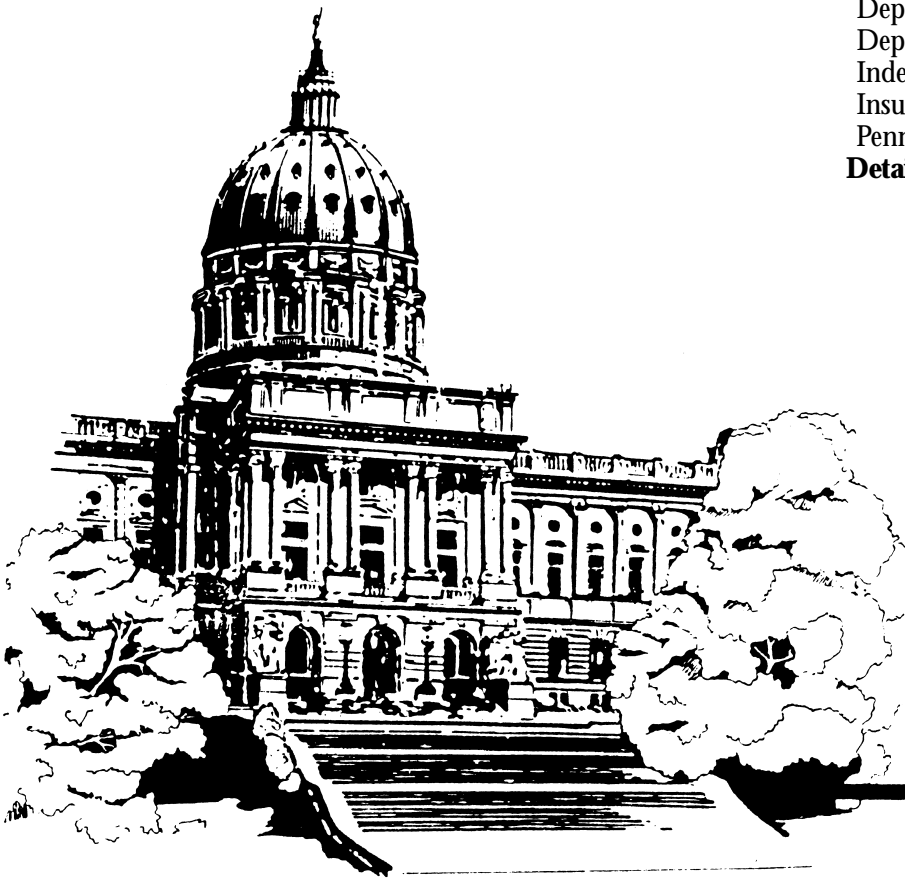


PENNSYLVANIA BULLETIN

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Agencies in this issue:

The Governor
The Courts
Delaware River Basin Commission
Department of Community and Economic
Development
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
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No. 333, August 2002

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation

August 9, 2002

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

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

Whereas, since the May 7, 2002, renewal of the Declaration of Drought Emergency, there have been insufficient amounts of rainfall in Adams, Bedford, Berks, Chester, Cumberland, Delaware, Franklin, Fulton, Lancaster, Lebanon, Lehigh, Northampton, Schuylkill and York Counties to replenish the groundwater levels or return overall water supplies to their normal levels within those fourteen counties; and

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

Whereas, my Proclamation of Drought Emergency renewal of May 7, 2002, will automatically expire on August 10, 2002, unless renewed by this Amendment.

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

1. The Proclamation of Drought Emergency of February 12, 2002, is renewed for a period of ninety days starting on August 11, 2002, and shall continue to apply to the following counties: Adams, Bedford, Berks, Chester, Cumberland, Delaware, Franklin, Fulton, Lancaster, Lebanon, Lehigh, Northampton, Schuylkill, and York.

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

3. This Proclamation amendment shall take effect immediately.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this ninth day of August in the year of our Lord, two thousand and two and of the Commonwealth, the two-hundred and twenty-seventh.



Governor

[Pa.B. Doc. No. 02-1473. Filed for public inspection August 23, 2002, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES [210 PA. CODE CH. 65]

Amendment to Superior Court Internal Operating Procedures

The Superior Court of Pennsylvania has amended procedures concerning wiretaps. This policy is reflected in the Superior Court Internal Operating Procedures with the adoption of 210 Pa. Code Sec. 65.59.

This change becomes effective September 3, 2002.

ERNEST GENNACCARO,
*Chief Staff Attorney to the
Superior Court of Pennsylvania*

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 65. INTERNAL OPERATING PROCEDURES OF THE SUPERIOR COURT

WIRETAPS

§ 65.59 Order: In General. Notice of Confidentiality.

Section 5710 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5710 provides that upon consideration of the application, the Court may enter an ex parte order authorizing interception anywhere in the Commonwealth.

All proposed orders shall include, on the first page, the following notice of confidentiality to third parties:

WIRETAP CONFIDENTIALITY NOTICE

You have been served with an intercept order pursuant to Pennsylvania's Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §§ 5701—5781 (the "Wiretap Act").

In order to implement wiretaps and electronic surveillance authorized by intercept orders, the assistance of third parties, those outside of law enforcement, is often required. You have been made aware of an intercept order because your assistance is required to facilitate wiretapping or other surveillance in an on-going criminal investigation.

This is a very serious and highly confidential matter and must be treated with the utmost care and discretion. Except as specifically authorized under the Wiretap Act, IT IS A CRIME TO WILLFULLY USE OR DISCLOSE THE EXISTENCE OF AN INTERCEPT ORDER. SUCH USE OR DISCLOSURE IS PUNISHABLE BY IMPRISONMENT OF UP TO 2 YEARS, AND A FINE OF UP TO \$5,000.

The Wiretap Act Provides as follows:

§ 5719. Unlawful use or disclosure of existence of order concerning intercepted communication

Except as specifically authorized pursuant to this subchapter any person who willfully uses or discloses the existence of an order authorizing interception of a

wire, electronic or oral communication is guilty of a misdemeanor of the second degree.

(A misdemeanor of the second degree is punishable by imprisonment of up to two years, 18 Pa.C.S. § 1104, and a fine of up to \$5,000, id. § 1101.)

See also 18 Pa.C.S. §§ 5725, 5726 and 5717.

[Pa.B. Doc. No. 02-1474. Filed for public inspection August 23, 2002, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 10]

Order Amending Rule 1013; No. 283 Criminal Pro- cedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a *Final Report* explaining the amendments to Rule of Criminal Procedure 1013 (Prompt Trial—Municipal Court). The amendments expand the time for trial in Philadelphia Municipal Court from within 120 days after the preliminary arraignment to 180 days. The *Final Report* follows the Court's Order.

Order

Per Curiam:

Now, this 8th day of August, 2002, upon the recommendation of the Criminal Procedural Rules Committee, the proposal having been submitted without publication in the interests of justice pursuant to Pa.R.J.A. 103(a)(3), 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 1013 is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2003.

Annex A

TITLE 234—RULES OF CRIMINAL PROCEDURE

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT

Rule 1013. Prompt Trial—Municipal Court.

(A) (1) Trial in a Municipal Court case in which a preliminary arraignment is held after June 30, 1974, but before July 1, 1975, shall commence no later than 210 days from the date on which the preliminary arraignment is held.

(2) Trial in a Municipal Court case [in which a preliminary arraignment is held after June 30, 1975] shall commence no later than [120] 180 days from the date on which the preliminary arraignment is held.

(3) Trial in a Municipal Court case in which the defendant appears pursuant to a summons shall commence no later than [120] 180 days from the date on which the complaint is filed.

* * * * *

(C) (1)(a) At any time prior to the expiration of the period for commencement of trial, the attorney for the Commonwealth may apply to the Court orally or in writing for an order extending the time for commencement of trial. The defendant shall have the right to be heard on the Commonwealth's motion.

(b) If the motion is in writing, a copy shall be served upon the defendant through [his] the defendant's attorney, if any.

* * * * *

Official Note: Rule 6013 adopted June 28, 1974, effective prospectively as set forth in paragraphs (A)(1) and (A)(2) of this rule; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; the amendment to paragraph (D) as it regards exclusion of defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982, and [new] paragraph (H), which provides the time for retrials, was specifically made effective as to retrials required by orders entered on or after January 1, 1982; amended September 3, 1993, effective January 1, 1994; renumbered Rule 1013 and amended March 1, 2000, effective April 1, 2001; **amended August 8, 2002, effective January 1, 2003.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the August 8, 2002 amendments to paragraphs (A)(2) and (A)(3) expanding the time for trial from 120 days to 180 days published with the Court's Order at 32 Pa.B. 4124 (August 24, 2002).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 1013

**PHILADELPHIA MUNICIPAL COURT:
PROMPT TRIAL**

On August 8, 2002, effective January 1, 2003, upon the recommendation of the Criminal Procedural Rules Committee,² the Court amended Rule 1013 (Prompt Trial—Municipal Court). The amendments expand the time for trial in Philadelphia Municipal Court from 120 days to 180 days.

I. BACKGROUND

The issue of whether the Rule 1013 prompt trial provision should be expanded was raised by Municipal Court Administrative Judge Seamus Patrick McCaffery because of the substantial increase in the number of cases being filed in Municipal Court, and the time pressures for getting the cases disposed this increase is causing for the Court. He explained the number of incoming cases rose from 22,641 cases in 1996 to 32,861 cases in 1999, and that figure has remained fairly static through the beginning of 2002. During the same time period, the number of dispositions rose from 22,733 cases disposed in 1996 to 31,512 cases disposed in 1999.³ The time from the

¹ The Committee 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.

² Because of the unique nature and limited jurisdiction of the Philadelphia Municipal Court, and the need to have input from individuals who are daily involved with Municipal Court, the Committee deviated from our normal full-Committee review of this issue, and convened an "Ad Hoc Committee" for the limited purpose of addressing the issue of the time for trial in Municipal Court. The "Ad Hoc Committee" included two Philadelphia Deputy Court Administrators, two Criminal Procedural Rules Committee members, and the Chiefs of the Municipal Court units of the Philadelphia Public Defender's office and the Philadelphia District Attorney's office, together with the Criminal Procedural Rules Committee's Staff.

³ This information was taken from the Municipal Court's 1999 Annual Report.

preliminary arraignment to the first trial listing is estimated to be 90 to 100 days.⁴

II. DISCUSSION

In considering Judge McCaffery's request, the members questioned 1) the necessity of a change, and 2) how much additional time would satisfactorily reduce the time pressures on the Municipal Court. Ultimately agreeing that there is a need for an expansion of the time limitations in the rule, the members agreed that an additional 60 days would be adequate to accomplish this change.

Unlike in the other judicial districts in which misdemeanor cases are mixed on the docket with felony cases in Common Pleas Court, Philadelphia has a two-tiered criminal court system in which there is a separate court (Municipal Court) to expeditiously process the less serious and less complicated misdemeanor cases.⁵ In addition, the Philadelphia court system has implemented innovations in how cases are processed that are having some impact on the numbers of cases in the system and the time to trial, but there are limitations such as the number of judges and courtrooms available for scheduling of cases. Finally, present Rule 1013 is case processing friendly, and forces the scheduling of cases within the time frames established in the rule.

Accordingly, in view of all of the above, and that (1) Municipal Court is processing a tremendously increased caseload compared to what existed in 1974 when the rule was adopted, and (2) since 1974, the Supreme Court has modified the time for trial required by Rule 600, thereby increasing the amount of time that all other judicial districts are provided to dispose of misdemeanor cases in a timely fashion, Rule 1013 has been amended by changing the 120-day time limit to 180 days in paragraphs (A)(2) and (A)(3).⁶

[Pa.B. Doc. No. 02-1475. Filed for public inspection August 23, 2002, 9:00 a.m.]

**Title 25—LOCAL
COURT RULES**

CHESTER COUNTY

**Amendment of Local Orphans' Court Rule L6.4A;
1502-9999**

Order

And Now, this 6th day of August, 2002, Rule L6.4A is hereby *Amended* to reflect the change in the dates of the call of the audit list for July and August. The new Rule L6.4A shall read as follows:

Rule L6.4A. Audits.

Audit List-When Called—The audit list will be called on the first Wednesday of every month except July and September and on the third Wednesday of September. There will be no audit list in July. Each audit

⁴The process in Municipal Court was described as follows: at the preliminary arraignment, the defendant is given a pretrial conference date that is approximately 45 days from the time of arrest. At the pretrial conference, it is the District Attorney's office's responsibility to turn over discovery and to see if a plea can be worked out. If there is no plea, the case gets listed for trial. This first trial listing in a trial room may take anywhere from another four to six weeks.

⁵The defendant has the right to appeal to the Philadelphia Common Pleas Court for a trial *de novo*. Pursuant to Rule 1013(C), the trial *de novo* must be conducted within 90 days after the notice of appeal is filed.

⁶In all other respects, Rule 1013 remains the same.

list shall include continued accounts and new accounts eligible for audit. No attorney need be present unless the attorney desires to file written objections or a claim.

This Rule is hereby *Adopted*, effective January 1, 2003.⁷

By the Court

PAULA FRANCISCO OTT,
Judge

[Pa.B. Doc. No. 02-1476. Filed for public inspection August 23, 2002, 9:00 a.m.]

WESTMORELAND COUNTY

Civil Rules W205.1 and W211; No. 3 of 2002

And Now This 5th day of August, 2002, *It Is Hereby Ordered* that Westmoreland County Rules of Civil Procedure W205.1 and W211 are hereby repealed and new rules of Civil Procedure W205.1 and W211 are adopted. The effective date of these changes is 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

DANIEL J. ACKERMAN,
President Judge

Rule W205. 1 Filing of Motions and Petitions

(a) The trial judge assigned to a specific case will hear all matters relating to that case.

(b) Routine contested motions will be heard on the first and last Wednesday of each month at 10:00 a.m. The moving party shall furnish a copy of the motion or petition and any proposed order to every other party or attorney of record at least 4 days in advance of the day when the presentation is to occur. The motion or petition must be accompanied by a certification stating that notice has been given under this rule.

(c) Uncontested motions will be heard on the first and last Wednesday of each month at 10:00 a.m. or may be

presented at any time convenient to and prearranged with the court. Before a motion or petition is presented, the moving party shall furnish a copy of the motion or petition and any proposed order to every other party or attorney of record at least 4 days in advance of the day when the presentation is to occur. The motion or petition must be accompanied by a certification stating that notice has been given under this rule and that the matter is in fact uncontested. The moving party shall attach this certification together with a copy of the judicial assignment form when presenting an uncontested motion or petition to the chambers of the assigned judge as prearranged.

(d) Emergency motions on civil matters may be presented at any time convenient to and prearranged with the court. In emergency matters, the moving party must give telephone notice to every other party or attorney of record prior to presenting the motion or petition and shall, at the time of presentment of same, provide to the Court a certification of the notice provided.

(e) Motions or petitions to which all parties consent may be delivered to the chambers of the assigned judge at any time. The motion or petition must be accompanied by a certification stating that notice has been given under this rule.

(f) The filing of preliminary objections, motions for judgment on the pleadings, motions for summary judgment, the post-trial relief shall be in accordance with Westmoreland County Rule of Civil Procedure W227.2.

Rule W211. Oral Arguments

(a) The court administrator shall schedule all argument court matters with the exception of preliminary objections.

(b) A party may assert their right to oral argument as to preliminary objections by filing a motion with the court. To accomplish the prompt determination of preliminary objections where a motion for oral argument is not filed, the court will decide preliminary objections at the earliest date possible based upon briefs.

[Pa.B. Doc. No. 02-1477. Filed for public inspection August 23, 2002, 9:00 a.m.]

⁷Original Rule L6.4A was adopted October 25, 1993, effective January 1, 1994.

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

Amendment to the Administrative Manual—Rules of Practice and Procedure Concerning Fees Associated with Freedom of Information Act Requests

At the May 31, 2002, business meeting of the Delaware River Basin Commission (Commission), the Commission amended its Administrative Manual—Rules of Practice and Procedure concerning fees associated with Freedom of Information Act (FOIA) requests. This final-form rulemaking fulfills a requirement of the Delaware River Basin Compact, Pennsylvania: Acts of 1961, Act No. 268, that rules adopted by the Commission be filed in accordance with the laws of the signatory parties.

Effective Date

The final-form rulemaking is effective immediately.

