutes.

(2) Drugs which have been removed from active stock in accordance with this subsection may not be sold or given away. The drugs shall be returned to the wholesaler or manufacturer for disposal or disposed of by the pharmacy according to Federal or State statutes or regulations.

(3) A pharmacy desiring to or required to dispose of a controlled substance shall contact the nearest DEA office for authority and instructions to dispose of the substance.

(4) The pharmacist manager shall be responsible for keeping proper records of controlled substances which have been disposed of. These records shall include the name of the substance, the number of units or the volume of the substance or the number of commercial containers and the date and manner of disposal.

(c) A pharmacy shall maintain at least the following equipment and supplies:

- (1) A Class A prescription balance or other scale with a no-load sensitivity of 6 milligrams or less.
- (2) Both an apothecary set of weights from 1/2 grain to 1 ounce and a set of metric weights from 10 milligrams to 50 grams.
- (3) A mechanical refrigerator having the appropriate temperature control for the storage of the drugs, vaccines,

biologicals or medicaments which require specific temperatures for their stability. The refrigerator shall be kept within the prescription area.

(4) At least four graduates assorted to measure 1 ml to 500 ml.

(5) At least two mortars and pestals, glass or wedgewood.

(6) At least three spatulas of assorted sizes, metallic-rust resistant and rubber or nonmetallic composition.

(7) At least two funnels, one 120 ml and the other 480 ml.

(8) One glass or tile slab or specially treated paper for use in compounding ointments.

(9) A book to record sales and transfers of Schedule V controlled substances and poisons. This paragraph does not apply to an institutional pharmacy servicing only inpatients.

(10) An adequate supply of filter paper and powder papers and an adequate supply of empty capsules, prescription containers, prescription and poison and other applicable identification labels used in dispensing of prescription drugs and medication.

(11) Prescription files for keeping prescriptions of nonproprietary drugs in accordance with the act and, for controlled substance prescriptions, the regulations of the DEA in 21 CFR 1304.04(h) (relating to maintenance of records and inventories). The original prescription shall be retained for 2 years. A pharmacy may make use of a computerized recordkeeping system for keeping track of telephone prescriptions, refills, counseling, and the like, if the system has safeguards to prevent accidental erasure and the information can be transferred to hard copy within 72 hours.

(12) Current copies of the act and this chapter.

(13) Federal and Commonwealth statutes and regulations pertaining to the practice of pharmacy.

(14) An adequate reference library which meets the following standards:

(i) Enables a pharmacy to prepare and dispense prescriptions properly, consistent with its scope of practice.

(ii) Includes reference sources appropriate to the type of pharmacy practice at that particular location. A pharmacy shall include in the pharmacy's library current material regarding the technical, clinical and professional aspects of practice with emphasis in the area in which the pharmacy specializes.

(iii) Enables the pharmacist to compound medications in a safe and effective manner consistent with accepted standards of pharmacy practice.

(iv) Lists the possible drug interactions and possible adverse effects of medications dispensed by the pharmacy.

(v) Lists the therapeutic equivalents for medications.

(vi) Lists the therapeutic usage and dosages of medications dispensed by the pharmacy.

(vii) Provides guidelines for the counseling of patients.

(viii) A pharmacy that specializes in nuclear or parenteral prescriptions may limit the library it maintains under subparagraph (ii) relating to the pharmacy's own specialization.

(ix) Maintains the latest editions including current supplements of each of its reference sources.

§ 27.20. Facsimile machines.

(a) *Schedule II controlled substances.*

(1) A pharmacist may fill a prescription for a Schedule II controlled substance which was received on a facsimile machine if the original prescription signed by the medical practitioner is presented to the pharmacist for review prior to the actual dispensing of the controlled substance. The original prescription shall be maintained as the original pharmacy record.

(2) There are three exceptions to the requirement that the pharmacist review the original of the prescription received on a facsimile machine before dispensing a Schedule II controlled substance. A pharmacist may fill and dispense a prescription for a Schedule II controlled substance which was received on a facsimile machine and may use the facsimile as the original pharmacy record of the following:

(i) A prescription for a Schedule II controlled narcotic substance to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion in the patient's home.

(ii) A prescription for a Schedule II controlled substance for a resident of a long-term care facility.

(iii) A prescription for a Schedule II controlled narcotic substance for a patient enrolled in a hospice care program.

(b) *Schedule III, IV and V controlled substances and other nonproprietary drugs.* A pharmacist may fill and dispense a prescription signed by a medical practitioner for a Schedule III, IV or V controlled substance or other nonproprietary drug which was received on a facsimile machine. The pharmacist may use the facsimile as the original pharmacy record.

(c) *General.*

(1) A pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the facsimile copy of a prescription.

(2) Unless the original prescription will be maintained as the original pharmacy record, the quality of paper on which a facsimile copy of a prescription is printed shall be of a type that the facsimile copy can be maintained as a record for at least 2 years, as required under section 4(a)(3) of the act (63 P. S. § 390-4(a)(3)).

(3) A pharmacist or pharmacy may not contribute in any way to the installation of a facsimile machine in the office of a medical practitioner or in an institution.

(4) For purposes of this section, a prescription does not include an order for medication which is dispensed for immediate administration to a patient in an institution.

[Pa.B. Doc. No. 02-340. Filed for public inspection March 1, 2002, 9:00 a.m.]

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47—49]

Licensure

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board)

hereby amends Chapter 47 (relating State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—licensure of social workers) and adds Chapters 48 and 49 (relating State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—licensure of marriage and family therapists; and State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—licensure of professional counselors) to read as set forth in Annex A.

A. *Effective Date*

The final-form rulemaking will take effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

The final-form rulemaking is authorized under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1906(2)).

C. *Background and Purpose*

The General Assembly enacted the act of December 21, 1998 (P. L. 1017, No. 136) (Act 136), amending the Social Work Practice Act (63 P. S. §§ 1901—1922) by expanding the State Board of Social Work Examiners to include marriage and family therapists and professional counselors. Act 136 also added three licensure groups: licensed clinical social workers, licensed marriage and family therapists (MFT) and licensed professional counselors. The purpose of these final-form regulations is two-fold: respond to the comments received on proposed rulemaking and incorporate the changes addressing definitions and licensure qualifications necessitated by Act 136.

D. *Summary of Comments and Responses on Proposed Rulemaking*

Notice of the proposed rulemaking was published at 31 Pa.B. 1571 (March 24, 2001). Publication was followed by a 30-day public comment period during which the Board received comments from a large number of professional associations and organizations, colleges and universities and individuals. The following professional associations and organizations commented on the proposal: The Pennsylvania Social Work Coalition; The Pennsylvania Association for Marriage and Family Therapy; The Pennsylvania Alliance of Counseling Professionals (PACP); The Pennsylvania Counseling Association; The Pennsylvania Society for Clinical Social Work; The Pennsylvania Psychiatric Society; The National Association of Social Workers; Countryside Haven for Health; Pennsylvania Community Providers Association; Pennsylvania Council for Relationships; Case Management Society of America; Philadelphia Child and Family Therapy Training Center, Inc.; Reading Area Community College; Commission for Case Manager Certification; Eastern Baptist Theological Seminary; Moravian Theological Seminary; and Samaritan Counseling Center.

Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following is a response to the comments.

Sections 47.1, 48.1 and 49.1. Definitions.

HPLC, IRRC and the professional organizations had several comments and questions regarding the definition of "supervisor." Following their recommendations, the

Board rewrote this section in each of the chapters, and moved the qualifications for supervisors to a separate section (§ 47.1a (relating to qualifications for supervisors)) for clarity, and then referenced this section in the definition of "supervisor." Individuals qualify as supervisors if they are licensed with 5 years full-time experience, or are licensed in a related field with at least a master's degree and 5 years full-time experience. Additionally, the Board allows a window of time in which unlicensed individuals can qualify as supervisors if they too have 5 years of full-time experience. This provision recognizes the necessity for a transition period for individuals to become licensed and available to serve as supervisors. However, at the end of the transition period, individuals must be licensed to continue as a supervisor. If they are not licensed by that time, a supervisee would need to change supervisors and obtain one that is qualified in order to have their hours of supervised clinical experience continue to be credited. The transition period in Chapters 47 and 49 lasts until January 1, 2006. The Board treats MFT supervisors differently in Chapter 48 in that the transition period lasts until January 1, 2010. MFT supervisors have the additional requirement that they must be an American Association for Marriage and Family Therapy (AAMFT) approved supervisor or supervisor-in-training. Consequently, it will take longer for MFTs to have qualified supervisors, even though courses in MFT supervision are readily available. Therefore, the Board gives them additional time for a transition period. The Board also removed the requirement that MFTs be licensed during the transition period, as this was not their original intent, and the inclusion of the requirement was an oversight. Finally, the Board removed the language in § 47.1 regarding individuals licensed "by a statutory board or social work examiner of another state . . ." This provision was not included in the definition of "supervisor" in Chapters 48 and 49 and IRRC questioned why similar language was not included in §§ 48.1 and 49.1. The Board determined that this provision should be removed from § 47.1 to be consistent with the other chapters.

The Board added a definition for "related field" in all three chapters because it is referenced in the qualifications for supervisor sections.

IRRC questioned whether the definition for "institution of higher education" was intended to be the same as the statutory definition in section 2 of the College and University Security Information Act (24 P. S. § 2502-2). This definition was taken from 22 Pa. Code § 33.102 (relating to definitions) and the Board has added this cross-reference to the definition.

The Board agreed with the recommendations made by HPLC, IRRC, professional organizations and individuals that the definition of "field closely related to the practice of professional counseling" be expanded, and used the language suggested by the PACP for Chapters 48 and 49. In Chapter 49, the definition is now "master's degree in a field closely related to the practice of professional counseling" or "doctoral degree in a field closely related to the practice of counseling" to take the emphasis off of limited fields and placed on the educational degree itself. The Board also added "human services" to this definition in Chapter 49 after receiving numerous comments from public commentators, the HPLC and IRRC.

IRRC noted that the format of the Purdon's citations are inconsistent in § 47.1 in the definitions of "licensed clinical social worker," "licensed social worker" and "provi-

sional licensed social worker." These citations have been corrected to reflect consistency in the final-form rule-making.

IRRC also questioned why there was no definition of the phrase "National accrediting agency" which is used in § 48.13(a)(3)(ii)(B) (relating to licensed marriage and family therapist). The Board considered this and determined it was unnecessary. This is a term of art created by the General Assembly and is defined as an accredited agency approved by the United States Department of Education. IRRC also questioned why there was not a definition for the phrase used in § 48.15(5)(iii)(v) and (vi) (relating to exemption from licensure examination) "in marriage and family therapy as defined in § 48.1." The entire phrase is "graduate level coursework in marriage and family therapy" which is defined in § 48.1. Accordingly, further clarification is unnecessary.

The Board followed IRRC's recommendation and included a definition for the acronym "MFT."

Section 48.2. Educational requirements.

IRRC commented that the word "should" in this section and the phrase "intended to" are indirect, and recommended more direct language. IRRC also noted that plural words were mismatched with singular words. It also recommended that the word "family" should be added to paragraph (2) to make it consistent with paragraph (3)(i). The Board revised the provisions in this section to incorporate IRRC's suggested changes.

IRRC also noted that the word "family" should be added to § 48.2(2) in order to be consistent with § 48.2(3)(i). The Board has incorporated this suggestion.

Section 49.2. Educational requirements.

The HPLC, IRRC and the PACP noted that many counselor preparation programs are currently unable to meet the clinical instruction requirement for 600 hours of supervised internship experience in paragraph (9). The Board followed the commentators' recommendations and included language that allows for a transition period of 5 years where this requirement may be satisfied by completion of a total of 6 semester hours or 9 quarter hours of practicum/internship experience.

Sections 47.11(f), 48.11(c) and 49.11(c). Licensure examination.

IRRC questioned why the applicant is responsible for directing that the testing organization send examination results and other information requested to the Board. The examinations in these sections are all from National testing organizations. In most cases, the individuals apply directly to the testing organization and direct which state they want their examination results sent to. In some instances, they might want scores sent to more than one state. Additionally, some individuals may have taken the examination to obtain their National certification and then direct the testing organization to send that score to the Board at a later date when they are applying for licensure. The regulations provide flexibility for individuals to take this examination whether it is under a National certification or whether it is for licensure by examination. The Board contracts with the testing organization for the use of the organization's examination. Consequently, the examination is available to applicants, but the applicant must still tell the organization what state the applicant wants the examination scores sent to for the previously stated reasons. The "other information" language is also in the regulation to provide flexibility. There are several different licensure groups under this

one Board, there are numerous testing organizations and the information provided by the testing organizations may differ. However, if additional information would be needed by the Board, the applicant would be provided notice of that on the application form or by letter. Finally, IRRC inquired what passing grade the Board will require on the respective examinations. The Board will accept the national passing score as determined by the professional testing agency.

The HPLC, IRRC and a large number of public commentators requested inclusion of the Advanced Alcohol and Other Drug Abuse Counselor Examination (AAODA) given by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse Inc. (IC & RC) and the Examination for Master Addictions Counselors given by the National Board for Certified Counselors (NBCC), as acceptable examinations for licensure as a professional counselor. The Board reviewed materials provided by both organizations and spoke with individuals regarding these examinations and decided to include them as approved licensure examinations.

Section 48.13(a). Licensed marriage and family therapist.

IRRC questioned the Board's intent in subsection (a)(3)(i) and (ii) regarding "graduate course work which is closely related to marriage and family therapy." First, this language is taken directly from the statute, and is thus consistent with the intent of the General Assembly, not the Board. Second, subsection (a)(3)(i)(A) and (B) and (ii)(A) and (B) explain what the General Assembly considers graduate course work which is closely related to marriage and family therapy. IRRC also questioned how much "graduate coursework in marriage and family therapy" the Board will require. The educational requirements for the graduate level coursework are set forth in § 48.2.

Sections 47.12c(b), 48.13(b) and 49.13(b).

The HPLC, IRRC and several professional organizations and individuals commented about these supervised clinical experience requirements. The Board has reworked the sections in all three chapters to reflect those comments and make all three chapters consistent.

IRRC and several professional organizations recommended the deletion of the word "diagnosis" from § 47.12c(b)(1)(i) (relating to licensed clinical social worker) and the addition of "family therapy and group therapy." The HPLC, IRRC and others recommended the addition of "individual therapy and group therapy" to § 48.13(b)(1) and the addition of "family therapy and group therapy" to § 49.13(b)(1) (relating to licensed professional counselor). The Board revised these provisions to incorporate these recommendations.

Subsection (b)(2) and (4) have been revised in each section to reflect the changes made to the definition of "supervisor" and the addition of the qualifications for supervisors section in each chapter. Additionally, following the recommendations of the HPLC, IRRC and professional organizations, these subsections have also been revised to eliminate the requirement that the first 1,800 hours be supervised by a licensed individual in that profession. As noted by IRRC, commentators stated that supervision by professionals in related fields is the norm in rural areas, and that there may not be sufficient numbers of supervisors available in rural areas to meet this requirement. The Board agrees, but still believes that at least 1,800 hours must be supervised by an individual licensed in the supervisee's profession because this is fundamental to the development of the supervisee in the

field. Therefore, 1,800 hours must still be supervised by an individual licensed in that profession; however, it does not need to be the first 1,800 hours.

IRRC and the Pennsylvania Society of Clinical Social Workers commented that the provision in subsection (b)(3) requiring disclosure of a supervisee status to the patient and obtaining written permission to discuss the patient's status with the supervisor was contrary to the current practice in agencies. Because communications between a psychotherapist and a client are privileged and may not be disclosed without consent from the client, the Board believes this requirement is necessary, both for the protection of the client and the protection of the supervisee.

IRRC and other commentators stated that the phrase in subsection (b)(4), "delegate, order and control" was not appropriate since many professionals currently work independently and do not have direct supervisors. The Board agrees and will replace this phrase with "oversee, direct, recommend and instruct." This also makes this section consistent with the definition of "supervision." This subsection also allows a supervisor to delegate responsibilities to another qualified individual. IRRC questioned what qualifications a delegate must have and what the limits were on the supervisory responsibility that could be delegated. A qualified substitute would be an individual meeting the qualifications as a supervisor. The Board revised the language in this provision to make this more clear. The phrase "temporarily unable to provide supervision" limits the delegation of supervision to those situations in which the supervisor is temporarily unable to provide the supervision. For example, if a supervisor were to leave for a 2 week vacation the supervisee should not have to sacrifice 2 weeks of supervised clinical experience. In this scenario, the supervisor could designate another supervisor to fill in for that 2 week period.

The HPLC, IRRC and some professional organizations recommended that subsection (b)(5) be amended to allow for group supervision. IRRC noted that commentators indicated that group supervision is a key process in the development of professional counselors and clinical social workers. However, it should not be mandatory, as currently provided for in § 48.13(b)(5). The Board agrees, and has amended this section in all three chapters to require that a supervisor meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person. The Board chose a ratio of 2 hours for every 40 hours of supervised clinical experience because this is standard in the profession, and also consistent with the supervision requirements of other states (commonly 1 hour for every 20 or 25 hours of experience). The supervision is not required to be onsite. If onsite, the agency itself could provide the supervision or the supervision could be contracted out to be paid for either by the agency or by the supervisee. The Board will monitor the fiscal impact of this requirement in the future.

Subsection (b)(7) has been amended to reduce the 60-day written notice of the intent to terminate supervision to a 2 week notice as recommended by the HPLC, IRRC and several public commentators. Originally, the Board chose a 60 day notice requirement to provide the supervisee with an adequate amount of time to find another supervisor. However, commentators noted that most employment situations only require a 2 week notice, and it would be burdensome for a supervisor to be

required to continue supervision for several weeks after leaving the employment setting.

IRRC had several questions about subsection (b)(8). One of IRRC's three questions concerned why the experience must be in a single setting. The Board included this provision because there are individuals in many different work situations. The Board's primary goal is to ensure that supervisees are providing quality care to their patients as well as gaining valuable experience from the supervised activity. This provision requires an individual to work in one place long enough to establish a relationship with a client and a supervisor. If individuals frequently change work settings and supervisors, the quality of the supervised clinical experience will deteriorate. The Board believes that a 3 month setting (if the individual is working at least 30 hours per week but no more than 50 hours per week) or a 6 month setting (if the individual is working at least 15 hours per week) accomplishes this goal. However, this provision does not preclude an individual from working in more than one setting. For example, it would be acceptable for an individual to hold two part-time positions, so long as each setting meets the requirements of this provision. IRRC also questioned the Board's reasoning for limiting an applicant's work week to 40 hours. The Board believes that after a certain number of hours the learning experience, as well as the therapeutic service to clients, deteriorates. The Board did, however, increase the maximum hours per week from 40 to 50 hours.

IRRC also recommended that the regulation should clearly set a minimum limit of hours per year to count toward the 3 years experience, and more clearly set forth how the 3,600 hours of experience must be met. The Board agrees that the language currently in this provision (the last sentence regarding obtaining experience in the last 10 years, with at least half within the most recent 5 calendar years) is unclear. It amended this subsection by deleting the last sentence. The Board then added subsection (b)(9) which more clearly sets forth how the years and hours of experience must be accumulated. Subsection (b)(9) requires that the supervised clinical experience be completed in no less than 2 years and no more than 6 years, and that no less than 600 hours and no more than 1,800 hours may be credited in any 12-month period. Commentators indicated that provisions for accumulating supervised clinical experience need to allow flexibility for individuals who may want to take time off to have a baby or for those times when individuals are unable to find work. Additionally, the Board believes that there should be a limit on the number of hours acquired in any 12 month period for the reasons previously stated regarding the 50 hour work week. Subsection (b)(9) addresses both of these concerns by allowing an individual to acquire 600 hours per year over the course of 6 years (3,600 hours) but no more than 1,800 hours per year over the course of 2 years (3,600 hours).

Finally, the Pennsylvania Society for Clinical Social Work, the National Association of Social Workers and other public commentators expressed concern for licensed social workers who will have met 3,600 post masters degree hours of supervised clinical experience, but did not know what supervision would be required of them because the regulations had not been established when they were accumulating their 3,600 hours. These commentators recommended that the Board provide some transition period for these individuals so that they do not have to start their supervised experience again because this would place an unfair burden on them. The Board agrees

with this recommendation and acknowledges that MFTs and professional counselors will face the same problem. Therefore, the Board added subsection (c) to §§ 47.12c, 48.13 and 49.13. This subsection provides that, for hours of supervised clinical experience which were obtained within 5 years prior to the effective date of adoption of the final-form rulemaking, an applicant must present evidence of having acquired at least half of those hours under the supervision of an individual in the supervisee's profession. The applicant must also have acquired hours of supervision at a ratio of 2 hours of supervision per 40 hours of supervised clinical experience, half of which may be in group supervision and at least half of which must be provided by an individual in the supervisee's profession. Hours accumulated after the effective date of the final-form rulemaking would need to meet the requirements of subsection (b). Further, subsection (c) provides that the standards for supervisors in §§ 47.12d, 48.14 and 49.14 (relating to standards for supervisors) do not apply to this supervised clinical experience obtained prior to the effective date of adoption of the final-form regulations, because again, these standards would not have been known to the supervisors or the supervisees at the time they were accumulating the experience.

Sections 47.12d, 48.14 and 49.14. Standards for supervisors.

IRRC questioned whether paragraph (3) provides for disqualification of a supervisor subject to disciplinary action. This paragraph will apply only to supervisors whose licenses have been actively suspended or revoked. It does not apply to situations when an individual has simply been charged with a violation. The paragraph sets forth consequences that will follow in the event a supervisor's license has been so disciplined. The supervisor shall immediately notify the supervisee of the action and immediately cease supervision. Credit will be given for hours completed prior to the disciplinary action. The supervisee shall obtain a new supervisor to complete the required experience.

In paragraph (7), IRRC questioned how a supervisor would ensure that the supervisee's status was made known to each patient or client of the supervisee. Subsection (b)(3), in §§ 47.12c, 48.13 and 49.13 requires a supervisee to obtain written permission to discuss the client's case with the supervisor. A supervisor may simply ask to see the client's written permission.

IRRC also had several questions and comments regarding paragraphs (8), (9), (11), (13) and (14). It is an important part of supervision that a supervisor establish objectives for the supervisee (paragraph (8)). Further, the Board believes the supervisor should make recommendations to the supervisee bearing on further professional development, professional study and skills necessary for independent practice (paragraph (13)). There is no requirement in either paragraph (8) or (13) that the objectives and recommendations be in writing. However, supervisors will be asked to attest to compliance with the standards in §§ 47.12d, 48.14 and 49.14 on the verification of experience form which will accompany the supervisee's application for licensure. The supervisor must prepare written evaluations which delineate the supervisee's strengths and weaknesses, and review these on a quarterly basis with the supervisee (paragraph (14)). The Board believes it is necessary to discuss these evaluations on a quarterly basis so the supervisee can make steady progress in his professional development. Additionally, IRRC questioned where the "issues of practice and ethics" referred to in paragraph (9) could be

found. Presently, this paragraph refers to the standards of acceptable and prevailing practice in the professional community. However, this paragraph would also refer to any regulations the Board may promulgate at a later date implementing Board standards. Finally, IRRC and some public commentators questioned why paragraph (11) requires the supervisor to observe client-patient sessions of the supervisee and noted that if the supervisor and supervisee are in separate organizations this may be difficult to accomplish. However, this provision states that a supervisor shall observe the client patient sessions of the supervisee or review recordings of these sessions on a regular basis. The Board wrote this provision specifically so that a supervisor would have the choice of observing the sessions, or in the alternative, reviewing recordings of these sessions. The Board chose to use the word "recordings" without any modifiers. Therefore, any type of recording would be allowed whether it is audio, video or written. IRRC also stated that the requirement that these sessions be reviewed "on a regular basis" was vague. Therefore this paragraph has been amended to remove this phrase.

Sections 47.13b, 48.15 and 49.15. Exemption from licensure examination.

IRRC questioned whether the applications referred to in paragraph (2) are available and how applicants will know to apply before the February 19, 2002, deadline. (*Editor's Note:* The act of February 13, 2002 (P. L. 83, No. 4) extended the deadline for the filing of an application by 1 year.) Applications will be available upon adoption of the final-form rulemaking. Applicants will be notified by publication of the final-form rulemaking in the *Pennsylvania Bulletin* and on the Board's website. Additionally, professional organizations have been very involved in this process and will most likely post a notice on their websites as well. IRRC also inquired about the "required fee" and the need for the Board to establish these fees and include them in the final-form rulemaking. The fees have been established and the Board has submitted a proposed rulemaking package which is currently in the review process.

The HPLC, IRRC and several public commentators noted that the correct deadline for paragraph (3) is February 19, 2002, and it has been amended to reflect this change.

The HPLC, IRRC and many public commentators objected to the proof of practice requirements in paragraph (4). Specifically, they were concerned that the requirement that an applicant's practice consist of at least 15 hours per week, with 10 of those hours consisting of direct client contact, would unfairly exclude experienced professionals who practice in supervisory, administrative, academic or other capacity in which hours are irregular and the client contact minimal. This was not the Board's intent. Originally the hourly requirement was directed at individuals who work part-time in a client practice. However, the Board agrees with commentators that there are many different types of work environments, and a weekly, hourly requirement does not fit every situation. Therefore the Board has amended this paragraph by deleting the hourly requirement. Instead, the Board will simply review the applications to determine whether the applicant has demonstrated proof of practice within the given work environment.

The HPLC, IRRC and the PACP commented that the AAMFT does not approve continuing education courses, and recommended that the list of appropriate continuing education in § 48.15(5)(v) and (vi) be expanded. The

commentators also recommended expanding the list of appropriate continuing education in § 49.15(5)(iv)(C) to include courses offered by professional organizations and accredited institutions. The Board agrees, and amended these sections by incorporating language suggested by PACP. IRRC also questioned what the Board means by "master's level difficulty" in these sections. The purpose of the continuing education in these sections is to make up the difference between a master's degree that is not less than 36 semester hours and the 48 semester hours master's degree needed for licensure by exemption from examination. To that end, the continuing education for these sections should include materials that are the same level of quality and content as a course in a master's degree program. To allow anything less than a master's level difficulty would defeat the purpose.

In § 48.15(6), IRRC questioned whether "clinical membership status from AAMFT" and professional certification are the same thing. This is the only professional certification available to MFTs, and satisfies the requirement of the act. This section also lists the examinations approved by the Board for the purpose of licensure by exemption from examination (grandfathering) only. IRRC had questions about "examinations given by other states" and in what situations they would be acceptable to the Board. In addition to the Association of Marital and Family Therapy Regulatory Boards National MFT examination, the Board will accept an examination given by another state as a requirement for licensure in that state. At least one state (California) has its own examination for licensure. Consequently, there are qualified, experienced individuals now living and practicing in this Commonwealth who passed a state licensing exam rather than the National MFT exam. The Board believes the state licensing exams are equivalent to the National MFT exam for grandfathering purposes.

After receiving a large number of public comments, as well as recommendations from the HPLC and IRRC, the Board amended the list set forth in § 49.15(6) to include certifications for addictions counselors. The Board added the Certified Addiction Counselor credential with the AAODA given by IC & RC and also the Master's Addictions Counselor credential with the Examination for Master's Addictions Counselors given by the NBCC.

Sections 48.16 and 49.16. Application for licensure by reciprocity.

IRRC and some commentators noted that existing § 47.14 (relating to application for licensure by reciprocity) establishes the Board's reciprocity process for social workers licensed in other states, and cited the need for similar reciprocity provisions for clinical social workers, MFTs and professional counselors. The Board agrees and added §§ 48.16 and 49.16 which mirrors the existing language in § 47.14. There is no need to add a separate section for clinical social workers as § 47.14 will apply to them.

Miscellaneous Issues

IRRC commented that the statutory provision in section 2 of the act (63 P. S. § 1920.2) is an important safeguard to make sure licensees only practice in their area of expertise, and questioned why the Board did not include this provision in the amendments to Chapters 47—49. First, this final-form rulemaking only addresses definitions and licensure qualifications. Second, this is a statutory provision already existing in the act itself, and licensees must comply with this requirement. Therefore it is unnecessary to include it in the regulations.

IRRC also asked what recourse or safeguard there is for a supervisee if the Board determines a supervisor is not qualified? The regulations are very clear about both the qualifications for supervisors as well as the standards for supervisors. Supervisees will look to the regulations for guidance when choosing a supervisor. If a supervisee has questions about whether an individual meets the requirements for supervisors, the supervisee can write the Board with concerns prior to engaging that person as a supervisor. As with all licensing acts, it is ultimately the applicant's/licensee's responsibility to be in compliance with the statutory and regulatory requirements.

IRRC and some professional organizations made recommendations concerning typographical errors and section reference errors. These corrections have been made.

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

The Board reviewed this final-form rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation." Additionally, in accordance with Executive Order 1996-1, the Board, in developing the rulemaking, solicited comments from the major professional associations representing the social workers and the new licensure classes.

F. *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking would have a fiscal impact and impose additional paperwork requirements on the Commonwealth in that there are three new licensure groups for which applications would be processed and fees would be received.

The amendments should not impose any legal, accounting or reporting requirements on the regulated community.

G. *Sunset Date*

The Board continually monitors the effectiveness of its regulations through communication with the regulated population; accordingly, no sunset date has been assigned.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 24, 2001, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 1571, to IRRC, the SCP/PLC and the HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the SCP/PLC and the HPLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered the comments received from IRRC, the HPLC and the public. The Board did not receive comments from the SCP/PLC.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on January 7, 2002, this final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 10, 2002, and approved the final-form rulemaking.

I. *Contact Person*

Further information may be obtained by contacting Clara Flinchum, Administrative Assistant, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389.

J. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 280), know as Commonwealth Documents Law (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 1571.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this Preamble.

K. *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapters 47—49, are amended by amending §§ 47.11 and 47.12, by adding §§ 47.12a and 47.12b and by deleting § 47.13 to read as set forth at 31 Pa.B. 1571; and by amending § 47.1 and by adding §§ 47.1a, 47.12c, 47.12d, 47.13b, 48.1—48.3, 48.11—48.16, 49.1—49.3 and 49.11—49.16 to read as set forth in Annex A.

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

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

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

THOMAS F. MATTA, Ph.D.,
Chairperson

(*Editor's Note:* The addition of §§ 48.16, 49.3 and 49.16 was not included in the proposed rulemaking at 31 Pa.B. 1571. For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 477 (January 26, 2002).)

Fiscal Note: Fiscal Note 16A-694 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF SOCIAL WORKERS

GENERAL PROVISIONS

§ 47.1. Definitions.

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

Accredited program—A graduate school social work or social welfare program offered by a school accredited by the Council on Social Work Education.

Accredited school—A graduate school accredited by the Council on Social Work Education.

Act—The Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901—1922).

Board—The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

Licensed clinical social worker—A person who is currently licensed as a licensed clinical social worker under section 7 of the act (63 P. S. § 1907).

Licensed social worker—A person who is currently licensed as a licensed social worker under section 7 of the act.

Provisional licensed social worker—A person who is currently licensed as a provisional licensed social worker under section 7 of the act.

Related field—Includes the fields of psychiatry, psychology, marriage and family therapy, counseling, art therapy, dance/movement therapy, drama therapy, music therapy, human services and counseling education.

Supervisee—An individual who is fulfilling the supervised experience requirement for licensure as a clinical social worker.

Supervision—The act of overseeing, directing or instructing the activity or course of action of another.

Supervisor—An individual providing supervision to a supervisee who meets the criteria in § 47.1a (relating to qualifications for supervisors).

§ 47.1a. Qualifications for supervisors.

To qualify as a supervisor, an individual shall meet one of the following criteria:

- (1) Hold a license as a clinical social worker and have 5 years of experience within the last 10 years as a clinical social worker.
- (2) Hold a license and a master's or doctoral degree in a related field, and have 5 years experience within the last 10 years in that field.
- (3) Until January 1, 2006, the following criteria:
 - (i) Practices as a clinical social worker.
 - (ii) Have 5 years experience within the last 10 years as a clinical social worker.
 - (iii) Hold a license to practice as a social worker in this Commonwealth.

LICENSURE

§ 47.12c. Licensed clinical social worker.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed clinical social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

- (1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).
- (2) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, to be considered as

meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

- (3) Is licensed under the act as a social worker.
 - (4) Passed the examination required by § 47.11 (relating to licensure examination).
 - (5) Completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b) after completion of the master's degree in social work. Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a (relating to definitions; and qualifications for supervisors).
- (b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant's education and training.

- (1) At least one-half of the experience shall consist of providing services in one or more of the following areas:
 - (i) Assessment.
 - (ii) Psychotherapy.
 - (iii) Other psychosocial-therapeutic interventions.
 - (iv) Consultation.
 - (v) Family therapy.
 - (vi) Group therapy.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1. and 47.1a. However, 1,800 hours shall be supervised by a supervisor meeting the qualifications in § 47.1a(1) and (3).

(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall oversee, direct, recommend and instruct the clinical social work activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate another supervisor as a substitute.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 2 weeks written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patient.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 50 hours per week during at least a 3 month period or, second, at least 15 hours per week for a period of at least 6 months.

(9) The supervised clinical experience shall be completed in no less than 2 years and no more than 6 years, except that no less than 600 hours and no more than 1,800 hours may be credited in any 12-month period.

(c) *Supervised clinical experience obtained within 5 years prior to March 2, 2002.*

(1) For hours of supervised clinical experience obtained within 5 years prior to March 2, 2002, the applicant shall present evidence of having acquired at least one-half of those hours under the supervision of a clinical social worker. The applicant shall also have acquired hours of supervision at a ratio of 2 hours of supervision per 40 hours of supervised clinical experience, one-half of which may be in group supervision and at least one-half of which shall be provided by a clinical social worker.

(2) Supervised clinical experience obtained under this subsection is not subject to § 47.12d (relating to standards for supervisors).

§ 47.12d. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated, under § 47.12c(a)(5) (relating to licensed clinical social worker) shall comply with the standards in this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.

(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.

(3) An individual whose license has been actively suspended or revoked by a licensing board will not qualify as a supervisor.

(i) If during the period of supervision, the supervisor's license is suspended or revoked, the supervisor shall immediately notify the supervisee and immediately cease supervision. Credit will be given for hours completed prior to the disciplinary action.

(ii) The supervisee shall obtain a new supervisor to complete the required experience.

(4) The supervisor shall be responsible for ensuring that the requirements of § 47.12c(b) are met.

(5) The supervisor shall be accessible to the supervisee for consultation.

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activi-

ties in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.

(8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.

(9) The supervisor shall review issues of practice and ethics with the supervisee.

(10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.

(11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions.

(12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.

(13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study and skills necessary for independent practice.

(14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

§ 47.13b. Exemption from licensure examination—clinical social workers.

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure in § 47.12 (relating to qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by February 19, 2002.

(4) Demonstrated proof of practice of clinical social work for at least 5 of the 7 years immediately prior to the date of application for license and that the practice was conducted in this Commonwealth. (*Editor's Note:* The act of February 13, 2002 (P. L. 83, No. 4) extended the deadline for the filing of an application by 1 year.)

(5) Successfully met the educational requirements of section 9(a)(4) of the act (63 P. S. § 1909(a)(4)). Continuing education submitted by an applicant under section 9(a)(4)(iii) of the act shall meet the following requirements:

(i) Master's level difficulty.

(ii) Direct practice social work subject matter.

(iii) Excludes courses in office management or practice building.

(6) Demonstrated holding the Board Certified Diplomat (BCD) certification issued by the American Board of Examiners in Clinical Social Work, or a Diplomat in Clinical Social Work (DCSW) Certification or Qualified Clinical Social Worker (QSCW) certification issued by the National Association of Social Workers.

CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS
GENERAL PROVISIONS

- Sec. 48.1. Definitions.
- 48.2. Educational requirements.
- 48.3. Qualifications for supervisors.

LICENSURE

- 48.11. Licensure examination.
- 48.12. General qualifications for licensure.
- 48.13. Licensed MFT.
- 48.14. Standards for supervisors.
- 48.15. Exemption from licensure examination.
- 48.16. Application for licensure by reciprocity.

GENERAL PROVISIONS

§ 48.1. Definitions.

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

AAMFT—The American Association for Marriage and Family Therapy.

AMFTRB—The Association of Marital and Family Therapy Regulatory Boards.

Accredited educational institution—A graduate school which is recognized as an institution of higher education or which is accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation.

Act—The Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901–1922).

Board—The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

COAMFTE—The Commission on Accreditation for Marriage and Family Therapy Education.

Doctoral degree in marriage and family therapy—A doctoral degree which is awarded upon successful completion of a program in marriage and family therapy which is either accredited by COAMFTE, or, which includes coursework that meets the criteria in § 48.2 (relating to educational requirements).

Field closely related to the practice of marriage and family therapy—Includes the fields of social work, psychology, counseling, child development and family studies, medicine, nursing, pastoral counseling, ministry, theology, education and sociology.

Graduate level coursework in marriage and family therapy acceptable to the Board—Coursework that meets the criteria in § 48.2.

Institution of higher education—An independent institution of higher education, a community college, a State-related institution or a member institution of the State System. (See 22 Pa. Code § 33.102 (relating to definitions)).

Master's degree in marriage and family therapy—A master's degree which is awarded upon successful completion of a program in marriage and family therapy which is either accredited by COAMFTE, or, which includes coursework that meets the criteria in § 48.2.

MFT—Marriage and family therapist.

Planned program of 60 semester hours or 90 quarter hours which is closely related to marriage and family therapy—A program which includes coursework that meets the criteria in § 48.2.

Program recognized by a National accrediting agency—A master, doctor or postgraduate degree training program accredited by COAMFTE.

Related field—Includes the fields of psychiatry, psychology, social work, counseling, art therapy, dance/movement therapy, drama therapy, music therapy, human services and counseling education.

Supervisee—An individual who is fulfilling the supervised experience requirement for licensure.

Supervision—The act of overseeing, directing or instructing the activity or course of action of another.

Supervisor—An individual providing supervision to a supervisee who meets the criteria in § 48.3 (relating to qualifications for supervisors).

§ 48.2. Educational requirements.

Educational requirements are as follows:

(1) *Human development* (3 courses minimum-9 semester or 12 quarter or 135 didactic contact hours).

(i) Courses in this area shall provide knowledge of individual personality development and its normal and abnormal manifestations.

(ii) Coursework shall cover human development across the life span, including special issues that affect an individual's development (that is, culture, gender and human sexuality).

(2) *Marriage and family studies* (3 courses minimum-9 semester or 12 quarter or 135 didactic contact hours). Courses in this area shall be a fundamental introduction to family systems theory.

(3) *Marriage and family therapy* (3 courses minimum-9 semester or 12 quarter or 135 didactic contact hours).

(i) Courses in this area shall have a major focus on family systems theory and systemic therapeutic interventions.

(ii) This area shall provide a substantive understanding of the major theories of systems change and the applied practices evolving from each theoretical orientation.

(4) *Professional studies* (1 course minimum-3 semester or 4 quarter or 45 didactic contact hours).

(i) Courses in this area shall contribute to the professional development of the therapist.

(ii) Areas of study shall include the therapist's legal responsibilities and liabilities, professional ethics as a marriage and family therapist, professional socialization, and the role of the professional organization, licensure or certification legislation, independent practice and interprofessional cooperation.

(5) *Research* (1 course minimum-3 semester or 4 quarter or 45 didactic contact hours). Courses in this area shall assist students in understanding and performing research.

(6) *Practicum* (minimum 1 year, 300 hours of supervised direct client contact with individuals, couples and families).

§ 48.3. Qualifications for supervisors.

To qualify as a supervisor, an individual shall meet one of the following criteria:

(1) Hold a license as an MFT and have received certification as an approved supervisor or supervisor-in-training by the AAMFT.

(2) Hold a license and have at least a master's degree in a related field, and have 5 years experience within the last 10 years in that field.

(3) Until January 1, 2010, meet the following criteria:

(i) Practices as an MFT.

(ii) Have completed a 1-semester graduate course in MFT supervision (at least 30 contact hours) or the equivalent.

(iii) Have 5 years experience within the last 10 years as an MFT.

LICENSURE

§ 48.11. Licensure examination.

(a) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed MFT is the AMFTRB National MFT Examination. It will be given annually and at other times deemed appropriate by the Board, in consultation with the third-party testing organization providing the examination to license applicants of the Board.

(b) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

(c) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

(d) The passing grade for the examination will be determined by the Board.

§ 48.12. General qualifications for licensure.

General qualifications and requirements for applicants for licensure are as follows:

(1) The applicant is of good moral character.

(2) The applicant has not been convicted of a felony, which shall include a judgment, an admission of guilt or a plea of *nolo contendere*, under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction, so that licensure of the applicant would not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations.

(3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the

Board by mail at: State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389 or by e-mail at: socialwo@pados.state.pa.us.

(4) The applicant has submitted the required application licensure fee by check or money order, payable to the "Commonwealth of Pennsylvania."

(5) The applicant has submitted two certificates of recommendation on forms furnished by the Board.

(6) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

§ 48.13. Licensed MFT.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed MFT, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure in § 48.12 (relating to general qualifications for licensure).

(2) Passed the examination required by § 49.11 (relating to licensure examination).

(3) Successfully met one of the following educational requirements:

(i) By March 2, 2007, has completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy as defined in § 48.1 (relating to definitions), including one of the following:

(A) A master's degree in marriage and family therapy from an accredited educational institution.

(B) A master's degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution, with graduate level coursework in marriage and family therapy as defined in § 48.1 and § 48.2 (relating to educational requirements) from an accredited educational institution or from a program recognized by a National accrediting agency as defined in § 48.1.

(ii) Successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy as defined in § 48.1 including one of the following:

(A) A 48 semester hour or 72 quarter hour master's degree in marriage and family therapy from an accredited educational institution.

(B) A 48 semester hour or 72 quarter hour master's degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level coursework in marriage and family therapy as defined in § 48.1 from an accredited educational institution or from a program recognized by a National accrediting agency as defined in § 48.1.

(iii) Holds a doctoral degree in marriage and family therapy as defined in § 48.1 from an accredited educational institution.

(iv) Holds a doctoral degree in a field closely related to marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level coursework in marriage and family therapy as defined in

§ 48.1 from an accredited educational institution from a program recognized by a National accrediting agency as defined in § 48.1.

(4) Has met the following experience requirements:

(i) Individuals who meet the education requirements of paragraph (3)(i) or (ii), shall have completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

(ii) Individuals who meet the education requirements of paragraph (3)(iii) or (iv) shall have completed at least 2 years or 2,400 hours of supervised clinical experience which meets the criteria in subsection (b), 1 year or 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of marriage and family therapy consistent with the applicant's education and training.

(1) At least one-half of the experience shall consist of providing services in one or more of the following areas:

- (i) Assessment.
- (ii) Couples therapy.
- (iii) Family therapy.
- (iv) Other systems interventions.
- (v) Consultation.
- (vi) Individual therapy.
- (vii) Group therapy.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 48.1 and § 48.3 (relating to definitions). However, 1,800 hours shall be supervised by a supervisor meeting the qualifications in § 48.3(1) or (3).

(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall oversee, direct, recommend and instruct the marriage and family therapy activities of the supervisee. (*Editor's Note:* The act of February 13, 2002 (P. L. 83, No. 4) deleted the requirement that clinical social workers have practice experience in the Commonwealth to be eligible for licensure without examination, formerly found at section 9 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1909(a)(3)).)

(i) A supervisor who is temporarily unable to provide supervision shall designate another supervisor as a substitute.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee for a minimum of 2 hours for every 40 hours of

supervised clinical experience. At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this paragraph creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this paragraph. The request shall state, in writing, the reasons why this paragraph creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this paragraph. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 2 weeks written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patients.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 50 hours per week during at least a 3-month period or, second, at least 15 hours per week for at least 6 months.

(9) The supervised clinical experience shall be completed in no less than 2 years and no more than 6 years, except that no less than 600 hours and no more than 1,800 hours may be credited in any 12-month period.

(c) *Supervised clinical experience obtained within 5 years prior to March 2, 2002.*

(1) For hours of supervised clinical experience obtained within 5 years prior to March 2, 2002, the applicant shall present evidence of having acquired at least one-half of those hours under the supervision of an MFT. The applicant shall also have acquired hours of supervision at a ratio of 2 hours of supervision per 40 hours of supervised clinical experience, one-half of which may be in group supervision and at least one-half of which shall be provided by an MFT.

(2) Supervised clinical experience obtained under this subsection is not subject to the requirements of § 48.14 (relating to standards for supervisors).

§ 48.14. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated, under § 48.13(a)(4) (relating to licensed marriage and family therapist) shall comply with this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.

(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.

(3) An individual whose license has been actively suspended or revoked by a licensing Board will not qualify as a supervisor.

(i) If during the period of supervision, the supervisor's license is suspended or revoked, the supervisor shall immediately notify the supervisee and immediately cease supervision. Credit will be given for hours completed prior to the disciplinary action.

(ii) The supervisee shall obtain a new supervisor in order to complete the required experience.

(4) The supervisor shall be responsible for ensuring that the requirements of § 48.13(b) are met.

(5) The supervisor shall be accessible to the supervisee for consultation.

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.

(8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.

(9) The supervisor shall review issues of practice and ethics with the supervisee.

(10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.

(11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions.

(12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.

(13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study and skills necessary for independent practice.

(14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

§ 48.15. Exemption from licensure examination.

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 48.12 (relating to general qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by February 19, 2002. (*Editor's Note:* The act of February 13, 2002 (P. L. 83, No. 4) extended the deadline for the filing of an application by 1 year.)

(4) Demonstrated proof of practice of marriage and family therapy for at least 5 of the 7 years immediately prior to the date of application for license.

(5) Have successfully met one of the following education requirements:

(i) Have a doctoral degree in marriage and family therapy as defined in § 48.1 (relating to definitions) from an accredited educational institution.

(ii) Have a doctoral degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level coursework in marriage and family therapy acceptable to the Board as defined in § 48.1.

(iii) Have a master's degree of at least 48 semester hours or 72 quarter hours in marriage and family therapy as defined in § 48.1 from an accredited educational institution.

(iv) Have a master's degree of at least 48 semester hours or 72 quarter hours in a field closely related to marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level course-work in marriage and family therapy acceptable to the Board as defined in § 48.1.

(v) Have a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in marriage and family therapy as defined in § 48.1 from an accredited educational institution and have within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

(A) Master's level difficulty.

(B) Excludes courses in office management or practice building.

(C) Any course which is related to the practice of marriage and family therapy that has been approved for continuing education credit for licensed psychologists or licensed social workers, has been approved by the National Board for Certified Counselors, Inc. (NBCC), the Commission on Rehabilitation Counselor Certification (CRCC), the Certification Board for Music Therapists (CBMT), AATA, American Dance Therapy Association (ADTA) or the National Association for Drama Therapy (NADT), or has been offered by AAMFT or the Pennsylvania Association for Marriage and Family Therapy (PAMFT).

(vi) Have a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in a field closely related to the practice of marriage and family therapy as defined in § 48.1, from an accredited educational institution with graduate level coursework in marriage and family therapy as defined in § 48.1 and have within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

(A) Master's level difficulty.

(B) Excludes courses in office management or practice building.

(C) Any course which is related to the practice of marriage and family therapy that has been approved for continuing education credit for licensed psychologists or licensed social workers, has been approved by NBCC, CRCC, CBMT, AATA, ADTA or NADT, or has been offered by AAMFT or PAMFT.

(2) Demonstrated holding clinical membership status from AAMFT and passing the AMFTRB National MFT Examination or an examination given by another state as a requirement for licensure in that state.

§ 48.16. Application for licensure by reciprocity.

(a) A license shall be issued based on reciprocity to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure in § 48.12 (relating to general qualifications for licensure).

(2) Provided a letter from other jurisdiction registration boards where the licensed MFT is licensed, certifying licensure and reporting any violations.

(3) Demonstrated qualifications at least equal to the qualifications required by the act and this chapter.

(b) The Board will accept an applicant's examination grades taken in another jurisdiction, as furnished through the professional examination reporting service or from the jurisdiction which administered the examination, in lieu of taking the Commonwealth's required examination.

(1) The applicant shall show that the examination taken in the other jurisdiction is similar to the one offered by the Commonwealth and that the applicant passed the examination with a grade at least equal to the passing grade set by the Commonwealth.

(2) The other jurisdiction in which the applicant is licensed or certified must grant licenses by reciprocity to residents of this Commonwealth who possess a license as an MFT under the act and this chapter.

CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS
GENERAL PROVISIONS

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LICENSE

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GENERAL PROVISIONS

§ 49.1. Definitions.

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

Accredited educational institution—A graduate school which is recognized as an institution of higher education or which is accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation.

Act—The Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901—1922).

Board—The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

CACREP—Council for Accreditation of Counseling and Related Programs.

Doctoral degree in a field closely related to the practice of professional counseling. Includes one of the following:

(i) Doctoral degrees in social work, psychiatry, psychology, art therapy, dance/movement therapy, drama therapy, music therapy, human services, counseling education and child development and family studies.

(ii) Another doctoral degree in any applied behavioral science which is awarded after successful completion of a master's degree in a field closely related to the practice of professional counseling and that includes advanced (beyond the master's level) clinical instruction and advanced (beyond the master's level) coursework in any five of the educational requirements in § 49.2(1)—(8) (relating to educational requirements).

Doctoral degree in professional counseling—A doctoral degree which is awarded upon successful completion of a program which includes coursework that meets and builds upon the educational requirements in § 49.2.

Institution of higher education—An independent institution of higher education, a community college, a State-related institution or a member institution of the State System. See 22 Pa. Code § 33.102 (relating to definitions).

Master's degree in a field closely related to the practice of professional counseling includes. One of the following:

(i) Degrees in social work, psychology, art therapy, dance/movement therapy, drama therapy, music therapy, human services, counseling education and child development and family studies.

(ii) A degree in any applied behavioral science that includes a practicum or internship and meets any five of the educational requirements in § 49.2(1)—(8).

Planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling—A program which includes coursework that meets the criteria in § 49.2.

Related field—Includes the fields of psychiatry, psychology, social work, marriage and family therapy, art therapy, dance/movement therapy, drama therapy, music therapy, human services and counseling education.

Supervisee—An individual who is fulfilling the supervised experience requirement for licensure.

Supervision—The act of overseeing, directing or instructing the activity or course of action of another.

Supervisor—An individual providing supervision to a supervisee who meets the criteria in § 49.3 (relating to qualifications for supervisors).

§ 49.2. Educational requirements.

Educational requirements are as follows:

(1) *Human growth and development*—(2 semester or 3 quarter hours) studies that provide an understanding of the nature and needs of individuals at all developmental stages.

(2) *Social and cultural foundations*—(2 semester or 3 quarter hours) studies that provide an understanding of issues and trends in a multicultural and diverse society.

(3) *Helping relationships*—(2 semester or 3 quarter hours) studies that provide an understanding of counseling and consultation processes.

(4) *Group work*—(2 semester or 3 quarter hours) studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills and other group approaches.

(5) *Career and lifestyle development*—(2 semester or 3 quarter hours) studies that provide an understanding of career development and related life factors.

(6) *Appraisal*—(2 semester or 3 quarter hours) studies that provide an understanding of individual and group approaches to assessment and evaluation.

(7) *Research and program evaluation*—(2 semester or 3 quarter hours) studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research.

(8) *Professional orientation*—(2 semester or 3 quarter hours) studies that provide an understanding of all aspects of professional functioning, including history, roles, organizational structures, ethics, standards and credentialing.

(9) *Clinical instruction*—(Includes 100 clock hours of supervised practicum experience and 600 clock hours of supervised internship experience). The supervised internship experience shall begin after completion of the supervised practicum experience. Until March 2, 2007, this requirement may be satisfied by completion of a total of 6 semester hours or 9 quarter hours of practicum/internship experience.

§ 49.3. Qualifications for supervisors.

To qualify as a supervisor, an individual shall meet one of the following criteria:

(1) Holds a license as a professional counselor and has 5 years experience within the last 10 years as a professional counselor.

(2) Holds a license and has at least a master's degree in a related field and has 5 years experience within the last 10 years in that field.

(3) Until January 1, 2006, meet the following criteria:

(i) Practices as a professional counselor.

(ii) Has 5 years experience within the last 10 years as a professional counselor.

LICENSURE

§ 49.11. Licensure examination.

(a) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed professional counselor shall be one of the following:

(1) The National Counselor Examination for Licensure and Certification (NCE) given by NBCC.

(2) The Certified Rehabilitation Counselor (CRC) Examination given by CRCC.

(3) The Art Therapy Credentials Board (ATCB) Certification Examination given by ATCB.

(4) The Board Certification Examination given by CBMT.

(5) The practice examination of psychological knowledge given by the North American Association of Master's in Psychology (NAMP).

(6) The Advanced Alcohol & Other Drug Abuse Counselor Examination (AAODA) given by the International

Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse Inc. (IC & RC/AODA).

(7) The Examination for Master Addictions Counselors (EMAC) given by NBCC.

(b) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

(c) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

(d) The passing grade for the examination will be determined by the Board.

§ 49.12. General qualifications for licensure.

General qualifications and requirements for applicants for licensure are as follows:

(1) The applicant is of good moral character.

(2) The applicant has not been convicted of a felony, which shall include a judgment, an admission of guilt or a plea of *nolo contendere*, under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply:

(i) At least 10 years have elapsed from the date of conviction.

(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction, so that licensure of the applicant would not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations.

(3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389 or by e-mail at: socialwo@pados.state.pa.us.

(4) The applicant has submitted the application licensure fee required by the Board, by check or money order, payable to the "Commonwealth of Pennsylvania."

(5) The applicant has submitted two certificates of recommendation on forms furnished by the Board.

(6) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

§ 49.13. Licensed professional counselor.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed professional counselor, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of § 49.12 (relating to general qualifications for licensure).

(2) Passed the examination required by § 49.11 (relating to licensure examination).

(3) Successfully met one of the following education requirements:

(i) By March 2, 2002, has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling as defined in § 49.1 (relating to definitions) including one of the following:

(A) A master's degree in professional counseling from an accredited education institution.

(B) A master's degree in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited educational institution.

(ii) Has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling as defined in § 49.1 including one of the following:

(A) A 48 semester hour or 72 quarter hour master's degree in professional counseling from an accredited education institution.

(B) A 48 semester hour or 72 quarter hour master's degree in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited educational institution.

(iii) Holds a doctoral degree in counseling from an accredited educational institution.

(iv) Holds a doctoral degree in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited education institution.

(4) Has met the following experience requirements:

(i) Individuals who meet the educational requirements of paragraph (3)(i) or (ii), shall have completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 49.1 and § 49.3 (relating to qualifications for supervisors).

(ii) Individuals who meet the educational requirements of paragraph (3)(iii) or (iv) shall have completed at least 2 years or 2,400 hours of supervised clinical experience meeting the criteria in subsection (b), 1 year or 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in §§ 49.1 and 49.3.

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of counseling consistent with the applicant's education and training.

(1) At least one-half of the experience shall consist of providing services in one or more of the following areas:

- (i) Assessment.
- (ii) Counseling.
- (iii) Therapy.
- (iv) Psychotherapy.
- (v) Other therapeutic interventions.
- (vi) Consultation.
- (vii) Family therapy.
- (viii) Group therapy.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 49.1. Eighteen hundred hours shall be supervised by a supervisor meeting the qualifications in § 49.3(1) and (3).

(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall oversee, direct, recommend and instruct the professional counseling activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate another supervisor as a substitute.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this paragraph creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this paragraph. The request shall state, in writing, the reasons why this paragraph creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this paragraph. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 2 weeks written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patient.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 40 hours per week during at least a 3-month period or, second, at least 15 hours per week for at least 6 months.

(9) The supervised clinical experience shall be completed in no less than 2 years and no more than 6 years, except that no less than 600 hours and no more than 1,800 hours may be credited in any 12 month period.

(c) *Supervised clinical experience obtained within 5 years prior to March 2, 2002.*

(1) For hours of supervised clinical experience obtained within 5 years prior to March 2, 2002, the applicant shall present evidence of having acquired at least one-half of those hours under the supervision of a professional counselor. The applicant shall also have acquired hours of supervision at a ratio of 2 hours of supervision per 40 hours of supervised clinical experience, one-half of which may be in group supervision and at least one-half of which shall be provided by a professional counselor.

(2) Supervised clinical experience obtained under this subsection is not subject to the requirements of § 49.14 (relating to standards for supervision).

§ 49.14. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated under § 49.13(a)(4) (relating to licensed professional counselors) shall comply with this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.

(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.

(3) An individual whose license has been actively suspended or revoked by a licensing Board will not qualify as a supervisor.

(i) If during the period of supervision, the supervisor's license is suspended or revoked, the supervisor shall immediately notify the supervisee and immediately cease supervision. Credit will be given for hours completed prior to the disciplinary action.

(ii) The supervisee shall obtain a new supervisor to complete the required experience.

(4) The supervisor shall be responsible for ensuring that the requirements of § 49.13(b) are met.

(5) The supervisor shall be accessible to the supervisee for consultation.

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.

(8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.

(9) The supervisor shall review issues of practice and ethics with the supervisee.

(10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.

(11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions.

(12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.

(13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study and skills necessary for independent practice.

(14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the

supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

§ 49.15. Exemption from licensure examination.

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 49.12 (relating to qualification for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by February 19, 2002. (*Editor's Note:* The act of February 13, 2002 (P. L. 83, No. 4) extended the deadline for the filing of an application by 1 year.)

(4) Demonstrated proof of practice of professional counseling for at least 5 of the 7 years immediately prior to the date of application for license.

(5) Have successfully met one of the following educational requirements:

(i) Holds a doctoral degree in professional counseling from an accredited educational institution.

(ii) Holds a doctoral degree in a field closely related to the practice of professional counseling from an accredited educational institution.

(iii) Holds a master's degree of at least 48 semester hours or 72 quarter hours in professional counseling or a field closely related to the practice of professional counseling from an accredited educational institution.

(iv) Holds a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in professional counseling or a field closely related to the practice of professional counseling and has within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

(A) Master's level difficulty.

(B) Excludes courses in office management or practice building.

(C) Any course approved by NBCC, CRC, CBMT, AATA, ADTA, the Pennsylvania Certification Board (PCB) or NADT, or which is approved for continuing education credit for licensed psychologists or licensed social workers, and which does not include a course in office management or practice building.

(6) Demonstrated holding one of the following:

(i) The National Certified Counselor (CC) certification from NBCC and having passed the National Counselor Examination given by the NBCC.

(ii) CRC certification from the CRCC and having passed the CRC Examination given by the CRCC.

(iii) The Registered Art Therapist (ATR) certification from the ATCB and having passed the Board Certification Examination given by the ATCB.

(iv) The Academy of Dance Therapists Registered (ADTR) certification from the ADTA and having passed the National Counselor Examination given by the NBCC.

(v) The Music Therapist-Board Certified certification from CBMT and having passed the Board Certification Examination given by the CBMT.

(vi) The Registered Drama Therapist (RDT) certification from NADT and having passed the National Counselor Examination given by NBCC.

(vii) The Certified Clinical Mental Health Counselor (CCMHC) certification from the Academy of Certified Clinical Mental Health Counselors (ACCMHC) and having passed the credentialing examination given by ACCMHC.

(viii) The Nationally Certified Psychologist (NCP) certification from the NAMP, and having passed the Practice Exam of Psychological Knowledge given by NAMP.

(ix) The Certified Addictions Counselor Credential (CAC) from PCB, and having passed the Advanced Alcohol and Other Drug Abuse Counselor Examination given by the IC & RC/AODA.

(x) The Master's Addictions Counselor Credential from NBCC, and having passed the Examination for Master's Addictions Counselors given by NBCC.

§ 49.16. Application for licensure by reciprocity.

(a) A license shall be issued based on reciprocity to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 49.12 (relating to general qualifications for licensure).

(2) Provided a letter from other jurisdiction registration boards where the licensed professional counselor is licensed, certifying licensure and reporting any violations.

(3) Demonstrated qualifications at least equal to the qualifications required by the act and this chapter.

(b) The Board will accept an applicant's examination grades taken in another jurisdiction, as furnished through the professional examination reporting service or from the jurisdiction which administered the examination, in lieu of taking the Commonwealth's required examination.

(1) The applicant shall show that the examination taken in the other jurisdiction is similar to the one offered by the Commonwealth and that the applicant passed the examination with a grade at least equal to the passing grade set by the Commonwealth.

(2) The other jurisdiction in which the applicant is licensed or certified must grant licenses by reciprocity to residents of this Commonwealth who possess a license as a professional counselor under the act and this chapter.

[Pa.B. Doc. No. 02-341. Filed for public inspection March 1, 2002, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 31]

Sales and Use Tax; Vending Machines

The Department of Revenue (Department), under the authority contained in section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), amends § 31.28 (relating to vending machines).

Purpose of Rulemaking

With the enactment of the act of April 23, 1998 (P. L. 239, No. 45) (Act 45), the sale of items that are considered taxable when sold from other noneating establishments are subject to tax when sold from vending machines. Vending machines were added to the list of establishments which are not considered to be establishments from which ready to eat food or beverages are sold. Since a vending machine does not qualify as an eating establishment, only the sale of selected food and beverage items as listed in section 204(29) of the TRC (72 P. S. § 7204(29)) are taxable when sold from a vending machine. Taxable tangible personal property, other than food and beverages, is also subject to tax when sold from a vending machine. The sale of candy and gum from a vending machine continues to be exempt.

Explanation of Regulatory Requirements

Subsection (a) defines "juice beverage," "meal," "operator," "selected food and beverage items," "soft drink" and "vending machine" for purposes of § 31.28. Subsection (b) relates to registration and provides that an operator who sells taxable tangible personal property or selected food and beverage items through a vending machine is required to obtain a Sales, Use and Hotel Occupancy Tax license for the purpose of collecting and remitting tax to the Department.

Subsection (c) requires that a sign or sticker stating the name and address of the operator be conspicuously displayed on the vending machine. Subsection (d) explains the scope of taxation for the sale of tangible personal property and food or beverages from a vending machine.

Subsection (e) provides that the sale of selected food and beverage items dispensed by means of a vending machine located on the premises of a school or church is exempt from tax. The sale of tangible personal property other than food or beverages, dispensed by means of a vending machine located on the premises of a school or church, is subject to tax.

Subsection (f) provides that Sales Tax collected by the operator upon taxable property, including selected food and beverage items, shall be reported and remitted to the Department. Subsection (g) explains the taxability of the purchase or lease of vending equipment and supplies.

Affected Parties

This final-form regulation may affect vending machine operators.

Comment and Response Summary

Notice of proposed rulemaking was published at 29 Pa.B. 3738 (July 17, 1999). This proposal is being adopted with changes as set forth in Annex A.

The Department received no public comments. No comments were received from the House Finance Committee or the Senate Finance Committee. The Depart-

ment received comments from the Independent Regulatory Review Commission (IRRC).

The amendments to the proposed rulemaking in response to the comments from IRRC are as follows:

(1) The Department's proposed definition of "soft drink" in subsection (a) provided a simplistic definition; however, IRRC commented that the definition was not as complete as the definition in section 201(a) of the TRC (72 P. S. § 7201(a)). IRRC recommended that the Department include a citation to the statutory definition in the final-form regulation.

The Department has amended the definition to incorporate the statutory definition; however, the wording of the statute was added because it was felt that the statutory citation would not provide sufficient guidance to the taxpayers utilizing the regulation. The Department intentionally did not reiterate all the items that the term "soft drink" does not include because the inclusion of these items could create confusion when read in conjunction with the definition of "selected food and beverage items." For example, coffee is excluded from the definition of "soft drink" yet is taxable as a hot beverage under "selected food and beverage items."

(2) In reading the definition for "selected food and beverage items," IRRC indicated that the Department should clarify whether the microwavable items sold are taxable if an operator does not provide a microwave. The Department agrees with IRRC's comment and has amended subsection (d)(4)(ii)(N), which provides examples of exempt food and beverages, to include cold food for which heating facilities are not provided.

(3) IRRC raised two concerns regarding subsection (d)(2) relating to sales of taxable property other than food and beverages. The subsection provides that the operator of a vending machine can display a sign or sticker indicating the purchase price and amount of tax for each taxable item. IRRC indicated that the Department should clarify whether the posting of this information was optional or mandatory. IRRC also noted that paragraphs (2) and (3) address the requirements for taxing certain items but were not structured in a consistent manner.

To address these concerns, the Department reformatted paragraph (2) to parallel the structure of paragraph (3). In addition, the Department reworded the provision and added an example to clarify that the displaying of a sign or sticker with the purchase price and tax is optional. Paragraph (2) was further amended at the direction of the Office of Attorney General. Discussion of change is addressed at the end of this section of the Preamble.

(4) IRRC identified an error in the proposal in subsection (d)(4)(ii)(I), which lists juice drinks as an item that is not taxable when sold from a vending machine. The listing should have referenced juice beverages. The Department made the correction in the final-form regulation.

(5) The listing of items that are not taxable when sold from a vending machine in subsection (d)(4)(ii) includes prepackaged from water-based products. For clarity, IRRC suggested the Department should provide examples of these products. The Department agrees with IRRC's suggestion and amended the clause accordingly.

(6) Proposed subsection (e)(1) provided that, "Sales of selected food and beverage items dispensed by means of a vending machine located on the premises of a school or church are exempt from tax, if the sales are made in the ordinary course of the activities of the school or church."

IRRC questioned when sales would not be considered in the ordinary course of the church or school's activities. The Department reviewed this provision and concluded that the wording "if the sales are made in the ordinary course of the activities of the school or church" is not necessary and deleted it from the final-form regulation.

During its internal review of the regulation, the Department made stylistic changes throughout the regulation for clarity and consistency.

During its review of the final-form regulation, the Office of Attorney General questioned the Department's position in § 31.28(d)(2)(ii) which provided that the amount required to be inserted in the machine is presumed to be the purchase price of the taxable item of property; however, the operator can rebut this presumption by displaying a sign or sticker on the vending machine which sets forth that portion of the amount required to be inserted which relates to the purchase price of the item and amount of Sales Tax. The Office of Attorney General indicated that as drafted, the sticker requirement was arbitrary, excessively burdensome and unrelated to the administration of the tax collection process.

The Department met with representatives from the Office of Attorney General to discuss the provision and to explain the underlying intent of the language. At its direction, the Department amended § 31.28(d)(2)(ii) in a way that preserves the Department's original intent and does not unnecessary burden the vending machine operator.

Fiscal Impact

The Department determined that the amendment will have no fiscal impact on the Commonwealth. Rather, the amendment clarifies the Department's policy on the taxation of items dispensed from a vending machine.

However, the change in policy required by the Commonwealth Court decision in *CRH Catering Co., Inc. v. Commonwealth*, 539 A.2d 38 (Pa. Cmwlth. 1988) has had a negative impact on revenue. The policy has been in effect since the 1988-89 fiscal year. The fiscal impact of the change in policy was estimated to be about \$0.4 million for fiscal year 1998-99.

This final-form regulation also sets forth the Department's interpretation of Act 45 which amended section 209(29) of the TRC (72 P. S. § 7209(29)) relating to Sales Tax on sales from vending machines. This amendment is estimated to reduce the fiscal year 1999-00 (the first full year of revenue loss) General Fund by \$15.4 million.

Paperwork

The final-form rulemaking will not require additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The final-form rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. The final-form rulemaking is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the final-form rulemaking is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 30, 1999, the Department

submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 3738, to IRRC and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation. In preparing this final-form regulation, the Department has considered the comments received from IRRC, the Committees and the public.

This final-form regulation were deemed approved by the Committees on June 14, 2000, and was approved by IRRC on June 22, 2002, in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

Findings

The Department finds that:

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

(2) The amendment is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

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

(a) The regulations of the Department, 61 Pa. Code Chapter 31, are amended by amending § 31.28 to read as set forth in Annex A.

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

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

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

LARRY P. WILLIAMS,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 3534 (July 8, 2000).)

Fiscal Note: Fiscal Note 15-408 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE II. SALES AND USE TAX

CHAPTER 31. IMPOSITION

SPECIALIZED TYPES OF BUSINESS OR PROPERTY

§ 31.28. Vending machines.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Juice beverage—A liquid beverage containing at least 25% by volume natural fruit or vegetable juice.

Meal—A variety of foods prepared for immediate consumption and sold as a single item.

Operator—A person who makes sales of tangible personal property, including food or beverages, primarily through a vending machine.

Selected food and beverage items—Soft drinks; meals; hot or cold sandwiches, including cold meat sandwiches, cheese sandwiches, hoagies, hot dogs, hamburgers and similar sandwiches; brewed coffee; hot beverages such as hot chocolate, hot tea and similar items; food from salad bars; pizza, soup and other food items dispensed from the vending machine in a heated form or which are served in cold form and normally heated in an oven or microwave provided by the operator.

Soft drink—

(i) All nonalcoholic beverages, whether carbonated or not, such as soda water; ginger ale; Coca Cola; lime cola; Pepsi Cola; Dr. Pepper; fruit juice when plain or carbonated water, flavoring or syrup is added; carbonated water; orangeade; lemonade; root beer or all preparations, commonly referred to as "soft drinks" of whatsoever kind, and are further designated as including all beverages, commonly referred to as "soft drinks," which are made with or without the use of any syrup.

(ii) The term does not include a juice beverage.

Vending machine—A device which mechanically dispenses tangible personal property, including food and beverages, for a purchase price.

(b) *Registration.* An operator who sells taxable tangible personal property or selected food and beverage items through a vending machine is required to obtain a Sales, Use and Hotel Occupancy Tax License for the purpose of collecting and remitting tax to the Department. One license is sufficient for any number of machines operated by the same operator.

(c) *Identification requirement.* A sign or a sticker setting forth the name and address of the operator shall be conspicuously displayed on the vending machine.

(d) *Scope.*

(1) *General.* The sale of food or beverages from a vending machine may be taxable or exempt depending upon the type of food or beverage or upon the basis of the location from which the food or beverage is sold. Since a vending machine does not qualify as an eating establishment, only the sale of selected food and beverage items as defined in subsection (a), is taxable when sold from a vending machine. Taxable tangible personal property, other than food and beverages, is also subject to tax when sold from a vending machine.