Supplemental Information

On March 20, 2002, the Commission published on its website a Notice of Proposed Rulemaking to amend the fee schedule associated with Commission responses to FOIA requests. Notice was published in the *Federal Register* on March 15, 2002, the *Delaware Register of Regulations* on April 1, 2002, the *New Jersey Register* on April 15, 2002, the *New York State Register* on March 13, 2002, and at 32 Pa.B. 1661 (March 30, 2002). A public hearing was held on May 31, 2002, and the public was invited to comment, either in person at the hearing or in writing through the close of the hearing. No written or oral comments were received. The Commission approved the final-form rulemaking, as proposed, at the conclusion of its hearing on May 31, 2002.

The Commission's schedule of fees associated with responses to requests for information under FOIA was promulgated in 1975 and has not been updated since. Over the past quarter of a century, computer technologies have introduced new methods of recording and reproducing information that were not contemplated by the 1975 regulation, and administrative costs have increased. The amended fee structure reflects current technologies and costs.

The final-form rulemaking amends Article 8, Section 2.8.10 "Fees" of the Commission's Administrative Manual—Rules of Practice and Procedure by striking the language of subsection A of that section and replacing it with the following:

A. Unless waived in accordance with the provisions of Section 2.8.11, the following fees shall be imposed for production of any record pursuant to this part.

1. *Administrative Fees.*

a. Charges for administrative fees include staff time associated with:

- (i) Processing FOIA requests;
- (ii) Locating and reviewing files;
- (iii) Monitoring file reviews;

(iv) Generating computer records (electronic print-outs); and

(v) Preparing logs of records deemed nonpublic.

b. Administrative charges will be calculated as follows: Administrative charges will be billed to the requester per quarter hour following the first quarter hour. These charges will be billed at the current, hourly paygrade rate (prorated for quarter hour increments) of the personnel performing the service. Administrative charges will be in addition to any copying charges.

c. Appointment Rescheduling/Cancellation—Requesters that do not reschedule or cancel appointments to view files at least 1 full business day in advance of the appointment may be subject to the administrative charges incurred by the Commission in preparing the requested records. The Commission will prepare an itemized invoice of these charges and mail it to the requester for payment.

2. *Photocopying Fees*—The following are charges for photocopies of public records made by Commission personnel:

a. *Standard Sized, Black and White Copies*

The charge for copying standard sized, black and white public records shall be \$0.15 per printed page (that is, single-sided copies are \$0.15 and double-sided copies are \$0.30). This charge applies to copies on the following standard paper sizes:

- (i) 8.5" × 11"
- (ii) 8.5" × 14"
- (iii) 11" × 17"

b. *Color Copies/Printouts*

The charge for color copies or color printouts shall be as follows:

- (i) 8.5" × 11" - \$1.00 per page
- (ii) 8.5" × 14" - \$1.50 per page
- (iii) 11" × 17" - \$2.00 per page

(iv) The charge for all color copies larger than 11" x 17" (including, but not limited to: photographic imagery, GIS print-outs, and maps) shall be calculated at the rate of \$2.50 per square foot.

c. *Electronically Generated Records*

Charges for copying records maintained in electronic format will be calculated by the material costs involved in generating the copies (including, but not limited to: magnetic tape, diskette, or compact disc costs) and administrative costs.

d. *Other Copying Fees*

The Commission, at its discretion, may arrange to have records copied by an outside contractor if the Commission does not have the resources or equipment to copy such records. In this instance, the requester will be liable for payment of these costs.

3. *Forwarding material to destination.* Postage, insurance, and special fees will be charged on an actual cost basis.

The complete Administrative Manual—Rules of Practice and Procedure as amended is available on the Commission's website at <http://www.drbc.net> or upon request from the Delaware River Basin Commission, P. O. Box 7360,

West Trenton, NJ 08628-0360. For further information, contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, Delaware River Basin Commission, (609) 883-9500 Ext. 203.

PAMELA M. BUSH,
Secretary

Fiscal Note: Fiscal Note 68-41 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART V. DELAWARE RIVER BASIN COMMISSION

CHAPTER 901. GENERAL PROVISIONS

§ 901.1. Rules of Practice and Procedure.

The rules of practice and procedure as set forth in 18 CFR 401 (2002) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 02-1478. Filed for public inspection August 23, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA.CODE CHS. 401, 403 AND 405]

Uniform Construction Code; Administrative and Enforcement; Elevators and Other Lifting Devices

Under section 301 of the Pennsylvania Construction Code Act (act) (35 P. S. § 7210.301), the Department of Labor and Industry, Bureau of Occupational and Industrial Safety (Department) is submitting this proposed rulemaking as the administrative and enforcement provisions and standards for elevators and other lifting devices of the Uniform Construction Code (UCC).

The Department proposes this rulemaking for the adoption and enforcement of the UCC under sections 301—304 of the act (35 P. S. §§ 7210.301—7210.304) to read as set forth in Annex A. This notice of proposed rulemaking includes the Department's interpretation of the provisions of the act adopting the "1999 BOCA National Building Code," Fourteenth Edition or its successor codes as the UCC. The current successor code is the "International Building Code 2000" (IBC).

Statutory Authority

This proposed rulemaking is issued under the authority provided in section 301 of the act, which requires the Department to promulgate regulations adopting the "1999 BOCA National Building Code" and allows the Department to make changes to Chapter 1 of the "1999 BOCA Code." The Department must also adopt the "International Fuel Gas Code" and prescriptive methods for energy related standards under section 301 of the act.

Section 301 of the act requires that the regulations include a provision that gives the Department exclusive power to grant modifications and decide issues of technical infeasibility under the accessibility provisions of the UCC. The regulations must provide for a system of Department-conducted, periodic compliance reviews for accessibility, and an exception to the BOCA stairway tread and riser provisions for one-family and two-family dwellings.

Section 105(c) of the act (35 P. S. § 7210.105(c)) continues the Department's administrative and inspection authority over elevators and other lifting devices. This section also allows the Department to modify the standards of the "BOCA Code" for elevator construction, repair, maintenance and inspection. The Department may also set plan review and inspection fees under section 301(d)(2) of the act.

Background

The act establishes a Statewide building code, the UCC. This UCC provides uniform standards for builders and design professionals, and greater protection for building owners and occupants and the general public. The Department, municipalities and third-party agencies in this Commonwealth will utilize the UCC to insure that this Commonwealth has a uniform construction code that will promote safety, health, sanitary construction, state-of-the-art techniques and cost-effectiveness in residential and commercial construction.

This proposed rulemaking establishes administrative provisions, enforcement provisions and elevator and other lifting devices standards for the UCC required by the act. This proposed rulemaking adopts model construction codes issued by the International Code Council (ICC) as part of the UCC. For elevators and lifting devices, this proposed rulemaking adopts: "The American Society of Mechanical Engineers (ASME) A17.1," 2000 Edition, Parts I—VIII with exceptions; ASME B20.1, 1996 Edition including ASME B20.1b-1998 for conveying systems; ASME A90.1, 1997 Edition including ASME A90.1a-1999 for belt man-lifts; "The American National Standards Institute (ANSI) B77.1," 1999 Edition for passenger ropeways; and "ASME A18.1," 1999 Edition including ASME A.181a-2001a addenda for wheelchair and stairway lifts with changes.

The Legislative Reference Bureau informed the Department on December 28, 2001, that model codes and guidelines intended for adoption under the UCC are "generally available publications" meeting 45 Pa.C.S. § 727(9) (relating to matter not permitted to be published). These codes included model codes for construction issued by the ICC, standards for elevators issued by the American Society of Mechanical Engineers, the Department of Energy guidelines for energy conservation (COMcheck EZ[™] and MECcheck[™]) and the "Code for the Conservation of Space Conditioning for Housing in Pennsylvania: The PHRC alternative to Chapter 11, Energy Efficiency, of the International Residential Code (IRC) 2000 for Use in Pennsylvania."

The final-form regulations for the UCC's training and certification requirements under section 701 of the act (35 P. S. § 7210.701) were published at 32 Pa.B. 1849 (April 13, 2002).

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

Since the passage of the act, the Department has undertaken extensive outreach and communication efforts to gain input from the various affected parties. Department representatives have participated in over 50 public presentations with over 3,500 attendees.

Members of the Department's Implementation Team also met with and communicated with interested persons and groups to answer questions and obtain their suggestions. These groups include: three Pennsylvania Chapters of Building Officials & Code Administrators, Inc (BOCA); representatives from BOCA International; Pennsylvania Code Training Consortium; Pennsylvania Housing Research Center (PHRC); Pennsylvania Builders Association; American Institute of Architects (Pennsylvania Chapter); City of Harrisburg; City of Pittsburgh—Bureau of Building Inspection; Keystone Chapter of Associated Builders and Contractors; Pennsylvania Ski Areas Association; Pflow Industries: Inc.-Vertical Reciprocating Conveyor Group; PM Associates of York—elevator inspectors; Delta Development Group representing Steel Inspection Agency; the Borough of Mount Joy; Building Codes Assistance Project; Pennsylvania Hospitals Association; Pennsylvania Manufactured Housing Association; Modular Building Systems Association; Pennsylvania State Association of Township Supervisors; Pennsylvania State Association of Boroughs; PP&L Utility; Pennsylvania Department of Health; Pennsylvania Emergency Management Agency; Department of Community and Economic

Development (DCED); Department of General Services; and the United States Department of Energy.

The Department utilized a website, www.dli.state.pa.us, to provide updates on the regulatory process and to solicit comments and questions. The Department also utilized its website to notify stakeholders of regulation updates and drafts. The stakeholder list comprises approximately 375 interested parties.

The Department held three large stakeholder meetings on December 16, 1999, July 19, 2000, and May 31, 2001. Prior to the May 31, 2001, stakeholders' meeting, the Department posted a first draft of this proposed rulemaking on its website for stakeholder comment. The rulemaking was reviewed with the Department's Industrial Board and Accessibility Advisory Board. The Department plans to hold three public hearings on this proposed rulemaking during the public comment period. This proposed rulemaking is also posted on the Department's website.

On March 5, 2002, Department representatives briefed the Pennsylvania House of Representatives' Local Government Committee on the UCC and the Department's progress on implementing regulations.

Purpose

As stated in section 102(b) of the act (35 P.S. § 7210.102(b)), the purpose of the act is to insure safe, uniform, cost-efficient and comprehensive construction standards throughout this Commonwealth by adopting a Statewide building code governing the construction, alteration, repair and new occupancy of structures.

This proposed rulemaking sets forth the administrative and enforcement provisions of the Statewide building code. It establishes the UCC's scope, lists the prescriptive methods adopted by the Department to comply with the "International Energy Conservation Code" and provides definitions and standards for child-care facilities required by the act. This proposed rulemaking also prescribes the permit and inspection processes for commercial and residential construction. It establishes enforcement procedures including notice of violations, orders to show cause and vacate and stop work orders. It provides for the retention and sharing of records between the Commonwealth and municipalities choosing to enforce the UCC. This proposed rulemaking establishes procedures for municipalities to opt in or out of UCC enforcement.

This proposed rulemaking also sets forth the requirements for municipal boards of appeal to decide requests for variances, extensions of time and to hear appeals of code administrator decisions under the act. It specifies safety standards for passenger elevators, conveying systems, lumber elevators, stage lifts, orchestra and organ console elevators and other lifting devices.

Summary of Proposed Rulemaking

Section 401.1. Definitions.

This section provides definitions for the terms used in these regulations. The section defines the appeals and advisory boards that will hear variance requests and appeals under the UCC which are the "Accessibility Advisory Board," "Industrial Board" and municipal "board of appeals." It also defines the "variance" requests these bodies will hear and determine.

This section identifies and provides the addresses for the "American National Standards Institute" (ANSI), "American Society for Testing and Materials" (ASTM), "American Society of Mechanical Engineers" (ASME),

"ICC," "National Evaluation Services, Inc." and "Pennsylvania Housing Research Center (PHRC)." It identifies and provides citations to "Chapter 11 of the "International Building Code 2000," "Code Requirements for Housing Accessibility," "ICC Electrical Code, International Building Code," "International Energy Conservation Code," "International Fire Code," "International Fuel Gas Code," "International Mechanical Code," "International Plumbing Code" and "International Residential Code."

This section provides definitions for "building," "conveyor" and "structure." A "building" is defined as a structure used or intended for supporting or sheltering any occupancy. A "conveyor" is defined as a device for moving or transporting bulk materials, packages or objects in a predetermined designed path. A "structure" is defined as a combination of materials that are built or constructed with a permanent location or attached to something that has a permanent location. The definition for "structure" will include all buildings.

This section provides a definition for "building code official" and "person." A "building code official" is defined as the construction code official who supervises and administers building code enforcement activities. A "person" includes the governing authority for a county or municipality and a government entity other than the Commonwealth.

The alternative prescriptive methods to meet the energy conservation requirements of the UCC are defined. These prescriptive methods are found in COMcheck EZ[®], MECcheck[®] and the "PHRC Alternative to Chapter 11."

This section contains definitions for "certificate of occupancy," "filing date" and "permit." The definition of "certificate of occupancy" is the document issued by the building code administrator, allowing the building or structure to be occupied. A "permit" is defined as the document issued by the building code official, allowing the construction, alteration, repair and demolition to a building, elevator or equipment. The "filing date" is the date the building code official receives the completed permit application.

This section defines: "family child day-care home" and "group child day-care home" as provided in section 3.6(g) of the act of April 27, 1927 (P.L. 465, No. 299) (35 P.S. § 1223.6(g)), known as the Fire and Panic Act; "health care facility" as provided in Health Care Facilities Act (35 P.S. §§ 448.101—448.904b); "State-owned building," the "Fire and Panic Act" and the "Health Care Facilities Act."

This section also defines "residential building" and "commercial construction." A "residential building" is defined as construction relating to detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) that are not more than three stories in height with a separate egress and their own accessory structures. "Commercial construction" is defined as a building, structure or facility that is not a residential building.

This section also defines "industrialized housing" and "manufactured housing." "Industrialized housing" is defined under section 3 of the Industrialized Housing Act (35 P.S. § 1651.3). Housing units defined as mobile homes are excluded from the definition. "Manufactured housing" is defined as housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P.S. §§ 1656.1—1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

Section 401.2. Department fees.

This section establishes Department fees for issuance of commercial building permits and inspections, and elevator and lifting device, plan review and inspections.

Permit fees for new construction are calculated based on use group and square footage. The Department established these fees using the BOCA fee table. These fees were calculated to cover the Department's projected costs for plan review, inspection and enforcement functions.

The permit fee for alterations and modifications is 5.5c × cost of construction. The Department established this fee based on the Center Region Council of Governments' fee schedule. The section contains fees for review of revised plans, interim accessibility plan reviews and inspections and Industrial Board and Accessibility Advisory Board variance requests.

The elevator and lifting device fees are based on current Department charges for permits and inspections. Several of the fees were increased to reflect additional costs for plan reviews and inspections anticipated by the Department with the implementation of the UCC.

Section 401.2a. Municipal and third-party agency fees.

This section provides that a municipality or third-party agency that enforces the UCC may establish fees for plan review, inspections and other UCC-related activities. This section requires the municipal building code official or third-party agency to make the fee schedule available to the public. A municipality or third-party agency may establish a fee refund policy, withhold the issuance of a certificate or permit until the fee is paid and establish other fees authorized by law.

Chapter 403. Administration

Section 403.1. Scope.

This proposed section applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure occurring on or after the effective date of this rulemaking and to all existing structures that are not legally occupied.

This proposed section does not apply to: new construction or renovation for which a permit application was made or a design or construction contract was signed prior to the effective date of the regulations; accessory buildings; or agricultural buildings. A code administrator may exempt a dwelling unit from the UCC's electrical provisions under section 901(b) of the act (35 P.S. § 7210.901(b)), if the unit is utilized by a member of a recognized religious sect which opposes the use of electricity.

A permit issued under construction regulations before the effective date of adoption of final-form rulemaking will remain valid as long as the construction commenced within 2 years from the issuance date of the permit or a time period specified by municipal ordinance, whichever is less.

A legal occupancy of a structure existing on the effective date of adoption of final-form rulemaking may continue without change except where the UCC provides otherwise.

The UCC will apply to residential buildings or structures governed by a homeowners or community associations under section 104(d)(2)(ii) and 304(a)(2) of the act (35 P. S. §§ 7210.104(d)(2)(ii) and 7210.304(a)(2)).