(2) *Sales of taxable tangible personal property, other than selected food and beverage items.*

(i) *Imposition.* The sale of taxable tangible personal property, such as cigarettes, combs, toys, pencils and similar items is subject to tax upon the purchase price of each individual item.

(ii) *Collection of tax.* The vending machine operator is required to collect tax upon the purchase price of each individual taxable item of property. The amount to be inserted in the machine is presumed to include the amount of tax to be collected for each item. If, however, the Department determines upon audit that the vending machine operator has not reported and remitted tax in accordance with this section and the TRC, the presumption will not apply, and the Department will assess the

vending machine operator as though the amount inserted into the machine was the purchase price without the tax.

Example 1: "A" operates a vending machine from which pencils may be purchased. To obtain a pencil, the purchaser is required to insert 35¢ into the machine. The tax is properly reported and remitted as follows: the purchase price is 33¢ and tax is 2¢.

Example 2: "A" operates a vending machine from which pencils may be purchased. To obtain a pencil, the purchaser is required to insert 35¢ into the machine. "A" reports and remits no Sales Tax. When "A" is audited by the Department, he is assessed as follows: purchase price 35¢, tax 3¢.

(3) *Sales of selected food and beverage items.*

(i) *Imposition.* The sale of selected food and beverage items, as defined in subsection (a), from a vending machine is subject to tax upon the total receipts from the sale of the items.

(ii) *Collection of tax.* An operator of a vending machine from which selected food and beverage items are sold is required to collect and remit Sales Tax at the rate of 6% upon the sale of the selected food and beverage items. Sales Tax shall be computed by the following formula: (Total receipts from the sale of selected food and beverage items ÷ 1.06) × .06 = Sales Tax due.

Example:

"A" operates a vending machine from which milk, coffee and crackers are sold. "A" removes \$100 from the machine representing the following sales: milk—\$50, coffee—\$25 and crackers—\$25. Coffee is a selected food and beverage item. Milk and crackers are not. "A" remits tax in the amount of \$1.42 calculated as follows: $(\$25 \div 1.06) \times .06 = \1.42 .

(4) *Sales of food and beverages other than selected food and beverage items.*

(i) The sales of food and beverages of the type described in this paragraph are not subject to Sales Tax when sold from a vending machine.

(ii) Examples of exempt food and beverages include:

- (A) Baked goods, such as cakes, pies, cookies.
- (B) Potato chips.
- (C) Corn chips.
- (D) Cheese balls.

(E) Pretzels.

(F) Crackers.

(G) Milk products, such as plain milk, chocolate milk, malted milk.

(H) Ice tea and iced coffee.

(I) Juice beverages.

(J) Unflavored water.

(K) Prepackaged ice cream products, such as ice cream cakes and pies, popsicles, sundaes and novelties.

(L) Prepackaged frozen water-based products, such as ice pops, fudge pops, fruit ice, bomb pops and similar items.

(M) Candy and gum.

(N) Other food and beverages not defined as a selected food and beverage item, including cold food for which heating facilities are not provided.

(e) *Vending machine sales on school or church property.*

(1) Sales of selected food and beverage items dispensed by means of a vending machine located on the premises of a school or church are exempt from tax.

(2) Sales of tangible personal property, other than food or beverages, which are dispensed by means of a vending machine located on the premises of a school or church, are subject to tax.

(f) *Remitting tax to the Department.* Sales Tax collected by the operator upon the sale of taxable tangible personal property, including selected food and beverage items, shall be reported and remitted to the Department.

(g) *Purchase or lease of vending equipment and supplies.*

(1) The purchase or lease of vending equipment, including parts, accessories, such as tables, chairs, microwaves, straw and napkin dispensers and other similar items, and supplies, such as straws, napkins, stirrers, eating utensils and similar items, is subject to tax.

(2) Wrapping supplies, such as plastic, paper and styrofoam cups, bowls or similar containers used to wrap property which is sold, are exempt from tax.

[Pa.B. Doc. No. 02-342. Filed for public inspection March 1, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53 AND 93]

Access Areas and Marinas; Registration and Titling of Boats

The Fish and Boat Commission (Commission) proposes to amend Chapters 53 and 93 (relating to Commission property; and registration and numbering). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to Commission property and the registration and titling of boats.

A. *Effective Date*

The proposed amendments, if approved on final-form rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendment to § 53.12a (relating to access areas and marinas) is published under the statutory authority of section 741 of the code (relating to control of property). The proposed amendment to § 93.14 (relating to proof of ownership for initial registration) is published under the statutory authority of section 5122 of the code (relating to registration, licenses, permits, plates and statistics). The proposed amendments to §§ 93.113—93.116 are published under the statutory authority of section 5325 of the code (relating to rules and regulations).

D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve the Commission's regulations pertaining to its property and the registration and titling of boats. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

(1) *Section 53.12a.* The Commission's regional law enforcement offices from time to time receive complaints from boaters that anglers are blocking boat launch areas (docks, in particular). Although § 53.12a currently provides that the Executive Director may impose additional restrictions on the use of Commission access areas and marinas and that these restrictions will be effective when posted at the site, the Commission believes that it would be desirable to have a regulation in place that expressly states that boats have the right-of-way over fishing from boat launch areas and that it is unlawful to fish from boat launch areas when posted. Accordingly, the Commission proposes to amend this section to read as set forth in Annex A.

(2) *Section 93.14.* With the continued popularity of canoes and kayaks, sales of these boats have been strong. Also, because of their relatively small size and low cost, they are readily available from many distribution outlets besides traditional boat dealers. These other outlets include sporting goods and discount type retail stores.

Because these nontraditional outlets are not familiar with documentation requirements, purchasers frequently are not provided with the manufacturer's certificate of origin (MCO). Under current regulations, the original MCO is required for the initial registration of a boat. This requirement for nonpowered boats, such as canoes and kayaks, sold from retail establishments is causing significant delays in registration, imposing unreasonable "paper chase" requirements on applicants and raising frustration and customer service issues.

Accordingly, the Commission proposes that the MCO requirement be eliminated for boats that are registered voluntarily under section 5303 of the code (relating to voluntary and special registrations) when the boat has a retail value of less than \$2,000. The Commission also proposes that the regulation be reorganized to read as set forth in Annex A.

(3) *Sections 93.113—93.116.* On July 1, 2001, revised 13 Pa.C.S. Division 9 (relating to secured transactions) went into effect in this Commonwealth. Also going into effect on July 1, 2001, were amendments to sections 5323 and 5327 of the code (relating to content and effect of certificate of title; and fees). These changes were made so that the code conforms with the revised Division 9. Changes to the Commission's titling regulations that pertain to security interests also are required so that these regulations conform with the revised Division 9. Accordingly, the Commission proposes amending §§ 93.113—93.116 to read as set forth in Annex A.

F. *Paperwork*

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

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

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted by e-mail to rafpbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. All electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-124. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.12a. Access areas and marinas.

(a) *General provisions.*

* * * * *

(5) Boats have the right-of-way over fishing from boat launch areas or boat docks. It is unlawful for persons fishing from a boat launch area or boat dock to permit their fishing activity to interfere with boat traffic into and out of the boat launch area or boat dock. It is unlawful to fish from a boat launch area or boat dock when posted at the site.

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Subpart C. BOATING

CHAPTER 93. REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.14. Proof of ownership for initial registration.

(a) [Proof of ownership for initial registration shall be established by a manufacturer's certificate of origin indicating transfer of ownership from the manufacturer, distributor or dealer to the applicant if the boat was manufactured after January 1, 1993. When registering a new boat for the first time, the original manufacturer's certificate of origin shall be attached to the Form REV-336 and submitted to the Commission.] This section applies only to the initial registration of a boat in this Commonwealth. It does not apply to registration of boats previously or currently registered in this Commonwealth.

(b) [If a manufacturer's certificate of origin is not available, proof of ownership shall be established by one of the following:

(1) A bill of sale or invoice executed by the seller showing the following:

- (i) The name and address of the seller.
- (ii) The name and address of the purchaser.
- (iii) The name and address of the legal owner.

(iv) The location, date of sale and description of the boat, including the hull identification number if the boat was built after October 31, 1972.

(v) Any other serial number on the boat if it was built prior to October 31, 1972.

(2) A properly endorsed document indicating title if the boat has been registered and issued a title by another state.] An applicant for initial registration shall establish proof of ownership as follows:

(1) For a boat manufactured after January 1, 1993, a manufacturer's certificate of origin indicating transfer of ownership from the manufacturer, distributor or dealer to the applicant. The original manufacturer's certificate of origin shall be attached to the Form REV-336 and submitted to the Commission.

(2) For a boat manufactured before January 1, 1993, or when the manufacturer's certificate of

origin is not available, a bill of sale or invoice issued or prepared by the seller showing all of the following:

- (i) The name and address of the seller.
- (ii) The name and address of the purchaser.
- (iii) The name and address of the legal owner.

(iv) The location, date of sale and description of the boat, including the hull identification number for boats built after October 31, 1972, or other serial number for boats built prior to October 31, 1972.

(3) For a boat that was registered and issued a title by another state, a properly endorsed document indicating title.

(c) [If neither a manufacturer's certificate of origin nor the documents described in subsection (b) are available, the applicant shall submit an executed Form PFBC-734 (Affidavit of Purchase/Ownership) fully setting forth the facts to support the applicant's claim of ownership in the boat. Applications seeking to prove ownership of homemade boats shall be supported with bills of sale for the major components of the boat. Affidavits are executed under penalty of law.] If none of the documents described in subsection (b)(1) and (2) are available, the applicant shall submit an executed Form PFBC-734 (Affidavit of Purchase/Ownership) fully setting forth the facts to support the applicant's claim of ownership in the boat. Applications seeking to prove ownership of homemade boats shall be supported with bills of sale for the major components of the boat. Affidavits are executed under penalty of law.

(d) [A manufacturer, dealer or other person may not sell or otherwise transfer a new watercraft to a dealer for the purposes of display or resale without delivering to the dealer a completed manufacturer's certificate of origin. A dealer may not purchase or acquire a new watercraft without obtaining from the seller thereof the manufacturer's certificate.] An applicant for initial registration of a boat with a retail value of less than \$2,000 that is being registered voluntarily under section 5303 of the code (relating to voluntary and special registrations) may substitute the original receipt issued by a dealer or other retailer for the manufacturer's certificate of origin.

(e) [This section applies to initial registration of a boat. It does not apply to registration of boats previously or currently registered in this Commonwealth.] A manufacturer, dealer or other person may not sell or otherwise transfer a new boat to a dealer for the purposes of display or resale without delivering to the dealer a completed manufacturer's certificate of origin. A dealer may not purchase or acquire a new boat without obtaining from the seller thereof the manufacturer's certificate.

Subchapter B. TITLING OF BOATS

§ 93.113. Creation and perfection of security interests in boats.

(a) [An owner creates a security interest in a boat when the owner signs a note, agreement or other instrument containing terms that create a security interest.] When an owner creates a security interest in a boat:

(1) The owner shall [provide lienholder information on the space on the title or on a separate form that the Commission prescribes. The information provided shall include the name and address of the secured party and the date of the security agreement. The owner shall have the title, application and fee to be delivered to the Commission], at the request of the secured party, immediately execute an application on a form prescribed by the Commission including the name and address of the secured party. The owner shall tender the existing certificate of title, if any, the application and the required fee to the Commission.

(2) The security interest is perfected [as of the time of its creation if delivery and payment to the Commission are completed within 20 days of the date of its creation; otherwise, perfection shall be as of the time of its delivery and payment] at the time that the application, existing certificate of title and an amount equal to or greater than the required fee are received by the Commission.

(3) Upon receipt of the title, application and the required filing fee, the Commission will endorse on the existing title or on a new title that it then issues, the name and address of all secured parties, and mail or deliver the title to the first secured party named on the certificate of title.

(b) [A] Except as provided in 13 Pa.C.S. § 9311(d), 9315(c) and (d) and 9316(d) and (e) (relating to perfection of security interests in property subject to certain statutes, regulations and treaties; secured party's rights on disposition of collateral and in proceeds; and continued perfection of security interest following change in governing law), a security interest in a boat is not valid against creditors of the owner or subsequent transferees or secured parties of the boat until perfected as provided by this subchapter.

[(c) The issuance of a title, other than in the case of the initial issuance to a purchaser from a dealer, does not invalidate a previously perfected security interest under 13 Pa.C.S. (relating to Uniform Commercial Code), other than a dealer's security interest in inventory.]

§ 93.114. Assignments of security interests.

* * * * *

(b) [The] An assignee who desires to become the secured party of record shall deliver to the Commission the title, if available, and an assignment by the secured party named in the title in the form the Commission may prescribe, accompanied by the filing fee required by law. [The assignee's security interest is perfected as of the time of its creation if delivery and payment to the Commission are completed within 20 days of the date of its creation; otherwise, perfection is as of the time of its delivery and payment.]

(c) The provisions of this section are subject to 13 Pa.C.S. § 9308(c) (relating to when security interest or agricultural lien is perfected; continuity of perfection).

§ 93.115. Satisfaction of security interests.

(a) [Within] Unless otherwise agreed by the owner, within 20 days of the satisfaction of a security interest in a boat, the secured party shall mail or deliver

the title with the release to the owner and notify the Commission of the release of security interest.

(b) [A lien shall be deemed satisfied within 10 years of issuance, unless the lienholder otherwise notifies the Commission.] Perfection of a security interest under this subchapter is effective for 10 years, dating from the time of perfection as provided in § 93.113 (relating to creation and perfection of security interests in boats) unless renewed as provided in subsection (c).

(c) The effectiveness of perfection lapses on the expiration of the period specified in subsection (b) unless a renewal form signed by the secured party of record is filed within the 6 months immediately preceding expiration. Upon the timely filing of the renewal form and the tender of the required fee, the effectiveness of perfection continues for 5 years from the date on which perfection would have become ineffective in the absence of renewal. Perfection may be successively renewed.

§ 93.116. Exemptions.

The provisions of this subchapter relating to procedures for creating, perfecting, assigning and satisfying security interests do not apply to the following:

* * * * *

(3) A security interest in a boat [created by a manufacturer or dealer who holds the boat for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest] held by a manufacturer or a dealer as described in 13 Pa.C.S. § 9311(d) (relating to perfection of security interests in property subject to certain statutes, regulations and treaties).

* * * * *

(5) [A security interest claimed on proceeds, if the original security interest did not have to be noted on the title in order to be perfected.

(6) [A boat for which a title is not issued under this subchapter.

[Pa.B. Doc. No. 02-343. Filed for public inspection March 1, 2002, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 131, 139, 141 AND 143]

Seasons and Bag Limits; Hunting Hours; Small Game; Big Game; Elk Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 15, 2002, meeting, proposed the following amendments:

Amend § 131.2 (relating to definitions) by defining the terms "arrow," "bow," "broadhead" and "crossbow bolt" to help avoid confusion and misinterpretation.

Amend § 139.2 (relating to definitions) by redefining the terms "antlered deer," defining "point" and "protected deer."

Amend § 141.4 (relating to hunting hours) to allow bobcat permitholders to take bobcats while hunting deer

and to restrict the taking of coyotes only by those persons lawfully engaged in hunting deer or bear; § 141.22(a)(8) (relating to small game) to provide lawful methods for taking small game and § 174.22(c) to allow licensed furtakers to trap nuisance woodchucks for farmers; and § 141.48 (relating to elk management areas) by combining some of the elk management areas to provide fewer, but larger management areas.

Amend § 143.203 (relating to drawing) to eliminate reference to the 2001 license year and to establish that the number of licenses issued be set by the Commission.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for these proposed amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposed amendments were made public at the January 15, 2002, meeting of the Commission and comments on these proposed amendments can be sent to Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 29, 2002.

Proposed Amendments to § 131.2

1. Introduction

Due to the many new technologies in the archery equipment field, the Commission believes it is necessary to define certain terms for regulatory purposes. The Commission, at its meeting held on January 15, 2002, therefore, proposed adding definitions of "arrow," "bow," "broadhead" and "crossbow bolt" to § 131.2. These proposed amendments are being made under the authority contained in section 2102 of the code (relating to regulations).

2. Purpose and Authority

Advancements in technology and archery hunting techniques have made it apparent that certain terms need to be defined for regulatory purposes. The Commission has therefore proposed adding definitions of "arrow," "bow," "broadhead" and "bolt" to § 131.2. These definitions should help clarify regulatory requirements and avoid confusion.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning... the ways, manner, methods, and means of hunting or furtaking..." Section 2102(d) also directs the Commission to promulgate regulations stipulating "... the type of firearms and ammunition and other devices which may be used..." The change was adopted under this authority.

3. Regulatory Requirements

The proposed amendments define the terms "arrow," "bow," "broadhead" and "crossbow bolt." These proposed definitions may exclude the use of certain devices.

4. Persons Affected

Individuals wishing to hunt using bows and arrows and crossbows will be affected by these proposed amendments.

Proposed Amendments to § 139.2

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 15, 2002, meeting, proposed amending § 139.2 to add definitions of "protected deer" and "point" and amend the definition of "antlered deer." These amendments were proposed under the authority contained in section

322(c)(1) of the code (relating to powers and duties of the commission) and section 2102(b)(1) of the code.

2. Purpose and Authority

The Commission is proposing that an antlered deer, legal for harvest, have four or more points to an antler in 11 counties and three or more points to an antler in the remaining 56 counties. This requires amending the definition of "antlered deer" and defining the term "point." This proposed rulemaking also creates a category of deer that do not meet the definition of "antlered deer" or "antlerless deer" and therefore must be defined as "protected deer" since they may not be legally taken in any deer season. The proposed addition to § 139.2 would accomplish this purpose.

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322(c) of the code specifically empowers the Commission to "... fix seasons... and daily, seasons and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits. These sections provide the authority for the proposed amendments.

3. Regulatory Requirements

The proposed amendment to "antlered deer" redefines what a legal antlered deer is. The addition of the definition of "point" will facilitate requiring deer hunters to identify points. The addition of the definition of "protected deer" provides for a deer that does not meet the definition of "antlered deer" or "antlerless deer."

4. Persons Affected

Individuals wishing to hunt deer will be affected by this proposed amendment.

Proposed Amendments to §§ 141.1 and 141.22

1. Introduction

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 15, 2002, meeting, proposed amending § 141.4(1) to allow coyotes to be taken during deer and bear season only by persons who are lawfully engaged in hunting deer or bear and who possess a valid tag, amending § 141.4(2) to allow bobcat permit holders to take a bobcat while hunting deer, adding § 141.22(a)(8) to explicate lawful devices for taking small game, and adding § 141.22(c) to allow licensed furtakers to trap nuisance woodchucks for farmers.

2. Purpose and Authority

The Commission has allowed hunters who possess a valid deer tag to hunt coyotes during deer season and to hunt coyotes during bear season regardless of tag. Coyote hunters taking advantage of this opportunity were not mandated to comply with fluorescent orange or hunting hour requirements. The proposed amendment would allow hunters to take coyotes during the deer and bear season only while engaged in lawfully hunting deer and bear. Hunters would therefore have to possess a valid tag and comply with other restrictions pertaining to deer and bear hunting including wearing of fluorescent orange.

Hunters in possession of bobcat permits have asked to be able to take bobcats while hunting for deer. With the limited number of bobcat permits issued the Commission has no concern about allowing this additional opportunity.

Woodchucks cause damage to farmer's fields, crops and equipment. Farmers have asked the Commission to allow

furtakers to assist them in controlling nuisance woodchucks by allowing furtakers to trap woodchucks with the farmer's permission.

Since the codification of the code, lawful methods for taking small game have not been clearly defined. The proposed amendments will clearly define the methods for lawfully taking small game.

Section 322(c)(5) of the code authorizes the Commission to fix the type and number of devices which may be used to take game or wildlife. Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The amendments were proposed under this authority.

3. Regulatory Requirements

The proposed amendments would relax the requirements for taking bobcats and woodchucks, and further restrict coyote hunters and small game hunters.

4. Persons Affected

Farmers, furtakers, coyote hunters and small game hunters would be affected.

Proposed Amendments to §§ 141.48 and 143.203

1. Introduction

To effectively manage this Commonwealth's growing elk herd, the Commission, at its January 15, 2002, meeting, proposed amending § 141.48 by combining some of the elk management areas to provide fewer, but larger management areas and changing § 143.203 to eliminate the reference to the 2001 license year and to have the number of elk licenses issued set by the Commission.

2. Purpose and Authority

In the 2001-2002 license year, the Commission issued 30 licenses to allow hunters to harvest elk for the first time in this Commonwealth since 1932. After reviewing harvest data biologists have determined that the Commission can more effectively manage the elk herd by creating fewer but larger management areas, which requires amending § 141.48.

Section 143.203(e) needs to be amended to eliminate the reference to the year 2001 and to establish that the number of licenses issued be set by the Commission. This section currently states the number shall be set by the Bureau of Wildlife Management with concurrence of the Executive Director.

Section 2102(a) of the code authorizes the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting. . ."

Section 2705(15) of the code (relating to classes of officers) provides that: "To ensure sound management of Pennsylvania's wild elk population, the commission may promulgate regulations to establish a limited number of licenses."

These provisions provide the statutory authority for the proposed changes.

3. Regulatory Requirements

The proposed amendments would create fewer, larger elk management areas and require that the number of elk licenses issued be set by the Commission.

4. Persons Affected

Individuals wishing to hunt elk will be affected.

Cost and Paperwork Requirements

The proposed amendments should not result in any additional cost or paperwork.

Effective Dates

The proposed amendments will be effective on final-form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

Contact Person

For further information regarding these proposed amendments, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS, Executive Director

Fiscal Note: 48-139. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part, [or in the act] have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Arrow—A projectile shot from a bow with an overall length exceeding the brace height of the bow with fletching designed only for guidance at the aft end and a broadhead mounted on the fore end. Arrow and broadhead shall have a combined weight of at least 400 grains. No electronic device may be a part of or attached to the arrow. No device, material or system capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead may be a part of or attached to any arrow.

* * * * *

Bow—In addition to the definition in section 102 of the act, a device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source. These limitations may not exclude the mechanical leverage advantage provided by eccentric wheels or cams so long as the available energy stored in the bent limbs of the bow is the sole result of a single, continuous and direct pulling effort by the shooter. The bowstring shall be released as a direct and conscious action of the shooter either relaxing the tension of the fingers or triggering the release action of a hand held release aid. A bow shall have a peak draw weight not less than 35 pounds.

Broadhead—Shall have an outside diameter or width of at least 7/8 inch with no less than two cutting edges in the same plane throughout the length of the cutting surface. Broadheads may not

exceed 3 inches in length measured from the tip of the broadhead to the point that fits against the arrow shaft.

* * * * *

Crossbow bolt—An arrow propelled by a crossbow.

* * * * *

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.2. Definitions.

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

Antlered deer—[A deer having two or more points to one antler, or with one antler 3 inches or more in length.]

(i) In the counties of Allegheny, Armstrong, Beaver, Butler, Crawford, Erie, Indiana, Lawrence, Mercer, Washington and Westmoreland, a deer having four or more points to one antler.

(ii) In all other counties a deer having three or more points to one antler.

* * * * *

Point—An antler projection at least 1 inch in length from base to tip, the brow tine and main beam tip shall be counted as points.

Protected deer—A deer not defined as an antlered deer or an antlerless deer.

* * * * *

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

During open hunting seasons, wild birds and animals may be taken 1/2 hour before sunrise to sunset unless further restricted.

(1) During the regular antlered and antlerless deer seasons, it is unlawful to take or attempt to take other wild birds or mammals from 1/2 hour before sunrise to sunset. Game birds on regulated hunting grounds and migratory waterfowl are excepted. Coyotes may be taken [by persons licensed to hunt deer] from the first day to the last day inclusive of any deer or bear season only by persons lawfully engaged in hunting deer or bear who have a valid [deer] tag.

(2) Raccoon, fox, skunk, opossum, coyote [, bobcat] and weasel may be taken any hour, day or night, except

during restricted periods in paragraph (1), and woodchuck, coyote, opossum, skunk and weasel may not be hunted prior to 12 noon during the spring gobbler season.

* * * * *

Subchapter B. SMALL GAME

§ 141.22. Small game.

(a) *Unlawful activities.* It is unlawful to:

* * * * *

(8) Unless otherwise provided in the act or this title, hunt or take small game with anything other than a shotgun with fine shot, muzzleloading rifle or handgun .36 caliber or less, rimfire rifle or handgun .22 caliber or less, or bow and arrow with or without broadheads. The caliber restrictions do not apply to rifles or handguns while hunting woodchuck.

* * * * *

(c) *Permitted acts.* Woodchucks may be trapped by properly licensed furtakers with permission of the person in charge of the land. For the purposes of this subsection, a person shall mean a person as defined in section 2121(c) of the act (relating to definition). Traps and methods shall comply with provisions in section 2361 of the act (relating to unlawful acts concerning taking of furbearers) except that traps may be set closer than 5 feet from any woodchuck hole or den.

Subchapter C. BIG GAME

§ 141.48. Elk management areas.

* * * * *

(b) The outline map of Pennsylvania sets forth elk management areas. Elk Management Area [15] 13 comprises all areas outside areas 1-[14] 12 inclusive. See Appendix F.

CHAPTER 143. HUNTING AND FURTAKER LICENSES

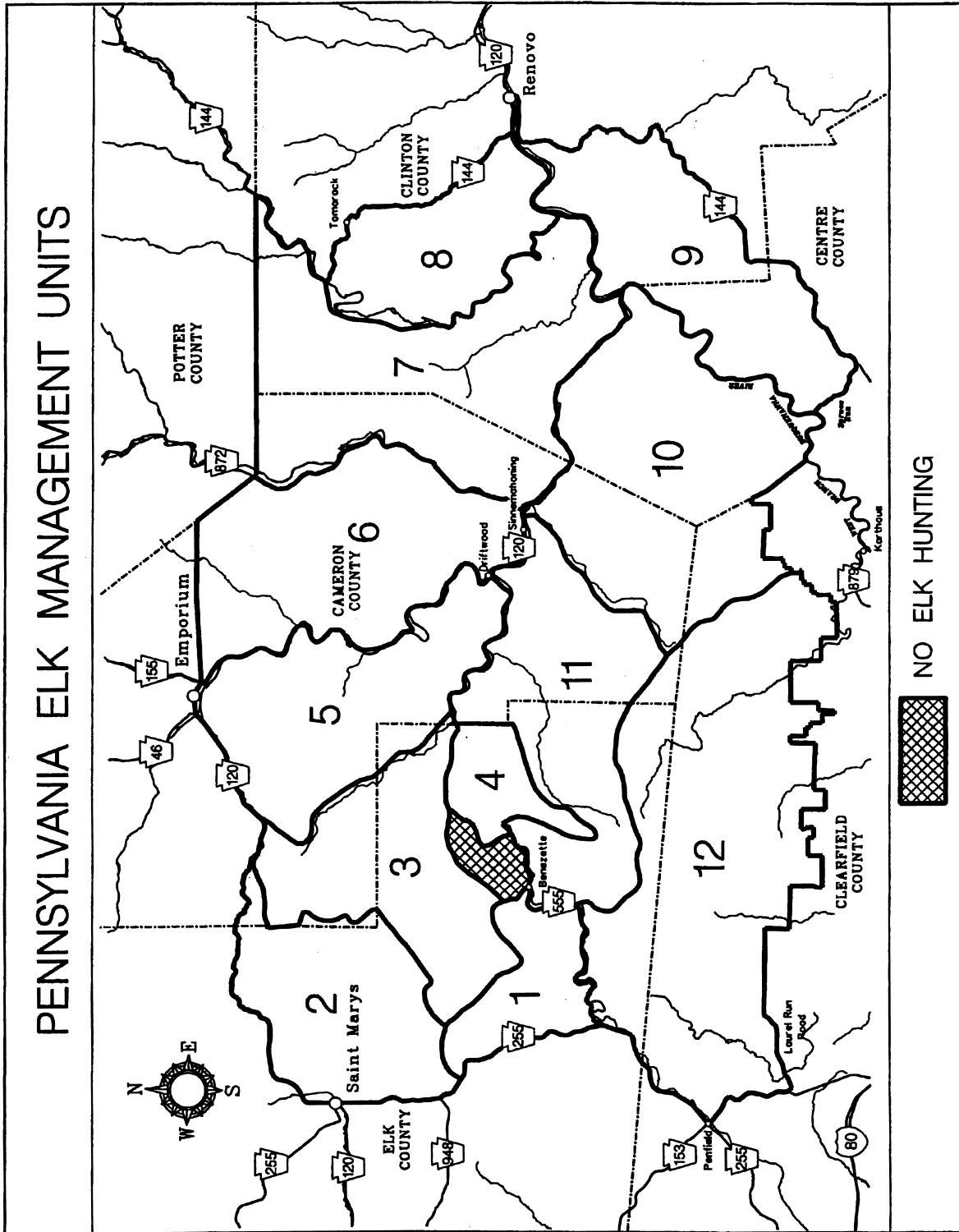
Subchapter K. ELK LICENSES

§ 143.203. Drawing.

* * * * *

(e) The number of licenses shall be limited to a number set by the [Bureau of Wildlife Management with concurrence of the Executive Director for the year 2001 only] Commission.

APPENDIX F



[Pa.B. Doc. No. 02-344. Filed for public inspection March 1, 2002, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 135]

Use of and Permissible Activities on State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 15, 2002, meeting, proposed the following amendments:

Amend §§ 135.2 and 135.41 (relating to unlawful actions; and State game lands) to restrict specified detrimental uses and further define permitted acts and unlawful activities.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposed amendments were made public at the January 15, 2002, meeting of the Commission, and comments on this proposal can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 29, 2002.

1. Introduction

Section 722(a) of the code (relating to use of property) provides that land or water titles which have been acquired by the Commission "... may be used only to create and maintain public hunting and furtaking, game or wildlife propagation areas . . . or other uses incidental to hunting, furtaking and game or wildlife resource management." Section 721(a) of the code (relating to control of property) places the administration of all lands and waters owned or controlled by the Commission under the sole control of the Executive Director and authorizes the Commission to promulgate regulations "... for its use and protection as necessary to properly manage these lands or waters."

The Commission has allowed various recreational uses of the State game lands system. Unfortunately an increase of these recreational uses has resulted in a corresponding increase in user conflicts and habitat degradation and fragmentation. The Commission at its January 15, 2002, meeting proposed amendments to §§ 135.2 and 135.41 to place restrictions on some of these recreational uses and to clarify permitted acts.

2. Purpose and Authority

The purpose and authority of the proposed amendments are outlined in the Introduction of this Preamble. The amendments would clarify existing regulations regarding use of and permissible activities on game lands, and restrict certain recreational uses by the time of year, areas to be used and number of participants. The proposed amendments would also make it unlawful, while on State game lands, to consume or possess alcohol, possess controlled substances or engage in any commercial activity without the written permission of the Executive Director.

3. Regulatory Requirements

The proposed amendments would make it unlawful to violate restrictions on specified recreational uses or to engage in prohibited activities.

4. Persons Affected

Individuals wishing to use State game lands for specified detrimental uses will be limited. Individuals wishing to use State game lands for other uses will be affected.

5. Cost and Paperwork Requirements

There will be additional costs to the Commission in posting designated routes for specified users as well as posting new regulations on State game lands to inform users of changes. Usual, customary costs associated with signage for any new program can be expected. The anticipated costs are minimal.

6. Effective Dates

The proposed amendments will be effective February 1, 2003, and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding these amendments, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Secretary

Fiscal Note: 48-140. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter A. GENERAL PROVISIONS

§ 135.2. Unlawful actions.

In addition to the prohibitions in the act on lands, waters or buildings under Commission ownership, lease or jurisdiction, it is unlawful, except with the permission of the person in charge of the lands, to:

* * * * *

(2) [**Contaminate, pollute or degrade springs or streams.**] **Plant, gather, cut, dig, remove or otherwise injure plants or parts thereof, including trees, shrubs, vines, flowering plants, cultivated crops, mushrooms and fruits of berry-producing plants.**

(3) [**Graze or permit the grazing of domestic livestock.**] **Travel on lands by means of vehicle or conveyance propelled by motorized power. This prohibition does not include the travel by individuals permanently confined to a wheelchair propelled by electric power obtained from batteries. Individuals desiring to hunt from an electric powered wheelchair shall have a disabled person permit under section 2923 of the code (relating to disabled person permits).**

(4) [**Place private advertisements, signs or posters.**] **Swim in a dam, pond, lake or stream.**

(5) [**Plant, gather, cut, dig, remove or otherwise injure plants or parts thereof, including trees, shrubs, vines, flowering plants, cultivated crops, mushrooms and fruits of berry-producing plants.**] **Injure, destroy or cause damage to property—real, personal or mixed.**

(6) [Travel on lands by means of a vehicle or conveyance propelled by motorized power. This prohibition does not include the travel by individuals permanently confined to a wheelchair propelled by electric power obtained from batteries. Individuals desiring to hunt from an electric powered wheelchair shall have a disabled person permit under section 2923 of the code (relating to disabled person permits).] Remove or attempt to remove any manmade or natural object except wildlife and fish lawfully taken during the open season. Objects which may not be removed include animals, rocks, minerals, sand and historical or archaeological artifacts.

(7) [Ride animals on fields, except during sanctioned field trials and then only in accordance with the permit.] Participate in, become a part of, contribute to or engage in disorderly conduct as defined in 18 Pa.C.S. §§ 5503 and 5505 (relating to disorderly conduct; and public drunkenness).

(8) [Drive motor vehicles with or without attachments having a gross weight in excess of 11,000 pounds.] Kindle, use or maintain an open fire.

(9) [Use boats propelled by a motor.] Travel on roads open to vehicular travel with vehicle or conveyance propelled by motorized power which is not licensed or authorized for operation on a public highway under 75 Pa.C.S. (relating to the Vehicle Code).

(10) [Fish from dam breasts posted against fishing.] Violate, fail or neglect to follow instructions posted on signs authorized by the Director.

(11) [Swim in a dam, pond, lake or stream.] Travel by mechanical or motorized conveyance or ride animals on newly constructed, seeded or planted roads, or other areas, when posted against the travel.

[(12) Injure, destroy or cause damage to property—real, personal or mixed.

(13) Remove sand, clay, stone, minerals or other products.

(14) Participate in, become a part of or contribute to boisterous, immoral or indecent conduct.

(15) Kindle, use or maintain an open fire.

(16) Travel on roads open to vehicular travel with a vehicle or conveyance propelled by motorized power which is not licensed or authorized for operation on a public highway under 75 Pa.C.S. §§ 101—9910 (relating to the Vehicle Code).

(17) Violate, fail or neglect to follow instructions posted on signs authorized by the Director.

(18) Travel by mechanical or motorized conveyance or ride animals on newly constructed, seeded or planted roads, or other areas, when posted against the travel.]

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

(a) *Restrictions limited.* The following exceptions to § 135.2 (relating to unlawful actions) pertain to lands and waters designated as State game lands:

* * * * *

(2) [Open fires are permitted, except when the fire index rating used by the Bureau of Forestry, Department of Conservation and Natural Resources, is high, very high or extreme.] Small open fires for cooking or warming purposes are permitted only at places where adequate precautions are taken to prevent the spread of fire which may damage adjacent areas and shall be attended at all times and completely extinguished before leaving the site of the fire. Open fires are prohibited when the fire index rating used by the Department of Conservation and Natural Resources, is high, very high or extreme. A person causing a wildfire, in addition to possible criminal penalty, is liable for all damages, cost of extinguishing and fines.