§ 403.2. Other statutes or ordinances.

Under section 104(d)(1) of the act, the UCC preempts and rescinds all construction standards established by statute, regulation or local ordinance. This section also sets forth the effect of ordinances adopted by a city of the first class under section 303(a)(2) of the act.

Standards

§ 403.21. Uniform Construction Code.

This section adopts, under section 301 of the act, the 2000 edition (first printing) of the following codes as the UCC: chapters 2 through 29 and 31 through 35 of the "International Building Code"; "ICC Electrical Code"; "International Mechanical Code"; "International Fuel Gas Code"; "International Plumbing Code"; "International Residential Code"; "International Fire Code"; "International Energy Conservation Code"; and "Code Requirements for Housing Accessibility." Appendices to these listed codes are not adopted as part of the UCC except for sections AE501-AE503 and AE601-AE605 of Appendix E of the "International Residential Code" relating to manufactured housing.

This section also establishes special stairway tread and rise provisions required by section 301(a)(6) of the act which will be in effect until December 31, 2003.

The section provides additional prescriptive methods to demonstrate compliance with "International Energy Conservation Code" requirements. The additional prescriptive methods for detached residential buildings are found in the "Code for the Conservation of Space Conditioning Energy for Housing in Pennsylvania: The PHRC Alternative to Chapter 11, Energy Efficiency, of the International Residential Code (IRC) 2000 for Use in Pennsylvania" (PHRC Alternative) and the United States Department of Energy compliance guide, "MECcheck[™]." The additional prescriptive method for all other buildings or structures is found in another United States Department of Energy compliance guide, "COMcheck[™]."

The PHRC developed its alternative approach for residential housing in response to a request from the Pennsylvania Builders Association for a method that would not require residential builders to perform onsite building calculations. New residential construction in this Commonwealth will meet the window glazing requirements of the "International Code 2000," in the aggregate, under the PHRC alternative. Residential builders will not be required to calculate the window-to-wall ratio in new home construction by using the PHRC alternative.

At the United States Department of Energy's direction, Pacific Northwest National Laboratory analyzed and prepared a report on the PHRC alternative for residential construction. This laboratory found that the PHRC alternative had slightly more stringent standards for some building designs and slightly less stringent standards for other buildings. The Department met with representatives from Pennsylvania Builders Association, PHRC and the Responsible Energy Code Alliance to thoroughly discuss this alternative. It appears to the Department that utilizing the PHRC alternative for residential construction effectively balances energy savings and costs for residential structures under section 301(c) of the act. This alternative will facilitate compliance with UCC energy conservation requirements and will yield overall energy savings similar to the savings that would be obtained by using other prescriptive methods.

§ 403.22. Health care facilities.

Health care facilities will continue to comply with the Health Care Facilities Act, Department of Health regula-

tions, building codes and regulations set forth in the applicable licensure laws and this section. Additionally, applicants must obtain a license under the Health Care Facilities Act before occupancy of new construction. An applicant shall submit alteration plans to the Department of Health and obtain its approval before a renovated facility is occupied. A building code official will provide written notice of the Department of Health construction and occupancy requirements when plans are approved.

The provisions for elevators found in this section will apply to health care facilities.

§ 403.23. Child care facilities.

This section provides that a family child day-care home and a group child day-care home must comply with sections 3.6(f)(1)(i), (f.1) and (g) of the Fire and Panic Act (35 P. S. § 1223.6(f)(1)(i), (f.1) and (g)) and this section.

A family child day-care home must meet Chapter 9 of the "International Building Code" or meet minimum requirements for smoke detection units found in section 3.6(f.1) of the Fire and Panic Act. Single station smoke detectors may be utilized under the minimum requirements of this section.

A group child day-care home which provides care to 7 to 12 children which includes a child who is 2 1/2 years of age or under must comply with use group I-4 of the "International Building Code." A group child day-care home which provides care to 7 to 12 children and all the children are older than 2 1/2 years must comply with use group E of the "International Building Code."

A child day-care facility must comply with use group I-4 of the "International Building Code" if it provides care to five or more children, one of whom is 2 1/2 years old or under, and the facility is not located in a home.

§ 403.24. Historic buildings, structures and sites.

This section allows a building code official to exclude a historic building or structure from compliance with the UCC or portions of the UCC if it meets the requirements of section 902 of the act (35 P. S. § 7210.902).

§ 403.25. Manufactured and industrialized housing.

This section establishes, under section 901(a) of the act that the UCC applies to site preparation, foundation construction, utility connection, alteration and repair of manufactured and industrialized housing. It also applies to the construction, alternation, repair or occupancy if the manufactured or industrialized housing is sold to a subsequent purchaser. The UCC does not apply to manufactured housing assembled by and shipped from the manufacturer and which bears a label, which certifies that it conforms to Federal standards adopted under the Housing and Community Development Act of 1974. The UCC does not apply to industrialized housing as assembled by and shipped from the manufacturer. The DCED will retain jurisdiction to enforce its statutes relating to manufactured and industrialized housing units and resolve complaints concerning these units.

§ 403.26. Applicability.

Chapter 403 is to be used for the administration of the UCC. The provisions of Chapter 1 of the "International Building Code" are not adopted as part of the UCC. Where sections in the regulation and adopted standards differ, the most restrictive material, method of construction or other requirement will apply. The specific requirement of this part of the regulation will apply if there is a conflict between a general requirement and a specific requirement. The provisions of this chapter will govern if

there is a conflict between this chapter and the provisions of the codes adopted as the UCC.

Permit and Inspection Process for Commercial Construction

§ 403.41. Commercial construction.

This section will apply to commercial buildings, structures and facilities.

§ 403.42. Permit application.

This section requires an owner or authorized agent who intends to construct, repair, remodel, demolish or change the occupancy of a commercial building to obtain a permit. Permits are not required for most fences, oil derricks, retaining walls, water tanks, sidewalks and driveways. Permits are also not required for painting, papering, tiling, carpeting, cabinets, counter tops, similar finishing work, temporary motion picture, television, theater sets, stage sets and scenery. A permit is not required for prefabricated swimming pools accessory to Group R-3 occupancy, shade cloth structures constructed for nursery or agricultural purposes, playground equipment accessory to one-family and two-family dwellings, window awnings supported by an exterior wall and movable cases, counters and partitions.

A permit will not be required for electrical work consisting of minor repair and maintenance, electrical equipment used for radio and television transmissions and the installation of a temporary system for the testing or servicing of electrical equipment or apparatus.

Gas work performed on portable heating appliances and the replacement of minor parts that do not alter approval of equipment or make the equipment unsafe do not require a permit.

A permit will not be required for mechanical work on: portable heating appliances; portable ventilation equipment; portable cooling units; steam, hot or chilled water piping within any heating or cooling equipment; replacement of any parts which do not alter approval of the equipment or make the equipment unsafe; portable evaporative coolers; and, self-contained refrigeration systems containing 10 pounds or less of refrigerant and placed into action by motors no more than 1 horsepower.

A permit will not apply to plumbing repairs for: stopping leaks in a drain or a water, soil, waste or vent pipe; clearing stoppages or repairing leaks in pipes, valves or fixtures; and, the removal of and reinstallation of water closets if the valves, pipes or fixtures are not replaced or rearranged on delivery. A permit is not required for the installation of equipment that is owned and controlled by a public service utility.

The following repairs will require a permit: cutting away a wall or partition; the removal or cutting of a beam or load-bearing support; the removal or change of a required means of egress; and, the addition, alteration, replacement or relocation of any standpipe, water supply, sewer, drainage, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

Applicants will be required to complete an application form provided by the DCED. A municipality may require additional information on an addendum to the form. An applicant will also have to submit construction documents, information concerning special inspection and structural observation programs, Department of Transportation highway access permits and any other data required by the building code official for the permit application. Plan documents must show the nature and

extent of the work proposed and that the work will conform to the UCC. The documents must detail the location, construction, size and character of all portions of the means of egress. The construction documents for occupancies other than Groups R-2 and R-3 must designate the number of occupants to be accommodated on every floor and in all rooms and spaces. Shop drawings for fire protection systems must indicate conformance with this regulation.

Construction documents will contain specific information relating to the exterior wall envelope, a site plan including accessibility requirements drawn to scale and the elevation certification required in flood hazard areas. This section also requires a licensed architect or licensed professional engineer to prepare the construction documents. An unlicensed person may prepare design documents when no additions to the building or changes to the building's structure or means of egress are made and no compensation is paid for plan preparation.

A building code official could waive or modify the submission of construction documents or other data if the work does not require review of construction documents or other data to obtain compliance with the UCC.

This section requires a permit applicant to comply with the Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.9); the Liquefied Petroleum Gas Act (35 P. S. §§ 1321—1329); the Health Care Facilities Act; and the Older Adult Daily Living Centers Licensing Act (62 P. S. §§ 1511.1—1511.22).

§ 403.43. Grant, denial and effect of permits.

A building code official will have to grant or deny a permit application within 30 business days of the filing date. This section allows a building code official to establish a different deadline for permit approvals in a historic district. The building code official and the applicant may agree to extend the deadline for approval.

Procedures are set forth for plan approval. The issuance of a permit will not bar prosecution or other legal action for violations of the act, the UCC or a construction ordinance. Approval may be revoked when the permit is issued in error, on the basis of inaccurate or incomplete information or in violation of any act, regulation, ordinance or the UCC. A permit will become invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work is suspended or abandoned for 180 days after the work has commenced. The building code official may grant an extension of time. However, a permit will not be valid for more than 5 years from its date of issuance.

§ 403.44. Construction materials and changes.

This section provides that materials, equipment and devices evaluated by the National Evaluation Services, Inc. and meeting the codes incorporated as the UCC are considered approved.

This section also provides that changes to construction, which do not comply with the approved construction documents, must be resubmitted for approval.

§ 403.45. Inspections.

A construction code official will inspect all construction relating to the permit. The permit holder will ensure that the construction is accessible for inspection and notify the code official when work is ready for inspection. Construction beyond the phase currently under inspection may not continue without the construction code official's approval.

Construction must remain accessible until the construction code official allows the work to continue, if it does not pass inspection.

Inspections are required for: general building; electrical; plumbing; accessibility; fire protection; mechanical; energy conservation; and elevators and other lifting devices. A construction code official will file a final inspection report to indicate compliance with UCC requirements in these areas.

§ 403.46. Certificate of occupancy.

A building cannot be used or occupied without a certificate of occupancy. A building code official will issue a certificate of occupancy after receipt of a final inspection report which indicates UCC compliance. The contents of the certificate of occupancy are listed.

A building code official may issue a certificate of occupancy for a portion of a building if the building portion independently meets UCC requirements. A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, based on incorrect information supplied by the permit applicant or in violation of the UCC.

§ 403.47. Public utility connections.

This section prohibits the connection of a building or system to a utility, source of energy, fuel or power without authorization. A building code official may authorize temporary connection and authorize disconnections.

§ 403.48. Boilers.

This section sets forth coverage of the Boiler and Unfired Pressure Vessel Law.

Building Permit and Inspection Process for Residential Buildings.

§ 403.61. Residential buildings.

This section applies to municipalities and third-party agencies and municipalities electing to enforce the UCC.

§ 403.62. Permit application and approval.

This section requires an owner or authorized agent who intends to construct, repair, remodel, demolish or change the occupancy of a residential building to obtain a permit. A permit will be required to erect, install, alter, repair, remove, convert or replace an electrical, gas, mechanical or plumbing system. Permits will not be required for most fences, retaining walls, water tanks, sidewalks and driveways. Permits will not be required for painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work, prefabricated swimming pools that are less than 24 inches deep, swings and other playground equipment, window awnings, minor electrical repair and maintenance work, gas work performed on portable heating, cooking or clothes drying appliances and the replacement of minor parts that do not alter approval of equipment or make the equipment unsafe.

A permit is not required for the following mechanical work: portable heating and ventilation appliances; portable cooling units; steam, hot or chilled water piping within any heating or cooling equipment; replacement of any parts which do not alter approval of the equipment or make the equipment unsafe; and, self-contained refrigeration systems containing 10 pounds or less of refrigerant and placed into action by motors of no more than 1 horsepower.

A permit is not required for the following plumbing repairs: stopping leaks in a drain, or a water, soil, waste or vent pipe; clearing stoppages or repairing leaks in

pipes; and, the removal of and reinstallation of water closets if the valves, pipes or fixtures are not replaced or rearranged.

A permit is not required for the installation of equipment that is owned and controlled by a public service utility.

An applicant for a building located in a flood hazard area under the National Flood Insurance Program will be required to submit certain information with the construction documents.

§ 403.63. Inspections.

This section requires that a construction code official inspect all construction associated with the permit. A permit holder will have to ensure that the construction is accessible for inspection and notify the construction code official when work is ready for inspection. Construction beyond the phase currently under inspection will be prohibited without the construction code official's approval.

After inspection, the construction code official will notify a permit holder whether the construction complies with the UCC. Construction that does not pass inspection must remain accessible until the construction code official allows the work to continue.

The following inspections are required: foundation inspection; plumbing, mechanical, gas and electrical system inspection; frame and masonry inspection; and wallboard inspection.

A building code official may require additional inspections. A construction code official has to file a final inspection report to indicate compliance with the general building, electrical, plumbing, mechanical, energy conservation and fuel gas requirements of the UCC after the completion of all construction work.

A third-party agency under contract with a building permit holder is required to submit a copy of the final inspection report to the municipality, the property owner and the lender designated by the builder. A municipality enforcing the UCC will send a copy of the final inspection report to the property owner, the builder and the lender designated by the builder.

§ 403.64. Certificate of occupancy.

A building cannot be used or occupied without a certificate of occupancy. A building code official will issue a certificate of occupancy after receipt of a final inspection report which indicates compliance with the UCC. A certificate of occupancy will have to contain the information listed in this section.

A building code official may issue a certificate of occupancy for a portion of a building if the portion independently meets the UCC. A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, based on incorrect information supplied by the permit applicant or in violation of the UCC.

A third-party agency under contract with a building permit holder must submit a copy of the certificate of occupancy to the municipality.

§ 403.65. Public utility connections.

A building code official must authorize utility connections. A building code official may order the disconnection of a utility in cases of immediate harm. The requirements for residential buildings are the same standards for commercial buildings in § 403.47.

Department, Municipal and Third-Party Enforcement for Noncompliance

§ 403.81. Stop work order.

A building code official may issue a written stop work order when he determines that construction work violates the UCC, is dangerous or unsafe or will interfere with required inspection. A person who continues construction work after service of an order may be subject to criminal penalties.

§ 403.82. Notice of violations.

When UCC violations are found during an inspection, the construction code official must discuss the inspection results with the owner at the completion of the inspection. The building code official may issue a written notice of violations to the owner containing a description of the violations and an order requiring correction of the violations within a reasonable period.

The building code official will inspect the building and determine whether the violation was corrected after the compliance date has expired. The enforcement process will end if the violation is corrected. The building code official may issue an order to show cause if the violation is not corrected.

§ 403.83. Order to show cause/order to vacate.

A building code official may initiate an action to vacate or close a building or seal equipment out of service by issuing an order to show cause. An order to show cause must contain the grounds for the action, the alleged violations, and notification that the building may be vacated or the equipment sealed.

An answer to an order to show cause may be filed under this section. The answer may contain a request for a variance or an extension of time for compliance. The building code official will forward requests for variances, extensions of time or appeals regarding interpretations of the UCC to the board of appeals and requests regarding accessibility to the Department within 5 days. The board of appeals will consolidate the answer with any pending request for a variance or an extension of time or an appeal filed by the owner.

A pending request for variance or extension of time, or appeal will be considered as a stay to an enforcement action.

After receipt of the answer, the building code official may issue a stop work order, vacate or close the building or structure, place equipment out of operation, abate or modify the alleged violation and order other action to protect persons or property.

The construction code official will inspect the construction at the expiration of the time period granted for compliance. If the building, structure or equipment continues to violate the UCC, the building code official may issue an order vacating or closing the building or placing equipment out of operation.

§ 403.84. Unsafe building, structure or equipment.

A building code official may determine that a building, structure or equipment is unsafe. The building code official shall order the building to be vacated or the equipment sealed when the official determines that an unsafe condition exists.

When a building is ordered vacated, the building code official will post a notice at each entrance. A building code official will not rescind the order to vacate until the owner abates or corrects the unsafe condition. The De-

partment is the only entity that may remove or authorize the removal of a seal of an elevator or other lifting device when the owner abates or corrects the unsafe condition.

§ 403.85. Retention and sharing of commercial construction records.

A building code official shall keep records of all submitted documents in an electronic to a hardcopy format which will allow reproduction upon request. A building code official may charge for reproduction costs.

A municipally shall make its records available to the Department when it ceases UCC enforcement. The Department must make its records available to a municipality that elects to begin UCC enforcement.

§ 403.86. Right of entry to inspect.

A construction code official may enter a building at reasonable times to perform an inspection under the UCC or if reasonable cause exists to believe that there is a condition on the premises that violates the UCC.

The construction code official shall present credentials to the occupant and receive permission to enter. A construction code official may not enter a building that is unoccupied or after normal hours without locating the owner and obtaining permission to enter. The construction code official may seek the assistance of a law enforcement agency to gain entry to enforce the UCC.

Municipal Election

§ 403.101. Municipalities electing to enforce the Uniform Construction Code.

A municipality that elects to enforce the UCC must enact an ordinance adopting the UCC as its municipal building code. The initial election period is within 90 days of the effective date of this regulation.

After the initial election period, a municipality may still elect to administer and enforce the UCC by providing 180 days notice to the Department of its intention to adopt a UCC ordinance.

A municipality that has elected to administer and enforce the UCC may cease administration and enforcement upon 180 days notice to the Department. A municipality shall notify the Department in writing within 30 days of any changes to its UCC ordinance or information concerning the building code official.

A municipality may elect to utilize any one or a combination of the following means to administer and enforce the UCC: designate an employee to serve as a building code official; contract with a third-party agency; utilize an intermunicipal agreement; contract with another municipality; and contract with the Department for plan reviews, inspection and enforcement for commercial construction.

A municipality may retain ordinances in effect on July 1, 1999, that contain standards that equal or exceed the UCC.

A municipality may enact an ordinance containing standards that equal or exceed the UCC following Department review. To enact this ordinance, the municipality shall notify the Department of the proposed ordinance and submit required information and an explanation describing how the proposed ordinance will equal or exceed the UCC.

A municipality may enact an ordinance relating to UCC administration and enforcement which meets or exceeds sections of this regulation relating to permit application and approval, construction materials and changes, inspec-

tions, certificates of occupancy, public utility connections, stop work orders, notice of violations, orders to show cause and orders to vacate, unsafe buildings, structures and equipment and the retention and sharing of commercial construction records.

The Department will enforce the UCC's accessibility requirements until the municipality employs or contracts with a certified accessibility specialist.

A municipality may observe Department inspections of State-owned buildings in its jurisdiction and review all Department plan review documents.

§ 403.102. Municipalities electing not to enforce the Uniform Construction Code.

A municipality will have to provide written notification to the Department within 120 days of the effective date of adoption of this proposal if it elects not to enforce the UCC. In municipalities electing not to enforce the UCC, an applicant for a residential building permit must obtain the services of a certified third-party agency to conduct plan review and inspections. A third-party agency which conducts plan review and inspection of residential buildings must retain copies of all inspection reports relating to UCC compliance.

A third-party agency must send a copy of the final inspection report to the property owner, builder, municipality and a lender designated by the builder. A municipality must provide written notification to a permit applicant for buildings other than residential buildings that he must obtain the Department's services for plan review and inspection. The municipality shall send a copy of the notice to the Department.

§ 403.103. Department review.

The Department will review and investigate complaints relating to enforcement and administration under section 105 of the act. It will submit a report to the municipal governing body or third-party agency and provide recommendations to address any deficiencies that it finds.

The Department will review each municipal enforcement program at least once every 5 years to ensure that code administrators are adequately administering and enforcing the accessibility provisions of the UCC and submit a written report to the municipality of its findings.

Board of Appeals

§ 403.121. Board of appeals.

A municipality which has adopted a UCC ordinance or is a party to an agreement for the joint administration and enforcement of the UCC must establish a board of appeals under section 501(c) of the act (35 P. S. § 7210.501(c)). The board of appeals will hear and rule on appeals, requests for variances and requests for extensions of time.

The municipality's governing body will appoint board members qualified by training and experience to hear and make determinations concerning building construction matters. Members of a municipality's governing body may not serve on a board of appeals. Positions on the board may be filled with qualified persons who reside outside of the municipality, if the municipality cannot find qualified residents to fill the positions. A board member may not cast a vote or participate in a hearing of any matter in which the member has a personal, professional or financial interest.

Two or more municipalities may establish a joint board of appeals through an intermunicipal agreement.

A board of appeals may not hear appeals, requests for variance or requests for extension of time relating to accessibility under the act.

§ 403.122. Appeals, variances and extensions of time.

An owner may seek a variance, extension of time or appeal a building code official's decision. An appeal must be based on a claim that the intent of the UCC was incorrectly interpreted, the provisions of the act do not apply or that an equivalent form of construction is to be used. An appeal will automatically suspend an action to enforce an order to correct until the appeal is resolved.

The owner may request a hearing. The board may deny or grant all or part of the request or grant other appropriate relief. The board shall provide a written decision to the owner and to the building code official.

Requests for variances and extensions of time and appeals of a building code official's decision relating to accessibility must be filed with the Department's Accessibility Advisory Board.

Department Enforcement

§ 403.141. Enforcement by the Department.

The Department will conduct plan and specification review and inspections for all State-owned buildings. It will notify municipalities of all inspections of State-owned buildings and provide municipalities the opportunity to observe inspection of the buildings.

The Department will also retain jurisdiction over accessibility until a municipality administering and enforcing the UCC obtains the services of a Department-certified accessibility specialist.

The Department will enforce the UCC for commercial buildings in municipalities that have not adopted an ordinance to enforce the UCC.

The Department's Industrial Board will decide petitions for variances and extensions of time and appeals of Department decisions under the UCC. The Industrial Board will hold the first hearing on a petition within 45 days of receipt of the petition.

§ 403.142. Accessibility Advisory Board.

The Secretary of the Department has the exclusive power to grant modifications of technical accessibility standards and extensions of time under section 106 of the act (35 P. S. § 7210.106). The Accessibility Advisory Board will: review and comment on all proposed regulations under the act; review all applications for modifications or variances of accessibility standards and advise the Secretary whether a modification or variance should be granted; hear appeals from decisions of building code officials; and recommend modifications or variances, or extensions of time.

The Accessibility Advisory Board will consider enumerated factors when a request for an extension of time or a variance or other appropriate relief is requested. The procedures for resolution of appeals are in this section.

The Accessibility Advisory Board will recommend the appropriate action to the Secretary. The Secretary will make the final decision on the request and will issue written notice of the decision.

Elevators and Other Lifting Devices

§ 405.1. Scope.

Chapter 405 applies to the construction, alteration, addition, repair, movement, equipment, removal, maintenance,

use and change in use of every elevator and lifting device after the effective date of this section.

This section does not apply to new construction or renovations to existing elevators and lifting devices for which a permit application was made or for which a contract for design or construction was signed before the effective date of this regulation. It also does not apply to elevators and lifting devices in private residences.

A permit issued before the effective date of the adoption of a final-form rulemaking will be valid and the construction of the elevator or lifting device may be completed in accordance with that permit. The permit will remain valid if construction begins within 2 years of its issuance. If construction does not begin within 2 years, the permit is rescinded.

An elevator or lifting device which has a certificate of operation issued by the Department before the effective date of this final-form rulemaking may remain in use, if it is maintained in accordance with a previous Department permit or approval.

§ 405.2. Standards.

This section adopts "ASME A17.1," 2000 Edition, Parts 1-9 with listed exceptions as part of the UCC for elevators and other lifting devices. The Department also adopts: "ASME B20.1," 1996 Edition including "ASME B20.1b-1998 addenda," for conveying systems; "ASME A90.1," 1997 Edition including "ASME A90.1a-1999 addenda" for belt man-lifts; "ANSI B77.1," 1999 Edition for passenger ropeways, aerial tramways, surface lifts, tow and conveyors; and, "ASME A18.1," 1999 Edition including "ASME A.18.1a-2001 addenda" for vertical and inclined wheelchair lifts and stairway lifts. Testing under sections 10.3.2 and 10.3.3, "ASME A18.1-199" will occur at 5-year intervals.

Portions of "ASME A17.1," 2000 Edition that are not adopted as part of the UCC are listed in this section. Portions of "ASME B20.1," 1996 Edition that are not adopted as part of the UCC are listed in this section.

This section will apply when there is a conflict with a code or standard related to elevators or lifting devices.

§ 405.3. Permit application.

The owner must apply to the Department for a permit before the construction, alteration, replacement or repair of an elevator or lifting device. The application and supporting construction documents must clearly detail the location, nature and extent of the proposed construction and its compliance with the UCC. The Department will grant or deny a complete permit application within 30 days and provide written notification for any denial.

The Department may suspend or revoke a permit when the permit was issued erroneously, based on inaccurate, incorrect or incomplete information or issued in violation of the UCC. A permit will become invalid unless construction work is commenced within 180 days after its issuance or if the work is suspended or abandoned for a period of 180 days after it is commenced. The Department may grant written extensions of time for periods of 180 days. A permit will not be valid for more than 5 years.

A permit is not valid until the Department collects the required fees.

§ 405.4. Approved designs, equipment and devices.

A platform, car, cabin or chair safety device may be installed after it receives a Department-issued certificate of acceptance issued after successful testing of the device.

§ 405.5. Acceptance inspection.

The Department will conduct an acceptance inspection to confirm compliance with the UCC before a new elevator or lifting device or an elevator or lifting device under major repairs is put into service.

§ 405.6. Certificate of operation.

An elevator or lifting device may not be operated without a Department-issued certificate of operation. The Department will issue a certificate of operation for the elevator or other lifting device after it passes an inspection.

A certificate of operation is valid for 24 months from the issuance date for equipment requiring a 6-month periodic inspection and for 48 months from the issuance date for equipment requiring a 12-month periodic inspection. The certificate of operation may remain valid for an additional 30 days, if a periodic inspection is conducted within 30 days of the certificate's expiration date.

The certificate of operation or a copy shall be posted in the elevator car, platform, lifting device or attached to the controller in the machine room. The certificate of operation for escalators, moving walks and other equipment without a machine room shall be available during a periodic inspection.

§ 405.7. Periodic inspections.

A construction code official shall conduct periodic inspections and document compliance with the UCC at intervals that do not exceed 6 months for elevators and lifting devices. A construction code official shall conduct periodic inspections of all other lifting devices at intervals that do not exceed 12 months. A construction code official shall inspect a lifting device that is used on a seasonal basis before the beginning of the season of operation. A construction code official who performed a periodic inspection shall complete an inspection report, which shall be submitted within 15 days of the inspection in a format acceptable to the Department. A construction code official shall notify the Department of any lifting device that failed a periodic inspection within 1 working day.

§ 405.8. Periodic inspection and testing.

This section requires that testing under "ASME A17.1," 2000 Edition be witnessed by a construction code official and performed at 5-year and 3-year intervals dependant on the category that is being inspected. A construction code official who witnesses a periodic test shall complete a test report containing listed information. Test results shall be submitted within 15 days in a format acceptable to the Department.

§ 405.9. Periodic dynamic testing.

This section establishes the applicable sections for periodic dynamic testing under "ANSI B77.1," 1999 Edition.

§ 405.10. Major repairs, replacements and alterations.

This section establishes that repairs, replacement and alterations of elevators or other lifting devices must comply with "ASME A17.1," 2000 Edition

An elevator or lifting device shall be taken out of service when a major repair, replacement or alteration is performed upon it. The owner shall provide written notification to the Department when the major repair, replacement or alteration is completed. The elevator or lifting device may be returned to service after it passes a Department inspection.

§ 405.11. Accident report.

The owner of an elevator or lifting device shall submit an accident report to the Department, if the elevator or lifting device is involved in an accident resulting in fatal injury or hospitalization to a person or where there is damage to the elevator or lifting device which renders it unsafe. The accident report shall be submitted on a Department-prescribed form within 24 hours of the accident. The elevator or lifting device that was involved in an accident may not return to operation until the Department provides approval.

§ 405.12. Lumber elevators.

This section defines a lumber elevator and provides that an individual may not ride a lumber elevator. This section also provides requirements for the following: shaftway standards; gate requirements to protect all points of loading and unloading; locking device requirements; elevator pit requirements; lifting capacity and speed requirements; operating, terminal limit and emergency stop switch requirements; reverse phase protection requirements; platform safeties requirements; automatic shut-off requirements; main line switch or circuit breaker switch requirements; lighting requirements; and platform construction requirements.

Stage, Orchestra and Organ Console Elevators

§§ 405.31—405.41.

These sections provide standards for a stage elevator, orchestra elevator and organ console approval; shaftways, projections or recesses; pits; swinging doors; railings and toeboards; shaftway guide rails; landing doors; lifting capacity; gross weight of the movable platforms; inspections and tests; platform safeties; operating controls; emergency stop switches; constant pressure pushbottom switches; reverse phase protection; elevator screws; gears; motor, controller and brake location; terminal limit switches; slack cables or slack chain devices; fused main line switches or circuit breakers switches; lighting; pit access doors; platform construction; adjacent lift sides; aprons, railings and toeboards and pressure-sensing strips; single operator controls; and two-way communication devices.

Affected Persons

This proposed rulemaking will affect the Department, political subdivisions, third-party agencies, contractors, design professionals and building owners. Municipalities will have to determine whether they will enforce the UCC and the manner of enforcement. They may use current or new employees, contract with third-party agencies or the Commonwealth, contract with other municipalities, join with other municipalities for joint enforcement or utilize any combination of these methods. The Department, municipalities and third-party agencies will be required to follow these regulations when making required inspections. The general public is also affected in that the use of a Statewide building code based on National standards will increase public safety.

The Department will educate and train its officials for compliance with the act's certification requirements. It also intends to provide educational and outreach programs for municipalities and third-party agencies. The Department's Industrial Board and Accessibility Advisory Board will have to review its procedures to ensure that appeals and requests are resolved appropriately. The Department will also establish procedures to resolve complaints brought under the UCC.

Health care facilities will have to comply with the UCC when there is no applicable existing Department of Health standard. The Department of Health may have to modify its approval procedures for these facilities. State-owned buildings, including facilities within the State system of higher education, will have to comply with the UCC.

The DCED will have to create new permit applications for municipalities and provide programs to educate municipal officials on UCC enforcement.

Fiscal Impact

The Commonwealth will incur ongoing costs related to the administration of this comprehensive Statewide building code required by the act.

The Department estimates that it will have to hire a UCC administrator and ten new plan examiners to implement this code. There are no projected increases in staffing for field inspectors, clerical and administrative staff. Additional expenses will result from modifying office space, microfilm and mailing increases and classification upgrades. The projected additional cost for the Department's mandatory implementation of the UCC is \$1.871 million. Fees for plan reviews and inspections will offset some of these costs to the Commonwealth.

A local government will only incur costs if it decides to administer and enforce the UCC. A local government opting to enforce the building code will incur costs for plan review, inspection and enforcement. To offset these costs, local governments will be able to charge plan review and building permit fees to owners or builders.

This proposed rulemaking will require a minimum number of inspections. Local governments may determine that more inspections are required to enforce the UCC and insure public safety.

There may be an increase in construction costs for both commercial and residential construction in municipalities that do not currently enforce the "BOCA Code."

Reporting, Recordkeeping and Paperwork Requirements

This proposed rulemaking will require the creation of new forms. This proposed rulemaking will require local governments choosing to enforce the UCC and third-party agencies to use the DCED-developed Uniform Construction Permit Application. There are also additional recordkeeping requirements for municipalities. The Department and local municipalities choosing to enforce the UCC will be required to keep commercial building plan review, permit, inspection and enforcement records on a building as long as the building is in existence. A municipality must be able to provide building code and inspection records to the Commonwealth if it determines to opt out of enforcement of the UCC in the future.

Municipalities which choose to enforce the UCC will also be required to provide ordinances and additional information to the Department if they enact an ordinance which differs from the UCC but meets or exceeds UCC standards.

Sunset Date

A sunset date is not appropriate for this proposed rulemaking. The Department is required, under section 304 of the act, to adopt successor BOCA and other model building codes such as the "ICC International One and Two Family Dwelling Code" and the "International Fuel Gas Code." This requirement provides the Department the opportunity to periodically monitor this proposed rulemaking.