(3) Snowmobiles, as defined in 75 Pa.C.S. § 7702 (relating to definitions) may be driven beginning on the third Sunday in January [15] through April 1 on designated areas, roads and trails marked with appropriate signs, so long as snowmobiles are registered and display valid registration plate as required under 75 Pa.C.S. §§ 7711.1 and 7711.2 (relating to registration of snowmobile or ATV; and limited registration of snowmobile or ATV).

* * * * *

(c) In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2 (relating to unlawful actions), except with the written permission of the Director, it is unlawful to:

(1) Contaminate, pollute or degrade groundwaters or surface waters or any waterways.

(2) Graze or permit the grazing of livestock, place or maintain beehives or beekeeping apparatus.

(3) Solicit, or place advertisements, signs or posters.

(4) Ride a nonmotorized vehicle, conveyance or animal, except on roads normally open to public travel, or designated routes as posted, or while lawfully engaged in hunting, trapping or fishing.

(5) Ride a nonmotorized vehicle, conveyance or animal from the second Saturday in September until the third Saturday in January, and the second Saturday in April through the last Saturday in May inclusive, except on Sundays or while lawfully engaged in hunting, trapping or fishing.

(6) Ride a nonmotorized vehicle, conveyance or animal, on roads open to foot travel only.

(7) Drive motor vehicles with or without attachments having a registered gross vehicle weight in excess of 12,000 pounds.

(8) Use boats propelled by a motor. Battery powered electric motors may be used on waterways unless posted otherwise.

(9) Consume, possess or transport any alcohol, liquor, beer, malt or brewed alcoholic beverage.

(10) Use or possess any controlled substance as defined or classified under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-143).

(11) Occupy, use or construct, place or maintain structures or other tangible property, except that portable hunting blinds or stands may be used, provided no visible damage is caused to trees.

(12) Feed wildlife or lay or place any food, fruit, hay, grain, chemical, salt or other minerals.

(13) Release domestic animals, captive bred or captive raised game or wildlife.

(14) Operate a motor vehicle in willful and wanton disregard for the safety of persons or property or in excess of posted speed limits, or where no speed limit is posted, in excess of 25 miles per hour.

(15) Target shoot with firearms, bows and arrows or devices capable of launching projectiles in a manner that could cause injury to persons or property, or on areas posted closed to those activities.

(16) Except as provided in Subchapter J (relating to shooting ranges), discharge any firearm, bow and arrow, or device capable of launching projectiles that is not a lawful device to hunt game or wildlife.

(17) Engage in an activity or event involving more than ten persons, which may conflict with the intended purposes or uses as defined in section 722 of the act (relating to use of property), or poses a potential environmental or safety problem.

(18) Sell, distribute, deliver, service, guide or rent any equipment, material or commodity or otherwise transact or engage in any commercial activity. Commercial activity is any activity in which a

person directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation.

(19) Use State game lands for any personal, organizational or commercial purpose other than the intended use as defined in section 722 of the code (relating to use of property).

(20) Operate under authority of a contract, lease, agreement or permit and fail to abide by the terms and conditions contained in the contract, lease, agreement or permit.

(21) Except on Sundays, be present on State game lands from the second Saturday in September until the third Saturday in January and the second Saturday in April through the last Saturday in May inclusive when not engaged in lawful hunting or trapping and fail to wear a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined or, in lieu thereof, a hat of the same colored material. The material shall be worn so it is visible in a 360° arc. Persons using shooting ranges are exempted from this requirement.

[Pa.B. Doc. No. 02-345. Filed for public inspection March 1, 2002, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

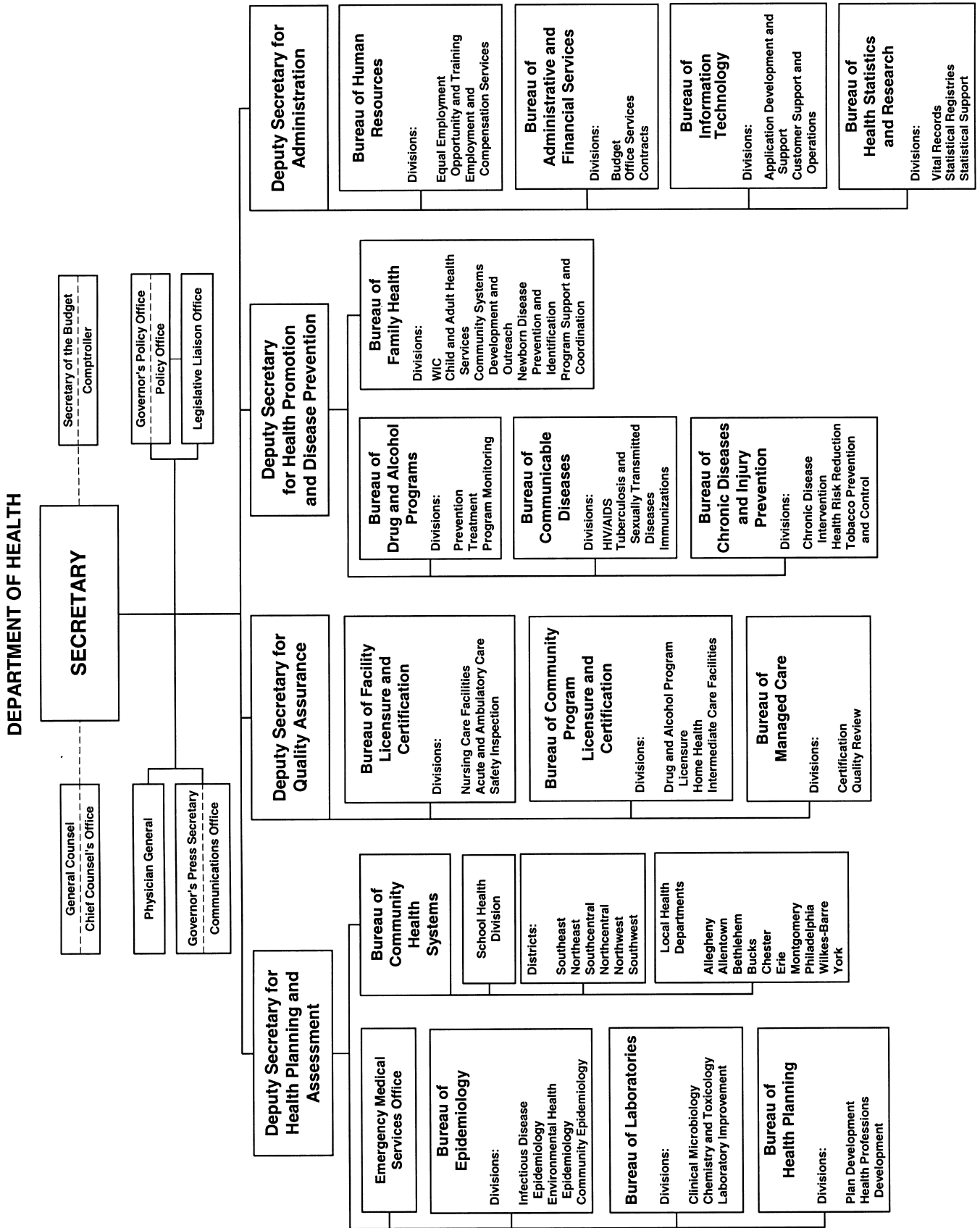
Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective February 15, 2002.

The organization chart at 32 Pa.B. 1228 (March 2, 2002) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 02-346. Filed for public inspection March 1, 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 19, 2002.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-15-02	Promistar Bank, Johnstown, and First National Bank of Pennsylvania, Greenville Surviving Institution— First National Bank of Pennsylvania, Greenville	Johnstown	Effective
2-15-02	Promistar Trust Company, Johnstown, and First National Trust Company, Hermitage Surviving institution— First National Trust Company, Hermitage	Johnstown	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-11-02	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	Rosemont Presbyterian Village 404 Cheswick Place Rosemont Radnor Township Delaware County (Limited Service Facility)	Opened
2-12-02	Commonwealth Bank Norristown Montgomery County	Paul's Run 9896 Bustleton Avenue Philadelphia Philadelphia County	Opened
2-14-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 41 Allegheny Towne Center Drive Leechburg Westmoreland County	Opened

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-22-02	Northwest Savings Bank Warren Warren County	<i>To:</i> 2220 S. Queen St. York York County <i>From:</i> Queensgate Shopping Center 2081 Springwood Road York York County	Effective
2-15-02	Promistar Bank Johnstown Cambria County	Application filed to consolidate the following three branch offices:	Approved
<i>From:</i>	67 West Church St. Fairchance Fayette County	<i>Into:</i> 58 West Main Street Uniontown Fayette County	

NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
<i>From:</i>	Elmora P. O. Box 328 Bakerton Cambria County	<i>Into:</i> 1001 Philadelphia Ave. Northern Cambria Cambria County	
<i>From:</i>	133 Route 422 Elderton Armstrong County	<i>Into:</i> 227 Market Street Kittanning Armstrong County	

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Date</i>
2-8-02	First Commonwealth Bank Indiana Indiana County	100 Plaza South New Castle Lawrence County	Effective

SAVINGS INSTITUTIONS**Voluntary Liquidation**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
2-19-02	Progressive Building & Loan Association of Kenneth Square Kenneth Square Chester County	Articles of Dissolution filed with the Department of State. Corporation existence terminated.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-347. Filed for public inspection March 1, 2002, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****ACTIONS****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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0020222	Terre Hill Borough P. O. Box 250 Terre Hill, PA 17581	Lancaster County East Earl Township	7-J/Black Creek	Y
PA0081469	Loysburg Gap Mobile Home Park & Campground Ross and Mildred Smith P. O. Box 74 Loysburg, PA 16659-0074	Bedford County South Woodbury Township	11-D/Beaver Creek	Y
PA0081795	Williams Grove Associates/ Williams Grove Mobile Home Park 20 Erford Rd., Suite 215 Lemoyne, PA 17043	Cumberland County Monroe Township	7-E/Yellow Breeches Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0010561 Industrial Waste	Fish and Boat Commission 450 Robinson Lane Bellefonte, PA 16823-9620	Centre County Benner Township	Bald Eagle (SWP 9C)	Y
PA0228486 Sewage	Allen J. Dormuth P. O. Box 52 North Bend, PA 17760-0052	Clinton County Chatham Township	UNT to West Branch Susquehanna River (SWP 9B)	Y

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

PA0092819, Sewage, **Fair Winds Manor, Inc.**, 126 Ironbridge Road, Sarver, PA 16055. This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Activity: Renewal of a treated minor discharge from a privately owned sewage treatment works.

The receiving stream, unnamed tributary to Buffalo Creek, is in watershed 18-F and classified for: high-quality trout stocked fishery, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier (PWS)) considered during the evaluation is the Allegheny River and New Kensington Municipal Authority located at River Mile 20.86, 21 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0175 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Nitrite-Nitrate Nitrogen	12.5		25
Phosphorus	1		2
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Dissolved Oxygen		minimum of 6 mg/l at all times	
Total Residual Chlorine	0.3		0.6
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0101389, Sewage, **Penncrest School District—Maplewood Elementary School STP**, Arnold Drive, Townville, PA 16360. This proposed facility is located in Townville Borough, **Crawford County**.

Description of Proposed Activity: Renewal of a treated minor discharge from a privately owned sewage treatment works.

The receiving stream, Muddy Run, is in watershed 16-A and classified for: high-quality warm water, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and PWS) considered during the evaluation is the French Creek and Cambridge Springs Waterworks located at River Mile 48.35, 15 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0469.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		4,100/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

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

No. PA0056561, Industrial Waste, **Armstrong Engineering Associates, Inc.**, P. O. Box 566, West Chester, PA 19381-0566. This application is for renewal of an NPDES permit to discharge stormwater from Armstrong Engineering's—Romansville facility in West Bradford Township, **Chester County**. This is existing discharge to Broad Run/UNT to West Branch Brandywine Creek.

The receiving stream for Outfall 001 is classified for the following uses: exceptional value waters, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of stormwater event are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
COD	Monitor/Report
BOD ₅	Monitor/Report
Total Suspended Solids	Monitor/Report
Oil and Grease	Monitor/Report
Total Phosphorus	Monitor/Report
pH	Monitor/Report
Total Kjeldahl Nitrogen	Monitor/Report
Iron (Dissolved)	Monitor/Report
Trichlorethylene	Monitor/Report

The receiving stream for Outfall 002 is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 002, based on an average stormwater event are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
COD	Monitor/Report
BOD ₅	Monitor/Report
Total Suspended Solids	Monitor/Report
Oil and Grease	Monitor/Report
Total Phosphorus	Monitor/Report
pH	Monitor/Report
Total Kjeldahl Nitrogen	Monitor/Report
Iron (Dissolved)	Monitor/Report
Trichlorethylene	Monitor/Report

Other Conditions:

The EPA Waiver is in effect.

Conditions for future permit modification.

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

PA-0062120, Industrial, **Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397. This proposed facility is located in South Abington Township, **Lackawanna County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Leggett's Creek, is in the State Water Plan watershed #5A, and is classified for: cold water fishery. The nearest downstream PWS intake for Danville Borough is located on Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.220 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>
Total Suspended Solids			30.0	60.0
Total Aluminum	2.0	4.0	1.1	2.2
Total Iron			2.0	4.0
Total Manganese			1.0	2.0
pH	6-9 Standard Units			

PA#0061336, Industrial, **Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397. This proposed facility is located in Pittston Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES to discharge treated industrial wastewater. The receiving stream, Trout Creek, is in the State Water Plan watershed #5B and is classified for: high quality, cold water fishery. The nearest downstream PWS intake for Danville Water Supply is located on N. Branch Susquehanna River approx. 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .499 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>
TSS			30	60	
Total Iron			2	4	
Total Manganese			1	2	
Total Aluminum	3.7	7.4	.9	1.8	2.3

PA#0062634, Sewage, **AWB Associates**, P. O. Box 388, Lionville, PA 19353. This proposed facility is located in N. Manheim Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, unnamed tributary to Mahanoy Creek, is in the State Water Plan watershed #3A and is classified for: cold water fishery. The nearest downstream PWS intake for Pottstown Water Authority is located on Schuylkill River approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .007 MGD.

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

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

PAG123543, CAFO, **Marlin S. Harnish**, 3421 Blue Rock Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Activity: The Marlin Harnish farm is an existing family farm with a ten head beef cattle operation, they are proposing the construction of a new 36,000 wean to finish swine operation with a total AEU's of 501.4. An estimated quantity of total annual manure production is 7,582 tons. The operation's manure

storage system was designed using a specific, engineer approved, concrete structure located under the animal living spaces below the barn. Approximately 900,000 gallons of manure can be stored in the structure until it can be properly applied and 1,826,990 gallons will be applied to neighboring farms and 54.75 tons (beef manure) applied at the farm.

The receiving stream, West Branch Little Conestoga Creek, is in the State Water Plan watershed 7J and is classified for: WWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall

events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

PAG123545, CAFO, **Hershey Ag**, 138 Airport Road, Marietta, PA 17547-0068. The proposed facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Activity: The Meadow Run Farm is an existing 1,800 head farrow to feeder swine operation with a total AEU's of 812.3 owned by Esbenshade Mills. This operation uses a two stage HDPE lined manure storage system with adequate storage to last greater than 6 months. The first stage, with approximately 750,000 gallons of storage, empties into the second stage with approximately 2.3 million gallons of storage capacity. The excess manure, 4,377,200 gallons, from this operation is exported to neighboring farms. The stage two manure is used on the land adjacent to the animal operation.

The receiving stream, Little Chickies Creek, is in the State water Plan watershed 7G and is classified for: WWF.

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

PAG123541, CAFO, **John M. Hess**, 502 West Lincoln Avenue, Lititz, PA 17543. The proposed facility is located in Warwick Township, **Lancaster County**.

Description of Proposed Activity: The John M. Hess family farm is an existing 926 head swine and 160 head

steer operation with a total AEU's of 315. An estimated quantity of total annual manure production is 481,950 gallons of swine manure and 823 ton of steer manure. The farrow to wean barn has a shallow 18-inch deep pit below that is drained every 3 weeks into a storage lagoon. The finishing barn has a 6 foot pit below it with an overflow at 4 feet that drains into the lagoon. All of the swine manure is treated with a product called "Waste-X." The steer manure is handled as a bedded pack. All the manure produced in this operation is land applied on the farm.

The receiving stream, Lititz Run Creek, is in the State water Plan watershed 7-J and is classified for: WWF.

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

Application No. PA 0043273, Sewage, **Hollidaysburg Sewer Authority**, 401 Blair Street, Hollidaysburg, PA 16648. This facility is located in Frankstown Township, **Blair County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Frankstown Branch Juniata River, is in Watershed 11-A and classified for warm water fishes, water supply and recreation and fish consumption. The nearest downstream PWS intake for the United Water Company is located on the Susquehanna River, approximately 145 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 6.0 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4	XXX	8
(11-1 to 4-30)	11	XXX	22
Total Copper	0.055	XXX	0.110
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)		5,000/100 ml as a geometric average	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is not in effect.

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

PA0041602, Industrial Waste, SIC, 5171, **Exxon Mobil Refining and Supply Company**, 2760 Neville Road, Pittsburgh, PA 15225. This application is for renewal of an NPDES permit to discharge treated stormwater from a petroleum marketing terminal in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Ohio 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 ARCO Chemical Company Beaver Valley Plant, located at Monaca, 23 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
Total Recoverable					
Petroleum Hydrocarbons					Monitor and Report

The EPA waiver is in effect.

PA0093882, Industrial Waste, SIC, 4111, **Port Authority of Allegheny County**, 1011 Lebanon Road, West Mifflin, PA 15122. This application is for renewal of an NPDES permit to discharge treated stormwater from West Mifflin Garage in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributaries of Thompson Run and 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 Pennsylvania-American Water Company, located at Becks Run, 11.7 miles below the discharge point.

Outfall 001: existing discharge, design flow of varied* mgd.

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, design flow of varied* mgd.

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

*Flow rate depends on amount of rainfall.

The EPA waiver is in effect.

PA0218416, Industrial Waste, SIC, 4922, **Texas Eastern Transmission Corporation**, 5400 Westheimer Court, Houston, TX 77056-5310. This application is for issuance of an NPDES permit to discharge treated process water and stormwater leachate from Armagh Compressor Station in West Wheatfield Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to East Branch Richards Run, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Saltsburg Municipal Waterworks, located at Conemaugh River, 5.22 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.012 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Polychlorinated Biphenyls Compounds			6.2 x 10 ⁻⁵	1.24 x 10 ⁻⁴	
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: See Item No. 6 in Part C of the NPDES Permit.

The EPA waiver is in effect.

PA0218936, Industrial Waste, SIC, 4911, **AES Hoytdale, LLC**, 1901 Butterfield Road, Suite 650, Downers Grove, IL 60515. This application is for issuance of an NPDES permit to discharge cooling water and stormwater from the AES Hoytdale Power Project in Big Beaver Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River and unnamed tributary to Beaver River, classified as a warm water fisheries with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Beaver Falls Municipal Authority, P. O. Box 400, Beaver Falls, PA 15010, 837 miles below the discharge point.

Outfall 001: new discharge, design flow of 1.78 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Temperature (°F)				110	
Total Residual Chlorine			0.5		1.25
Free Available Chlorine			0.2		0.5
Suspended Solids			30	100	
Chromium			0.2	0.2	
Copper			0.01	0.02	
Lead			0.004	0.008	
Zinc			1.0	1.0	
Mercury			0.00021	0.00042	
Silver			0.0058	0.0116	
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: new stormwater discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	This outfall is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility				

The EPA waiver is in effect.

PA0001775, Sewage, **McFadden Machine Company, Inc.**, 160 Hill Road, Blairsville, PA 15717. This application is for Renewal of an NPDES permit to discharge treated sewage from McFadden Machine Company STP in Blacklick Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Muddy Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks.

Outfall 002: existing discharge, design flow of 0.0015 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6.4			12.8
(11-1 to 4-30)	19.2			38.4
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	8,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0038172, Sewage, **Hempfield Township Municipal Authority**, R. D. 6, P. O. Box 501, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Rolling Hills STP in Hempfield Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.071 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	1.5	2.2		3.0
(11-1 to 4-30)	3.0	4.5		6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.2
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217590, Sewage, **Pechin Leasing Company, Inc.**, P. O. Box 340, Pechin Road, Dunbar, PA 15431. This application is for Renewal of an NPDES permit to discharge treated sewage from Denbo Marina STP in Centerville Borough, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.0054 mgd.

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

The EPA waiver is in effect.

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

PA0238741, Sewage, **Don W. Neff**, 111 Beach Road, Chicora, PA 16025. This proposed facility is located in Concord Township, **Butler County**.

Description of Proposed Activity: a new NPDES permit for an existing discharge.

The receiving stream, unnamed tributary to Connoquenessing Creek, is in watershed 20-C and classified for: high quality warm water fish, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and PWS) considered during the evaluation is Butler District Pennsylvania-American Water Company (Lake Oneida) on the Connoquenessing Creek at 6.006 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 400 pgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
Total Residual Chlorine	Monitor and Report		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

**WATER QUALITY MANAGEMENT PERMITS
CONTROLLED INDUSTRIAL WASTE AND SEWAGE
WASTEWATER APPLICATIONS UNDER THE
CLEAN STREAMS LAW**

PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department). The applications are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permit applications.

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

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

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

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

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

WQM Permit No. 0690411, Amendment 02-1, Sewerage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611-1513. This proposed facility is located in Reading Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Installation of a new influent mechanical fine screening device and the addition of an influent screen dumpster building.

WQM Permit No. 3602404, Sewerage, **Paradise Township Sewer Authority**, 196 Blackhorse Road, Paradise, PA 17562. This proposed facility is located in Paradise Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of a sanitary sewer system and pumping station to serve Phase 2 of the Harristown Area.

WQM Permit No. 3402201, Industrial Waste, **David Deamer, Deamer Trucking**, R. R. 5, Box 344, Mifflintown, PA 17059. This proposed facility is located in Walker Township, **Juniata County**.

Description of Proposed Action/Activity: Authorization for the operation of producing landscaping mulch.

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

Application No. 0202201, Industrial Waste, **Allegheny Energy Supply Company, LLC**, 4350 Northern Pike, Monroeville, PA 15146. Application for the construction and operation of an Industrial Wastewater Treatment Facility to serve Units 3—5 located in Springdale Township, **Allegheny County**.

Application No. 0202403, Sewerage, **Timothy Cook**, 1208 Highman Street, 2nd Floor, Pittsburgh PA 15205. Application for the construction and operation of a Single Residence Sewage Treatment Plant to serve the Cook Residence located in Findlay Township, **Allegheny County**.

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

WQM Permit No 2502404, Sewerage, **Black Interests Limited Partnership SRSTP**, 400 French Street, Erie, PA 16507. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No 4302407, Sewerage, **Richard H. Craig**, 1640 Mercer-Grove City Road, Mercer, PA 16137. This proposed facility is located in Findley Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No 1002405, Sewerage, **Ralph J. and Terri N. Sterzinger**, 201 Gudekunst Road, Zelienople, PA 16063. This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No 6202402, Sewerage, **James Sturdevant**, 2056 Conewango Avenue, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No 2002401, Sewerage, **Jimmie A. Smith**, 9 Mimosa Trail, Ormond Beach, FL 32174. This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No. 6102401, Sewerage, **Borough of Rouseville**, 8 Main Street, Box 317, Rouseville, PA 16344-0317. This proposed facility is located in Borough of Rouseville, **Venango County**.

Description of Proposed Action/Activity: This project is for the replacement of the existing ejector station with a submersible triplex pump station.

WQM Permit No. 1002406, Sewerage, **Cornerstone Manufactured Home Community**, 2700 Mount Royal Boulevard, Glenshaw, PA 15116. This proposed facility is located in Franklin Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve a residential and commercial community.

WQM Permit No. 2702401. Sewerage, **Jenks Township Municipal Authority**, P. O. Box 436, 2 Pine Street, Marienville, PA 16239. This proposed facility is located in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: This project is for the installation of a belt filter press at the Marienville Wastewater Treatment Plant.

II. Oil and Gas Management Permit Applications under The Clean Streams Law (35 P. S. §§ 691.1–691.1001).

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

WQM Permit No. 6501201, Industrial Waste, **Beldon & Blake Corporation**, 22811 Titusville Road, Pleasantville, PA 16341. This proposed facility is located in Derry Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construct and operate an industrial wastewater treatment facility for the treatment and discharge of groundwater from Coal Bed Methane wells.

NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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 & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10S110	The Empire Organization c/o Anthony P. Maula 1 Empire Plaza Stroudsburg, PA 18360	Monroe County Pocono Township	Cranberry Creek HQ-CWF

Lackawanna County Conservation District: 300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10N034	Roger Altermier R. R. 1, Box 30 Greentown, PA 18426	Lackawanna County Madison Township	Wallenpaupack Creek (Potter Creek) HQ-CWF

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10U167	Richard Thulin Arcadia Properties, LLC 54 S. Commerce Way Suite 175 Bethlehem, PA 18017	Northampton County East Allen Township	Monocacy Creek HQ-CWF

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.

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

Bedford County Conservation District: 702 West Pitt Street, Suite 4, Bedford, PA 15522, (814) 623-8099.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS100420 Stormwater	Leon Hoover Wide Awake Farm R. D. 1 Box 91 Clearville, PA 15535	Monroe Township Bedford County	West Branch Sideling Hill Creek (EV)

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

<i>NPDES Permit Number or ESCP Number</i>	<i>Applicant Name</i>	<i>Address</i>	<i>Total Project Acreage</i>	<i>Municipality</i>	<i>Receiving Stream and Chapter 93 Classification</i>
PAS10E075 Stormwater	Acorn Woods Development	Acorn Enterprises Sherry Kyne 1031 New Castle Road P. O. Box 465 Prospect, PA 16052	55.6	Franklin Township	UNT to Muddy Creek (CWF)

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

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

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

Permit No. 1402502 , Public Water Supply.	
Applicant	Aaronsburg Water Pipes, Inc. P. O. Box 254 Aaronsburg, PA 16820
Township	Haines Township, Centre County
Responsible Official	Charles Valentine, Chairperson Aaronsburg Water Pipes, Inc. P. O. Box 254 Aaronsburg, PA 16820
Type of Facility	PWS
Consulting Engineer	Herbert, Rowland, & Grubic, Inc. 474 Windmere Drive State College, PA 16801
Application Received Date	February 1, 2002
Description of Action	Construction of a diatomaceous earth filter plant, 184,000 gallon storage tank and appurtenances

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

Permit No. 1102501 , Public Water Supply.	
Applicant	Carrolltown Borough Municipal Authority 140 E. Carroll Street P. O. Box 307 Carrolltown, PA 15722-0307
(Township or Borough)	Carrolltown Borough
Responsible Official	Fred Shero Carrolltown Borough Municipal Authority 140 E. Carroll Street P. O. Box 307 Carrolltown, PA 15722-0307
Type of Facility	WTP
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Application Received Date	January 23, 2002

Description of Action Water treatment plant improvements

MINOR AMENDMENT

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

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

Application No. Minor Amendment.

Applicant **Mid-Monroe Development Corporation**

Township or Borough Middle Smithfield Township

Responsible Official John W. Briggs, Vice President
Development Operations
Mid-Monroe Development Corporation
P. O. Box 447
Bushkill, PA 18324

Type of Facility PWS

Consulting Engineer Russell D. Scott, IV, P.E.
R. K. R. Hess Associates, Inc.
P. O. Box 268
East Stroudsburg, PA 18301

Application Received Date January 28, 2002

Description of Action The applicant requests approval for the addition of iron and manganese treatment to the previously permitted PWS Well No. 2 via chemical injection of poly phosphate solution with a metering pump.

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

Application No. 6302501, Minor Amendment.

Applicant **Pennsylvania-American Water Company**
800 W. Hersheypark Drive
Hershey, PA 17033

Township or Borough Harmar Township

Responsible Official Sharon L. Fillman
Pennsylvania-American Water Company
800 W. Hersheypark Drive
Hershey, PA 17033

Type of Facility Tank

Application Received Date February 15, 2002

Description of Action Painting Shire Oaks Tank

Application No. 3202502, Minor Amendment.

Applicant **Pennsylvania-American Water Company**
800 W. Hersheypark Drive
Hershey, PA 17033

Township or Borough

Responsible Official Sharon L. Fillman
Pennsylvania-American Water Company
800 W. Hersheypark Drive
Hershey, PA 17033

Type of Facility Tank

Application Received Date February 15, 2002

Description of Action Painting West End Tank

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation. Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional

Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Former Dial Property, Bristol Borough, **Bucks County**. Michael A. Christie, P.G., Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Redevelopment Authority of Bucks County, One N. Wilson Ave., Bristol, PA 19007, has submitted a Notice of Intent to Remediate soil contaminated with lead, heavy metals, BTEX, PAHs and solvents; and groundwater contaminated with heavy metals, BTEX, PAHs and solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier* on February 7, 2002.

Springfield Auto Outlet, Springfield Township, **Delaware County**. Jeffrey E. Goudsward, Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Baby Superstore, Inc., 461 From Rd., Paramus, NJ 07652, has submitted a Notice of Intent to Remediate soil contaminated with PCBs, BTEX, PAHs and solvents. 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 31, 2002.

Former Mock Dump Site, Concord Township, **Delaware County**. Mark Chamberlain, 2067 Chestnut Street, Nesco, NJ 08037, on behalf of Freehand H.J. Inc., 111 Hayesville Rd., Oxford, PA 19363, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs, solvents and pesticides. 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* mid January 2002.

J. C. Ehrlich Company, Lower Pottsgrove Township, **Montgomery County**. Jeffrey K. Walsh, P.G., Gilmore & Associates, Inc., 184 W. Main St., Suite 300, Trappe, PA 19426, on behalf of The Third Generation Corp., Attn: Victor Hammel, c/o J.C. Ehrlich Co., 500 Spring Ridge Dr., P. O. Box 13848, Reading, PA 19612-3848, has submitted a Notice of Intent to Remediate soil contaminated with lead, BTEX and PHCs; and groundwater contaminated with lead, BTEX, PHCs and MTBE. The applicant proposes to remediate the site to meet Statewide Health and Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on January 19, 2002.

Dennis Fish, Landscape Design and Contractor, Lower Salford Township, **Montgomery County**. Douglas G. Beaver, P.G., Rare Earth Environments, Inc., 501 Old Skippack Rd., P. O. Box 445, Lederach, PA 19450, on behalf of Dennis Fish, 501 Old Skippack Rd., Lederach, PA 19450, has submitted a Notice of Intent to Remediate soil contaminated with lead, BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide

Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Souderton Independent* on January 30, 2002.

Former Defense Supply Center Philadelphia, Western Portion (Quartermaster Site), City of Philadelphia, **Philadelphia County**. David Berliner, Forest City Ratner Co., 1 Metrotech Center North, Brooklyn, NY 11201, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on January 22, 2002.

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

PPL—N. Stroudsburg Substation, Stroud Township, **Monroe County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found or suspected to be contaminated with PCBs. The notice indicates that the site will be remediated to meet the Statewide human health standard. A summary of the Notice of Intent to Remediate was published in the *Pocono Record* on December 11, 2001. A Final Report was simultaneously submitted.

PPL—Stanton Substation, Exeter Township, **Luzerne County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found or suspected to be contaminated with PCBs. The notice indicates that the site will be remediated to meet the Statewide human health standard. A summary of the Notice of Intent to Remediate was published in *The Times Leader* on December 11, 2001. A Final Report was simultaneously submitted.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Applications for Determination of Applicability received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit Application No. WMGR038SW008. Recovery Technologies Group of Pennsylvania, Inc., 700 Boulevard East, Guttenberg, NJ 07093. Braddock Tire Processing Facility, 100 Talbot Avenue, Braddock, PA 15104. An application for a General Permit determination of applicability in Braddock Borough, Allegheny County was received in the Regional Office on February 15, 2002.

Comments concerning the application should be directed to David Eberle, Facilities Supervisor, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Persons interested in obtaining more information about the general permit application may contact the Department Southwest Regional Office at (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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. 300624. National Forge Company Slag Landfill, One Front Street, Irvine, PA 16329, Brokenstraw Township, **Warren County**. This is a major permit modification for a Closure Plan revision. The application was received by the Northwest Regional Office on February 13, 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.

48-313-091: Welco-CGI Gas Technologies (145 Shimersville Road, Bethlehem, PA 18015) for modification of an ethylene oxide system and associated air cleaning device in Bethlehem, **Northampton County**.

13-305-002: Northampton Fuel Supply Co. (1 Horwith Drive, Northampton, PA 18067-9728) for construction of a coal refuse crushing and screening plant and associated air cleaning device in Banks Township, **Carbon County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110 Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

06-03112B: Birdsboro Alloying, Inc. (200 C Furnace Street, Birdsboro, PA 19508) for construction of an aluminum scrap dryer controlled by an afterburner in Birdsboro Borough, **Berks County**. The dryer will be subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

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

19-310-007: Sokol Quarries, Inc. (P. O. Box 366, Bloomsburg, PA 17815-0366) for construction of a sand and gravel processing plant in Fishing Creek Township, **Columbia County**. The equipment in this plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

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

25-994A: Advanced Mold Technologies, Inc. (2004 West 16th Street, Erie, PA 16505) for construction of decorative chrome, copper and nickel plating tanks, grinding and polishing process and baghouse control device in Erie, **Erie County**. This source is subject to 40 CFR Part 63, Subpart N.

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

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

46-0069B: Highway Materials, Inc. (P. O. Box 1667, Blue Bell, PA, 19422) for modification of a batch asphalt plant in Whitemarsh Township, **Montgomery County**. This modification allows the asphalt plant to use No. 2 fuel oil, No. 4 fuel oil, No. 5 fuel oil, propane and "on-specification" waste derived liquid fuel (WDLF). This installation will not result in any increase in emissions of VOCs or 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.

46-0025A, 46-0025E and 46-0025F: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) for installation of a new reactor train and control devices in their manufacturing process in Conshohocken, **Montgomery County**. The Department is amending the Title V Operating permit to incorporate the Plan Approvals. The Plan Approvals and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

14-00002B: Graymont (PA), Inc. (P. O. Box 448, Bellefonte, PA 16823-0448) for construction of a 500 ton per hour cone crusher, the air contaminant emissions from which shall be controlled by a fabric collector in Spring Township, **Centre County**.

Graymont (PA), Inc. is a major facility for which a Title V Operating Permit (14-00002) has been issued.

The information provided by the applicant, as well as the Department's own analysis, indicates that the previous source will have the potential to emit particulate matter, however, the potential emission of particulate matter will be insignificant.

A preliminary review of the information submitted by the applicant indicates that the proposed crusher 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 requirement in the respective plan approval.

- The particulate matter concentration of the exhaust from the fabric collector controlling the particulate matter emissions from the crusher shall not exceed 0.01 grain per dry standard cubic foot.

14-00002C: Graymont (PA), Inc. (P. O. Box 448, Bellefonte, PA 16823-0448) for construction of a double

deck screen, the air contaminant emissions from which shall be controlled by a fabric collector in Spring Township, **Centre County**.

Graymont (PA), Inc. is a major facility for which a Title V Operating Permit (14-00002) has been issued.

The information provided by the applicant, as well as the Department's own analysis, indicates that the previous source will have the potential to emit particulate matter, however, the potential emission of particulate matter will be insignificant.

A preliminary review of the information submitted by the applicant indicates that the proposed screen will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12, as well as Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. 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 requirement in the respective plan approval.

- The particulate matter concentration of the exhaust from the fabric collector controlling the particulate matter emissions from the screen shall not exceed 0.01 grain per dry standard cubic foot.

55-302-012A: Conestoga Wood Specialties Corp. (441 West Market Street, Beavertown, PA 17813) for construction of a 9.31 million Btu per hour wood-fired boiler in Beavertown Borough, **Snyder County**.

The boiler will be equipped with a multi-clone collector for the control of particulate matter and will only burn kiln-dried scrap wood, which is generated within the facility. The boiler will emit up to 13.03 tons per year of particulate matter, 18.62 tons per year of nitrogen oxides (NOx, expressed as NO₂) and 18.62 tons per year of carbon monoxide (CO).

The Department has determined that the proposed wood-fired boiler and associated multi-clone collector will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue plan approval for the construction of the respective boiler.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. The particulate matter emissions from the boiler shall not exceed a rate of 0.35 pound per million Btu of heat input. Additionally, the carbon monoxide and nitrogen oxides (NOx, expressed as NO₂) emissions shall each not exceed 0.5 pound per million Btu of heat input.

2. The boiler shall be fired on wood grindings consisting of kiln-dried wood only. No coated or treated wood, laminated wood, particleboard, flakeboard or materials other than kiln-dried wood shall be burned in this boiler.

3. The multi-clone collector shall incorporate instrumentation to measure the pressure drop across the collector on a continuous basis.

4. The multi-clone collector ash discharge system shall remain sealed from the open air at all times except when changing flyash disposal drums.

5. There shall be no visible air contaminants or particulate matter emitted from the pneumatic wood grindings transfer system associated with the boiler.

6. If the Department deems necessary, a stack test shall be performed on the boiler while firing at maximum capacity to demonstrate compliance with the particulate matter emission limitation of 0.35 pound per million Btu of heat input.

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

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

06-03114: Aluminum Alloys, Inc. (P. O. Box 2197, Sinking Spring, PA 19608-2197) for a secondary aluminum foundry controlled by various fabric collectors in Lower Heidelberg Township, **Berks County**. The permit is for a non-Title V (State only) facility. The foundry has the potential to emit 40 TPY of particulate, 23 TPY of carbon monoxide, 20 TPY of nitrogen oxides and 10 TPY of VOCs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the foundry operating within all applicable air quality requirements.

28-03013: Grove Bowersox Funeral Home, Inc. (50 South Broad Street, Waynesboro, PA 17268) for operation of a human crematorium, natural gas fired, 2.1 mmBtu/hr controlled by afterburner in Waynesboro Borough, **Franklin County**. The annual emissions of the particulate matter, nitrogen oxides and sulfur oxides from the operation are less than 1 ton each. The Natural Minor operating permit shall contain monitoring, recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

67-05072: Graham Architectural Products (1551 Mount Rose Avenue, York, PA 17403) for operation of its window manufacturing facility in Spring Garden Township, **York County**. The facility's potential annual emissions of VOCs and the hazardous air pollutant toluene are 53 tons and 15 tons respectively. The Synthetic Minor operating permit shall contain testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

12-327-001: Keystone Automatic Technology, Inc. (1 South Maple Street, Emporium, PA 15834) for operation of an open top batch vapor degreaser in Emporium Borough, **Cameron County**.

The vapor degreaser is equipped with a refrigerated freeboard chiller for the control of trichloroethylene which has been designated as a hazardous air pollutant by the Environmental Protection Agency. The resultant trichloroethylene emissions to the atmosphere will be up to 3,300 pounds in any 12 consecutive month period. The Department has determined that the degreaser was constructed and is operating, in accordance with all conditions of Plan Approval 12-327-001 as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and

Subpart T of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.460—63.649. The Department consequently intends to issue an operating permit for the operation of the respective vapor degreaser.

The Department intends to place conditions in the operating permit to be issued to ensure continued compliance with all applicable requirements. The following is a summary of these conditions:

1. The amount of trichloroethylene used in the degreaser shall not exceed 3,300 pounds in any 12 consecutive month period.

2. The degreaser shall not be operated without the simultaneous operation of the refrigerated chiller. The chilled air blanket created by the refrigerated freeboard chiller, as measured at the coldest point on a vertical axis through the center of the degreaser, shall not exceed 56°F at any time, except during periods of chiller defrost.

3. The degreaser shall incorporate a freeboard ratio of at least 0.75 and a manually operated working-mode cover.

4. The cover to the degreaser shall fully cover the degreaser opening at all times of operation except to introduce new trichloroethylene into the degreaser compartment or to insert or remove the parts basket. In addition, the cover to the degreaser shall fully cover the degreaser opening at all times of idling and downtime except to perform degreaser maintenance or monitoring that requires that the cover not be in place.

5. The permittee shall maintain comprehensive and accurate records of the amount of trichloroethylene used in the degreaser each month as well as the amount of 100% trichloroethylene shipped offsite each month.

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

03-00220: Spicer Energy II LLC (100 Nyala Farm, Westport, CT 06880) for a syn fuel processing facility in Plumcreek Township, **Armstrong 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 Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments or objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or

local government agency or authority to the Department at the same address within 30 days of this publication or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

49870202R3. Susquehanna Coal Company (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 788.0 acres, receiving stream: Coal Run. Application received February 12, 2002.

54861601R3. Schuylkill Coal Processing, Inc. (P. O. Box 134, Ashland, PA 17921), renewal and correction of a coal preparation plant operation in Butler Township, **Schuylkill County** affecting 18.3 acres, receiving stream: none. Application received February 13, 2002.

19950102R. N & L Coal Company (1380 Tioga Street, Coal Township, PA 17866), renewal of an existing anthracite surface mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 961.3 acres, receiving stream: none. Application received February 14, 2002.

19950202. Gilberton Coal Company (P. O. Box 423, Gilberton, PA 17934), renewal of an existing refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 142.0 acres, receiving stream: none. Application received February 15, 2002.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

65020101. Laurel Energy, L.P. (One Energy Place, suite 7500, Latrobe, PA 15650). Received an application for commencement, operation and reclamation of a bituminous surface mine located in Unity Township, **Westmoreland County**, affecting 68 acres. Receiving streams: unnamed tributary to Nine Mile Run to Nine Mile Run; classified for the following use: warm water fishery. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received January 30, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.

03961301. NPDES Permit #PA0214787, Rosebud Mining Co. (R. D. 9, Box 379A, Kittanning, PA 16201-9642) to renew the permit for the Tracy Lynn Mine in Kiskiminetas Township, **Armstrong County** to renew permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received July 16, 2001.

30743711. NPDES Permit #PA0033511, RAG Cumberland Resources, L.P., 158 Portal Rd., P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine CRDA in Whiteley Township, **Greene County**, revision to add 36 acres to CRDA Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received October 15, 2001.

63921301. NPDES Permit #PA0214434, UMC Energy, Inc. (981 Route 917, Bentleyville, PA 15314), to revise the permit for the New Century Mine in Fal-lowfield Township, **Washington County** to add 3.6 acres for high quality shaft, Surface Acres Proposed 3.6, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, tributary to Taylor Run, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is N/A. Application received October 24, 2001.

30841312. NPDES Permit #PA0013790, Consolidation Coal Co. (P. O. Box 100, Osage WV 26543), to revise the permit for the Blacksville Mine No. 2 in Wayne Township, **Greene County** to add 23 degasification boreholes and 11.0 surface acres, Surface Acres Proposed 11.0, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Hoovers Run, classified for the following uses: P 6 WWS, Bulldog Run, classified for the following uses: P 6 WWS, Rush Run, classified for the following uses: I 6 WWS and LWS. The first downstream potable water supply intake from the point of discharge is N/A. Application received December 21, 2001.

32961302. NPDES Permit #PA0214949, Senate Coal Mines, Inc. (One Enemy Place, Suite 5100, Latrobe, PA 15650), to renew the permit for the Ondo Mine in Brush Valley Township, **Indiana County** to renew permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed

N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received December 31, 2001.

32733709. NPDES Permit #PA0214159, Robindale Energy Services, Inc. (1001 Broad St., Suite 130, Johnstown, PA 15906), to revise the permit for the Dilltown Facility in Brushvalley Township, **Indiana County** to add 90.9 permit acres and flyash disposal, Surface Acres Proposed 90.9, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received January 10, 2002.

30841316. NPDES Permit #PA0213535, Consol PA Coal Co. (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to add air shaft 1-I, Surface Acres Proposed 6.7, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Kent Run, classified for the following uses: WWS. The first downstream potable water supply intake from the point of discharge is PWS 1B (Ryerson State Park) and PWS 2 (Burnes Delight). Application received January 22, 2002.

Noncoal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

5176SM6C3 and NPDES Permit #PA0593761. American Asphalt Paving Co. (500 Chase Road, Shavertown, PA 18708), renewal of NPDES Permit in Falls Township, **Wyoming County**, receiving stream: unnamed creek to Susquehanna River, classified as cold water fishery. Application received February 8, 2002.

4875SM1A1C3 and NPDES Permit #PA0612227. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit in York Township, **York County**, receiving stream: unnamed tributary to Mill Creek, classified as a warm water fishery. Application received February 11, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to

which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-681. Lauren Lenfest, 1696 Pughtown Road, Phoenixville, PA 19460-1602, West Vincent Township, **Chester County**, ACOE Philadelphia District.

To remove an existing stream enclosure and to restore and maintain approximately 330 linear feet of stream channel along an unnamed tributary to French Creek (HQ TSF). Work will consist of the removal of 297 linear feet of deteriorated galvanized steel pipe, which presently encloses this portion of the tributary. The restoration is designed to create riparian habitat for aquatic and terrestrial fauna and to restore natural watercourse conditions. The project site is located 1,000 feet southwest of the intersection of Pughtown Road and Garden Road (Phoenixville, PA Quadrangle N: 2.5 inches; W: 14.5 inches).

E46-907. Upper Providence Township, 1286 Black Rock Road, P. O. Box 406, Oaks, PA 19456-0406, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To extend and maintain a 36-inch diameter stormwater conduit by approximately 550 linear feet along the Schuylkill River (WWF-MF) at Port Providence Road and crossing under the Schuylkill Canal (WWF-MF). This work is associated with the proposed Port Providence Stormwater Improvement Project. The site is located approximately 400 feet northwest of the intersection of Canal Street and Port Providence Road (Collegeville, PA USGS Quadrangle N: 0.9 inch; W: 17.0 inches).

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

E45-425. William A. and Barbara A. Parsons, 649 Lime Street, Palmerton, PA 18071-9972, in Eldred Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an 8-foot diameter CMP in a tributary to Buckwha Creek (CWF) to serve as a road crossing for a proposed 71 acre residential subdivision. The project is located at a point approximately 3,000 feet west of the Eldred Ross Township municipal boundary. (Kunkletown, PA Quadrangle N: 21.0 inches; W: 5.5 inches).

E58-247. Borough of Little Meadows, P. O. Box 434, Little Meadows, PA 18801, in Borough of Little Meadows, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of Dewing Creek (CWF), consisting of a 21.0-foot by 6.25-foot concrete box culvert with its invert depressed 1.0 foot below stream bed elevation. The project includes a temporary road crossing of Dewing Creek, located approximately 100 feet upstream of the permanent structure, consisting of 642-inch culverts. The project is located along Cemetery Road, approximately 400 feet west of S.R. 858 and is known as Little Meadows Bridge No. 2. (Little Meadows, PA-NY, Quadrangle N: 21.7 inches; W: 1.4 inches).

E52-176. Gold Key Country Club, Inc., 2000 Gold Key Estates, Milford, PA 18337, in Dingman Township, **Pike County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain an aluminum plate arch culvert, having a span of 22.75 feet and an underclearance of 8.8 feet, across a narrow portion of Gold Key Lake (HQ-CWF). The project is located on Gold Key Road approximately 1.3 miles north of S.R. 2006. (Edgemere, Quadrangle N: 11.7 inches; W: 10.0 inches).

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

E22-437. Henry Young, West Hanover Township Water & Sewer Authority, 7901 Jonestown Road, Harrisburg, PA 17112 in West Hanover Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 450 gallon per minute sanitary sewage pump station in the floodway of an unnamed tributary to Beaver Creek (WWF) (Little Beaver Creek) along with constructing sanitary sewer force mains associated with the pump station in the floodway/floodplain of Beaver Creek and its unnamed tributary which will include five stream crossings and two wetland crossings by sanitary sewer lines located along the east side of Piketown Road about 0.8 mile south of its intersection with SR 0039 (Harrisburg East PA Quadrangle N: 16.45 inches; W: 1.2 inches) in West Hanover Township, Dauphin County.

E36-726. Lancaster Sewer Authority, 130 Centerville Road, Lancaster, PA 17603, West Hempfield Township, **Lancaster County**, ACOE Baltimore District.

To upgrade and maintain the existing sewage facilities pump station (Farmdale Pumping Station) to a recommended capacity of 690 gpm minimum from 488 gpm current and the addition of an odor control and corrosion inhibiting system within the floodplain of Chickies Creek (WWF) at the intersection of Bridge Valley Road and Miller Drive (Columbia East, PA Quadrangle N: 12.1 inches; W: 14.3 inches) in West Hempfield Township, Lancaster County.

E50-209. Mark Keller, Perry County Commissioners, P. O. Box 37 New Bloomfield, PA 17068 in Tyrone Township, **Perry County** ACOE Baltimore District.

To maintain the existing twin span timber covered bridge having a clear span of 114.0 feet and an underclearance of 13.1 feet known as Perry County Bridge No. 4 (Rice's Bridge) over Sherman Creek (WWF) by installing additional steel beams under the existing bridge deck and replacing deteriorated timbers along with constructing a temporary causeway/coffer dam in the channel of Sherman Creek on the upstream side of the bridge to facilitate construction of the bridge repairs located on Kennedy Valley Road about 0.5 mile southwest of the Borough of Landisburg (Landisburg, PA Quadrangle N: 15.6 inches; W: 8.3 inches) in Tyrone Township, Perry County.

E67-715. Thomas Golden, 148 Charles Street, Felton, PA 17322 in Felton Borough, **York County**, ACOE Baltimore District.

To maintain a bridge structure which was authorized and constructed using EP-67-01-108 issued November 7, 2001, and to place riprap protection around the abutments across Pine Run (CWF) (Stewartstown, PA Quadrangle N: 19.5 inches; W: 8.9 inches) in Felton Borough, York County.

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

E18-333. Department of Conservation and Natural Resources, Forest District #10, HCR 62 Box 90, Renovo, PA 17764. Small Projects Joint Permit Application, in Beech Creek and Bald Eagle Townships, **Clinton County**, ACOE Susquehanna River Basin District (Howard NW, PA Quadrangle N: 10.2 inches; W: 1.50 inches).

To remove six existing structures along various hiking trails in the Sproul State Forest and construct and maintain two 4.5 foot by 19 foot wooden bridges and a 4.5 foot by 24 foot wooden bridge over and unnamed tributary to Mill Branch, a 4.5 foot by 24 foot wooden bridge over Mill Branch, a 4.5 foot by 14 foot wooden bridge over Boiler Run and a 4.5 foot by 12 foot wooden bridge over an unnamed tributary to the North Fork of Tangascootack Creek all of which are located 7.0 miles north of Lock Haven, west of the intersection of SR 0120 and Eagleton Road, the trails of which intersect with Eagleton Road, in Beech Creek and Bald Eagle Townships, Clinton County. This project proposes to have a no impact on each of the previous waterways, each of which are tributaries to the North Fork of Tangascootack Creek designated a High Quality-Cold Water Fishery. This project does not propose to impact any jurisdictional wetlands.

E57-097. William D. Conwell, 922 Strath Haven Avenue, Swarthmore, PA 19081. Excavation for Dam, in Colley Township, **Sullivan County**, ACOE Baltimore District (Lopez, PA Quadrangle N: 19.5 inches; W: 0.6 inch).

To excavate in the floodway of an unnamed tributary to Santee Creek for the purpose of constructing a 3 acre dam with a maximum water depth of 13 feet. The project is located 0.7 mile north of Dutch Mountain Road approximately 8.3 miles from the intersection of Dutch Mountain Road with SR 87. The project will not impact wetlands while impacting approximately 200 feet of waterway. The unnamed tributary to Santee Creek is a cold water fisheries stream.

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

E02-1366. Allegheny County Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. Upper St. Clair Township, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain a 180' long retaining wall along the left bank of Painter's Run (WWF) constructed under Emergency Permit No. EP0201204. The project is located along the north side of Painter's Run Road approximately 1/2 mile east of its intersection with Bower Hill Road (Bridgeville, PA Quadrangle N: 20.2 inches; W: 11.0 inches).

E02-1367. City of Pittsburgh, Department of Planning, 200 Ross Street, 4th Floor, Pittsburgh, PA 15219. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain an aquatic restoration of Nine Mile Run (TSF) and two of its tributaries. For Nine Mile Run approximately 3,699 feet of channel will be restored and within its tributaries, Fern Hollow will have approximately 1,648 feet restored and Falls Ravine will have approximately 508 feet restored. This permit will also authorize the removal of existing structures and the construction and maintenance of a 36 inch diameter RCP culvert (depressed 1 foot) for a distance of approximately 12 feet within the tributary within Falls Ravine and the operation and maintenance of a conspan culvert having a span of 12 feet and underclearance of 3 feet and 40 feet long within the tributary in Fern Hollow. The application will also propose the filling of .28 acre of wetlands, the construction and maintenance of .28 acre of replacement wetlands and to create and additional 4 acres of wetlands. The work is part of the proposed Nine Mile Run Aquatic Restoration Project Phase 1B. The project limits along Nine Mile Run begin at the Braddock Avenue Culvert and extend to Commercial Street. The project limits for Fern Hollow begin approximately 300 feet upstream of its confluence with Falls Ravine including approximately 500 feet of Falls Ravine and extending to its confluence to Nine Mile Run (Pittsburgh East, PA Quadrangle N: 9.5 inches; W: 3.7 inches).

E02-1368. Forest City Bessemer Court Associates, 1000-B Terminal Tower, 50 Public Square, Cleveland, OH 44113-2267. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a river side tower, landing/boat dock and an extension to the Gateway Clipper Dock along the left bank side of the Monongahela River (WWF) near River Mile 0.5. The landing area will consist of a floating barge with boat slips attached to it. The Gateway Clipper extension will consist of two floating barges. The total length of the facility will be approximately 865 feet long. The project is located downstream of the Smithfield Street Bridge and extends to approximately 250 feet upstream of the Fort Pitt Bridge (Pittsburgh West, PA Quadrangle N: 10.8 inches; W: 0.6 inch).

E04-279. C & C Marine Maintenance Company, 1500 State Street North, Clairton, PA 15025. Greene Township, **Beaver County**, ACOE Pittsburgh District.

To operate and maintain the existing 630.0 foot long x 1,650 foot wide (as measured from the normal pool elevation) barge mooring facility (originally permitted under File No. E15477) and to construct and maintain a 3,110.0 foot long x 200.0 foot wide (as measured from the normal flood elevation) additional barge mooring facility in the channel of and along the left bank of the Ohio

River (WWF) for the purpose of expanding the existing barge mooring facility. The project is located just upstream from the confluence of Mill Creek and the Ohio River between River Mile 39.5 and 40.0 (East Liverpool North, OH-PA, W-VA Quadrangle N: 1.75 inches; W: 1.0 inch).

E26-194. Consol Docks, Inc., 1800 Washington Road, Pittsburgh, PA 15241. Luzerne Township, **Fayette County**, ACOE Pittsburgh District.

To reissue Permit No. E26-194 to construct and maintain a barge docking and mooring facility consisting of 28 river cells, one ice breaker, one pier, two floating docks, three outfall structures, dredge 100,000 cubic yards of the Monongahela River for a length of 5,500 feet, perform periodic maintenance dredging, place and maintain fill in 0.42 acre of wetlands and regrade along the right bank of the Monongahela River to operate a coal transfer facility beginning at Mile Point 58.1 to 59.3. The applicant has met the wetland replacement requirements by participating in the Pennsylvania Wetland Replacement Project (California, PA Quadrangle N: 2.1 inches; W: 7.5 inches).

E56-312. Borough of Somerset, P. O. Box 71, 340 West Union Street, Somerset, PA 15501. Somerset Borough and Somerset Township, **Somerset County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 9.0 foot x 4.5 foot concrete box culvert in Parson Run (TSF) for the purpose of improving transportation safety and roadway standards. The project is located on Cannel Drive (Somerset, PA Quadrangle N: 0.28 inch; W: 11.23 inches).

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

E10-353. Pennsylvania Department of Transportation, District 10, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. S.R. 422 and 68 interchange, Segments 0390, 0401 Offsets 292.71, 1937.16 across Connoquenessing Creek, in Butler and Summit Townships, **Butler County**, ACOE Pittsburgh District Saxonburg, PA Quadrangle N: 22.5 inches; W: 17.0 inches).

To upgrade the existing structure with the extension of a bridge pier in Connoquenessing Creek and relocation of 294 feet of Connoquenessing Creek from station 10+25 to station 13+20 and the widening of the existing four span structure of S.R. 422 having normal clear spans of 97.9 feet 6, 125.4 feet, 96.4 feet and 91.2 feet and all associated temporary causeways and cofferdams. And to relocate a portion of Shearer Run of approximately 115 feet from station 9+90 to Station 11+ approximately 1.5 miles N of Butler, PA. This project includes placement of fill in 0.01 acre of de minimis wetland and the temporary impact to 0.02 acre wetland.

E16-119. Pennsylvania-American Water Company, 800 West Hershey Park Drive, P. O. Box 888, Hershey, PA 16335. Water Service to Shipperville—Clarion River Crossing, in Clarion, Paint and Elk Townships, **Clarion County**, ACOE Pittsburgh District.

To install and maintain a drinking water distribution system utility line across four watercourses at the following locations:

1. A 16-inch diameter DICL pipe across the Clarion River (CWF) and along a floodway of a unnamed tributary of the Clarion River (Clarion, PA Quadrangle, Latitude 41d, 13m, 24s N; Longitude 79d, 24m, 11s W) in Clarion and Paint Townships, Clarion County. This crossing is located approximately 800 feet downstream of the current SR 0322 bridge.

2. A 12-inch diameter DICL pipe across Paint Run (CWF) (Clarion, PA Quadrangle, Latitude 41d, 14m, 47s N; Longitude 79d, 26m, 49s W) in Elk Township, Clarion County. This crossing is located along the SR 0322 right-of-way.

3. A 12-inch diameter DICL across Deer Creek (CWF) (Clarion, PA Quadrangle, Latitude 41d, 14m, 45s N; Longitude 79d, 28m, 16s W) in Elk Township. This crossing is located along the SR 0208 right-of-way.

4. A 12-inch diameter DICL across a tributary to Deer Creek (CWF) (Clarion, PA Quadrangle, Latitude 41d, 14m, 38s N; Longitude 79d, 28m, 51s) in Elk Township, Clarion County. This crossing is located along the SR 0208 right-of-way.

E20-514, David Stone, 16238 Harmonsburg Road, Meadville, PA 16335. Mickey's Central Firestation Decking Removal/Replacement, in City of Meadville, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 2.6 inches; W: 3.7 inches).

Remove and replace an existing deteriorated concrete and asphalt decking over Mill Run (WWF) adjacent to Mickey's Central Firestation (bar/restaurant) located in the City of Meadville, Crawford County. The replacement decking will be constructed to reduce the dead loading on the existing building substructure.

E42-287, Bradford Township, McKean County, 136 Hemlock Street, Bradford, PA 16701, Race Buick Culvert Replacement, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 10.0 inches; W: 3.9 inches).

Replace 552 linear feet of undersized culvert pipe with an 84-inch diameter culvert and an 8-feet wide by 6-feet high concrete box culvert as a FEMA Hazard Mitigation project. The culvert will be placed in an unnamed tributary to the east branch of Tunungwant Creek (CWF). The creek currently flows through a culvert under South Avenue, a culvert under a driveway and under State Route 219 before entering Tunungwant Creek and is located in the parking lot of a car dealership in Bradford Township, McKean County.

E42-288, University of Pittsburgh Bradford, 300 Campus Drive, Bradford, PA 16701. Blaisdell Hall, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA-NY Quadrangle N: 12.8 inches; W: 6.1 inches).

To grade and fill within the 100-year floodplain of West Branch Tunungwant Creek extending upstream from Dorothy Lane a total distance of approximately 300 feet associated with construction of a stormwater detention basin, sidewalks, parking lot and landscaping for Blaisdell Hall fine arts academic and theater building southeast of the intersection of Campus Drive and Dorothy Lane.

ACTIONS

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

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (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.

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

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

NPDES Permit No. PA0056545, Industrial Waste, **Huhtamaki Flexible Inc.**, 2400 Continental Boulevard, Malvern, PA 19355. This proposed facility is located in Treyffrin Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into Little Valley Creek.

WQM Permit No. 1501424, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of sewage pump station and force main to serve Eagleview Village Shopping Center.

WQM Permit No. 4601415, Sewerage, **Lower Providence Township**, 100 Parklane Drive, P. O. Box 193, Eagleville, PA 19408. This proposed facility is located in Lower Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of wastewater collection system to serve existing homes in the Schuylkill Basin Area.

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

NPDES Permit No. PA0086151, Sewage, **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.

NPDES Permit No. PA0081060, Sewage, **Ernest E. Kerstetter, Meadowbrook Mobile Home Park**, 314 Erford Road, Camp Hill, PA 17011. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Yellow Breeches Creek in Watershed 7-E.

NPDES Permit No. PA0044521 Amendment No. 1, Sewage, **Franklin County General Authority**, Rocket Road STP, 4759 Innovation Way, Chambersburg, PA 17201. This proposed facility is located in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Dennis Creek in Watershed 13-C.

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. 6701412, Sewerage, **Craig E. Dallmeyer, Regent Acres Mobile Home Park**, 4775 North Sherman Street Ext., Box 1, Mount Wolf, PA 17347. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewage Treatment Facilities.

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

NPDES Permit No. PAS604802, Industrial Stormwater, SIC 5015, **Samuel J. Gray, Gray's Vehicle Clinic**, 1314 Axemann Road, Bellefonte, PA 16823. This existing facility is located in Spring Township, **Centre County**.

Description of Proposed Action/Activity: Issuance of individual stormwater permit for automotive repair facility.

WQM Permit No. 4101409, Sewage, **Lycoming County Water and Sewer Authority**, 216 Old Cement Road, Montoursville, PA 17754. This proposed facility is located in Fairfield, Muncy and Muncy Creek Townships, **Lycoming County**.

Description of Proposed Action/Activity: Issuance of Sewer Extension to Muncy and Muncy Creek Townships.

WQM # 1701407 New, Sewage, Nonpublicly Owned—Nonmunicipal, **Total Environmental Solutions, Inc.**, 487 Treasure Lake, DuBois, PA 15801-9010. This proposed facility is located in Sandy Township, **Clearfield County**.

Description of Action: Water Quality Management Part II, Sewage.

WQM # 0801403 New, Sewage, Nonpublicly Owned—Nonmunicipal, **Sigmund Winiavski**, R. R. 1, Doe Run 6, Troy, PA 16947. This proposed facility is located in Columbia Township, **Bradford County**.

Description of Action: Water Quality Management Part II, Sewage.

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.

NPDES Permit No. PA0217107 Amendment No. 1, Industrial Waste, **Republic Technologies International, L.L.C.**, 1001 Main Street Gate 3, Johnstown, PA 15909 is authorized to discharge from a facility located at Johnstown Plant, Franklin Borough, **Cambria County** to receiving waters named Little Conemaugh River (Outfalls 001—003, 101, 114, 900—903), Peggy's Run (Outfalls 110, 120, 130, 140, 122, 132), Conemaugh River (302A-C, 303A, 305A, 305B, 306, 307, 307A-C).

NPDES Permit No. PA0217492, Sewage, **Mon View Mining Corporation**, P. O. Box 606, New Eagle, PA 15067 is authorized to discharge from a facility located at Mathies Mine-Mingo Portal STP, Nottingham Township, **Washington County** to receiving waters named Mingo Creek.

Permit No. 2600404, Sewerage, **Bullskin Township/Connellsville Township Joint Sewer Authority**, 178 Shenandoah Road, Connellsville, PA 15425. Construction of Sanitary Sewers and Pump Stations located in Connellsville Township, **Fayette County** to serve Route 119 Corridor.

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

NPDES Permit No. PA0000809, Industrial Waste, **Consumers Pennsylvania Water Company, Shenango Valley Division**, 665 South Dock Street, Sharon, PA 16146-1835. This proposed facility is located in City of Sharon, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River.

NPDES Permit No. PA0026301, Sewage, **Erie Sewer Authority and the City of Erie**, 120 West 10th Street, Erie, PA 16501. This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Lake Erie, Mill Creek and Garrison Run.

NPDES Permit No. PA0222275, Sewage, **Dear, Incorporated, Lakeview Estates**, 12430 East Lake Road, North East, PA 16428-3545. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Lake Erie.

NPDES Permit No. PA0222127, Sewage, **Glade Run United Presbyterian Church**, 1091 Pittsburgh Road, Valencia, PA 16059. This proposed facility is located in Middlesex Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to a unnamed tributary to Glade Run.

NPDES Permit No. PA0031437, Sewage, **Edinboro Mobile Home Village**, 14520 Mystic Road, Cambridge Springs, PA 16403. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Conneauttee Creek.

WQM Permit No. 4301424, Sewerage, **Farma Parks, Inc.**, 87 Hughey Road, Greenville, PA 16125. This proposed facility is located in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the installation of an 8,000 gallon flow equalization tank to an existing sewage treatment facility.

WQM Permit No. 1001413, Sewerage, **Brandy One, LCC, Brandywine Village**, P.O. Box 449, Mars, PA 16046. This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve a proposed light commercial building and a multifamily residential lot.

WQM Permit No. 4302401, Sewerage, **Jeremy M. Gaus and Angela L. Fuchs**, 417 East Jamestown Road, Greenville, PA 16125. This proposed facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 3702401, Sewerage, **Thomas M. Lewis**, R. R. 2, Box 349A, Portersville, PA 16051. This proposed facility is located in Perry Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

WQM Permit No. 4202402, Sewerage, **Chris and Dianna Chapman**, R. R. 3, Box 121, Smethport, PA 16749. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

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.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S106	P & K Developers, LLC 1 Pilgram-Way P. O. Box 1288 Brodheads ville, PA 18322	Monroe	Tunkhannock Township	Tunkhannock Creek Mud Run HQ-CWF
PAS107422	Waymart Area Authority P. O. Box 3300 Waymart, PA 18472-0224	Wayne	Canaan Township Waymart Borough	Middle Creek Van Auken Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS105103	Jan Reapsome R. D. 2 Box 231K Loysville, PA 17047	Perry	Southwest Madison	Shermans Creek (HQ-CWF)

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

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10W085	Tom Evans Rostraver Aviation, Inc. 2420 Greenock Buena Vista Road McKeesport, PA 15135	Washington County North Strabane Township	Little Chartiers Creek/ HQ-TSF

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS104112	Catalyst Energy, Inc. 117 Radcliff Drive Pittsburgh, PA 15237-3384	McKean	Lafayette Township	Turnup Run (HQ-CWF) and Thundershower Run (HQ-CWF)

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lackawanna County Moosic Borough	PAR10N128	Salvatore Luzio 300 Davis St. Taylor, PA 18517	Lackawanna River WWF	Lackawanna County Conservation District (570) 281-9495
Schuylkill County Orwigsburg Borough	PAR105831	Blue Mt. School District 685 Reddale Rd. P. O. Box 279 Orwigsburg, PA 17961	Mahannon Creek CWF	Schuylkill County Conservation District (570) 622-3742
Schuylkill County Tamaqua and Coaldale Boroughs	PAR105829	Department of Environmen- tal Protection Bureau of Abandoned Mine Reclamation 2 Public Square 5th Floor Wilkes-Barre, PA 18711	Little Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Windsor Township York County	PAR10Y580	Monarch Ridge Monarch Ridge Assoc. 1 Waterford Professional Center York, PA 17402	UNT to Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAR10Y577	Briar Cliff Harry Fox Jr. 15 Montego Court Dillsburg, PA 17019	Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Gulich Township Clearfield County	PAR101774	Bureau of Abandoned Mine Reclamation Rachel Carson Office Bldg. P. O. Box 8476 Harrisburg, PA 17105	Little Muddy Run CWF East Branch CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Northampton County Williams Township	PAR502202	Chrin Brothers, Inc. 635 Industrial Drive Easton, PA 18042	Lehigh River WWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Northampton County Nazareth Borough	PAR142209	C. F. Martin & Co., Inc. 510 Sycamore Street Nazareth, PA 18064-0329	Shoeneck Creek WWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Northampton County Lower Saucon Township	PAR502205	IESI PA Bethlehem Landfill 2335 Applebutter Road Bethlehem, PA 18015-6004	Unnamed tributary to East Branch of Saucon Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lancaster County Manheim Township	PAR403505	Lancaster County Solid Waste Management Author- ity (LCSWMA) Transfer Station 1299 Harrisburg Pike P. O. Box 4425 Lancaster, PA 17604-4425	Storm Sewer	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Williamsport Lycoming County	PAR204824	Coastal Aluminum Rolling Mills, Inc. 2475 Trenton Avenue Williamsport, PA 17701	Fox Hollow Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Milton Borough Northumberland County	PAR204826	Milton Steel, Inc. 6 Canal Street Milton, PA 17847	W. Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Shippingport Borough Beaver County	PAR216142	Pennsylvania Power Company 76 S. Main Street A-GO-13 Akron, OH 44308	Haden Run tributary to Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Marion Township Beaver County	PAR226103	Quality Wood Treating Co. Inc. P. O. Box 350 Prairie Du Chien, WI 53821	Connoquenessing Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
East Franklin Township Armstrong County	PAR706116	IA Construction Corp. 158 Lindsay Road Zelienople, PA 16063	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Center Township Indiana County	PAR706117	IA Construction Corp. 158 Lindsay Road Zelienople, PA 16063	Two Lick Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Erie Erie County	PAR118313	Smith Meter, Inc. P. O. Box 10428 Erie, PA 16514-0428	Lake Erie	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAR608304	Jay's Auto Wrecking, Inc.	Unnamed tributary to Conneauttee Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Northampton County Lehigh Township	PAG042206	Mamie C. Graver Barbara Beers, POA 106 Cherry Street Walnutport, PA 18088	Unnamed tributary to Bertsch Creek	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711
Bedford County Cumberland Valley Township	PAG043577	Rande W. Brown 153 Hidden Valley Lane Bedford, PA 15522	UNT to Oster Run	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Napier Township	PAG043563	Dennis Dull 1472 Tulls Hill Road Bedford, PA 15522	UNT to Raystown Branch of Juniata River	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Columbia Township Bradford County	PAG045135	Sigmund Winiavski R. R. 1, Doe Run 6 Troy, PA 16947	UNT to North Branch Sugar Creek (TSF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
West Salem Township Mercer County	PAG048446	Nancy E. Griffin 38 Wise Road Greenville, PA 16125-9237	Tributary Shenango River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
Coolspring Township Mercer County	PAG048783	Sandra K. Hill 352 Franklin Road Mercer, PA 16137	Unnamed tributary to Otter Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
West Salem Township Mercer County	PAG048785	Jeremy M. Gaus and Angela L. Fuchs 417 East Jamestown Road Greenville, PA 16125	Unnamed tributary to Big Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
Perry Township Lawrence County	PAG048787	Thomas M. Lewis R. R. 2, Box 349A Portersville, PA 16051	Unnamed tributary to Camp Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942
Keating Township McKean County	PAG048788	Chris and Dianna Chapman R. R. 3, Box 121 Smethport, PA 16749	North Branch of Cole Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Hatboro Township Montgomery County	PAG050030	Exxon Mobil Corporation P. O. Box 288 220 Commerce Drive Suite 205 Ft. Washington, PA 19034	UNT to Pennypack Creek	Southeast Region Water Management (610) 832-6130

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Frederick, MD	PAG089903	Frederick County Division of Util. & Solid Waste Management 7303 Marcie's Choice Lane Frederick, MD 21704	Ballenger Creek Wastewater Treatment Plant 7400 Marcie's Choice Lane Frederick, MD 21704	BWSWM (717) 787-8184
Savage, MD	PAG089905	Little Patuxent Water Reclamation Plant 8900 Greenwood Place Savage, MD 20763	Little Patuxent Water Reclamation Plant 8900 Greenwood Place Savage, MD 20763	BWSWM (717) 787-8184

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
East Donegal Township Lancaster County	PAG083556	Lancaster Area Sewer Authority 130 Centerville Road Lancaster, PA 17603	Denlinger Farm East Donegal Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110- 8200

General Permit Type—PAG-10

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
City of Warren Warren County	PAG108302	National Fuel Gas Supply Corporation P. O. Box 2081 Erie, PA 16512	Allegheny River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lebanon County East Hanover Township	PAG123538	Hostetter Management Company Swatara Swine 1921 Blacks Bridge Road R. R. 2 Annville, PA 17003	Swatara Creek/WWF	DEP Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110- 8200 (717) 705-4707
Berks County Upper Bern Township	PAG123537	Hostetter Management Company Penn Valley Pork, Inc. Box 32, Phillips Lane Mohrsville, PA 19541	Leshner Run/WWF	DEP Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110- 8200 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lebanon County Heidelberg Township	PAG123536	Hostetter Management Company Owl Creek Farm 974 Albright Road Newmanstown, PA 17073	UNT to Mill Creek/ TSF	DEP Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

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).