Effective Date

This proposed rulemaking will be effective 90 days after publication of the final-form regulations in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Charles J. Sludden, Director of Bureau of Occupational and Industrial Safety, Department of Labor and Industry, Room 1613, Labor and Industry Bldg., 7th and Forster Streets, Harrisburg, PA 17120, or by e-mail to csludden@state.pa.us within 30 days of publication in the *Pennsylvania Bulletin*.

The Department will hold three public hearings on this proposed rulemaking. See 32 Pa.B. 4211 (August 24, 2002) for a notice containing the times and locations of the public meetings.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 14, 2002, the Department submitted a copy of this proposed rulemaking to the Chairpersons of the Senate Committee on Labor and Industry and the House Labor Relations Committee and to the Independent Regulatory Review Commission (IRRC). In addition to submitting the proposed rulemaking, the Department has provided the Committees and IRRC with a copy of a detailed Regulatory Analysis Form prepared by the Department.

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

JOHNNY J. BUTLER,
Secretary

Fiscal Note: 12-60. (1) General Fund; (2) Implementing Year 2002-03 is \$1.87 million; (3) 1st Succeeding Year 2003-04 is \$1.96 million; 2nd Succeeding Year 2004-05 is \$2.06 million; 3rd Succeeding Year 2005-06 is \$2.16 million; 4th Succeeding Year 2006-07 is \$2.27 million; 5th Succeeding Year 2007-08 is \$2.38 million; (4) Fiscal Year 2001-02 \$10.4 million; Fiscal Year 2000-01 \$10.0 million; Fiscal Year 1999-00 \$9.70 million; (7) General Government Operations; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART XIV. UNIFORM CONSTRUCTION CODE

CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS

§ 401.1. Definitions.

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

* * * * *

***Accessibility Advisory Board*—The Department's Accessibility Advisory Board created under section 106 of the act (35 P. S. § 7210.106).**

* * * * *

Board of appeals—A body established by a municipality or municipalities which are parties to an agreement for the joint administration and enforcement of the act to hear requests for variances or extensions of time, and appeals from code administrator decisions.

Building—A structure used or intended for supporting or sheltering any occupancy.

Building code official—A construction code official who manages, supervises and administers building enforcement activities. Duties include but are not limited to: management of building code enforcement activities; supervision of building inspectors or plan examiners; issuance of building permits, violation notices and orders to vacate; and the initiation of prosecutions.

* * * * *

Certificate of occupancy—A certificate issued by a code administrator allowing occupancy of a building or structure under the Uniform Construction Code.

Chapter 11—Chapter 11 of the International Building Code relating to accessibility requirements adopted as part of the Uniform Construction Code.

* * * * *

Code Requirements for Housing Accessibility—The “Code Requirements for Housing Accessibility 2000” issued by the ICC. The term includes all errata issued by the ICC.

COMcheck EZ[®]—The “2000 International Energy Conservation Code” compliance guide containing state maps, prescriptive packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program, April 2000, version 2.1.

Commercial construction—A building, structure or facility that is not a residential building.

* * * * *

Conveyor—A horizontal, inclined or vertical device for moving or transporting bulk material, packages or objects in a path predetermined by the design of the device and having points of loading and discharge, fixed or selected, and related equipment and devices described in and governed by the ASME standards adopted in this chapter.

* * * * *

Family child day-care home—A home other than the child’s own home in which child day care is provided at any one time to four to six children unrelated to the owner under section 3.6(g) of the Fire and Panic Act (35 P. S. § 1223.6(g))

Filing date—The date that the Department or building code official receives the completed permit application.

Fire and Panic Act—The act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

Group child day-care home—A home other than a child’s own home in which child care is provided at any one time for more than 6 but fewer than 13

children who are unrelated to the owner under section 3.6(g) of the Fire and Panic Act (35 P. S. § 1223.6(g)).

Health care facility—A facility licensed under the Health Care Facilities Act.

Health Care Facilities Act—The Health Care Facilities Act (35 P. S. §§ 448.101—448.904b).

ICC—International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401.

ICC Electrical Code—The “ICC Electrical Code-Administrative Provisions 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

Industrial Board—The Department’s Industrial Board established under sections 445 and 2214 of The Administrative Code of 1929 (71 P. S. §§ 155 and 574), which hears requests for variances and extensions of time and appeals of decisions of the Department under the Uniform Construction Code.

Industrialized housing—Under section 3 of the Industrialized Housing Act (35 P. S. § 1651.3), a structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. The term does not include housing units defined as mobile homes.

International Building Code—Chapters 2—29 and 31—35 of the “International Building Code 2000” (first printing), issued by the ICC. The term includes the supplement “Code Requirements for Housing Accessibility 2000” and all errata issued by the ICC.

International Energy Conservation Code—The “International Energy Conservation Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Fire Code—The “International Fire Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Fuel Gas Code—The “International Fuel Gas Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Mechanical Code—The “International Mechanical Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Plumbing Code—The “International Plumbing Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Residential Code—The “International Residential Code for One- and Two-Family Dwellings 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

Manufactured housing—Under section 901(a) of the act (35 P. S. § 7210.901(a)), housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P. S. §§ 1656.1—1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

MECcheck[®]—The “2000 International Energy Conservation Code” compliance guide containing

state maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program, April 2000, version 3.2.

National Evaluation Services, Incorporated—National Evaluation Service, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401.

PHRC—The Pennsylvania Housing Research Center, 219 Sackett Building, University Park, Pennsylvania 16802.

PHRC Alternative to Chapter 11—The “Code for the Conservation of Space Conditioning Energy for Housing in Pennsylvania: The PHRC Alternative to Chapter 11, Energy Efficiency, of the International Residential Code (IRC) 2000 for Use in Pennsylvania” issued December 2001.

* * * * *

Person—Includes a corporation, partnership, business trust, other association, estate, trust, foundation or natural person. The term also includes the governing authority for a county or municipality, and a government entity other than the Commonwealth.

Permit—A document issued by a code administrator authorizing the construction, alteration, repair, demolition, location, maintenance or installation relating to a building, structure, elevator or equipment under the Uniform Construction Code.

Residential building—Construction that relates to detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) that are not more than three stories in height with a separate means of egress and the dwellings’ accessory structures. The term includes construction relating to a townhouse consisting of a dwelling unit constructed in a group of three or more units and each unit extends from foundation to roof and has open space on at least two sides.

* * * * *

State-owned building—A building owned by or to be constructed for Commonwealth entities consisting of the General Assembly, the Unified Judicial System, the Pennsylvania Higher Education Assistance Agency, an executive agency, independent agency, and a State-affiliated entity or State-related institution as defined in 62 Pa.C.S. § 103 (relating to definitions).

Structure—A combination of materials that are built or constructed with a permanent location or attached to something that has a permanent location.

* * * * *

Variance—A modification of a Uniform Construction Code standard approved by a board of appeals or the Industrial Board.

§ 401.2. Department fees.

(a) * * *

* * * * *

(b) The following fees apply to the issuance of a permit:

(1) New construction (per square foot).

(i)	Use group A-1 for assembly and theater with stage	62c
(ii)	Use group A-1 for assembly and theater without stage	55c
(iii)	Use group A-2 for assembly and nightclub	43c
(iv)	Use group A-2 for assembly, restaurant, bar and banquet hall	42c
(v)	Use group A-3 for assembly and church	54c
(vi)	Use group A-3 for assembly, general community hall, library and museum	40c
(vii)	Use group A-4 for assembly and arena	43c
(viii)	Use group B for business	41c
(ix)	Use group E for educational construction (kindergarten to 12th grade)	42c
(x)	Use group F-1 for moderate hazard factory and industrial	23c
(xi)	Use group F-2 for low hazard factory and industrial	23c
(xii)	Use group H-1 for high hazard, explosives	24c
(xiii)	Use group H-2 through H-4 for high hazard	22c
(xiv)	Use group H-5 for hazardous production materials	39c
(xv)	Use group I-1 for institutional and supervised environment	41c
(xvi)	Use group I-2 for institutional and incapacitated	63c
(xvii)	Use group I-3 for institutional, restrained and correctional facility construction	47c
(xviii)	Use group I-4 for institutional and day care facilities	41c
(xix)	Use group M for mercantile	31c
(xx)	Use group R-1 for residential and hotels	44c
(xxi)	Use group R-2 for residential and multi-family	36c
(xxii)	Use group R-4 for residential and care/assisted-living facilities	41c
(xxiii)	Use group S-1 for moderate-hazard storage	41c
(xxiv)	Use group S-2 for low-hazard storage	22c
(xxv)	Use group U for utility and miscellaneous	17c
(2)	Alterations/modifications (x cost of construction)	5.5c
(3)	Revisions of plans.	\$300
(4)	Interim accessibility plan review and inspection	\$200
(5)	Elevator and lifting device.	
(i)	Electric elevator.	
(A)	1 to 10 openings	\$300

(B)	Each additional opening (per opening)	\$10	(6)	Aerial tramway and aerial detachable lift	\$150
(ii)	Roped hydraulic elevator and roped/chained reciprocating conveyors	\$300	(7)	Aerial lift, fixed	\$100
(iii)	Hydraulic elevator, limited use/limited access elevator and direct acting hydraulic vertical reciprocating conveyor	\$200	(8)	Surface lift, tow and conveyor	\$ 75
(iv)	Aerial tramway and aerial detachable lift.		(9)	Wheelchair lift and inclined stairway chairlift	\$ 75
(A)	Basic fee.	\$500	(10)	Escalator and moving walk	\$ 50
(B)	Additional fee over 15 towers (per tower)	\$35	(11)	Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices	\$ 75
(v)	Aerial lift, fixed.		(d)	The following fees apply to witnessing periodic inspections and tests under § 405.8 (relating to periodic inspection and test):	
(A)	Basic fee	\$300	(1)	Electric elevators with one to ten openings	\$125
(B)	Each additional tower (per tower over ten towers)	\$35	(2)	Electric elevators with 11—20 openings	\$150
(vi)	Surface lift, tow and conveyor	\$200	(3)	Electric elevators with more than 20 openings	\$175
(vii)	Escalator and moving walk	\$300	(4)	Roped hydraulic elevator and roped/chained vertical reciprocal conveyor	\$110
(viii)	Wheelchair lift and inclined stairway chairlift	\$150	(5)	Hydraulic elevator, limited use/limited application elevator and direct hydraulic vertical reciprocating conveyor	\$ 85
(ix)	Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices	\$300	(6)	Escalator and moving walk	\$ 85
(x)	Permit for major repair	\$200	(7)	Wheelchair lift and inclined stairway chairlift	\$ 75
(xi)	Reinspection following failed major repair inspection (per inspection)	\$100	(8)	Orchestra lift, belt manlift, stage lift and organ lift	\$125
(xii)	Reinspection following failed acceptance inspection (to a maximum of \$300 per inspection)	\$50 of initial permit fee	(9)	Other equipment	\$ 85
(xiii)	Revision of plans	50% of initial permit fee	(e)	The following fees apply to the witnessing of periodic dynamic testing required under § 405.9 (relating to periodic dynamic testing):	
(6)	Subparagraphs (xi) and (xiii) fees shall be paid before reinspection.		(1)	Aerial tramways	\$300
(c)	The following fees shall apply to periodic elevator and lifting device inspections under § 405.7 (relating to periods inspections):		(2)	Detachable aerial grips	\$300
(1)	Electric elevator with one to ten openings	\$ 75	(3)	Fixed grip aerial lifts	\$200
(2)	Electric elevator with 11 to 20 openings	\$100	(f)	Certificate of operation.	
(3)	Electric elevator with more than 20 openings	\$125	(1)	Renewal	\$ 25
(4)	Roped hydraulic elevator, roped/chained vertical reciprocating conveyor, rack and pinion elevator, special purpose personnel elevator, power sidewalk elevator, roof-top elevator and elevator used for construction	\$ 75	(2)	Duplicate	\$ 25
(5)	Hydraulic elevator, limited use/limited access elevator, screw column elevator, hand elevator, inclined elevator, dumbwaiter and direct acting hydraulic vertical reciprocating conveyor	\$ 60	(g)	Variance request.	
			(1)	Industrial Board variance request	\$100
			(2)	Accessibility Advisory Board variance request	\$100

§ 401.2a. Municipal and third-party agency fees.

(a) A municipality or third-party agency that enforces the Uniform Construction Code may establish fees for its administration and enforcement and time periods for payment of the fees. The municipality or third-party agency may establish a required time period for payment of the fees and fees for plan review, inspections and other activities related to the Uniform Construction Code.

(b) The building code official for the municipality and a third-party agency shall make the fee schedule available to the public.

(c) A municipality or third-party agency may establish a fee refund policy.

(d) A municipality or third-party agency may withhold issuance of a certificate or permit until a required fee is paid.

(e) A municipality may establish other fees authorized by law.

(Editor's Note: Chapter 403 is a proposed new chapter. The text is printed in regular face to enhance readability.)

CHAPTER 403. ADMINISTRATION

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GENERALLY

§ 403.1. Scope.

(a) The Uniform Construction Code applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) and all existing structures that are not legally occupied.

(b) The Uniform Construction Code does not apply to:

(1) New buildings or renovations to existing buildings for which an application for a permit was made to the

Department or a municipality before _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.)

(2) New buildings or renovations to existing buildings on which a contract for design or construction was signed before _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.)

(3) Carports, detached private garages, greenhouses, sheds having a building area less than 500 square feet that are accessory to detached one-family dwellings, buildings or structures of an accessory character, and miscellaneous structures not classified in the Uniform Construction Code.

(4) An agricultural building defined under section 103 of the act (35 P. S. § 7210.103).

(5) Manufactured or industrialized housing shipped from the factory under section 901(a) of the act (35 P. S. § 7210.901(a)) as provided in § 403.25 (relating to manufactured and industrialized housing).

(c) Prior permits and construction.

(1) A permit issued under construction regulations before _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) remains valid and the construction of the building or structure may be completed in accordance with the approved permit. The permit is invalid unless the construction commenced within 2 years of permit issuance or a time period specified by municipal ordinance, whichever is less. The permit holder shall acquire a new permit under section 104(c) of the act (35 P. S. § 7210.104(c)) if the permit was not actively prosecuted during this time period.

(2) Construction may be completed without a permit under section 104(c)(2) of the act (35 P. S. § 7210.104(c)(2)) where construction of a building or structure commenced before _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) and a permit was not required at that time.

(3) The legal occupancy of a structure existing on _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) may continue without change except where the Uniform Construction Code provides otherwise.

(d) The Uniform Construction Code applies to the construction of a residential building or structure governed by a homeowner's or community association under sections 104(d)(2)(ii) and 304(a)(2) of the act (35 P. S. §§ 7210.104(d)(2)(ii) and 7210.304(a)(2)).

(e) An electrical provision of the Uniform Construction Code does not apply to a dwelling unit utilized by a member of a recognized religious sect if a code administrator grants an exemption under section 901(b) of the act (35 P. S. § 7210.901(b)) as follows:

(1) A member of a recognized religious sect shall file an application with the code administrator stating the manner in which an electrical provision of the Uniform Construction Code conflicts with the applicant's religious beliefs. The application shall also contain an affidavit by the applicant stating:

(i) The applicant is a member of a religious sect.

(ii) The religious sect has established tenets or teachings which conflict with an electrical provision of the Uniform Construction Code.

(iii) The applicant adheres to the established tenets or teachings of the sect.

(iv) The dwelling unit will be used solely as a residence for the applicant and the applicant's household.

(2) The code administrator shall grant the application for the exemption if made in accordance with paragraph (1).

(3) If an applicant receives an exemption for a dwelling unit under section 901(b) of the act and the applicant subsequently sells or leases the dwelling unit, the applicant shall bring the dwelling unit into compliance with the provision of the Uniform Construction Code from which it was exempted prior to the dwelling unit being sold or leased unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1).

§ 403.2. Other statutes or ordinances.

(a) Under section 104(d)(1) of the act (35 P. S. § 7210.104(d)(1)), the provisions of the Uniform Construction Code listed in § 403.21 (relating to Uniform Construction Code) preempt and rescind construction standards provided by a statute, local ordinance or regulation.