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

Permit No. 2301502, Minor Amendment. Public Water Supply.

Applicant	Chester Water Authority P. O. Box 467 Chester, PA 19106-0467
Township	Little Britain
County	Lancaster
Type of Facility	PWS System
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100

Permit to Construct Issued February 15, 2002

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

Permit No. Minor Amendment, Public Water Supply.

Applicant	Renovo Borough 128 Fifth Street Renovo, PA 17764
Borough	Renovo Borough
County	Clinton
Type of Facility	PWS—modification of disinfection facilities at booster pump station to provide flow proportioning.
Consulting Engineer	Kerry A. Uhler & Associates 140 West High Street Bellefonte, PA 16823

Permit to Construct Issued February 19, 2002

Permit No. 0801503, Public Water Supply.

Applicant	New Albany Borough P. O. Box 67 New Albany, PA 18833
Borough	New Albany Borough
County	Bradford
Type of Facility	PWS—interconnection, pump station and transmission line needed to use Towanda Municipal Authority as a source of supply.
Consulting Engineer	Stiffler, McGraw, & Associates, Inc. 19 North Juniata Street Hollidaysburg, PA 16648

Permit to Construct Issued February 13, 2002

Permit No. Minor Amendment, Public Water Supply.

Applicant	Renovo Borough 128 Fifth Street Renovo, PA 17764
Borough	Renovo Borough
County	Clinton
Type of Facility	PWS—modification of disinfection facilities at booster pump station to provide flow proportioning.
Consulting Engineer	Kerry A. Uhler & Associates 140 West High Street Bellefonte, PA 16823

Permit to Operate Issued February 19, 2002
Permit No. Minor Amendment-T1, Public Water Supply.
 Applicant **Beccaria-Coalport-Irvona Municipal Authority**
 Cressview Street Extension
 P. O. Box 388
 Irvona, PA 16656
 Township Beccarria Township
 County **Clearfield**
 Type of Facility PWS—Lyleville waterline extension, upgrades to Pump Station #1 and new Pump Station #2.

Permit to Operate Issued February 11, 2002
Permit No. Minor Amendment, Public Water Supply.
 Applicant **Beccaria-Coalport-Irvona Municipal Authority**
 Cressview Street Extension
 P. O. Box 388
 Irvona, PA 16656
 Township Beccarria Township
 County **Clearfield**
 Type of Facility PWS—Cemetery Road waterline as part of Lyleville waterline extension project

Permit to Operate Issued February 11, 2002
Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

Permit No. 0401505, Minor Amendment. Public Water Supply.
 Applicant **Marion Township Board of Supervisors**
 485 Hartzell School Road
 Fombell, PA 16123

(Borough or Township) Marion Township
 County **Beaver**
 Type of Facility Tank
 Consulting Engineer Widmer Engineering, Inc.
 Permit to Construct Issued January 14, 2002

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

Permit No. 6190503-MA4, Minor Amendment. Public Water Supply.
 Applicant **Sandycreek Township**
 R. D. 4, Box 900, Pone Lane
 Franklin, PA 16323.
 Borough or Township Sandycreek Township
 County **Venango**
 Type of Facility PWS
 Consulting Engineer Stone Consulting & Design Inc.
 324 Penn Avenue West, P. O. Box 306
 Warren, PA 16365

Permit to Construct Issued February 12, 2002
Permit No. 2088501-T1-MA5, Minor Amendment. Public Water Supply.

Applicant **Meadville Area Water Authority**
 18160 Rogers Ferry Road
 Meadville, PA 16335
 Borough or Township City of Meadville
 County **Crawford**
 Type of Facility PWS
 Consulting Engineer Gannett Fleming, Inc.
 Foster Plaza III, Suite 200
 601 Holiday Drive
 Pittsburgh, PA 15220

Permit to Construct Issued February 12, 2002

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
E. Manchester Township	5080 N. Sherman St. Extended Mt. Wolf, PA 17347	York County

Plan Description: The approved plan provides for the construction of a wastewater treatment plant to serve the village of Saginaw. Additional collection systems tributary to the existing Manchester/Mt. Wolf sewage treatment plant will be used to handle other immediate needs areas in the township. All other unsewered portions of the township will be addressed by the adoption of an Onlot Management Ordinance.

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 OR REMEDIAL RESPONSE

Mays/Hickman Road site, Robinson Township, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), is proposing a response action for the Mays/Hickman Road site (Site). The Site is located at the end of Hickman Road on property adjacent to Montour Run in Robinson Township, Allegheny County.

The Site consists of approximately 1,200 tons of carbon sweepings that were dumped onto the property in the 1950s and 1960s. In addition, eight leaking 55 gallons are on the Site. A site investigation conducted by the Department in 2001 found that the carbon sweepings, leaking drums and related contaminated soils contained

elevated semi-VOCs. These "hazardous substances," as defined under the HSCA, threaten surface water since runoff from the Site discharges into Montour Run. Exposure to the carbon sweepings and the material in the drums pose a direct contact threat to individuals and wildlife. The Site poses an accidental ingestion threat due to the fact that the adjacent stream is used for swimming and fishing.

The objective of this response is to remove the human health threats associated with the carbon sweepings pile, leaking drums and associated soil contamination.

The following response alternatives were considered:

#1. No action: This alternative would involve no response by the Department to address the threats.

#2. Restrict site access: Under this alternative the carbon sweeping pile, drums and associated contaminated soil would be enclosed behind a fence 8 feet high with warnings signs.

#3. Landfill capping: This alternative would require that the drums and excavated contaminated soil be combined with the carbon sweepings pile. This combined area would be graded, capped and a final vegetated cover placed over it in accordance the residual waste regulations (Chapter 288).

#4. Excavation and offsite disposal: This alternative would consist of removal for offsite disposal of the carbon sweepings pile and drums. In addition, contaminated soils related to both areas would be excavated and removed for offsite disposal. The soil cleanup standards under the Land Recycling and Environmental Remediation Standards Act (Act 2) would be met in the excavated areas.

The Department is proposing to implement alternative #4. This alternative is more protective of human health and the environment than alternative #1, #2 or #3. The cleanup standards under Act 2 will be used for this response.

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 regional office at 400 Waterfront Drive, Pittsburgh, PA and is available Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will open for comment from March 16, 2002, until June 17, 2002. Persons may submit written comments into the record during this time only, by sending them to Terry Goodwald, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to this 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 17, 2002, at 7 p.m., at the Robinson Township Municipal Building, 1000 Churchill Road, Pittsburgh, PA 15205. Persons wishing to present comments must register with Betsy Mallison before April 15, 2002, by telephone at (412) 442-4000 or in writing to 400 Waterfront Drive, Pittsburgh, PA 15222.

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.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

Pitkow Property, Buckingham Township, **Bucks County**. Staci Nelson-Cottone, American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard. The report was submitted within 90 days of the release of the contaminant.

Chester Waterfront Redevelopment Project Site, City of Chester, **Delaware County**. Kimberly Peck, Excelon Power, 200 Excelon Way, Suite 140, Kennett Square, PA 19348, has submitted a Cleanup Plan concerning remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PHCs and PAHs; and groundwater contaminated with lead, heavy metals, pesticides, solvents, BTEX, PHCs and PAHs.

Delaware County Emergency Services Training Center, Darby Township, **Delaware County**. Robert M. Byer, Jr., IT Corp., 1160 McDermott Dr., Suite 102, West Chester, PA 19380-4022, has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil, groundwater, surface water and sediment contaminated with undetermined contaminants.

J. C. Ehrlich Company, Lower Pottsgrove Township, **Montgomery County**. Jeffrey K. Walsh, P.G., Gilmore & Associates, Inc., 184 Main St., Suite 300, Trappe, PA

19426, on behalf of The Third Generation Corp., Attn: Victor Hammel, c/o J.C. Ehrlich Co., 500 Spring Ridge Dr., P. O. Box 13848, Reading, PA 19612-3848, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX and PHCs; and groundwater contaminated with lead, BTEX, PHCs and MTBE. The report is intended to document remediation of the site to meet Statewide Health and Background Standards.

Action Manufacturing Co., City of Philadelphia, **Philadelphia County**. Gloria G. Hunsberger, P.G., Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380, on behalf of Action Manufacturing Co., 500 Bailey Crossroads, Atglen, PA 19319, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and PAHs. The report is intended to document remediation of the site to meet Statewide Health and Background Standards.

Sears Logistics Services, Inc., Option A, Former Bridge Street Warehouse, City of Philadelphia, **Philadelphia County**. Tom Farrell, Resource Control Corp., 1274 N. Church Street, Moorestown, NJ 08057, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents, BTEX and PAHs. The report is intended to document remediation of the site to meet Site-Specific Standards.

Boulevard Plaza, City of Philadelphia, **Philadelphia County**. David J. Russell, P.E., Earth Tech, Four Neshaminy Interplex, Suite 300, Trevoise, PA 19053, on behalf of Lebanon Pad, L.P., 442 Park Ave., Suite 302, New York, NY 10016, has submitted a Remedial Investigation Report/Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with lead; and groundwater contaminated with lead and solvents.

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

PPL—N. Stroudsburg Substation, Stroud Township, **Monroe County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report was submitted to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

PPL—Siegfried Substation, Allen Township, **Northampton County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report was submitted to document remediation of the site to meet the Statewide health standard.

PPL—Stanton Substation, Exeter Township, **Luzerne County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report was submitted to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

PPL Former Stanton Steam Electric Station, Exeter Township, **Luzerne County**. USFilter Engineering and Construction, State College, PA submitted a Final Report (on behalf of PPL Generation, LLC, 2 North Ninth Street, Allentown, PA, 18101) concerning the remediation of site soils found or suspected to have been contaminated with PCBs, metals, solvents and BTEX compounds. The

report was submitted to document remediation of the site to meet the Statewide health standard.

PPL Former Harwood Steam Electric Station, Hazle Township, **Luzerne County**. Langan Engineering & Environmental Services, Inc., 500 Hyde Park, Doylestown, PA submitted a combined Remedial Investigation Report and Final Report (on behalf of PPL Generation, LLC, 2 North Ninth Street, Allentown, PA, 18101) concerning the characterization and remediation of site soils found or suspected to have been contaminated with PCBs, metals, solvents and BTEX compounds. The reports were submitted to document attainment of both the Statewide health and site-specific standards.

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

Anchor Glass Container Corporation (former Diamond Glass Plant Furnace Bldg.), Marienville, PA 16239, Jenks Township, **Forest County**, has submitted a Final Report to remediate soil contaminated with Arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information

concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Former ExxonMobil Allentown Terminal, City of Allentown, **Lehigh County**. Frank J. Messina, Project Manager, ExxonMobil Refining & Supply Company, 1900 East Linden Avenue, P. O. Box 728, Linden, NJ 07036 submitted a both a Remedial Investigation Report and a Cleanup Plan concerning the characterization and remediation of site soils and groundwater found or suspected to have been contaminated with BTEX compounds. The reports were submitted in partial fulfillment of the site-specific standard and were approved on February 11, 2002.

PPL—N. Stroudsburg Substation, Stroud Township, **Monroe County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report demonstrated attainment of the Statewide health standard and was approved on February 14, 2002.

PPL—Siegfried Substation, Allen Township, **Northampton County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report demonstrated attainment of the Statewide health standard and was approved on February 14, 2002.

PPL—Stanton Substation, Exeter Township, **Luzerne County**. PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 submitted a Final Report concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report demonstrated attainment of the Statewide health standard and was approved on February 14, 2002.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Issued

AERC.Com, Inc., 2591 Mitchell Avenue, Allentown, PA 18103-6609. License No. **PA-AH 0687**. Effective February 12, 2002.

Hazardous Waste Transporter License Renewed

Carlucci Construction Company, Inc., 401 Meadow Street, Cheswick, PA 15024. License No. **PA-AH 0297**. Effective February 11, 2002.

T. W. Scott Enterprises, Inc., P. O. Box 705, 235 Sylvan Drive, Belle Vernon, PA 15012. License No. **PA-AH 0657**. Effective February 14, 2002.

Edward Armstrong & Sons, Inc., 205 Greenfield Road, Lancaster, PA 17601. License No. **PA-AH 0027**. Effective February 15, 2002.

U. S. Bulk Transport, Inc., 205 Pennbriar Drive, Erie, PA 16509. License No. **PA-AH 0408**. Effective February 15, 2002.

John Pfrommer, LLC, 1320 Ben Franklin Highway E., Douglassville, PA 19518. License No. **PA-AH 0649**. Effective February 15, 2002.

J and D Trucking, Inc., 3526 NW Blvd., Vineland, NJ 08360. License No. **PA-AH 0652**. Effective February 19, 2002.

AIR QUALITY

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

15-0067B: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362) on February 13, 2002, for operation of Potato Chip Line No. 3 in West Nottingham Township, **Chester County**.

46-0227: W. A. Schmidt, Inc. (38 Souderton Pike, Franconia, PA 18924) on February 14, 2002, for operation of a spray paint conveyor line in Franconia Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

07-03034B: Fry Metals, Inc. (4100 Sixth Avenue, Altoona, PA 16602) on February 7, 2002, for construction of a soft metal melting area controlled by a fabric filter in the City of Altoona, **Blair County**.

36-05019E: Anvil International, Inc. (1411 Lancaster Avenue, Columbia, PA 17512) on February 7, 2002, for modification of foundry operations at its Columbia Plant in Columbia Borough, **Lancaster County**.

38-03028A: Brentwood Industries, Inc. (2101 Lehman Street, Lebanon, PA 17046) on February 8, 2002, for installation of carbon adsorption odor control equipment on gray line and green line at its Lebanon Plant in West Lebanon Township, **Lebanon County**.

67:03041A: County Line Quarry, Inc. (740 South Front Street, Wrightsville, PA 17368) on February 14, 2002, for installation of a fabric filter to control particulate matter emissions from a crushing operation at the Wrightsville Quarry in Hellam Township, **York County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

37-152A: New Castle Refractories, Co. (915 Industrial Street, New Castle, PA 16102) on February 11, 2002, for construction of shuttle kilns in New Castle, **Lawrence County**.

42-197A: M & M Royalty, Ltd.—Irishtown Plant (Route 307, Lewis Run, PA 16738) on February 8, 2002, for construction of a compressor engine and dehydrator in Lafayette Township, **McKean County**.

10-021J: INDPSEC Chemical Corp. (133 Main Street, Petrolia, PA 16050) on February 8, 2002, for modification of Plan Approval 10-021H in Petrolia, **Butler County**.

16-132B: Temple Inland Forest Products Corp.—Clarion (1 Fiberboard Way, Shippenville, PA 16254) on February 13, 2002, for modifications to Plan Approval 16-132A in Paint Township, **Clarion County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0050: 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**.

15-0086A: Bakery Feeds, Inc. (97 Westbrook Drive, Honey Brook, PA 19344) on February 6, 2002, for operation of a regenerative thermal oxidizer in Honeybrook Township, **Chester County**.

09-0123: Better Materials Corp. (262 Quarry Road, Ottsville, PA 18942) on February 13, 2002, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County**.

46-0206: Merck and Co., Inc. (1180 Church Road, Lansdale, PA 19446) on February 13, 2002, for operation of two 400 kW Emergency Generators in Lansdale Borough, **Montgomery County**.

46-0005J: Merck and Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) on February 13, 2002, for operation of a 1,040 kW Emergency Generator in Upper Gwynedd Township, **Montgomery County**.

09-0087A: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on February 14, 2002, for operation of an ammonia scrubber in Falls Township, **Bucks County**.

46-0134: Hill School, The (717 East High Street, Pottstown, PA 19464) on February 14, 2002, for operation of two boilers in Pottstown Borough, **Montgomery County**.

15-0004D: Reynolds Metals Co. (520 Lincoln Avenue, Downingtown, PA 19335) on February 14, 2002, for operation of four film seaming machines in Downingtown Borough, **Chester County**.

23-0001N: Sunoco, Inc. (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on February 14, 2002, for operation of Boiler #9 in Marcus Hook Borough, **Delaware County**.

46-0036B: Visteon Systems LLC (2750 Morris Road, Lansdale, PA 19446) on February 14, 2002, for operation of a selective soldering machine in Worcester Township, **Montgomery County**.

46-0036: Visteon Systems LLC (2750 Morris Road, Lansdale, PA 19446) on February 14, 2002, for operation of Selective Soldering Machine No. 6 in Worcester Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

67-03100: Iris Energy, LLC (100 Nyala Farm, Westport, CT 06880) on January 26, 2002, for operation of its Syn-Fuel Processing Facility controlled by wet suppression in East Manchester Township, **York County**. This plan approval was extended.

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

14-310-019A: Con-Stone, Inc. (P. O. Box 28, Bellefonte, PA 16823) on February 6, 2002, to allow the construction of different conveyors than those originally specified in the plan approval in a stone crushing and screening plant in Haines Township, **Centre County**.

19-00001A: Magee Rieter Automotive Systems, Inc. (480 West Fifth Street, Bloomsburg, PA 17815) on February 6, 2002, to change the maximum allowable nitrogen oxides and carbon monoxide emission limits from a carpet dryer from 6.1 and 10.4 tons per 12 consecutive month period, respectively, to 8.04 and 8.16 tons per 12 consecutive month period, respectively, in the Town of Bloomsburg, **Columbia County**.

41-303-009: HRI, Inc. (P. O. Box 155, State College, PA 16804) on February 5, 2002, to extend the authorization to operate a batch asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis until June 5, 2002, in the City of Williamsport, **Lycoming County**.

08-302-039: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on February 7, 2002, to extend the authorization to operate two woodwaste-fired boilers and associated air cleaning devices (an electrostatic precipitator and a selective noncatalytic reduction system) on a temporary basis until June 7, 2002, in Wysox Township, **Bradford County**.

08-318-024A: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on February 7, 2002, to extend the authorization to operate a hardboard products surface coating operation (Coating II) on a temporary basis until June 7, 2002, in Wysox Township, **Bradford County**.

08-0004A: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on February 7, 2002, to extend the authorization to operate a woodwaste-fired boiler and associated air cleaning device (an electrostatic precipitator) on a temporary basis until June 7, 2002, in Wysox Township, **Bradford County**.

08-316-013A: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on February 7, 2002, to extend the authorization to operate a hardboard press (Line 2/Trimboard) and associated air cleaning device (a scrubber) on a temporary basis until June 7, 2002, as well as to extend the deadline for the performance of stack testing on the hardboard press, in Wysox Township, **Bradford County**.

53-0003D: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on February 12, 2002, to extend the authorization to operate a 12.8 million Btu per hour natural gas-fired regeneration

heater, two 3,200 horsepower natural gas-fired reciprocating internal combustion compressor engines, a 536 horsepower natural gas-fired emergency generator and a 3.0 million Btu per hour natural gas-fired boiler on a temporary basis until June 12, 2002, at the Greenlick Compressor Station in Stewardson Township, **Potter County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

65-00659B: Better Materials Corp. (P. O. Box 187, Berkeley Springs, WV 25411) on February 5, 2002, for completion of construction and to conduct stack testing in Hempfield Township, **Westmoreland County**. This plan was extended.

63-906A: Lane Construction Co. (1 Rutgers Road, Second Floor, Pittsburgh, PA 15205) on February 5, 2002, to correct deficiencies with stack testing in Donora Borough, **Washington County**. This plan was extended.

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

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

46-00015: Occidental Chemical (Armand Hammer Boulevard, Pottstown, PA 19464) on February 7, 2002, for operation of a Facility Title V Operating Permit in Lower Pottsgrove Township, **Montgomery 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.

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

06-03043: Wolf Technologies LLC (P. O. Box 185, Douglassville, PA 19518) on February 11, 2002, for operation of an investment casting foundry controlled by a fabric collector in Amity Township, **Berks County**.

21-03027: Lafferty and Co., Inc. (1100 Hummel Avenue, Lemoyne, PA 17043) on February 13, 2002, for operation of a sawmill in Lemoyne Borough, **Cumberland County**.

21-03048: Carlisle Small Animal Veterinary Clinic (25 Shady Lane, Carlisle, PA 17013) on February 12, 2002, for operation of an animal crematory in Middlesex Township, **Cumberland County**.

67-03096: FCI USA, Inc. (25 Grumbacher Road, York, PA 17502) on February 11, 2002, for operation of an electronics connectors manufacturing facility at its Grumbacher Road Plant in Manchester Township, **York County**.

67-05095: Osram Sylvania Products, Inc. (1128 Roosevelt Avenue, York, PA 17404) on February 12, 2002, for operation of an electronics components manufacturing facility in West Manchester Township, **York County**.

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

20-00268: Tedes Co. (614 Baldwin Street, Meadville, PA 16335) for a Natural Minor Operating Permit for a crematory in the City of Meadville, **Crawford County**.

24-00136: National Fuel Gas Supply Corp.—Sackett Station (Highland Township, Ridgway, PA 15853) for a Synthetic Minor Operating Permit to operate a natural gas compressor station located in Highland Township, **Elk County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

15-0029: Dopaco, Inc. (241 Woodbine Road, Downingtown, PA 19335) on February 14, 2002, for operation of three ink jet coding systems in Downingtown Borough, **Chester County**.

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

14-310-017J: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on February 7, 2002, to incorporate conditions established in Plan Approval 14-310-017K for two conveyors in a stone crushing and screening plant in Spring Township, **Centre County**.

49-309-007J: Meckley's Limestone Products, Inc. (R. R. 1, Box 1682, Herndon, PA 17830) on February 7, 2002, to incorporate conditions established in Plan Approval 49-309-007K for a bulk pulverized limestone storage silo and truck loadout spout and associated air cleaning devices (a new fabric collector and an existing fabric collector) in Lower Mahanoy Township, **Northumberland 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 Issued

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

17000102 and NPDES Permit No. PA 0242888. Johnson Brothers Coal Company, R. R. 1, Box 580, Mahaffey, PA 15757. Commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 131.1 acres. Re-

ceiving streams: unnamed tributaries of Whiskey Run to Whiskey Run and to unnamed tributaries of South Branch Bear Run to South Branch Bear Run, to West Branch Susquehanna River. Application received March 21, 2000. Permit issued February 7, 2002.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982

03910102 and NPDES Permit No. PA0592285. T. C. Mining (R. R. 2, Box 301-B, Kittanning, PA 16201). Permit issued for continued reclamation only of a bituminous surface mining site located in Valley Township, **Armstrong County**, affecting 72.6 acres. Receiving streams: an unnamed tributary to and including Long Run. Application received: November 26, 2001. Reclamation only renewal issued: February 12, 2002.

65970102 and NPDES Permit No. PA0201871. V. P. Smith Co., Inc. (P. O. Box 242, Ligonier, PA 15658). Permit renewal issued for continued reclamation only of a bituminous surface mine located in Murrysville Borough, **Westmoreland County**, affecting 59 acres. Receiving streams: unnamed tributary to Steels Run to Steels Run, Steels Run to Turtle Creek, Turtle Creek to Monongahela River. Application received: November 2, 2001. Renewal permit issued: December 14, 2001.

03960106 and NPDES Permit No. PA0201693. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Permit issued for continued reclamation only of a bituminous surface mining site located in Wayne Township, **Armstrong County**, affecting 33.0 acres. Receiving streams: unnamed tributaries to Camp Run and Scrubgrass Creek. Application received: December 3, 2001. Reclamation only renewal issued: February 13, 2002.

26940104 and NPDES Permit No. PA0200883. Harry Lee and Rolland Herring (196 Mennonite Church Road, Masontown, PA 15461). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Nicholson Township, **Fayette County**, affecting 75.7 acres. Receiving streams: Jacobs Creek and unnamed tributaries to Jacobs Creek. Application received: December 3, 2001. Renewal issued: February 13, 2002

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931

56960110 and NPDES Permit No. PA0234281. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541. Permit renewal for continued operation of a bituminous surface and limestone removal mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 312.2 acres. Receiving streams: Blue Lick Creek, unnamed tributary to Blue Lick Creek classified for the following uses: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received December 3, 2001. Permit issued: February 11, 2002.

32960103 and NPDES Permit No. PA021331. Kraynak Coal Company, 3124 Firetower Road, Mahaffey, PA 15757. Permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Grant and Green Townships, **Indiana County**, affecting 329.7 acres. Receiving streams: unnamed tributary to East Run

and Little Mahoning Creek to Mahoning Creek and unnamed tributaries of North Branch of Two Lick Creek classified for the following uses: High Quality—Cold Water Fishery; High Quality—Cold Water Fishery; Cold Water Fishery and Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received November 26, 2001. Permit issued: February 12, 2002.

11960109 and NPDES Permit No. PA0234320. Paul F. Becker Coal Company, 1593 Old Route 22, Duncansville, PA 16635. Permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Elder Township, **Cambria County**, affecting 27.0 acres. Receiving streams: unnamed tributary to Brubaker Run classified for the following uses: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received December 7, 2001. Permit issued February 13, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317

32841317. NPDES Permit #PA0037109, Helvetia Coal Company (P. O. Box 219, Sheloceta, PA 15774), to revise the permit for the Lucerne No. 9 deep mine in Conemaugh Township, **Indiana County** to add a treatment pond and 2.5 surface acres to the existing surface area of Lucerne 9 Mine/No. 2 portal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued November 19, 2001.

56900701. NPDES Permit #PA0214078, PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Job 12 Expansion in Shade Township, **Somerset County** to renew permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued January 31, 2002.

32733709. NPDES Permit #PA0214159, Robindale Energy Services, Inc. (One Energy Place, Suite 1400, Latrobe, PA 15650), to transfer the permit for the Dilltown Facility in Brush Valley Township, **Indiana County** to transfer from Custom Coals—Dilltown, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued February 1, 2002.

32841601. NPDES Permit #PA0214159, Robindale Energy Services, Inc. (One Energy Place, Suite 1400, Latrobe, PA 15650), to transfer the permit for the Dilltown Facility in Brush Valley Township, **Indiana County** to transfer from Custom Coals—Dilltown, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres

Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued February 1, 2002.

30841313. NPDES Permit #PA0022594, Consolidation Coal Co. (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth Mine in Cumberland and Jefferson Townships, **Greene County**, revision to SCP in mine special low cover area under stream, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued February 13, 2002.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669

33920101 and NPDES Permit No. PA0211087. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801) Renewal of an existing bituminous strip operation in Pine Creek Township, **Jefferson County** affecting 56.3 acres. This renewal is issued for reclamation only. Receiving streams: Four unnamed tributaries to Little Mill Creek and one unnamed tributary to Mill Creek. Application received: November 15, 2001. Permit issued February 13, 2002.

33950107 and NPDES Permit No. PA0227102. R & L Coal Corp. (P. O. Box 26, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Warsaw Township, **Jefferson County** affecting 39.5 acres. Receiving streams: Two unnamed tributaries of Mill Creek. Application received: December 20, 2001. Permit issued February 13, 2002.

Noncoal Permits Issued

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

37960303. B & P Slag Corp. (133 East Wallace Ave., New Castle, PA 16101) Renewal of NPDES Permit No. PA0227293 in Union Township, **Lawrence County**. Receiving streams: Mahoning River. Application received: December 18, 2001. NPDES Renewal Permit issued February 13, 2002.

10010309 and NPDES No. PA0241938. Annandale Sandstone (219 Goff Station Road, Boyers, PA 16020) Commencement, operation and restoration of a sandstone operation in Venango Township, **Butler County** affecting 16.0 acres. Receiving streams: unnamed tributary to Seaton Creek and Seaton Creek. Application received: August 6, 2001. Permit issued February 2, 2002.

Small Noncoal Permit—Final Bond Release

26932303. David M. Stronko (P. O. Box 164, Lemont Furnace, PA 15456). Final bond release for a small noncoal mining operation in Franklin and Dunbar Townships, **Fayette County**. Restoration of 34.1 acres completed. Receiving streams: Bute Run to Redstone Creek to Monongahela River. Application for final bond release received: May 24, 2001. Final bond release approved October 16, 2001.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

06024002. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Amity Township, **Berks County** with an expiration date of December 31, 2002. Permit issued February 11, 2002.

35024001. Leeward Construction (R. R. 2 Box 2062, P. O. Box D, Honesdale, PA 18431), construction blasting in Clarks Summit Borough, **Lackawanna County** with an expiration date of September 11, 2002. Permit issued February 11, 2002.

35024002. Hayduk Enterprises, Inc. (P. O. Box 554, Dalton, PA 18414), construction blasting for Double M in Dunmore Borough, **Lackawanna County** with an expiration date of May 1, 2002. Permit issued February 11, 2002.

45024010. Hayduk Enterprises, Inc. (P. O. Box 554, Dalton, PA 18414), construction blasting for Empire Construction in Stroud Township, **Monroe County** with an expiration date of March 30, 2002. Permit issued February 11, 2002.

48024002. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Palmer Township, **Northampton County** with an expiration date of November 9, 2002. Permit issued February 11, 2002.

48024003. American Rock Mechanics, Inc. (731 Chestnut Street, Zionsville, PA 18092), construction blasting in Bethlehem Township, **Northampton County** with an expiration October 10, 2002. Permit issued February 11, 2002.

67024005. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Penn Township, **York County** with an expiration date of December 31, 2002. Permit issued February 11, 2002.

15024006. Schlouch, Inc. (P. O. Box 69, Blandon, PA 19510), construction blasting in East Brandywine Township, **Chester County** with an expiration date of September 14, 2002. Permit issued February 12, 2002.

36024004. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Ephrata Township, **Lancaster County** with an expiration date of March 31, 2002. Permit issued February 12, 2002.

39024002. Rock Work, Inc. (1257 Dekalb Pike, Blue Bell, PA 19422), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of September 18, 2002. Permit issued February 12, 2002.

52024002. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Blooming Grove Township, **Pike County** with an expiration date of February 15, 2007. Permit issued February 12, 2002.

54024001. Arthur "Pat" Aungst, Inc. (45 Tremont Road, Pine Grove, PA 17963), construction blasting for Highridge Project in Butler Township and Gordon Borough, **Schuylkill County** with an expiration date of March 31, 2002. Permit issued February 14, 2002.

06024003. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Ontelaunee Township, **Berks County** with an expiration date of October 31, 2002. Permit issued February 14, 2002.

06024004. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Exeter Township, **Berks County** with an expiration date of October 31, 2002. Permit issued February 14, 2002.

36024005. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Lancaster Township, **Lancaster County** with an expiration date of March 31, 2007. Permit issued February 14, 2002.

36024006. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Warwick Township, **Lancaster County** with an expiration date of January 30, 2003. Permit issued February 14, 2002.

36024007. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Denver Borough, **Lancaster County** with an expiration date of March 31, 2002. Permit issued February 14, 2002.

36024008. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in East Cocalico Township, **Lancaster County** with an expiration date of March 31, 2002. Permit issued February 14, 2002.

36024009. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Penn Township, **Lancaster County** with an expiration date of March 31, 2002. Permit issued February 15, 2002.

28024004. D. A. Helman Excavating, Inc. (5980 Stamey Hill Road, Waynesboro, PA 17268), construction blasting in Washington Township, **Franklin County** with an expiration date of June 30, 2002. Permit issued February 14, 2002.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department of Environmental Protection certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (*Note:* Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-830. Matrix Realty Associates, CN 4000 Forsgate Drive, Cranbury, NJ 68512, Lower Makefield and Middletown Townships, **Bucks County**, ACOE Philadelphia District.

To perform the following to the activities that were constructed under permits D09-213 and E09-437 associated with the proposed Octagon Center Matrix Development. This site is located between Oxford Valley Road to the east, Interstate 95 to the west, U. S. Route 1 to the south and Dobry Road to the north (Trenton West, NF-PA Quadrangle N: 13:5 inches; W: 0.5 inch).

1. To remove the control structure from the outlet at the dam and to operate and maintain the remaining 100-foot long, 4-foot wide by 8-foot high box stream enclosure across an unnamed tributary to Mill Creek (WWF) and associated fill in 12-inch water line and an 8-inch sanitary sewer line (Trenton West, NJ-PA Quadrangle N: 14.0 inches; W: 0.5 inch).

2. To remove the roadway crossing authorized by permit E09-437 and to restore 0.69 acre of wetlands (PFO).

The permittee is required to provide a minimum of 1.08 acres of replacement forested wetlands (PFO).

E46-900. Wal-Mart Stores, Inc., Architectural Manager, Design Team, Department 9635, 2001, Southeast

10th Street, Bentonville, AR 72712-6489, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To modify, replace and maintain an existing 36-inch rip-rap along the East Branch of Stony Run Creek (TSF), immediately upstream of Germantown Pike Bridge. This site is located at the intersection of Germantown Pike and Swede Road (Lansdale, PA USGS Quadrangle N: 3.2 inches, W: 9.0 inches).

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

E06-535. Joseph A. Piccone, Incorporated, 501 Route 113, Chester Springs, PA 19425 in Caernarvon Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain: (1) two stream and associated wetland crossings, the western crossing consists of three 78-foot, 6-foot 1-inch diameter pipe arch culverts with 0.069 acre of wetland fill and three 53-foot long, 6-foot 1 inch pipe arch culverts and 0.17 acre for the eastern fill in and along a tributary to East Branch Conestoga River (WWF); (2) an 8-inch PVC sanitary sewer line crossing and an 8-inch water line crossing; and (3) place fill in 0.44 acre of wetland at a point upstream of the Pennsylvania Turnpike for the purpose of constructing the Tri-County Mall (Morgantown, PA Quadrangle N: 6.8 inches; W: 1.8 inches) in Caernarvon Township, Berks County. The permittee is required to provide a minimum of 0.68 acre of replacement wetland.

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

E12-127. Shippen Township Supervisors, P. O. Box 349, Emporium, PA 15834. Shippen Township Road Maintenance Facility, in Shippen Township, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 4.9 inches; W: 2.9 inches).

To operate and maintain a road maintenance facility in the floodway of Driftwood Branch-Sinnemahoning Creek. The operation and maintenance of the municipal road maintenance facility shall be limited to permanent structures and material storage/staging areas that were depicted, review and approved for issuance of this permit. The permitted shall not further expand the road maintenance facility and storage/staging areas without applying for and receiving the written authorization of the Department. The material storage/staging areas shall be operated and maintained so that the earthen embankment dike south of the maintenance building is neither expanded nor diminished in width, depth or height. If upon investigation the Department determines the road maintenance facility or its appurtenances is serving to degrade the water quality of Driftwood Branch, the permittee shall be required to develop and implement the necessary Best Management Practices needed to treat and mitigate the degradation. This permit is issued under section 105.13(e) "Small Projects."

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

E02-1314. Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219-2069. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain a 48 inch outfall, a gabion lined and slush grouted stilling basin and to construct and maintain a parabolic conveyance channel with a top width of 11 feet and depth of 2 feet for a distance of approximately 140 feet along the right bank of Nine Mile

Run (TSF) as part of the Summerset at Frick Park Nine Mile Run Development (Pittsburgh East, PA Quadrangle N: 9.1 inches; W: 4.5 inches).

E26-291. John K. Diamond, 503 East Pittsburgh Street, Greensburg, PA 15601. Nicholson Township, **Fayette County**, ACOE Pittsburgh District.

To construct and maintain a single span bridge having a clear span of 30 feet and an underclearance of 6 feet across Jacobs Creek (WWF) to provide access from T-401 to the permittee's property. The proposed structure is located approximately 1 mile southwest of the intersection of T-401 and S.R. 3010 (Smithfield, PA Quadrangle N: 138 inches; W: 17.33 inches).

E32-429. Indiana County Commissioners, 825 Philadelphia Street, Indiana, PA 15701-3942. West Mahoning Township, **Indiana County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a single span bridge having a normal span of 37.68 meters and an underclearance of 3.5 meters across Little Mahoning Creek (HQ-CWF) for the purpose of improving transportation safety and roadway standards. The project is located on T-398, approximately 0.15 mile south of its intersection with S.R. 4018 (Plumville, PA Quadrangle N: 19.42 inches; W: 4.45 inches).

E65-774. Sewickley Township, 361 Mars Hill Road, Irwin, PA 15642-9606. Sewickley Township, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a single span arch bridge having a normal span of 66.0 feet and an underclearance of 20.0 feet across Little Sewickley Creek (TSF) for the purpose of improving transportation safety and roadway standards. The project is located on Limerick Hill Road (Irwin, PA Quadrangle N: 2.9 inches; W: 12.0 inches).

E65-788. Borough of Export, 6022 Kennedy Avenue, Export, PA 15632. Borough of Export, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing Kennedy Avenue Bridges Nos. 1 and 2 and to construct and maintain a single span bridge having a normal span of 8.64 meters and an underclearance of 1.25 meters across Turtle Creek (TSF) on Kennedy Avenue, Station 10+094.56 and a single span bridge having a normal span of 8.35 meters and an underclearance of 1.4 meters across Turtle Creek on Kennedy Avenue, Station 10+356.3. This permit also authorizes the construction and maintenance of two temporary stream crossings in Turtle Creek consisting of two 910-mm smooth lined pipes at Kennedy Bridge No. 1 and four 910-mm corrugated metal pipes at Kennedy Bridge No. 2, the installation and maintenance of R-6 rock bank stabilization along Turtle Creek for a distance of 187 feet at Bridge No. 1 and 284 feet at Bridge No. 2 and the extension and maintenance of an existing 2.94-meter x 1.06-meter concrete box culvert 2.04 meters downstream in an unnamed tributary to Turtle Creek (Murrysville, PA Quadrangle N: 7.9 inches; W: 0.45 inch) (Murrysville, PA Quadrangle N: 7.85 inches; W: 0.15 inch).

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

E20-506. Randolph Township, T-740 McFadden Road and T-756 Gilbert Road across Woodcock Creek, in Randolph Township, **Crawford County**, ACOE Pittsburgh District.

To conduct the following activities in Randolph Township, Crawford County:

1. Remove the existing culverts, backfill a scour hole extending approximately 100 feet downstream from the roadway with limestone riprap and install and maintain twin 40-foot long, 112-inch wide by 75-inch high corrugated metal pipe arch culverts, including concrete block headwall, endwall and wingwalls in Woodcock Creek on T-740, McFadden Road approximately 0.2 mile south of S.R. 1018, Guys Mills Road (Townville, PA Quadrangle N: 3.6 inches; W: 10.5 inches).

2. Remove the existing culvert and install and maintain a 40-foot long, 81-inch wide by 59-inch high corrugated metal pipe arch culvert with concrete block headwall, endwall and wingwalls in Woodcock Creek on T-756, Gilbert Road approximately 0.8 mile north of S.R. 198 (Townville, PA Quadrangle N: 3.6 inches; W: 9.35 inches).

E20-511, Dale E. and Jill M. Gillette, 12456 State Highway 198, Conneautville, PA 16406. Gillette Bridge across Foster Run, in Summerhill Township, **Crawford County**, ACOE Pittsburgh District (Linesville, PA Quadrangle N: 22.5 inches; W: 1.25 inches).

To construct and maintain a steel beam bridge having a clear span of 28 feet and an underclearance of 6 feet across Foster Run on a private driveway extending south from S.R. 4003 (Linesville-Conneautville Road) approximately 1 mile west of S.R. 18.

E24-218, Albert Prechtl, 1300 Brussels Street, Saint Marys, PA 15857. Albert Prechtl Private Driveway across North Branch Elk Creek, in the City of St. Marys, **Elk County**, ACOE Pittsburgh District (St. Marys, PA Quadrangle N: 11.9 inches; W: 7.4 inches).

To install and maintain twin 60-inch diameter concrete culverts in North Branch Elk Creek on a private driveway extending east from Washington Road approximately 1 mile north of S.R. 1001.

E33-206, Pennsylvania Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. S.R. 2019, Segment 0050, Offset 0396 across tributary to Big Run, in McCalmont Township, **Jefferson County**, ACOE Pittsburgh District (Reynoldsville, PA Quadrangle N: 2.0 inches; W: 3.3 inches).

To remove the existing bridge and to install and maintain a 37-foot long precast reinforced concrete box culvert having a 9-foot wide by 4-foot high waterway opening in a tributary to Big Run on S.R. 2019, Segment 0050, Offset 0396 approximately 580 feet north of T-528.

E37-140, Laurel School District, R. D. 4 Box 30, New Castle, PA 16101. Laurel Elementary School, in Hickory Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 3.1 inches; W: 1.3 inches).

To fill a de minimis area of wetland (PSS, 0.03 acre) for the construction of a building addition and parking lot at the Laurel Elementary School west of McCaslin Road north of S.R. 108 (Harlansburg Road).

E37-142, Pennsylvania Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-2853. S.R. 1002, Section L02 across Hottenbaugh Run, in Hickory Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 7.1 inches; W: 6.2 inches).

To remove the existing bridge, realign 1,350 feet of roadway within the 100-year flood plain and flood way of Hottenbaugh Run and to construct and maintain a pre-

stressed concrete adjacent box beam bridge having a clear span of 60 feet and an underclearance of 6.3 feet on a 70 degree skew across Hottenbaugh Run on S.R. 1002, Section L02 approximately 0.2 mile west of S.R. 168. Project includes impact to a de minimis area of wetland associated with roadway realignment.

E42-283, Hamlin Township, P. O. Box 235, 62 South School Street, Hazel Hurst, PA 16733-0235. T-523 Kasson Road across tributary to Marvin Creek, in Hamlin Township, **McKean County**, ACOE Pittsburgh District (Cyclone, PA Quadrangle N: 0.05 inch; W: 3.65 inches).

To remove the existing culvert and to install and maintain a 40-foot long, 112-inch wide by 75-inch high corrugated metal pipe arch culvert in a tributary to Marvin Creek (Bloomster Hollow) on T-523 (Kasson Road) approximately 200 feet west of S.R. 6.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

EA40-005CO, Evergreen Hills Estates, Inc., 57 North Mountain Boulevard, Mountaintop, PA 18707 Wright Township **Luzerne County**, ACOE Baltimore District.

To modify an existing nonjurisdictional dam adjacent to Big Wapwallopen Creek (CWF) for stormwater management at the proposed Evergreen Hill Estates residential subdivision. The dam is located approximately 1,300 feet west of the intersection of Evergreen Lake Drive and Grove Street (Wilkes-Barre, West, PA Quadrangle, N: 2.5 inches; W: 5.6 inches).

EA50-001A, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Penn Township, **Perry County**, ACOE Baltimore District.

To modify the Upper Cover Creek Dam for the purpose of improving the safety of the dam and preserving wetlands that have developed on accumulated sediments in the reservoir. Modifications include removing the top 6 feet of the dam, spoiling this material at a 1 1/2 to 1 slope against the downstream face of the dam, constructing a 6 inch low flow spillway through the center of the dam and placing a 2 foot thick blanket of R-6 rock over the dam. The project will directly impact approximately 20 feet of the stream channel. The dam is located across Cove Creek (CWF) approximately 1,000 feet southwest of the intersection of State Route 11/15 and Watts Drive (SR 2004) (Wertzville, PA Quadrangle N: 21.5 inches; W: 3.8 inches).

EA50-002A, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Penn Township, **Perry County**, ACOE Baltimore District.

To modify the Lower Cove Creek Dam for the purpose of improving the safety of the dam and preserving wetlands that have developed on accumulated sediments in the reservoir. Modifications include removing the top 4 feet of the dam, spoiling this material at a 1 1/2 to 1 slope against the downstream face of the dam, constructing a 6 inch low flow spillway through the center of the dam and placing a 2 foot thick blanket of R-6 rock over the dam. The project will directly impact approximately 18 feet of the stream channel. This dam is located across Cove Creek (CWF) approximately 500 feet west of the intersection of State Route 11/15 and Watts Drive (SR2004) (Wertzville, PA Quadrangle N: 21.8 inches; W: 3.7 inches).

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554

D65-187. Scott M. and Karen T. Lavery, 100 Laspina Lane, Irwin, PA 15642. To operate and maintain Laspina Lane Dam across a tributary to Brush Creek (Byers Run) (TSF), for the purpose of maintaining a recreational lake (Irwin, PA Quadrangle N: 21.1 inches; W: 10.9 inches) in Penn Township, **Westmoreland County**.

[Pa.B. Doc. No. 02-348. Filed for public inspection March 1, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH**Application of Dermatologic SurgiCenter for exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Dermatologic SurgiCenter has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.F5(b)(c)(i)(k) (relating to surgical services in clinical facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-349. Filed for public inspection March 1, 2002, 9:00 a.m.]

Application of Hanover Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Hanover Hospital has requested

an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-350. Filed for public inspection March 1, 2002, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Sacred Heart Hospital Transitional Care Facility
421 Chew Street
Allentown, PA 17108

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.10(a) and 205.38(a) (relating to doors; and toilet facilities):

The Lutheran Home at Hollidaysburg
915 Hickory Street
Hollidaysburg, PA 16648

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-351. Filed for public inspection March 1, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Lands No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located in Lawrence Township along S.R. 1001, Clearfield County, Clearfield, PA. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30-calendar days from the date of publication of this notice to Department of Transportation, George M. Khoury, P.E., District Engineer, Engineering District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

BRADLEY L. MALLORY
Secretary

[Pa.B. Doc. No. 02-352. Filed for public inspection March 1, 2002, 9:00 a.m.]

Training and Certification of Municipal Police Officers

The Department of Transportation (Department), Bureau of Maintenance and Operations, gives notice that, under the provisions of section 4704(f) of the Vehicle Code (code), 75 Pa.C.S. § 4704(f), the Department will certify municipal police officers who have successfully completed training prescribed by the Department to be "Qualified Commonwealth Employees" as defined in section 4102 of the code, 75 Pa.C.S. § 4102.

Certification will be reviewed annually and will be valid for a 12-month period beginning February 1 and expiring January 31st of the following calendar year. Under section 4704(d) of the code, municipal police officers so certified will be authorized to conduct systematic vehicle inspections of any vehicle, driver, documents, equipment and load and to enforce the laws and regulations pertaining thereto.

Comments, suggestions or questions may be directed to Daniel R. Smyser, P. E., Chief, Motor Carrier Division,

Bureau of Maintenance and Operations, P. O. Box 8210, Harrisburg, PA 17105-8210, (717) 787-7445.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-353. Filed for public inspection March 1, 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 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 regulations. The agencies must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
7-364	Environmental Quality Board Hazardous Waste Management (31 Pa.B. 6814 (December 15, 2001))	2/14/02	1/14/04
7-369	Environmental Quality Board Portable Fuel Containers (31 Pa.B. 6185 (December 15, 2001))	2/15/02	1/16/04
7-370	Environmental Quality Board Consumer Products (31 Pa.B. 6163 (November 10, 2001))	2/15/02	1/16/04

Environmental Quality Board Regulation No. 7-364

Hazardous Waste Management

February 14, 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 Environmental Quality Board (EQB) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered by January 14, 2004, the regulation will be deemed withdrawn.

1. Section 261a.3. Definition of “hazardous waste.”—Economic impact; Need; Reasonableness; Feasibility.

Subsection (b) states, “. . . the material shall be managed as a hazardous waste until the determination is made that indicates it is not a hazardous waste.” The Preamble states this requirement was inadvertently deleted in May 1999 and is being reinstated to establish “a firm position to what would otherwise be an ambiguous provision in the regulations.” In response to Question 17 in the Regulatory Analysis Form the EQB states, “The proposed changes are clarifications and corrections, and there are no new requirements being proposed. Because of this, there are no additional costs imposed.”

A commentator believes the current obligation to properly manage wastes is sufficient. It believes proposed subsection (b):

- Is overly prescriptive and unnecessary;
- Imposes costs without environmental benefit; and
- Is impractical because it would invoke other requirements such as requiring a hazardous waste label and code for an as yet unknown material.

We have three specific concerns.

First, is this provision needed in light of existing requirements to properly manage waste? Has waste been mismanaged as a result of the 1999 deletion of the provisions in subsection (b)?

Second, will reinstating this provision impose new requirements and costs on the regulated community? If so, what are the requirements and their estimated costs?

Third, is a label required before the composition of the waste is determined? If so, what requirements would a label have to meet?

2. Section 262a.12. EPA Identification numbers.—Reasonableness; Need.

Subsection (b)(1)(iv) requires Department notification if the generator’s facility class changes. The distinction between facility classes is based on the amount of hazardous waste generated in a month. If a generator experiences a temporary fluctuation in the amount of hazardous waste generated in a single month, two notices would be required: one notice when the quantity of waste falls under a different classification and a second notice when operations return to normal levels. Would notices of a temporary fluctuation in the amount of hazardous waste generated serve a useful purpose?

3. Section 262a.23. Use of the manifest; Section 263a.12. Transfer facility requirements.—Clarity.

Amendments to §§ 263a.20(a)(1) and 264a.83(a)(2) use gender-neutral language. However, we note that § 262a.23(a)(1) and § 263a.12(4)(iii) use the word “his.” Gender-neutral language should be used consistently throughout the regulation.

4. Section 262a.34. Accumulation time.—Need; Economic impact.

The addition of this section requires generators to comply with Chapter 265a, Subchapter I (relating to use and management of containers). As stated in Issue #1, the EQB states in the Regulatory Analysis Form that there are no additional costs imposed by this regulation.

A commentator believes the existing requirements are adequate and there is no justification to add new require-

ments. It believes many Large Quantity Generators may incur extensive capitol costs to comply with the secondary containment requirements.

We have two specific concerns.

First, is this provision needed in light of existing requirements?

Second, how did the EQB conclude there are no additional costs imposed by this provision?

5. Section 262a.43. Additional reporting.—Consistency with statute; Need; Economic impact; Protection of the public health, safety and welfare.

Hazardous material

The term “hazardous material” is used in this section. Commentators believe use of the term “hazardous material” rather than “hazardous waste” raises statutory concerns. We have not found a definition of the term “hazardous material” in § 260a.10, Pennsylvania’s Solid Waste Management Act (act) or 40 CFR 260.10. Whereas, the term “hazardous waste” is defined in the act, 40 CFR 260.10 and used in other sections of this regulation.

We have two concerns.

First, What is the statutory basis for using the term “hazardous material”?

Second, how will the regulated community know what materials are considered “hazardous material”?

Reinstatement of spill reporting requirements deleted in 1999

Commentators state that there have been no incidents since the spill reporting requirements were deleted in 1999 that would justify restoring them. They believe the existing regulatory framework provides sufficient protections. However, the Preamble states this section is being reinstated due to “many inquiries from the regulated community and questions from Department personnel about when spills must be reported.” The EQB should further explain the need for this provision and the additional costs it will impose.

Paragraph (3)

This paragraph allows waiver of identification numbers, licenses and manifests in the event of an emergency. However, this paragraph does not specify any follow up after the emergency. After the immediate threat to safety is over, how is the hazardous waste that was moved during the emergency accounted for?

6. Section 263a.12. Transfer facility requirements.—Need; Economic impact; Clarity.

Commentators state that paragraph (3) exceeds Federal requirements, is not needed and would be financially burdensome. They advocate deleting this paragraph. Why is this subsection needed and what is the economic impact of these requirements on transfer facilities?

Assuming paragraph (3) is needed, other commentators have indicated that the requirement for secondary containment in paragraph (3) is confusing. Do the storage trailers, impervious surfaces on the docks and pavement qualify as secondary containment? The regulation should specify the “secondary containment” requirements a transfer facility must meet either by reference to Federal regulations or by putting them in Pennsylvania’s regulation.

7. Section 263a.21. Compliance with the manifest.—Clarity.

The language in paragraph (3) is confusing because it could be read to prohibit “preprinted Manifest Document

Numbers." Is the intent to prohibit a manifest if an alteration was made by anyone other than the printer of the manifest to a preprinted Manifest Document Number or Manifest Tracking Number? Also, who is the "printer of the manifest"?

8. Section 264a.71. Use of the manifest system.—Feasibility; Reasonableness.

Paragraph (3) requires the facility to state the "actual quantity received in bulk shipment" in the "Discrepancy Indication Space . . . on the manifest." This requirement is inconsistent with the instructions for the EQB's Official Pennsylvania Manifest Form (Form 2500-FM-LRWM0051 Rev 7/99 also titled "Uniform Hazardous Waste Manifest").

Item 19 of the manifest is designated as the Discrepancy Indication Space. The instructions for completion of Item 19 state "The Designated Facility's authorized representative must note in this space any significant discrepancy between the waste types or quantities described on the Manifest and those actually received. If waste is rejected, so indicate in this space."

The concern is the actual quantity received would not be a discrepancy in most instances. Hence, entering the actual quantity received in the Discrepancy Indication Space is contrary to the form's instructions. The regulation should be amended to make the requirements consistent with the manifest.

9. 264a.97. General groundwater monitoring requirements.—Need; Reasonableness.

A commentator indicates that paragraph (1) will limit flexibility in designing appropriate groundwater monitoring programs. They claim that there are instances where a longer time period between each monitoring is more appropriate. Are strictly defined monitoring periods needed for all locations where groundwater is monitored? Should the regulation allow different periods to be specified in the permit?

10. 270a.60. Permits-by-rule.—Implementation; Clarity; Reasonableness.

The EQB is adding a requirement to subsection (a)(1) for the owner or operator using a permit-by-rule to give "prior notification to the Department. . . ." Does the EQB intend to grandfather current permit-by-rule operators or will current operators be required to submit notice? If notice is required, will current permit-by-rule operators be given time to comply with this requirement after the regulation becomes effective?

**Environmental Quality Board Regulation No. 7-369
Portable Fuel Containers
February 15, 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 Environmental Quality Board (EQB) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by January 16, 2004, the regulation will be deemed withdrawn.

1. Section 130.102. Definitions.—Clarity.

The following terms are defined in the California Air Resources Board's (CARB) rules relating to portable fuel

containers: "consumer;" "distributor;" "fuel;" "retailer;" "retail outlet;" "manufacturer;" and "VOC." These terms are not defined in the proposed regulation.

The terms "retailer" and "retail outlet" are defined in the EQB's existing regulations in § 121.1. The definition of "retailer" is identical to the definition in CARB's rules. However, the definition of "retail outlet" in § 121.1 relates to the sale of gasoline, not portable fuel containers and spouts. For clarity and consistency with CARB's rules, the EQB should add definitions for the previously-referenced terms to the final-form regulation.

2. Section 130.105. Innovative products.—Clarity.

Paragraph (1) requires an applicant for an innovative product exemption to "apply in writing to the Commonwealth . . ." However, the regulation does not include a time frame within which the Department of Environmental Protection (Department) will review the application and render a decision. The EQB should include a time frame for Department review in the final-form regulation.

3. Sections 130.105. Innovative products. and 130.107. Variances.—Clarity.

Section 130.105(4) provides that the Department may revoke or modify an innovative product exemption. Section 130.107(c) addresses variances from the performance standards for portable fuel containers. It states that "the Department may review and modify or revoke a variance . . ." However, neither section contains or references the process for a party to appeal the Department's decision.

It is our understanding that the Department's decision would constitute a final agency action that a party could appeal to the Environmental Hearing Board (EHB). Clarity would be improved if §§ 130.105(4) and 130.107(c) of the final-form regulation contained a cross-reference to the EHB appeal procedures in §§ 1021.51—1021.54.

4. Section 130.108. Test Procedures.—Clarity.

Section 2467.7 of CARB's rules relating to "test procedures" notes that the section numbers for the July 6, 2000, version of CARB's rules were corrected on September 13, 2000. This notation should be included in subsections (a) and (b).

**Environmental Quality Board Regulation No. 7-370
Consumer Products
February 15, 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 Environmental Quality Board (EQB) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by January 16, 2004, the regulation will be deemed withdrawn.

1. General.—Consistency with other regulations; Clarity.

We have two general concerns with this regulation.

First, different parts of the proposed regulation are inconsistent with the Ozone Transport Commission (OTC) Model Rule for Consumer Products (OTC Model Rule).

- Numerical errors or omissions in § 130.211, Table of Standards.

• Current provisions in the proposed regulation are out-of-date with or different from the current OTC Model Rule. Some of these provisions are addressed in Issues #8–12.

The EQB indicated that its goal is to be consistent with the OTC. Hence, it should use the most recent regulatory language from the OTC Model Rule when the final-form regulation is submitted.

Second, various sections of the proposed regulation contain vague references to “applicable Commonwealth laws and regulations” and “applicable Commonwealth regulations.” The following are examples:

- Section 130.412. Variance orders.
- Section 130.414. Modification of variance.
- Section 130.461(b). Modification of an ACP by the Department.
- Section 130.463. Treatment of information.

Open references to “Commonwealth laws and regulations” should be changed to specific references to the pertinent statutes or regulations in the final-form regulation.

2. Confidentiality procedures.—Consistency with the statute; Clarity.

Section 130.392 states that specific information submitted by a responsible party will be “handled in accordance with the procedures specified in applicable Pennsylvania confidentiality requirements upon request by the responsible party.” Rather than a general reference to these requirements, this section of the regulation should reference section 13.2 of the Air Pollution Control Act (act) (35 P. S. § 4013.2). Section 13.2 of the act establishes procedures for protecting the confidentiality of certain types of information.

In its comments on §§ 130.458(a)(2) and 130.463, the Consumer Specialty Products Association (CSPA) expresses concerns related to confidentiality. The concerns of CSPA could be resolved by also including a reference to section 13.2 of the act in these sections of the proposed regulation.

3. Section 130.202. Definitions.—Clarity.

Device

The last sentence of this definition reads: “The term does not include equipment used for the application of pesticides when sold separately therefrom.” The word “therefrom” is unnecessary and should be deleted.

Floor polish or wax

Paragraph (v) of this definition states that this term does not include: “Coatings subject to architectural coatings regulations.” Paragraph (v) should be amended to specifically identify references to the applicable “architectural coatings regulations.”

4. Section 130.331. Products for shipment and use outside this Commonwealth.—Clarity.

The last sentence of subsection (b) reads: “This subsection does not apply to consumer products that are sold, supplied or offered for sale by a person to retail outlets in this Commonwealth.” The purpose of this sentence is unclear. This subsection should be explained or deleted.

5. Section 130.334. Insecticides, fungicides and rodenticides.—Clarity.

There is an inconsistency between the title and text of this section. The title refers to three consumer products

registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) while the text refers to all the products regulated by FIFRA. If it is the intent of the EQB that this section applies to all products regulated by FIFRA, the title should reflect this.

6. Section 130.352. Request for exemption.—Clarity.

Paragraph (2) in this section requires manufacturers to apply in writing for an exemption claimed under § 130.331(b). It is our understanding that this reference may be unnecessary since the application requirements in this section apply to innovative products and do not pertain to the exemption established by § 130.331. The EQB needs to either clarify the purpose of the reference to § 130.331(b) in paragraph (2) or delete it.

7. Section 130.371. Code-dating.—Clarity.

Subsection (b) states that if a manufacturer uses a code indicating the date of manufacture for a product subject to this regulation, then “an explanation of the code shall be filed with the Department no later than 12 months prior to the effective date of the applicable standard specified in § 130.211.”

Section 130.211 establishes January 1, 2005, as the effective date for the applicable standards. Rather than use the words “12 months,” § 130.371(b) should state that explanations of the codes for manufacture dates must be filed with the Department by January 1, 2004.

8. Section 130.411. Application for variance; Section 130.412. Variance orders.—Consistency with other regulations; Reasonableness; Clarity.

These two sections and §§ 130.413 and 130.414 set forth the requirements and procedures for applying for and granting variances. There are two concerns.

First, § 130.411 closely mirrors a provision of the OTC Model Rule but other portions of the OTC Model Rule are not included. One commentator questioned the intent of the following sentence in § 130.411: “A person who cannot comply with §§ 130.211–130.216 (relating to standards), because of extraordinary reasons beyond the person’s control, may apply in writing to the Department for a variance.” Clarity would be improved if the regulation included guidance as to what the Department may consider “extraordinary.” The final-form regulation should also include the required findings for variances established in the OTC Model Rule.

Section 8(c) of the OTC Model Rule establishes three specific findings that a state agency needs to make before it grants a variance. For example, the first finding is that due to “reasons beyond the reasonable control of the applicant, requiring compliance with section 3 (VOC standards) would result in extraordinary economic hardship.” Neither this finding nor the other two appear in this proposed regulation.

The second area of difference with the OTC Model Rule is that the proposed regulation does not contain standards for public review of a variance application. The OTC Model Rule contains specific time frames for public notification and public inspection of the variance application. In addition, it establishes a time frame for holding a hearing. The proposed § 130.412 refers to a hearing but

does not set forth any time frames or procedures concerning proper notice or inspection of the application by the public.

9. Section 130.453. Request for exemption.— Consistency with other regulations; Reasonableness; Clarity.

Subsection (a) states that manufacturers “may seek an ACP (Alternative Control Plan) Agreement with the Department.” However, neither this subsection nor other parts of the proposed regulation establish the procedures or application content requirements for “seeking” this type of agreement. Section 11(c) of the OTC Model Rule establishes procedures and requirements for an ACP application. Will the ACP application requirements and procedures of the OTC Model Rule be incorporated into the proposed regulation?

10. Section 130.454. Recordkeeping and availability of requested information.—Consistency with other regulations; Reasonableness; Clarity.

Subsection (a) requires that “information specified in the ACP agreement approving an ACP shall be maintained by the responsible ACP party for at least 3 years after the records are generated.” However, there is nothing in the regulation that indicates the contents of the ACP agreement. Section 11(c)(1) of the OTC Model Rule sets forth the content requirement for an application for a proposed ACP. In addition, section 11(d) establishes time frames for the review of an ACP application by the state agency. The proposed regulation should contain similar language.

11. Section 130.460. Other modifications.—Consistency with other regulations; Clarity.

There are two concerns.

This section begins with the phrase: “Except as otherwise provided in this section, . . .” The purpose of this phrase is unclear since the section contains only one provision. In the OTC Model Rule, the comparable language is found in paragraph (3) of a larger section, section 11(i). This subsection in the OTC Model Rule uses the same phrase but specifically references the pertinent subsections. The phrase should be deleted or it should use the example provided by the OTC Model Rule and specifically reference the appropriate provisions.

Second, § 130.460 states: “. . . the responsible ACP party shall notify the Department in writing, of information that the responsible ACP party may have which may alter the information submitted.” This requirement is vague. Section 11(i)(3) of the OTC Model Rule requires the responsible ACP party to notify the state agency of any information “. . . which may alter any of the information submitted pursuant to the requirements of section 11(c) (related to requirements and process for approval of an ACP including application content requirements).” The final-form regulation should specifically identify the types of information covered by this requirement.

12. Section 130.461. Modification of an ACP by the Department.—Consistency with other regulations; Clarity.

Subsection (a) is one long sentence. In the OTC Model Rule, similar language is found in section 11(j)(1). The OTC Model Rules enumerate separate clauses of the

sentence. This enumeration could be used (see Chapter 7 of the *Pennsylvania Code & Bulletin Style Manual*) to clarify § 130.461(a) and make it easier to read.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-354. Filed for public inspection March 1, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

AAA Mid-Atlantic Insurance Company; Private Passenger Automobile Rate and Rule Filing

On February 12, 2002, the Insurance Department received from AAA Mid-Atlantic Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 6.2% increase amounting to \$3.114 million annually, to be effective May 1, 2002.

Unless formal administrative action is taken prior to April 13, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department’s regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail at mburkett@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-355. Filed for public inspection March 1, 2002, 9:00 a.m.]

Insurance Services Office, Inc.; Homeowners Advisory Prospective Loss Cost Level Revision

On February 15, 2002, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for homeowners insurance.

The advisory organization requests an overall 1.4% increase in loss cost effective September 1, 2002.

Unless formal administrative action is taken prior to April 16, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department’s regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA

17120, e-mail: xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-356. Filed for public inspection March 1, 2002, 9:00 a.m.]

The Medical Protective Company; Physicians and Surgeons Professional Liability Rate and Rule Revision

On February 12, 2002, the Insurance Department (Department) received from The Medical Protective Company a filing for a rate level change for physicians and surgeons professional liability insurance (occurrence, standard claims made, enhanced claims made and MGMA PG East, Inc. programs).

The Medical Protective Company requests an overall 45.0% increase to be effective July 1, 2002.

Unless formal administrative action is taken prior to March 29, 2002, the subject filing may be deemed approved by operation of law.

A copy of the filing will be available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Bureau of Regulation of Rates and Policies, 1311 Strawberry Square, Harrisburg, PA 17120, e-mail at kcreighton@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-357. Filed for public inspection March 1, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Luzerne County, Wine & Spirits Shoppe #4014, 19 N. Main Street, Shickshinny, PA 18655.

Lease Expiration Date: March 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 to 2,150 net useable square feet of new or existing retail commercial space within Shickshinny Borough.

Proposals due: March 29, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110
Contact: Ronald Hancher, Jr., (717) 657-4228

Dauphin County, Wine & Spirits Shoppe #2212, 1569 W. Harrisburg Pike, Middletown, PA 17057.

Lease Expiration Date: December 31, 2002

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,200 to 2,800 net useable square feet of new or existing retail commercial space along Route 230 in Lower Swatara Township.

Proposals due: March 29, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110
Contact: Ronald Hancher, Jr., (717) 657-4228

Allegheny County, Ramp #8163, Monroeville.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,200 to 1,500 net useable square feet of new or existing office space with free parking. Location should be readily accessible from the Parkway East near the Monroeville Exit.

Proposals due: March 29, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Joseph Molhoek, (412) 565-5130

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 02-358. Filed for public inspection March 1, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service Without Hearing

A-120005F2000. Maple Grove Enterprises, Inc. Application of Maple Grove Enterprises, Inc. for approval of the abandonment of gas service to the public in the 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 18, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Maple Grove Enterprises, Inc.

Through and By Counsel: Ray Scott, 521 Liberty Street, P. O. Box 567, Clarion, PA 16214.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-359. Filed for public inspection March 1, 2002, 9:00 a.m.]

**Ratification and Adoption of Amendments to 49
CFR Parts 192 and 199; Doc. No. M-00021597**

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

Order

By the Commission:

At 52 Pa. Code § 59.33(b) the Commission has adopted, excepted as otherwise indicated, the Federal safety standards for gas transmission and distribution facilities. The Federal standards are established by the United States Department of Transportation (DOT) at 49 U.S.C.A. §§ 60101, et seq., and are set forth in Parts 191, 192, 193 and 199 of Title 49 of the *Code of Federal Regulations*. Section 59.33(b) provides, in pertinent part, that amendments to Title 49 will become effective in Pennsylvania upon the date of entry of a Commission ratification order where that order is served upon all jurisdictional gas companies or, alternatively, upon the date of such order's publication in the *Pennsylvania Bulletin*.

A. On August 20, 2001, at 66 FR 43523, Amendment 192-90 was adopted and codified by the DOT at 49 CFR 192.803 and 192.809(c). The purpose of this amendment was to make corrections to the final regulation on qualification of pipeline personnel, which was published on August 27, 1999, at 64 FR 46853. These corrections are minor and do not affect the substance or content of the rule.

B. On September 11, 2001, at 66 FR 47114, amendment 199-19 was adopted and codified by the DOT at 49 CFR 199.1, 199.2, 199.3, 199.5, 199.7, 199.9(a) and (b), 199.11, 199.13, 199.15, 199.17, 199.19, 199.21, 199.23, 199.25, 199.100, 199.101, 199.103(a)(1) and (b)(2), 199.105(b), (c)(3), (4) and (e), 199.107, 199.109(b), (c) and (d), 199.111(b) and (c), 199.113, 199.115, 199.117(b), 199.119, 199.201, 199.202, 199.203, 199.205, 199.207, 199.213, 199.225(a)(2)(ii) and (b)(4)(ii), 199.231(g). The purpose of this amendment is to bring the pipeline facility drug and alcohol testing regulations into conformity DOT's "Procedures for Transportation Workplace Drug and Alcohol Testing Programs."

Keeping in mind the safety of the public, we have reviewed the previously-referenced amendments in accordance with the provisions of 52 Pa. Code § 59.33. Based upon this review, we find the DOT amendments to be in the public interest and adopt them as our own. The effective date of our adoption of the aforementioned amendments shall be the date upon which this order is entered.