(b) Under section 303(a)(2) of the act (35 P. S. § 7210.303(a)(2)), a municipal building code ordinance provision in effect in or adopted by a city of the first class on or before January 1, 1998, shall remain in effect until December 31, 2003. The provisions of the ordinance which do not comply with the Uniform Construction Code on December 31, 2003, will be amended to provide for the minimum requirements of the Uniform Construction Code.

STANDARDS

§ 403.21. Uniform Construction Code.

(a) The Department adopts and incorporates by reference the following codes as the Uniform Construction Code:

- (1) The provisions of Chapters 2—29 and 31—35 of the "International Building Code."
- (2) The "ICC Electrical Code."
- (3) The "International Mechanical Code."
- (4) The "International Fuel Gas Code."
- (5) The "International Plumbing Code."
- (6) The "International Residential Code."
- (7) The "International Fire Code."
- (8) The "International Energy Conservation Code."
- (9) The "Code Requirements for Housing Accessibility."
- (10) Sections AE501—AE503 and AE601—AE605 of Appendix E of the "International Residential Code."

(b) The codes and standards adopted under subsection (a) are part of the Uniform Construction Code to the prescribed extent of each code or standard. The provisions of the Uniform Construction Code apply if there is a difference between the Uniform Construction Code and the codes or standards adopted in subsection (a).

(c) Appendices to a code or standard listed in subsection (a) are not adopted in the Uniform Construction Code except for the provisions adopted in subsection (a)(10).

(d) Until December 31, 2003, a permit applicant shall use one of the following specifications for stairway construction in use groups R-3, within dwelling units in occupancies in use group R-2 and in occupancies in use group U which are accessory to an occupancy in use group R-3.

(1) Specifications utilized in place of exception 5 under section 1003.3.3.3 of the "International Building Code":

- (i) The maximum riser height shall be 8 1/4 inches.
- (ii) The minimum tread depth shall be 9 inches.
- (iii) A 1-inch nosing shall be provided on all stairways with solid risers.

(2) Stairway specifications utilized in place of section R-314.2 of the "International Residential Code":

- (i) The maximum riser height is 8 1/4 inches. There may be no more than a 3/8 inch variation in riser height.
- (ii) The minimum tread depth is 9 inches measured from tread nosing to tread nosing.

(iii) The greatest tread run within any flight of stairs may not exceed the smallest by more than 3/8 inch.

(iv) All treads may have a uniform projection of not more than 1 1/2 inches when solid risers are used.

(v) Stairways may not be less than 3 feet in clear width and clear headroom of 6 feet 8 inches shall be maintained for the entire run of the stair.

(vi) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stair.

(e) A permit applicant may utilize one of the following prescriptive methods to demonstrate compliance with the energy conservation requirements of the Uniform Construction Code in addition to the prescriptive methods contained in the Uniform Construction Code. The standards are those listed for the climatic zone of this Commonwealth where the building or structure is located.

(1) The prescriptive methods for detached residential buildings contained in MECcheck[™] or the PHRC Alternative to Chapter 11.

(2) The prescriptive methods for all other buildings or structures contained in COMcheck[™].

§ 403.22. Health care facilities.

(a) A health care facility shall comply with all of the following:

- (1) The Health Care Facilities Act.
- (2) Regulations of the Department of Health in 28 Pa. Code Part IV (relating to health facilities).
- (3) Building codes and regulations set forth in the applicable licensure laws and regulations under section 105(d) of the act (35 P. S. § 7210.105(d)).
- (4) This chapter.

(b) Chapter 405 (relating to elevators and other lifting devices) always applies to health care facilities.

(c) In addition to the requirements of this chapter, an applicant for a health care facility shall obtain a license from the Department of Health under the Health Care Facilities Act and its regulations and comply with the Department of Health's license application procedures and its licensing regulations.

(d) An applicant for construction or alteration of a health care facility shall do all of the following:

- (1) Submit construction or alteration plans to the Department of Health before commencing construction or performing the alteration.
- (2) Obtain a license from the Department of Health before occupancy of a new health care facility.

(3) Obtain approval from the Department of Health before occupancy of an altered portion of an existing health care facility.

(e) A Department of Health inspector may inspect a health care facility site before, during and after construction to monitor compliance with Department of Health's health facility regulations.

(f) A building code official shall provide written notice of Department of Health license and approval requirements for construction and occupancy under the Health Care Facilities Act and regulations at the time of plan approval.

(g) This section applies to construction or alteration of all health care facilities that the Department or a building code official review and approve under this chapter.

§ 403.23. Child day-care facilities.

(a) A family child day-care home and group child day-care home shall comply with sections 3.6(f)(1)(i), (f.1) and (g) of the Fire and Panic Act (35 P. S. § 1223.6(f)(1), (f.1) and (g)) and this section.

(b) A family child day-care home, which provides care for five or fewer children for less than a 24-hour period, shall comply with use group R-3 of the "International Building Code."

(c) A family child day-care home, which provides care to six children, which includes a child who is under 2 1/2 years of age, shall comply with use group I-4 of the "International Building Code."

(d) A family child day-care home, which provides care to six children that are all 2 1/2 years of age or older, shall comply with use group E of the "International Building Code."

(e) A family day-care home shall meet one of the following relating to smoke detection units:

(1) Chapter 9 of the "International Building Code" (Fire protection systems).

(2) Smoke detection units which comply with all of the following requirements:

(i) Have a nonreplaceable lithium battery as its power source.

(ii) Meet the applicable Underwriters Laboratories® standard.

(iii) Have a minimum 10-year limited warranty, commencing with the date of purchase.

(iv) Sound an alarm that is audible to persons in the indoor child-care space with all intervening doors closed when each detector is activated.

(v) The facility operator maintains proof of purchase of the detectors, including the date of purchase, in the facility's fire drill logs.

(f) A family day-care center may utilize smoke detectors that are single station units under subsection (e)(2).

(g) A group child day-care home which provides care to 7 to 12 children which includes a child who is 2 1/2 years of age or under shall comply with use group I-4 of the "International Building Code."

(h) A group child day-care home which provides care to 7 to 12 children and all children are 2 1/2 years of age or older shall comply with use group E of the "International Building Code."

(i) A child day-care facility shall comply with use group I-4 of the "International Building Code" if it meets all of the following conditions:

(1) Provides care to five or more children.

(2) Cares for a child who is under 2 1/2 years of age or under.

(3) Is not located in a home.

(j) A child day-care facility shall comply with use group E of the "International Building Code" if it meets all of the following conditions:

(1) Provides care to six or more children.

(2) All of the children are 2 1/2 years of age or older.

(3) Is not located in a home.

§ 403.24. Historic buildings, structures and sites.

A building code official may exclude an entire historic building or structure or part of the building or structure from compliance with the Uniform Construction Code if it meets all of the following conditions under section 902 of the act (35 P. S. § 7210.902):

(1) The building or structure is an existing or new building or structure that is not intended for residential use on historic sites.

(2) The building or structure is identified and classified by Federal or local government authority or the Historical and Museum Commission as an historic building or site.

(3) A building code official judges the building or structure or parts of the building and structure as safe and excluded from the Uniform Construction Code in the interest of public health, safety or welfare. The building code official shall apply the Uniform Construction Code to parts of the building or structure where its exclusion jeopardizes the public health, safety and welfare.

§ 403.25. Manufactured and industrialized housing.

(a) Manufactured housing is governed by the following under section 901(a) of the act (35 P. S. § 7210.901(a)):

(1) Except as provided in paragraph (2), the Uniform Construction Code does not apply to manufactured housing assembled by and shipped from the manufacturer and which bears a label which certifies that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (42 U.S.C.A. §§ 5401—5426).

(2) Sections AE501—AE503 and AE601—AE605 of Appendix E of the International Residential Code adopted under the Uniform Construction Code apply to the following:

(i) Site preparation.

(ii) Foundation construction.

(iii) Connection to utilities.

(3) The Uniform Construction Code applies to the following:

(i) Alteration or repair to the unit that does not fall within 24 CFR 3280.1—3280.904 (relating to manufactured home construction and safety standards) and the manufacturer's installation instructions after assembly and shipment by the manufacturer.

(ii) Additions to the delivery to the unit after delivery to the site.

(iii) Construction, alteration, repair or occupancy if the manufactured housing is resold to a subsequent purchaser.

(iv) Construction, alteration, repair or occupancy if the original purchaser relocates the manufactured housing.

(b) Industrialized housing is governed by the following under section 901(a) of the act:

(1) Except as provided in subsection (b)(2), the Uniform Construction Code does not apply to industrialized housing assembled by and shipped from the manufacturer.

(2) The Uniform Construction Code applies to all of the following:

- (i) Site preparation.
- (ii) Foundation construction.
- (iii) Utilities connection.
- (iv) Installation.
- (v) Construction, alteration or repair to the industrialized housing unit after installation.
- (vi) Construction, alteration, repair or occupancy if industrialized housing is resold to a subsequent purchaser.
- (vii) Construction, alteration, repair or occupancy if industrialized housing is relocated.

(c) The Department of Community and Economic Development may enforce and take action under the Industrialized Housing Act (35 P. S. §§ 1651.1—1651.12) and the Manufactured Housing Construction and Safety Standards Authorization Act (35 P. S. §§ 1656.1—1656.9).

§ 403.26. Applicability.

(a) This chapter governs the administration of the Uniform Construction Code and the following applies:

- (1) Chapter 1 of the “International Building Code” is not adopted as part of the Uniform Construction Code.
- (2) Portions of this chapter designate and incorporate portions of the following ICC 2000 copyrighted works:
 - (i) The “International Building Code.”
 - (ii) The “International Residential Code.”
 - (iii) The “International Electrical Code.”
 - (iv) The “International Plumbing Code.”
 - (v) The “International Mechanical Code.”

(3) The ICC owns the copyrighted works in paragraph (2). Reproduced with permission. All rights reserved.

(b) If different sections of this part specify different materials, method of construction or other requirements, the most restrictive material, method of construction or other requirement shall govern. The specific requirement of this part applies if there is a conflict between a general requirement and a specific requirement.

(c) This chapter governs if there is a conflict between this chapter and the provisions of the codes relating to administration incorporated under § 403.21(a) (relating to Uniform Construction Code).

(d) A provision of the “International Mechanical Code” does not apply if the provision conflicts with the Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.9).

PERMIT AND INSPECTION PROCESS FOR COMMERCIAL CONSTRUCTION

§ 403.41. Commercial construction.

This subchapter applies to the Department and municipalities electing to enforce the Uniform Construction Code under § 403.101 (relating to municipalities electing to enforce the Uniform Construction Code).

§ 403.42. Permit application.

(a) An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial building, structure and facility or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the Uniform Construction Code shall first apply to the building code official and obtain the required permit.

(b) The applicant shall submit an application to the municipality on a form provided by the Department of Community and Economic Development. The applicant shall complete additional information requested by the municipality on the addendum to the application.

(c) A permit is not required for the exceptions listed in § 403.1(b) (relating to scope) and the following construction as long as the work does not violate a law or ordinance:

- (1) Building construction for the following:
 - (i) Fences that are not over 6 feet high.
 - (ii) Oil derricks.
 - (iii) Retaining walls, which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless it is supporting a surcharge or impounding Class I, II or III-A liquids.
 - (iv) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
 - (v) Sidewalks and driveways not more than 30 inches above grade and that are not located over a basement or story below it and which are not part of an accessible route.
 - (vi) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work.
 - (vii) Temporary motion picture, television, and theater sets stage sets and scenery.
 - (viii) Prefabricated swimming pools accessory to a Group R-3 occupancy which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely aboveground.

(ix) Shade cloth structures constructed for nursery or agricultural purposes that do not include service systems.

(x) Swings and other playground equipment accessory to construction.

(xi) Window awnings supported by an exterior wall of Group R-3 and Group U occupancies.

(xii) Movable cases, counters and partitions that are not over 5 feet 9 inches in height.

(2) Electrical work for the following:

(i) Minor repair and maintenance work that includes the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Electrical equipment used for radio and television transmissions. The provisions of the Uniform Construction Code apply to equipment and wiring for power supply and the installation of towers and antennas.

(iii) The installation of a temporary system for the testing or servicing of electrical equipment or apparatus.

(3) The following gas work:

- (i) A portable heating appliance.

(ii) Replacement of a minor part that does not alter approval of equipment or make the equipment unsafe.

(4) The following mechanical work or equipment:

- (i) A portable heating appliance.
- (ii) Portable ventilation equipment.
- (iii) A portable cooling unit.

(iv) Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction code.

(v) Replacement of any part that does not alter its approval or make it unsafe.

(vi) A portable evaporative cooler.

(vii) A self-contained refrigeration system containing 10 pounds or less of refrigerant and placed into action by motors that are not more than 1 horsepower.

(5) The following plumbing repairs:

(i) Stopping leaks in a drain and a water, soil, waste or vent pipe. The Uniform Construction Code applies if a concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and is removed and replaced with new material.

(ii) Clearing stoppages or repairing leaks in pipes, valves or fixtures, and the removal of and reinstallation of water closets if the valves, pipes or fixtures are not replaced or rearranged.

(d) An ordinary repair does not require a permit. The following are not ordinary repairs:

- (1) Cutting away a wall, partition or portion of a wall.
- (2) The removal or cutting of any structural beam or load-bearing support.
- (3) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
- (4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

(e) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of a public service utility by established right.

(f) A permit applicant shall attach construction documents and information concerning special inspection and structural observation programs, Department of Transportation highway access permits and other data required by the building code official with the permit application. The applicant shall submit three sets of documents when the Department conducts the review.

(g) A licensed architect or licensed professional engineer shall prepare the construction documents under the Architects Licensure Law (63 P. S. §§ 34.1—34.22), or the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2). An unlicensed person may prepare design documents for the remodeling or alteration of a building if there is no compensation and the remodeling or alteration does not relate to additions to the building or changes to the building's structure or means of egress.

(h) A building code official may require submission of additional construction documents in special circumstances.

(i) The applicant shall submit construction documents in a format approved by the building code official. Construction documents shall be clear, indicate the location, nature and extent of the work proposed, and show in detail that the work will conform to the Uniform Construction Code.

(j) The applicant shall submit construction documents that show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the Uniform Construction Code. The construction documents for occupancies other than Groups R-2 and R-3 shall contain designation of the number of occupants to be accommodated on every floor and in all rooms and spaces. The applicant shall submit shop drawings for a fire protection system that indicates conformance with the Uniform Construction Code. Shop drawings shall be approved before the start of the system installation. Shop drawings must contain the information required by the referenced installation standards contained in Chapter 9 of the "International Building Code."

(k) Construction documents shall contain the following information related to the exterior wall envelope:

(1) Description of the exterior wall envelope indicating compliance with the Uniform Construction Code.

(2) Flashing details.

(3) Details relating to intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane and details around openings.

(4) Manufacturing installation instructions that provide documentation that the proposed penetration and opening details described in the construction documents will maintain the weather resistance of the exterior wall envelope.

(5) If applicable, a full description of the exterior wall system which was tested and the test procedure that was used.

(l) Construction documents shall contain a site plan, drawn to scale, that includes all of the following:

(1) The size and location of new construction and existing structures on the site.

(2) Accurate boundary lines.

(3) Distances from lot lines.

(4) The established street grades and the proposed finished grades.

(5) The site plan for structure demolition showing construction intended for demolition, the location and size of existing structures and the construction that is to remain on the site or plot.

(6) Location of parking spaces, accessible routes, public transportation stops and other required accessibility features.

(m) A permit applicant shall submit required certifications required for construction in a flood hazard area to the building code official.

(n) A permit applicant shall identify, on the application, the name and address of the individual who will observe the construction to ensure it is built in accordance with the submitted permit application, construction documents and the Uniform Construction Code.

(o) The permit applicant shall describe an inspection program, identify a person or firm who will perform structural observation and describe the construction stage

where structural observation will occur if section 1704 or 1709 of the "International Building Code" requires structural observation or special inspections for the construction.

(p) A building code official may waive or modify the submission of construction documents or other data if the nature of the work applied for does not require review of construction documents or other data to obtain compliance with the Uniform Construction Code.

(q) A permit applicant shall comply with the permit, certification or licensure requirements of the following laws applicable to the construction:

(1) The Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.19).

(2) The Liquefied Petroleum Gas Act (35 P. S. §§ 1321—1329).

(3) The Health Care Facilities Act.

(4) The Older Adult Daily Living Centers Licensing Act (62 P. S. §§ 1511.1—1511.22).

§ 403.43. Grant, denial and effect of permits.

(a) A building code official shall grant or deny a permit application, in whole or in part, within 30 business days of the filing date. Reasons for the denial shall be in writing and sent to the applicant. A building code official may establish a different deadline to consider applications for a permit in an historic district. The building code official and the applicant may agree in writing to extend the deadline by a specific number of days.

(b) A building code official shall examine, or delegate for examination, the construction documents and shall determine whether the construction indicated and described is in accordance with the Uniform Construction Code and other pertinent laws or ordinances as part of the application process.

(c) A building code official shall stamp or place a notation on the set of reviewed construction documents that the documents were reviewed and approved for Uniform Construction Code compliance before the permit is issued. The building code official shall clearly mark any required changes on the construction documents. The building code official shall return a set of the construction documents with this notation and any required changes to the applicant. The applicant shall keep a copy of the construction documents at the work site open to inspection by the construction code official or an authorized representative.

(d) A building code official may not issue a permit for any property requiring access to a highway under the Department of Transportation's jurisdiction unless the permit contains notice that a highway occupancy permit is required under section 420 of the State Highway Law (36 P. S. § 670-420) before driveway access to a Commonwealth highway is permitted.

(e) A building code official may issue a permit for the construction of the foundations or other parts of a building or structure before the construction documents for the whole building or structure are submitted if the permit applicant previously filed adequate information and detailed statements for the building or structure under the Uniform Construction Code. Approval under this section is not assurance that the building code official will issue a permit for the entire building or structure.

(f) Issuance of a permit does not bar prosecution or other legal action for violations of the act, the Uniform Construction Code, or a construction ordinance. A build-

ing code official may suspend or revoke a permit issued under the Uniform Construction Code when the owner does not make the required changes directed by the building code official under subsection (c), when the permit is issued in error, on the basis of inaccurate or incomplete information or in violation of any act, regulation, ordinance or the Uniform Construction Code.

(g) A permit becomes invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit applicant may submit a written request for an extension of time to commence construction for just cause. The building code official may grant extensions of time to commence construction in writing. A permit may be valid for no more than 5 years from its issue date.

(h) The owner shall keep a copy of the permit on the work site until the completion of the construction.

(i) A permit applicant may request extensions of time or variances or appeal a building code official's action on the permit application to a board of appeals under § 403.122 (relating to appeals, variances and extensions of time).

(j) A permit is not valid until the required fees are collected under §§ 401.2 and 401.3 (relating to Department fees; and municipal and third-party agency fees).

§ 403.44. Construction materials and changes.

(a) Material, equipment and devices that were evaluated by the National Evaluation Services, Incorporated or its successor and which meet the codes incorporated as the Uniform Construction Code are considered as an approved design, equipment or device.

(b) Construction changes that do not comply with the approved construction documents shall be resubmitted to the building code official for approval as an amended set of construction documents.

§ 403.45. Inspections.

(a) A construction code official shall perform inspections to insure that the construction complies with the approved permit and the Uniform Construction Code.

(b) Before issuing a permit, a building code official may examine, or cause to be examined, buildings, structures, facilities or sites related to the permit application.

(c) The permit holder or an authorized agent shall notify the construction code official when work is ready for inspection and provide access for the inspection. A construction code official may inspect the construction and equipment during normal business hours.

(d) The construction code official shall notify a permit holder if construction complies with the Uniform Construction Code or fails to comply with the Uniform Construction Code.

(e) The construction code official shall file a final inspection report, which indicates that all of the following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

- (1) General building.
- (2) Electrical.
- (3) Plumbing.
- (4) Accessibility.
- (5) Fire protection.

- (6) Mechanical.
- (7) Energy conservation.
- (8) Elevators and other lifting devices.

§ 403.46. Certificate of occupancy.

(a) A building, structure or facility may not be used or occupied without a certificate of occupancy issued by a building code official.

(b) A building code official shall issue a certificate of occupancy after receipt of a final inspection report that indicates compliance with the Uniform Construction Code. The certificate of occupancy shall contain the following information:

- (1) The permit number and address of the building, structure or facility.
- (2) A description of the portion of the building, structure or facility covered by the occupancy permit.
- (3) The name of the building code official who issued the occupancy permit.
- (4) The applicable construction code edition applicable to the occupancy permit.
- (5) The use and occupancy classification under Chapter 3 (Use and Occupancy Classification) of the "International Building Code," when designated.
- (6) The type of construction defined in Chapter 6 (Types of Construction) of the "International Building Code," when designated.
- (7) Special stipulations and conditions relating to the permit and board of appeals' decisions and variances for accessibility requirements granted by the Secretary.
- (8) The date of the final inspection.

(c) A building code official may issue a certificate of occupancy for a portion of a building, structure or facility if the portion independently meets the Uniform Construction Code.

(d) A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, on the basis of incorrect information supplied by the permit applicant or in violation of the Uniform Construction Code. Before a certificate of occupancy is revoked, a building owner may request a hearing before the board of appeals under § 403.122 (relating to appeals, variances and extensions of time).

§ 403.47. Public utility connections.

(a) A person may not connect a building, structure or system governed by the Uniform Construction Code and requiring a permit to a utility, source of energy, fuel or power unless a building code official authorizes the connection. A building code official may authorize the temporary connection of the building, structure or system to the utility source.

(b) A building code official may authorize the disconnection of utility service, source of energy, fuel or power to the building, structure or system governed by the Uniform Construction Code to eliminate an immediate hazard to life or property. The building code official shall notify the utility and, if possible, the owner and occupant of the building, structure or system prior to disconnection. The building code official shall provide written notification to the owner or occupant if the disconnection was made without prior notification.

§ 403.48. Boilers.

(a) The Boiler and Unfired Pressure Law (35 P. S. §§ 1331.1—1331.19) and Chapter 3 (relating to boilers and unfired pressure vessels) govern the new installation, repair or replacement of a boiler or other pressure vessel.

(b) A permit is not required for the installation, repair or replacement of a boiler or unfired pressure vessel under subsection (a). The building or structure containing the boiler or unfired pressure vessel shall comply with the Uniform Construction Code or the regulation or ordinance in effect at the time of its legal occupancy.

PERMIT AND INSPECTION PROCESS FOR RESIDENTIAL BUILDINGS

§ 403.61. Residential buildings.

This section and §§ 403.62—403.65 apply to municipalities electing to enforce the Uniform Construction Code under § 403.101 (relating to municipalities electing to enforce the Uniform Construction Code) and third-party agencies.

§ 403.62. Permit application and approval.

(a) An owner or authorized agent who intends to perform any of the following shall first apply to a building code official and obtain the required permit:

- (1) Construct, enlarge, alter, repair, move, demolish or change the occupancy of a residential building.
- (2) Erect, install, enlarge, alter, repair, remove, convert or replace an electrical, gas, mechanical or plumbing system regulated by the Uniform Construction Code.

(b) The applicant shall submit an application to the municipality on a form provided by the Department of Community and Economic Development. The applicant shall complete additional information requested by the municipality on the addendum to the application.

(c) A permit is not required for the exceptions listed in § 403.1(b) (relating to scope) and the following construction if the work does not violate a law or ordinance:

(1) Building construction for the following:

(i) Fences that are no more than 6 feet high.

(ii) Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall unless the wall supports a surcharge.

(iii) Water tanks supporting directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

(iv) Sidewalks and driveways that are 30 inches or less above adjacent grade and not placed over a basement or story below it.

(v) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work.

(vi) Prefabricated swimming pools that are less than 24 inches deep.

(vii) Swings and other playground equipment accessory to a residential building.

(viii) Window awnings supported by an exterior wall.

(2) Minor electrical repair and maintenance including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(3) The following gas work:

(i) Portable heating, cooking or clothes drying appliances.

(ii) Replacement of any minor part that does not alter approval of equipment or make this equipment unsafe.

(4) The following mechanical work:

(i) A portable heating appliance.

(ii) Portable ventilation appliances.

(iii) Portable cooling units.

(iv) Steam, hot or chilled water piping within any heating or cooling equipment regulated by the Uniform Construction Code.

(v) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.

(vi) Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are put into action by motors of 1 horsepower or less.

(5) The following plumbing work:

(i) Stopping leaks in drains, water, soil, waste or vent pipe unless a concealed pipe becomes defective and it is removed and replaced with new material.

(ii) Clearing stoppages or repairing leaks in pipes, and the removal and reinstallation of water closets, if the repair does not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(d) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of a public service utility by established right.

(e) An applicant for a building or structure located in a flood hazard area under the National Flood Insurance Program shall submit the following information with the construction documents:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.

(2) The elevation of the proposed lowest floor including basement and the height of the proposed lowest floor including basement above the highest adjacent grade is to be included in the documents if the building or structure is located in areas of shallow flooding (Zone AO).

(3) Design flood elevations contained on the municipality's Flood Insurance Rate Map produced by the Federal Emergency Management Agency. The building code official and the applicant shall obtain and reasonably utilize design flood elevation and floodway data available from other sources if this information is not contained on the municipality's Flood Insurance Rate Map.

(f) A building code official shall grant or deny an application for a permit within 15 business days of the filing date or the application is deemed approved.

(g) A permit is not valid until the required fees are collected under § 401.2 or § 401.3 (relating to Department fees; and municipal and third-party agency fees).

§ 403.63. Inspections.

(a) A construction code official shall inspect all construction for which a permit was issued. The building permit applicant shall insure that the construction is accessible for inspection. An inspection does not bar prosecution or other legal action for violation of the Uniform Construction Code.

(b) The permit holder or an authorized agent shall notify the construction code official when work is ready for inspection and provide access for the inspection.

(c) The construction code official shall notify a permit holder whether construction complies with the Uniform Construction Code.

(d) A construction code official shall make the following inspections and file inspection reports relating to Uniform Construction Code compliance in all of the following areas:

(1) Foundation inspection.

(2) Plumbing, mechanical and electrical system inspection.

(3) Frame and masonry inspection.

(4) Wallboard inspection.

(e) The construction code official may conduct other inspections to ascertain compliance with the Uniform Construction Code or municipal ordinances.

(f) The construction code official shall file a final inspection report that indicates that each of the following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

(1) General building information.

(2) Electrical.

(3) Plumbing.

(4) Mechanical.

(5) Energy conservation.

(6) Fuel gas.

(g) A third-party agency under contract with a building permit holder shall submit a copy of the final inspection report to the municipality, property owner, builder and the lender designated by the builder.

(f) A municipality enforcing the Uniform Construction Code shall send a copy of the final inspection report to the property owner, the builder and the lender designated by the builder.

§ 403.64. Certificate of occupancy.

(a) A building, structure or facility may not be used or occupied without a certificate of occupancy issued by a building code official.

(b) A building code official shall issue a certificate of occupancy after receipt of a final inspection report that indicates compliance with the Uniform Construction Code. The certificate of occupancy shall contain all of the following information:

(1) The permit number and address of the building, structure or facility.

(2) The name and address of the owner of the building or structure.

(3) A description of the portion of the building or structure covered by the occupancy permit.

(4) A statement that the described portion of the building or structure was inspected for compliance with the Uniform Construction Code.

(5) The name of the building code official who issued the occupancy permit.

(6) The construction code edition applicable to the occupancy permit.

(7) If an automatic sprinkler system is provided.

(8) Any special stipulations and conditions relating to the building permit.

(c) A building code official may issue a certificate of occupancy for a portion of a building or structure if the portion independently meets the Uniform Construction Code.

(d) A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, on the basis of incorrect information supplied by the permit applicant, or in violation of the Uniform Construction Code. Before a certificate of occupancy is revoked, a building owner may request a hearing before the board of appeals in accordance with § 403.122 (relating to appeals, variances and extensions of time).

(e) A third-party agency under contract with a building permit holder shall submit a copy of the certificate of occupancy to the municipality.

§ 403.65. Public utility connections.

(a) A person may not connect a building, structure or system governed by the Uniform Construction Code to a utility, source of energy, fuel or power unless a building code official authorizes the connection. A building code official may authorize the temporary connection of the building, structure or system to the utility source.

(b) A building code official may authorize the disconnection of utility service, source of energy, fuel or power to the building, structure or system governed by the Uniform Construction Code to eliminate an immediate hazard to life or property. The building code official shall notify the utility and, if possible, the owner and occupant of the structure or serving system prior to disconnection. The building code official shall provide written notification to the owner or occupant if the disconnection was made without prior notification.

DEPARTMENT, MUNICIPAL AND THIRD-PARTY ENFORCEMENT FOR NONCOMPLIANCE

§ 403.81. Stop work order.

(a) A building code official may issue a written stop work order when the official determines that construction violates the Uniform Construction Code, is being performed in a dangerous or unsafe manner or that the construction will interfere with required inspection. The stop work order is to contain the reasons for the order and list the required conditions for construction to resume.

(b) The building code official shall serve the stop work order on the permit owner or the owner's agent by certified mail or personal service.

(c) A person who continues construction after service of a stop work order, except for construction work that is necessary to remove a violation or an unsafe condition, may be subject to the penalties under section 903 of the act (35 P. S. § 7210.903). A building code official may seek enforcement of a stop work order in a court of competent jurisdiction.

§ 403.82. Notice of violations.

A building code official shall follow the following procedures if an inspection reveals a violation of the Uniform Construction Code:

(1) A construction code official shall discuss the inspection results with the owner or owner's agent at the completion of the inspection.

(2) The building code official may issue a written notice of violations to the owner or owner's agent. The notice is

to contain a description of the violations and an order requiring correction of the violations within a reasonable period determined by the building code official. When a violation relates to an unsafe building, structure or equipment, a building code official shall act in accordance with § 403.84 (relating to unsafe building, structure or equipment).

(3) After the compliance date contained in the order, the building code official or designee shall inspect the building, structure or equipment to determine whether the violation was corrected. The building code official shall close the order if the violation was corrected. The building code official may issue an order to show cause under § 403.83 (relating to order to show cause/order to vacate) to the owner for a violation that was not corrected.

§ 403.83. Order to show cause/order to vacate.

(a) A building code official may initiate action to vacate or close a building, structure or equipment for violations of the Uniform Construction Code by issuing an order to show cause to the owner of a building or structure.

(b) The order to show cause shall contain a statement of the grounds for the action, the alleged violations of the Uniform Construction Code and notification that the building, structure or equipment may be closed or vacated. The order to show cause shall contain notification that the owner shall submit a written answer within 30 days. The building code official shall serve the order to show cause upon the owner or owner's agent by certified mail or personal service.

(c) The owner may file a written answer to the order to show cause with the building code official within 30 days following service of the order to show cause. The answer shall contain specific admissions or denials of the allegations contained in the order to show cause and set forth the specific facts, matters of law or Uniform Construction Code interpretation relied upon by the owner. The answer may contain a request for a variance or an extension of time for compliance. The building code official shall forward all requests for variances, extensions of time or appeals regarding interpretations of the Uniform Construction Code to the board of appeals within 5 business days. The building code official shall send a request for variance, extension of time or appeals regarding interpretation of the Uniform Construction Code's accessibility requirements to the Department within 5 business days.

(d) If the permit owner files an appeal, the board of appeals or Department will assume jurisdiction and consolidate the answer with any pending request for variance, extension of time or appeal filed by the owner with the board of appeals.

(e) The building code official shall consider the pending request for variance or extension of time or appeal as a stay to an enforcement action.

(f) After receipt of the answer, the building code official may take the following actions if the owner did not previously file an appeal or request for variance or extension of time:

(1) Issue a stop work order.

(2) Vacate or close the building or structure or place equipment out of operation.

(3) Abate or modify the alleged violation.

(4) Order other action to protect persons or property.

(g) A construction code official shall inspect the construction at the expiration of an extension of time or

other time period granted for compliance under this section. If the building, structure or equipment violates the Uniform Construction Code following inspection, the building code official may issue an order vacating or closing the building or structure or placing equipment out of operation. The building code official shall serve this order upon the owner or owner's agent by certified mail or personal service.

(h) Where an unsafe condition exists, a building code official shall act in accordance with § 403.84 (relating to unsafe building, structure or equipment).

§ 403.84. Unsafe building, structure or equipment.

(a) A building code official may determine that a building, structure or equipment is unsafe because of inadequate means of egress, inadequate light and ventilation, fire hazard, other dangers to human life or the public welfare, illegal or improper occupancy or inadequate maintenance.