Therefore It Is Ordered That:

1. The following amendment adopted by the DOT is hereby ratified and adopted in accordance with the provisions of 52 Pa. Code § 59.33(b):

(a) On August 20, 2001, at 66 FR 43523 to 49 CFR 192.803 and 192.809(c).

(b) On September 11, 2001, at 66 FR 47114 to 49 CFR 199.1, 199.2, 199.3, 199.5, 199.7, 199.9(a) and (b), 199.11, 199.13, 199.15, 199.17, 199.19, 199.21, 199.23, 199.25, 199.100, 199.101, 199.103(a)(1) and (b)(2), 199.105(b), (c)(3), (4) and (e), 199.107, 199.109(b), (c) and (d), 199.111(b) and (c), 199.113, 199.115, 199.117(b), 199.119,

199.201, 199.202, 199.203, 199.205, 199.207, 199.213, 199.225(a)(2)(ii) and (b)(4)(ii), 199.231(g).

2. The Secretary shall serve copies of this order together with its attachments upon all jurisdictional gas utilities. Accordingly, the effective date shall be the entry date of this order. Concurrently, the Secretary shall cause this order, without attachments, to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-360. Filed for public inspection March 1, 2002, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority application for the right to render service as a common carrier or contract carrier in this Commonwealth has 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. The application will be considered without hearing in the absence of protests to the application. Protests to the application published herein are due on or before March 25, 2002, as set forth in 52 Pa. Code § 3.381 (relating to applications for transportation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-00118527. Houston H. Pincham, t/d/b/a H. H. Pincham Moving Company (810 Mahoning Avenue, Youngstown, OH 44502)—temporary authority—household goods in use, for the Mercer County Housing Authority, between points in the county of Mercer, and from points in said county, to points in Pennsylvania, and vice versa. Application for permanent authority appeared at 32 Pa.B. 296 (January 12, 2002).

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Distribution Carrier, Inc.;*
Doc. No. A-00110598C0201

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Distribution Carrier, Inc., respondent, maintains a principal place of business at 4893 Campbells Run Road, Pittsburgh, PA 15205.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00110598.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Distribution Carrier, Inc. at Docket No. A-00110598, for failure to maintain evidence of current insurance on file with the Commission.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

Notice to Plead

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address

set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

[Pa.B. Doc. No. 02-361. Filed for public inspection March 1, 2002, 9:00 a.m.]

Telecommunications

A-311169F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Satcom Communications Corporation. Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Satcom Communications Corporation for approval of a master resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Satcom Communications Corporation filed on February 7, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a master resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company d/b/a Sprint and Satcom Communications Corporation Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-362. Filed for public inspection March 1, 2002, 9:00 a.m.]

**Wastewater
Without Hearing**

A-230072F0005. Allied Utility Services, Inc. Application of Allied Utility Services, Inc., for approval of the right to offer, render, furnish or supply wastewater service to the public in Gateway North Residential Subdivision within the Township of North Whitehall, Lehigh 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 18, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Allied Utility Services, Inc.

Through and By Counsel: John A. Alzamora, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-363. Filed for public inspection March 1, 2002, 9:00 a.m.]

Wastewater Without Hearing

A-230400F2000 and A-230240F0014. Little Washington Wastewater Company d/b/a Suburban Wastewater Company and Rivercrest Public Service Sewer Corporation. Joint Application of Little Washington Wastewater Company d/b/a Suburban Wastewater Company and Rivercrest Public Service Sewer Corporation, for approval of: 1) the acquisition by Little Washington Wastewater Company of the wastewater system assets of Rivercrest; 2) the right of Little Washington to furnish wastewater service to the public in a portion of Tunkhannock Township, Wyoming County, PA; and 3) the abandonment by Rivercrest of all wastewater service to the public in its service territory.

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 18, 2002, under 52 Pa. Code (relating to public utilities).

Applicants: Little Washington Wastewater Company d/b/a Suburban Wastewater Company and Rivercrest Public Service Sewer Corporation.

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010; and Anthony C. Lomma, Esquire, 1120 South Washington Avenue, Scranton, PA 18505.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-364. Filed for public inspection March 1, 2002, 9:00 a.m.]

Water Service Without Hearing

A-212285F0097 and A-210073F2000. Pennsylvania-American Water Company and Mid-Monroe Water Company. Joint Application of Pennsylvania-American Water Company and Mid-Monroe Water Company for approval of: (1) the transfer, by sale, of the water works property and rights of the Mid-Monroe Water Company to Pennsylvania-American Water Company; (2) the com-

mencement by Pennsylvania-American Water Company of public water service in the certificated service territory of Mid-Monroe Water Company; and (3) the abandonment by Mid-Monroe Water Company of all water service to the public 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 18, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company and Mid-Monroe Water Company.

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033; and Thomas V. Casale, Esquire, Resorts USA, Inc., P. O. Box 447, Bushkill, PA 18324.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-365. Filed for public inspection March 1, 2002, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

April 3, 2002	J. Robert Chuk (Transfer of County Service to State Service)	1 p.m.
April 10, 2002	Russell W. Thomas (Disability Retirement after Termination from State Ser- vice)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 02-366. Filed for public inspection March 1, 2002, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Architectural Firm

Open End Architectural Services Contract Systemwide

Reference No. 3-151

The Turnpike Commission (Commission) will retain one architectural firm for an open end contract to perform architectural design and construction services for a variety of facilities-related projects along the entire Pennsylvania Turnpike system. Services from the architectural firm include, but are not limited to: studies, concept plans, preliminary/final designs, production of construction documents suitable for public competitive bidding, review of project submittal and construction phase services for multiple projects performed simultaneously under short completion schedules.

The firm selected will have experience with the types of buildings in the Commission inventory, such as, administrative offices, toll plaza structures, maintenance facilities and the like.

The contract will be for a maximum cost of \$750,000 or for a 24-month period. The firm will be required to provide sufficient office personnel, managers, architects, engineers, technicians and clerical staff to support the all requested services.

The following factors will be considered by the Commission during the evaluation of the firms submitting statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop documents to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

e. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Questions and inquiries concerning these solicitations should be directed to Don Santostefano at (717) 986-9627 or by e-mail to dsantost@paturnpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail to ghatalow@paturnpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification

number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three-page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Small firms, DBE firms and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Friday, March 15, 2002.

Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, one firm will be selected for each contract. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical proposals will not be requested prior to the establishment of the final ranking.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-367. Filed for public inspection March 1, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Open End Contract Traffic and Revenue Study Systemwide

Reference No. 3-150

The Turnpike Commission (Commission) will retain one engineering firm for an open end contract to perform traffic and revenue studies for the entire Pennsylvania Turnpike system.

Work orders anticipated under this contract may include traffic and revenue studies associated with environmental impact statements including project alternative analysis and toll alternative analysis. Other work orders may focus on analysis of existing and future revenues of existing facilities, new interchange/ramp openings and impacts of electronic tolling. Other work orders may include toll schedule development for projects in final design and/or construction and associated estimated traffic and revenue forecasts. The consultant may need to develop traffic and revenue estimates for bonding.

The consultant will coordinate with the local MPOs to obtain untolled traffic estimates for alternatives being evaluated. The consultant will then develop tolled traffic projections and diverted traffic. This information may need to be given to the MPO for traffic redistribution. The consultant may be assigned tasks to conduct traffic surveys, traffic counts and traffic analysis.

The contract will be for a maximum cost of \$1 million or for a 24-month period. The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to support the all requested services.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in this contract will be 10% of the total contract amount. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in this contract, in their statement of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department of Transportation (Department) at the time of the submission of the statement of interest. If further

information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department by calling (717) 939-9551 ext. 4241.

The following factors will be considered by the Commission during the evaluation of the firms submitting statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop documents to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Workload of the prime consultant and subconsultants for all Department and Commission projects.

e. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Questions and inquiries concerning this solicitation should be directed to Timothy M. Scanlon, P.E., at (717) 939-9551 ext. 5590; or by e-mail to tscanlon@paturnpike.com. Contractual questions should be directed to George M. Hatalowich at (717) 986-8737 or by e-mail to ghatalow@paturnpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three-page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel should be included.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Small firms, DBE firms and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Friday, March 15, 2002. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, one firm will be selected for each contract. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical proposals will not be requested prior to the establishment of the final ranking.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-368. Filed for public inspection March 1, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Open End Environmental Services Contract Systemwide

Reference No. 3-152

The Turnpike Commission (Commission) will retain one environmental engineering firm for an open-end contract to perform environmental design and construction services for a variety of facility-related projects along the entire Pennsylvania Turnpike system. Services from the engineering firm include, but are not limited to: studies, concept plans, preliminary/final designs, production of construction documents suitable for competitive bidding, inspection services, operation and maintenance analysis and monitoring and sampling as required by the Department of Environmental Protection (DEP).

The firm selected will have experience with underground and aboveground storage tank facilities; including soil and groundwater characterizations, soil and groundwater remediation systems as required by the DEP. The firm must be capable of arriving at all sites within a 2-hour time period for emergency situations. The firm must have staff available with experience in hydrogeology, underground storage tank technology, remediation and recycling technologies.

The contract will be for a maximum cost of \$750,000 or for a 24-month period. The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. In addition, the firm selected may be required to attend construction meetings with the Commission.

The following factors will be considered by the Commission during the evaluation of the firms submitting statements of interest for this project:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop documents to complete the project in a timely and cost effective manner.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.
- c. The specific experience and number of individuals who constitute the firm.
- d. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.
- e. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Questions and inquiries concerning these solicitations should be directed to Don Santostefano at (717) 986-9627 or by e-mail to dsantost@paturndpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail to ghatalow@paturndpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three-page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel should be included.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Small firms, DBE firms and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown,

PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Friday, March 15, 2002. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, one firm will be selected for each contract. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical proposals will not be requested prior to the establishment of the final ranking.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-369. Filed for public inspection March 1, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Open End Mechanical, Electrical, Plumbing (MEP) Services Contracts Systemwide

Reference No. 3-153

The Turnpike Commission (Commission) will retain two MEP engineering firms for open end contracts to perform mechanical, electrical, plumbing design and construction services for a variety of building facility-related projects along the entire Pennsylvania Turnpike system. Services from the engineering firm include, but are not limited to: studies, concept plans, preliminary/final designs, production of construction documents suitable for competitive bidding, review of project submittals and construction phase services for multiple projects performed simultaneously under short completion schedules.

The firm selected will have experience with the types of buildings and systems in the Commission inventory, such as administrative offices, toll plaza structures, maintenance facilities, sewage treatment plants, domestic water well systems, exterior lighting systems and the like.

The contract will be for a maximum cost of \$750,000 or for a 24-month period. The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. In addition, the firm selected may be required to attend construction meetings with the Commission.

The following factors will be considered by the Commission during the evaluation of the firms submitting statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop documents to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant

should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

e. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Questions and inquiries concerning these solicitations should be directed to Don Santostefano at (717) 986-9627 or by e-mail to dsantost@paturndpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail to ghatalow@paturndpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three-page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either

not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Small firms, DBE firms and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Friday, March 15, 2002. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, one firm will be selected for each contract. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical proposals will not be requested prior to the establishment of the final ranking.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-370. Filed for public inspection March 1, 2002, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

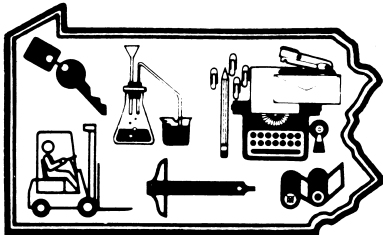
Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Beginning February 6, 2002, the Department of General Services' Bureau of Purchases will only accept hand-carried bids if the individual delivering the bid:

1. shows picture identification, such as 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

1092 Carpet Tiles - approx. 1000 sq. yds. No Installation.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 4/01/02—6/30/02
Contact: Roberta (Bobbie) Muntz, PA III (814) 726-4496

8506170 Dryer, Air Brake. Fits all Trucks. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

SU-01-18 Shippensburg University is seeking vendors interested in providing mattresses for student dorm rooms. Vendors interested in receiving a bid package must request in writing to Karen A. Coldsmith, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Phone (717) 477-1386 or Fax (717) 477-1350.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: To be delivered by August 8, 2002
Contact: Karen Arita Coldsmith (717) 477-1386

1299341 Receiver/Decoder - No Substitute. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: PA Public TV Network
Location: Hershey, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1291151 Hot Water Tank. 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

7110-03 Remanufactured Systems Furniture. To obtain a complete copy of the bid package for Contract #7110-03, Remanufactured Systems Furniture contact Vendor Services at (717) 787-2199. Vendor Services will mail a complete bid package, including a diskette.

Department: General Services
Location: Various, PA
Duration: Contract Period: 4/01/02—3/31/04
Contact: Vendor Services (717) 787-2199

FL-260162 1,536 Cases - Box, gift, 3-5/8" L X 3-5/8" W X 12-7/16" DEEP, 150 boxes/case.

Department: Liquor Control Board
Location: 3525 North Sixth Street, Harrisburg, PA 17110-1425
Duration: ONE TIME PURCHASE
Contact: Jim Hanks (717) 787-1893

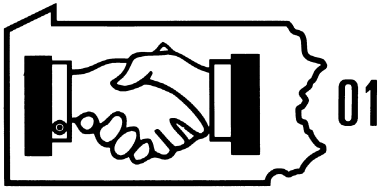
1298341 Video Systems for ATM Distribution System. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: PA Public TV Network
Location: Hershey, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

FL 260161 100 Each - Cartridge, Printer, OPTRA "S", Mfg: Lexmark, Part # 1382925. NOT ACCEPTING BIDS FOR REMANUFACTURED CARTRIDGES.

Department: Liquor Control Board
Location: 3525 North Sixth Street, Harrisburg, PA 17110-1425
Duration: ONE TIME PURCHASE
Contact: Jim Hanks (717) 787-1893

SERVICES

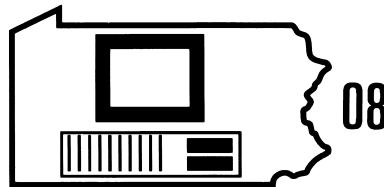


01

Advertising

SU-01-19 Shippensburg University is seeking vendors interested in submitting bids for radio advertising, for Shippensburg University. Advertising to be concentrated in the Harrisburg area beginning May 1, 2002 and ending June 30, 2003. Please fax your request to Pam King at (717) 477-4004 to be added to the bidders list. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257
Duration: May 1, 2002 through June 30, 2003
Contact: Pamela A. King (717) 477-1121

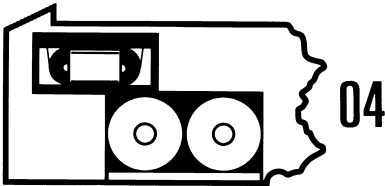


08

Computer Related Services

330023 Provide Support/Upgrades for Proprietary Software, i.e., Cool Gen and Vision Builder Software Products (Software owned by Computer Associates, Inc.).

Department: Transportation
Location: Bureau of Information Systems, 400 North Street, 5th Floor East, Keystone Building, Harrisburg, PA 17120-0041
Duration: Three Years
Contact: Sissy Bowles (717) 705-5856

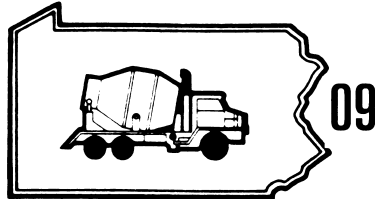


04

Audio/Video

SU-01-12 E Commerce and Technology Suite Projection System, AV System, Sound System and Control System. Shippensburg University is seeking vendors interested in furnishing and installing a projection system, Panasonic LDC PT-L6500U, and Panasonic 42" Plasma, (brand name or equal), to include associated equipment. Vendors interested in receiving a bid package must request in writing to: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257. FAX: (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: To be installed summer 2002
Contact: Deborah K. Martin (717) 477-1121



09

Construction & Construction Maintenance

DGS 700-41SW3 PROJECT TITLE: Pennsylvania Farm Show Complex On-Site Sitework #2 Package. BRIEF DESCRIPTION: Work includes site grading, site utilities, retaining walls, pedestrian walkways, sidewalks, paving and pavement marking, site electrical & lighting installation. ESTIMATED RANGE: \$5,000,000.00 TO \$7,000,000.00. General and Electrical Construction. PLANS DEPOSIT: \$175.00 per set payable to: REYNOLDS CONSTRUCTION MANAGEMENT, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$75.00 per set or provide your express mail account number to the office listed below. Mail requests to Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110, Tel: (771) 221-9917, EXT: 11. Bid Date: WEDNESDAY, March 6, 2002 at 2:00 P.M. All questions and comments must be submitted to Matt McCoy, via FAX (717) 221-9920, Tel: (717) 221-9917 EXT: 19. The final date for all questions will be 12 p.m. on February 22, 2002.

Department: General Services
Location: PA Farm Show Complex, Harrisburg, Dauphin County, PA
Duration: 194 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit (717) 787-6556

MI-800 REBID Project Title: MI-800 REBID Dilworth Building - New Windows Project Scope: furnish and install four new windows in Dilworth Building. To request bidding documents contact Jill Coleman, fax (717) 872-3476 or email coleman@millersville.edu

Department: State System of Higher Education
Location: Dilworth Building, Millersville University, Millersville, PA 17551
Duration: 60 calendar days from the date of the Notice to Proceed
Contact: Jill Coleman (717) 872-3730



07

Child Care Services

RFP #2002-001 Child care services for the Department of the Auditor General's Day Care Center.

Department: Auditor General
Location: Finance Building, Harrisburg, PA 17120
Duration: 7/1/02 thru 6/30/03, option to renew for four one-year renewals
Contact: Andrea Quigley (717) 787-4993

DGS 946-11ED1 PROJECT TITLE: Exhibits, State Museum Building. BRIEF DESCRIPTION: Exhibit design, furniture design, lighting design and related services for The State Museum of Pennsylvania. ESTIMATED RANGE: \$2,000,000.00 TO \$5,000,000.00. Design. PLANS PRICE: \$25.00 per RFP (Includes PA Sales Tax) payable to: COMMONWEALTH OF PA. This Price is Non Refundable. Contact the office listed below to arrange for delivery of documents. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Receiving Date: FRIDAY, March 15, 2002 at 2 p.m. A Pre-Proposal Conference has been scheduled for Tuesday, February 26, 2002 at 10 a.m. at the State Museum Building, 5th Floor Board Room, 3rd and North Streets, Harrisburg, PA. Contact: Jack Leighow, Tel: (717) 772-0943. All Firms requesting the RFP is invited and urged to attend this Pre-Proposal Conference. All questions regarding the RFP or to clarify matters concerning the RFP must be submitted in writing to the issuing office by no later than 5 p.m. Monday, March 4, 2002. Only firms requesting the RFP will receive a copy of all submitted questions and answers.

Department: General Services
Location: State Museum Building Capitol Complex, Harrisburg, Dauphin County, PA
Duration: PROPOSALS MUST REMAIN FIRM FOR ONE HUNDRED TWENTY (120) CALENDAR DAYS FOLLOWING RECEIPT OF PROPOSALS AND MUST SO STATE.
Contact: Contract and Bidding Unit (717) 787-6556

401-BL-646 Swisher Circle Parking Lot - Provide all labor, material and equipment necessary to demolish an existing two stall garage and convert 1/2 acre grassy lot located there into a lighted, asphalt parking lot. To obtain a copy of the bid documents submit a non-refundable \$50.00 deposit to Reilly Associates, ATTN: Joe Durkin, 222 Wyoming Avenue S., West Pittston, PA 18643. All info regarding the prebid and bid due date will be included in the package.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: 45 days
Contact: Joseph C. Quinn (570) 389-4311

SP1320380002 A. Repair/Maintenance of a Steel I-beam Bridge with three spans (total length of 109 feet). B. Repair/Reseal end deck cracks and clear debris on approach roadway. Also replace guide rail on approach roadway to current PennDOT safety standards. SSSVC reserves the right to award repair contract for both A and B or for either A or B. It is also possible that one portion of the repairs might be done prior to July 1, 2002 and the other half after July 1, 2002. Specs available upon request. Site visit required.

Department: Military Affairs
Location: Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900
Duration: June 1, 2002 through December 31, 2002.
Contact: Bob Bruce (717) 264-7187, x700

SU-2000/7B INVITATION TO BID - SHIPPENSBURG UNIVERSITY: SU-2000/7B Naugle Hall Elevator Addition. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes all work necessary to construct a 5 story elevator addition and related work. Prospective Bidders may obtain project plans for a non-refundable fee of \$75.00 by contacting Eric D. Farrell, Burt Hill Kosar Rittleman Associates, 1735 Market Street, 53rd Floor, Philadelphia, PA 19103; Telephone (215) 751-2900 or Fax: (215) 751-2901. Pre-Bid Meeting with site visit immediately to follow will be held on March 8, 2002 at 10 a.m. in Reed Operations Center Conference Room. 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 203A. Contracts, MBE/WBE apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

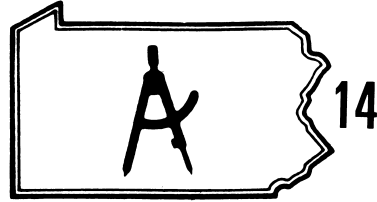
Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: 120 days after receipt of Notice to Proceed
Contact: Deborah K. Martin (717) 477-1121

SU-2000/8 INVITATION TO BID - SHIPPENSBURG UNIVERSITY: SU-2000/8 Mowrey Hall Concrete Sidewalk and Curbs. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes all work necessary to install concrete sidewalks and curbs. Prospective Bidders may obtain project plans by faxing request to Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257, Fax: (717) 477-4004. Pre-Bid Meeting with site visit immediately to follow will be held on February 27, 2002 at 10 a.m. in Reed Operations Center Conference Room. Bids Due: March 19, 2002 at 4 p.m. Old Main Room 300. Public Bid Opening: March 20, 2002 at 2 p.m., Old Main Room 203A. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: July 11, 2002
Contact: Deborah K. Martin (717) 477-1121

MI-820 Dilworth Roof Project Name: Dilworth Building - New Roof. Scope of Work: removal of a flat ballasted EPDM membrane roofing system; furnish and install light gage truss framing members together with additional structural steel members to form moderately pitched asphalt shingle roof system. Anticipated start & completion dates: 6/01/02—9/01/02. Estimated Range: \$145,000-\$165,000. Interested contractors should contact Jill Coleman by fax (717) 872-3846 or email to jcoleman@millersville.edu.

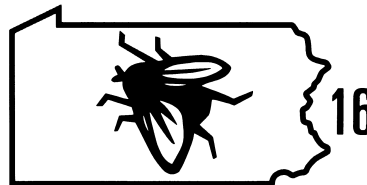
Department: State System of Higher Education
Location: Millersville University of PA, Dilworth Building, Millersville, PA 17551
Duration: 90 calendar days from the date of the Notice to Proceed
Contact: Jill M. Coleman (717) 872-3730



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Extermination Services

Bid #8495 Pest control (extermination) services at the PA State Police, Troop "H" Headquarters. Service to be rendered BI-MONTHLY, including emergency service at no extra charge. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Troop H Headquarters, 8000 Bretz Drive, Harrisburg, PA 17112
Duration: 7/1/02 to 6/30/04
Contact: Donna Enders (717) 705-5951

Bid #8496 Pest control (extermination) services at the PA State Police, Trevo Station. Service to be rendered ONCE (1) a month, including emergency service at no extra charge. Service area to include the Headquarters Building, the Exam Point and the Crime Lab. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Trevo Station, 3701 Old Trevo Road, Bensalem, PA 19020
Duration: 7/1/02 to 6/30/04
Contact: Donna Enders (717) 705-5951

Bid #8493 Pest control (extermination) services at the PA State Police, Academy, Staff Services Section. Service to be rendered ONCE (1) a month, including emergency service at no extra charge. Service to include Academy Main Building, Garage, Stables, Lower Garage and Emergency & Special Operations building. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

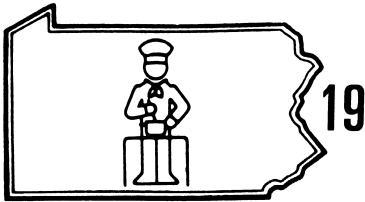
Department: State Police
Location: Academy, Staff Services Section, 173 East Hershey Park Drive, Hershey, PA 17033
Duration: 7/1/02 to 6/30/05
Contact: Donna Enders (717) 705-5951

SU-01-17 SU-01-17 Shippensburg University is seeking vendors interested in submitting bids for pest control to include but not limited to: pavement ants, roaches, silverfish, centipedes, mice & rats. Services to be provided starting July 1, 2002. Please fax your request to Pam King at (717) 477-4004 to be added to the bidders list. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257
Duration: July 1, 2002—June 30, 2003 With option to renew 3 additional years
Contact: Pamela A. King (717) 477-1121

Bid #8494 Pest control (extermination) services at the PA State Police, Embreeville Station. Service to be rendered ONCE (1) a month, including emergency service at no extra charge. Service to include rat & mice control around the immediate exterior of the building, as well as the inside of the building. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

Department: State Police
Location: Embreeville Station, 1818 W. Strasburg Road, Coatesville, PA 19320
Duration: 7/1/02 to 6/30/05
Contact: Donna Enders (717) 705-5951



Food

02076 Liquid Coffee, Frozen.

Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: 7/01/02 through 6/30/03
Contact: Jenny Nowacinski (814) 878-4930

5312 Fresh baked bread and bread products to be delivered several times per week.

Department: Public Welfare
Location: Dietary Department, Torrance State Hospital, S.R. 1014, Torrance, PA 15779
Duration: July thru December, 2002.
Contact: Nancy E. Byers (724) 459-4677

5316 Poultry products to be delivered monthly.

Department: Public Welfare
Location: Dietary Department, Torrance State Hospital, S.R. 1014, Torrance, PA 15779
Duration: July thru September, 2002.
Contact: Nancy E. Byers (724) 459-4677

5313A Fresh baked pastries to be delivered several times per week.

Department: Public Welfare
Location: Dietary Department, Torrance State Hospital, S. R. 1014, Torrance, PA 15779
Duration: July thru December, 2002
Contact: Nancy E. Byers (724) 459-4677

5314 Frozen Juice to be delivered weekly to the hospital.

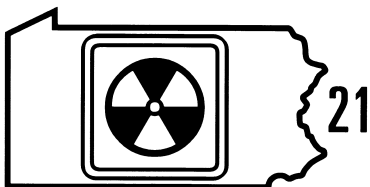
Department: Public Welfare
Location: Dietary Department, Torrance State Hospital, S.R. 1014, Torrance, PA 15779
Duration: July thru December, 2002.
Contact: Nancy E. Byers (724) 459-4677

5315 Meat and Meat products to be delivered monthly.

Department: Public Welfare
Location: Dietary Department, Torrance State Hospital, S. R. 1014, Torrance, PA 15779
Duration: July thru September, 2002.
Contact: Nancy E. Byers (724) 459-4677

5317 Misc. frozen foods to be delivered monthly.

Department: Public Welfare
Location: Dietary Department, Torrance State Hospital, S.R. 1014, Torrance, PA 15779
Duration: July thru September, 2002.
Contact: Nancy E. Byers (724) 459-4677



Hazardous Material Services

SP-3512000008 Removal and disposal of three (3) 3000-gallon underground storage tanks. Scope of work includes removal and disposal of tank systems, and all associated materials and waste products. (water/gasoline).

Department: Environmental Protection
Location: Cragle Service Station, Route 118, Sweet Valley, Luzerne County.
Duration: Proposed start date: 4/1/02 Termination date: 6/30/02
Contact: Dorothy A. Fuller (570) 826-2202



Janitorial Services

SP1320380001 Supply all labor, material, and equipment to clean and maintain at all times all buildings and areas at Scotland School for Veterans' Children in accordance with all good and accepted janitorial trade practices. Services include, but are not limited to, floor cleaning such as dust mopping, sweeping, wet mopping, machine scrubbing, stripping/waxing, spray buffing; carpet maintenance such as vacuuming and spot cleaning; restroom cleaning; high & low dusting; polishing metal; emptying trash; door and wall washing; glass cleaning, furniture cleaning & polishing; and room set-ups for school functions. Outdoor duties will include sweeping, hosing and picking up litter for a distance of 25 feet from buildings.

Department: Military Affairs
Location: Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900
Duration: July 1, 2002 - June 30, 2003 with a four-year renewal option from July 1, 2003 - June 30, 2007
Contact: Marion E. Jones (717) 264-7187, x661

0510003 Cleaning office space, bathrooms (4), conference room (1), lunch room (1).

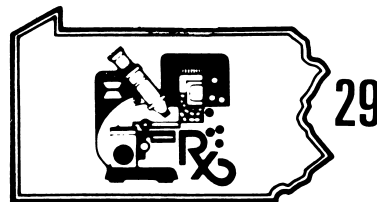
Department: Transportation
Location: 4680 5th St. Hwy., P. O. Box 129, Temple, PA 19560
Duration: One (2) year s.p.c. with three (1) year renewals adjusted for inflation by the PPI
Contact: Richard Heffner (610) 929-0766



Laundry/Dry Cleaning & Linen/Uniform Rental

02063 Provide linen services. Multiple various types of linen services.

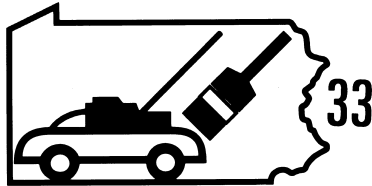
Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: July 1, 2002 thru June 30, 2003 with a two year renewal option.
Contact: Jenny Nowacinski (814) 878-4930



Medical Services

SP#20782001 Neurological consultant responsible for providing neurological leadership and direction as an integral member of the Interdisciplinary team and for providing quality care to each individual at the Hamburg Center, Hamburg, PA and/or the Selingsgrove Center, Selingsgrove, PA. The services shall be provided by a physician certified by the Bureau of Professional and Occupational Affairs of the Pennsylvania Department of State. For detailed specification, submit FAX on Letterhead to Hamburg Center Purchasing Office, Hamburg, PA 19526 FAX #: (610) 562-6025.

Department: Public Welfare
Location: Hamburg Center, Old Route 22, Hamburg, PA 19526; Selingsgrove Center, 1000 US Highway 522, Selingsgrove, PA 17879
Duration: Anticipated Contract period August 1, 2002 to July 31, 2005.
Contact: Beverly O. Epting, PA (610) 562-6031



Property Maintenance

120R-045 Roadside mowing of PA Turnpike Toll 43, which is currently maintained by PennDOT. This contract will cover Toll 43 in Fayette and Washington Counties. All work will be in accordance with contract bid specifications. Sections of this work will cease when maintenance activities are resumed by the Turnpike Commission.

Department: Transportation
Location: Fayette and Washington Counties
Duration: 1 year with 2/2 year renewals
Contact: Michael D. Maurer (724) 439-7374

APR #407006 Contractor shall furnish the necessary labor materials, equipment, tools, and supervision to thoroughly wash and clean all exterior windows & entrance glass partitions, and interior/exterior skylights listed in the bid document. Also the application of a pest control chemical to treat for spider infestation in all the specified buildings listed in the bid document. The awarded contractor will accomplish the work by using a belt & ladder from the outside of the buildings with the exception of the Finance Building in which a high lift will be used.

Department: General Services
Location: Dept. of General Services, Bur. of Facilities Management, Room 403 North Office Building, Harrisburg, PA 17125
Duration: July 1, 2002 thru June 30, 2003
Contact: Marc Waxman (717) 787-2155

10974021 The work for this project covers the supplying of all labor, materials, tools, equipment & appurtenances to install sheet vinyl flooring & vinyl base; carpeting to be installed in Dietary Staff's office area.

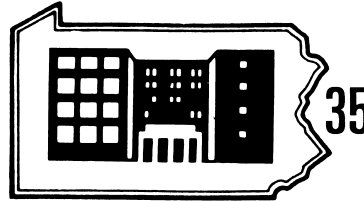
Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 200 Days ARO
Contact: John Sample, PA I (814) 726-4448

10881068 Replace roof of the Reed Building at the North Central Secure Treatment Unit, including removing roof ballast, repair any holes, and coat entire roof with urethane foam. Prevailing wage rates apply.

Department: Public Welfare
Location: North Central Secure Treatment Unit (located on the grounds of the Danville State Hospital), 210 Clinic Road, Danville, PA 17821.
Duration: Undetermined
Contact: Nikki Koser (717) 789-5508

0814 Exterior painting and repair to Visitor Center at Landis Valley Museum. Scope of work to include, but not limited to, rough carpentry, finish carpentry, and painting, gutters and downspouts.

Department: Historical and Museum Commission
Location: Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601
Duration: 45 days
Contact: William R. Morrow (717) 569-5788



Real Estate Services

93380 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 16,954 useable square feet of office space in Clearfield, PA with a minimum parking for 97 vehicles, within the following boundaries North: Susquehanna River; South: Route 879, Spruce Street, Chester Street; East: Fourteenth Street extended North to Susquehanna River and South to Route 879, Route 879; West: South 2nd Street to Everett Street, Susquehanna River; Clearfield, Clearfield County, PA. Downtown locations will be considered. For more information on SFP #93380 which is due on April 22, 2002 visit ww.dgs.state.pa.us or call (717) 787-4394.

Department: Public Welfare
Location: 505 North Office Building Harrisburg, PA 17125
Contact: Mrs. Cynthia T. Lentz (717) 787-0952

93377 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department Labor and Industry with 2,550 useable square feet of office space in Lehigh County, PA. with a minimum parking for 12 vehicles, within the following boundaries of Allentown: North: Route 22; South: I-78/Route 309 to Lehigh Street to Union Street; East: Lehigh River; West: North East Extension Exit of PA Turnpike, Allentown, Lehigh County. Downtown locations will be considered. For more information on SFP #93377 which is due on March 18, 2002 visit ww.dgs.state.pa.us or call (717) 787-4394.

Department: Labor and Industry
Location: 505 North Office Building Harrisburg, PA 17125
Contact: Jennings Ward (717) 787-7412

08-056006 Install and maintain dumpsters through out Schuylkill County Stockpiles.

Department: Transportation
Location: Stockpiles located in Schuylkill County.
Duration: A two year contract from effective date with two, two-year renewals. Total six years.
Contact: Jerry Richter Sr., Purchasing Agent (570) 385-0800

[Pa.B. Doc. No. 02-371. Filed for public inspection March 1, 2002, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY POWELL LOGAN,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
6810-04	03/01/02	George S. Coyne Chemical	\$ 31,581.15
6810-04	03/01/02	Greer Lime	65,862.00
1182221-01	02/19/02	Praxair	17,389.00
1184111-01	02/19/02	Mack Trucks	52,366.00
1184111-02	02/19/02	Utility/ Keystone Trailer Sales	30,279.00
1210721-01	02/19/02	Software House International/SHI	3,782.00
8172050-01	02/19/02	Golden Eagle Construction	1,086,277.80
8251050-01	02/19/02	American Sig- nal	39,303.51
8506140-01	02/19/02	Modern Han- dling Equip- ment	121,836.00

KELLY POWELL LOGAN,
Secretary

[Pa.B. Doc. No. 02-372. Filed for public inspection March 1, 2002, 9:00 a.m.]