(b) When a building code official determines the existence of an unsafe condition, the building code official shall order the vacating of the building or structure.

(c) A building code official shall serve a written notice on the owner or owner's agent of the building, structure or equipment that is unsafe under this section. The notice shall contain the order to vacate the building, structure or seal the equipment out of service and state the unsafe conditions, required repairs or improvements. The order shall be served by certified mail or personal service to the owner or to the owner's agent's last known address or on the owner, agent or person in control of the building, structure or equipment. A building code official shall post the written notice at the entrance of the structure or on the equipment if service cannot be accomplished by certified mail or personal service.

(d) When a building or structure is ordered vacated under this section, the building code official shall post a notice at each entrance stating that the structure is unsafe and its occupancy is prohibited.

(e) A building code official may not rescind the order to vacate until the owner abates or corrects the unsafe condition.

(f) The Department may seal an elevator for an unsafe condition under section 105(c)(1) of the act (35 P. S. § 7210.105(c)(1)). The Department is the only entity that may remove or authorize the removal of a seal if an owner abates or corrects the unsafe condition.

§ 403.85. Retention and sharing of commercial construction records.

(a) A building code official shall keep records of all applications received, permits issued, reviewed building plans and specifications, certificates issued, fees collected, reports of inspections, notices and orders issued for all commercial buildings and structures under the Uniform Construction Code. A building code official shall retain these records as long as the related building, structure or equipment remains in existence.

(b) A building code official shall reproduce records kept in an electronic format to a hard-copy format upon request. A building code official may charge for the reproduction costs.

(c) A municipality that discontinues enforcing the Uniform Construction Code shall keep records of previous Uniform Construction Code enforcement. A municipality shall make these records available to the Department.

(d) The Department will make its records available to a municipality that elects to enforce the Uniform Construction Code under section 501 of the act (35 P. S. § 7210.501).

§ 403.86. Right of entry to inspect.

(a) A construction code official may enter a building, structure or premises at reasonable times to perform inspections under the Uniform Construction Code, to enforce Uniform Construction Code provisions or if there is reasonable cause to believe a condition on the building, structure or premises violates the Uniform Construction Code or which constitutes an unsafe condition.

(b) A construction code official shall enter a building, structure, or premises when the official presents credentials to the occupant and receives permission to enter.

(c) A construction code official may not enter a building, structure, or premises that is unoccupied or after normal hours without obtaining permission to enter from the owner or the owner's agent.

(d) A construction code official may seek the assistance of a law enforcement agency to gain entry to enforce the Uniform Construction Code where the building, structure or premises is unsafe.

(e) This section shall be used in conjunction with the Fire and Panic Act.

MUNICIPAL ELECTION

§ 403.101. Municipalities electing to enforce the Uniform Construction Code.

(a) A municipality which elects to enforce the Uniform Construction Code shall enact an ordinance adopting the Uniform Construction Code as its municipal building code under section 501(a) of the act (35 P. S. § 7210.501(a)).

(b) The initial election period is from _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) through _____ (*Editor's Note: The blank refers to a date 90 days after the effective date of adoption of this proposal.*). A municipality shall enact an ordinance adopting the Uniform Construction Code no later than _____ (*Editor's Note: The blank refers to a date 90 days after the effective date of adoption of this proposal.*).

(c) After the expiration of the initial election period, a municipality may elect to administer and enforce the Uniform Construction Code. The municipality shall provide 180 days notice to the Department of its intention to pass an ordinance adopting the Uniform Construction Code.

(d) A municipality shall submit written notification to the Department of adoption of the ordinance and the following information within 30 days of its adoption:

- (1) The number and date of adoption of the ordinance.
- (2) The name of building code official.
- (3) The business address of building code official.
- (4) The business phone number of building code official.
- (5) The electronic mail address of building code official, if available.

(e) A municipality may retain ordinances in effect on July 1, 1999, that contain standards that equal or exceed the Uniform Construction Code under section 303(b) of the act (35 P. S. § 7210.303(b)).

(f) A municipality that administers and enforces the Uniform Construction Code may cease administration and enforcement if it provides 180 days notice to the Department of its intention to adopt an ordinance ceasing administration and enforcement.

(g) A municipality shall notify the Department in writing within 30 days of any changes to the information it provided under subsections (b) and (d).

(h) A municipality that elects to administer and enforce the Uniform Construction Code shall utilize any of the following ways under section 501(b) of the act:

(1) Designating an employee to serve as a building code official.

(2) Contracting with a third-party agency.

(3) Utilizing an intermunicipal agreement under 53 Pa.C.S. §§ 2301—2315 (relating to intergovernmental cooperation).

(4) Contracting with another municipality.

(5) Contracting with the Department for plan reviews, inspection and enforcement of structures other than one-family and two-family dwelling units and utility and miscellaneous use structures.

(i) A municipality may charge fees under § 401.3 (relating to municipal and third-party agency fees).

(j) A municipality may enact an ordinance containing standards that equal or exceed the Uniform Construction Code as adopted by § 403.21 (relating to the Uniform Construction Code) under section 503 of the act (35 P. S. § 7210.503) after Department review and approval. The municipality shall notify the Department of the proposed ordinance and shall submit all of the following to the Department for its review:

(1) The complete ordinance.

(2) The information required in subsection (d).

(3) A detailed statement containing the differences between the proposed ordinance and the Uniform Construction Code and how the ordinance will equal or exceed the Uniform Construction Code.

(k) A municipality may enact an ordinance relating to the administration and enforcement of the Uniform Construction Code that meets or exceeds the requirements of the following sections:

(1) Section 403.43(b), (c), (g), (h) and (j) (relating to grant, denial and effect of permits).

(2) Section 403.44 (relating to construction material and changes).

(3) Section 403.45 (relating to inspections).

(4) Section 403.46 (relating to certificates of occupancy).

(5) Section 403.47 (relating to public utility connections).

(6) Section 403.63 (relating to inspections).

(7) Section 403.64 (relating to certificates of occupancy).

(8) Section 403.65 (relating to public utility connections).

(9) Section 403.81(a) and (b) (relating to stop work orders).

(10) Section 403.82 (relating to notice of violations).

(11) Section 403.83 (relating to order to show cause/order to vacate).

(12) Section 403.84(a)—(e) (relating to unsafe building structure or equipment).

(13) Section 403.85(a)—(c) (relating to retention and sharing of commercial construction records).

(l) A municipality may enact an ordinance relating to administration and enforcement of the Uniform Construction Code that meets or exceeds §§ 403.42(a)—(e) and (g)—(o) and 403.62(a)—(f) (relating to permit application; and permit application and approval). A municipality shall utilize forms provided by the Department of Community and Economic Development as the permit application under §§ 403.42(b) and 403.62(b) and may not alter the application form. A municipality may require an applicant to provide additional information on an addendum to the application.

(m) The Department will enforce Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code until a municipality employs or contracts with a code administrator certified as an accessibility specialist under this part.

(n) A municipality may observe Department inspections of State-owned buildings in its jurisdiction under section 105(b)(1) of the act (35 P. S. § 7210.105(b)(1)). A municipality may review all building plans and plan review documents for State-owned buildings in the Department's custody.

§ 403.102. Municipalities electing not to enforce the Uniform Construction Code.

(a) A municipality shall provide written notification to the Department before _____ (*Editor's Note:* The blank refers to a date 120 days after the effective date of adoption of this proposal.) if it elects not to administer and enforce the Uniform Construction Code.

(b) An applicant for a residential building permit shall obtain the services of a third-party agency certified in the appropriate categories to conduct the plan review and inspections under §§ 403.61—403.65 (relating to permit and inspection process for residential buildings).

(c) A building code official shall approve an alternative material, design or method of construction if the proposed design is satisfactory and complies with the intent of the Uniform Construction Code and the offered material, method or work is equivalent to Uniform Construction Code requirements for its intended purpose. The building code official may allow compliance with specific performance-based provisions of the codes contained in § 403.21 (relating to Uniform Construction Code) as an alternative to compliance with the Uniform Construction Code.

(d) A third-party agency which conducts plan review and inspection of residential buildings and utility and miscellaneous use structures shall retain copies of all final inspection reports relating to Uniform Construction Code compliance.

(e) A third-party agency shall send a copy of the final inspection report to the property owner, builder, municipality and a lender designated by the builder.

(f) A municipality shall provide written notification to a permit applicant for buildings and structures other than residential buildings that the applicant shall obtain the Department's services for plan review and inspection. The

municipality shall send a copy of the notice to the Department. The notice shall contain the following information:

- (1) The name of the applicant.
- (2) The address of the applicant.
- (3) The name of the building or structure.
- (4) The address of the building or structure.

§ 403.103. Department review.

(a) The Department will investigate written and signed complaints concerning the enforcement and administration of the Uniform Construction Code under section 105 of the act (35 P. S. § 7210.105). The Department will make a report to the governing body of the municipality or third-party agency that was the subject of the review and provide recommendations to address any deficiencies found by the Department.

(b) The Department will review each municipal enforcement program at least once every 5 years to ensure that code administrators are adequately administering and enforcing the provisions of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code. The Department will submit a written report to the municipality of its findings.

BOARD OF APPEALS

§ 403.121. Board of appeals.

(a) A municipality which has adopted an ordinance for the administration and enforcement of the Uniform Construction Code or is a party to an agreement for the joint administration and enforcement of the Uniform Construction Code shall establish a board of appeals under section 501(c) of the act (35 P. S. § 7210.501(c)).

(b) The board of appeals shall hear and rule on appeals, requests for variances and requests for extensions of time. An application for appeal shall be based on a claim that the true intent of the act or Uniform Construction Code has been incorrectly interpreted, the provisions of the act or Uniform Construction Code do not fully apply or an equivalent form of construction is to be used.

(c) A municipality's governing body shall appoint the members of the board of appeals. A member of the board of appeals shall be qualified by training and experience to pass on matters pertaining to building construction. A member of the board of appeals holds office at the pleasure of a municipality's governing body.

(d) Members of a municipality's governing body may not serve on a board of appeals.

(e) A municipality may fill a position on the board of appeals with a qualified person who resides outside of the municipality when it cannot find a person within the municipality who satisfies the requirements of this section.

(f) Two or more municipalities may establish a joint board of appeals through an intermunicipal agreement under 53 Pa.C.S. §§ 2301—2315 (relating to intergovernmental cooperation).

(g) A board of appeals member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.

(h) A board of appeals shall schedule meetings and provide public notice of meetings in accordance with 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act).

(i) A board of appeals may not act upon appeals, requests for variance or requests for extension of time relating to accessibility under the act.

§ 403.122. Appeals, variances and extensions of time.

(a) An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the building code official or other person designated by the building code official on a form provided by the municipality.

(b) The postmark date or the date of personal service will establish the filing date of the appeal and request for variance or extension of time.

(c) An appeal or request for variance or extension of time to a board of appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under § 403.84 (relating to unsafe building, structure or equipment) may not be stayed.

(d) A board of appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner requests a hearing.

(e) A board of appeals shall hold a hearing within 60 days from the date of an applicant's request unless the applicant agreed in writing to an extension of time.

(f) A board of appeals shall only consider the following factors when deciding an appeal under section 501(c)(2) of the act:

- (1) The true intent of the act or Uniform Construction Code was incorrectly interpreted.
- (2) The provisions of the act do not apply.
- (3) An equivalent form of construction is to be used.

(g) A board of appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:

- (1) The reasonableness of the Uniform Construction Code's application in a particular case.
- (2) The extent to which the granting of a variance or an extension of time will pose a violation of the Uniform Construction Code or an unsafe condition.
- (3) The availability of professional or technical personnel needed to come into compliance.
- (4) The availability of materials and equipment needed to come into compliance.
- (5) The efforts being made to come into compliance as quickly as possible.
- (6) Compensatory features that will provide an equivalent degree of protection to the Uniform Construction Code.

(h) If the owner requests a hearing, the board of appeals shall schedule a hearing and notify the owner and building code official of the date, time and place of the hearing.

(i) The board of appeals may:

- (1) Deny the request in whole or in part.
- (2) Grant the request in whole or in part.

(3) Grant the request upon certain conditions being satisfied.

(4) Grant other appropriate relief.

(j) The board of appeals shall provide a written notice of its decision to the owner and to the building code official.

(k) An owner shall file an appeal, request for variances and request for extension of time relating to accessibility with the Accessibility Advisory Board under § 403.142 (relating to Accessibility Advisory Board).

DEPARTMENT ENFORCEMENT

§ 403.141. Enforcement by the Department.

(a) The Department will conduct plan and specification review and inspections for all State-owned buildings under section 105(b) of the act (35 P. S. § 7210.105(b)). The Department will notify municipalities of all inspections of State-owned buildings and provide municipalities the opportunity to observe inspection of the buildings.

(b) The Department will retain jurisdiction over the provisions of Chapter 11 (Accessibility), and any other accessibility requirements contained in or referenced by the Uniform Construction Code, until a municipality administering and enforcing the Uniform Construction Code obtains the services of a Department-certified accessibility specialist.

(c) The Department will enforce the Uniform Construction Code for all buildings and structures except for residential buildings and utility and miscellaneous use structures in municipalities that have not adopted an ordinance to enforce the act under section 501(a)(1) of the act (35 P. S. § 7210.501(a)(1)).

(d) The Industrial Board will decide petitions for variances and extensions of time and appeals of Department decisions under the Uniform Construction Code. The Industrial Board will hold the first hearing on a petition within 45 days of receipt of the petition.

(e) An owner may file a petition for variance or extension of time or an appeal with the Industrial Board under § 403.122 (relating to appeals, variances and extensions of time). An owner may file an appeal concerning technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code with the Accessibility Advisory Board under § 403.142 (relating to Accessibility Advisory Board).

§ 403.142. Accessibility Advisory Board.

(a) The Secretary has the exclusive power to grant modifications and extensions of time and decide issues of technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code for individual projects under section 301(a)(3) of the act (35 P. S. § 7210.301(a)(3)).

(b) The Accessibility Advisory Board is created with the following powers and duties under section 106 of the act (35 P. S. § 7210.106):

(1) Review all proposed regulations under the act and offer comment and advice to the Secretary on all issues related to accessibility by persons with physical disabilities and enforcement of accessibility requirements.

(2) Review all applications for modifications or variances of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements

contained in or referenced by the Uniform Construction Code. The Accessibility Advisory Board will advise the Secretary whether modification or variance should be granted or whether compliance is technically feasible.

(3) Hear appeals from decisions of building code officials; recommend modifications or variances or extensions of time. An appeal of a decision of a building code official shall be based on a claim that the true intent of the act or the Uniform Construction Code was incorrectly interpreted, the act does not apply or an equivalent form of construction is to be used.

(c) The Accessibility Advisory Board will schedule meetings and provide public notice of meetings in accordance with 65 Pa.C.S. §§ 701—716 (relating to the Sunshine Act).

(d) The Accessibility Advisory Board will hear requests for variances or modification, requests for extensions of time and appeals in accordance with the following procedure:

(1) An owner or owner's agent shall file an appeal with the Accessibility Advisory Board on a Department-provided form.

(2) The postmark date or the date of personal service will establish the filing date of the appeal.

(3) An appeal to the Accessibility Advisory Board will automatically suspend an action to enforce an order to correct except where there is an unsafe building, structure or equipment under § 403.84 (relating to unsafe building, structure or equipment).

(4) The Accessibility Advisory Board will make recommendations based upon documents and written brief unless the owner requests a hearing.

(5) If the owner requests a hearing, the Accessibility Advisory Board will schedule a hearing and will notify the owner and the building code official of the date, time and place of the hearing.

(6) The Accessibility Advisory Board may consider the following factors when a request for an extension of time or a variance or other appropriate relief is reviewed:

(i) The reasonableness of the regulations or Uniform Construction Code as applied in the specific case.

(ii) The extent to which an extension of time or a variance will subject occupants of the building or structure to conditions which do not comply with the Uniform Construction Code.

(iii) The availability of professional or technical personnel needed to comply with the Uniform Construction Code.

(iv) The availability of materials and equipment needed to comply with the Uniform Construction Code.

(v) The efforts made to safeguard occupants.

(vi) The efforts made to comply with the Uniform Construction Code.

(vii) Compensatory features that will provide an equivalent degree of compliance with the intent of the Uniform Construction Code.

(7) The Accessibility Advisory Board will recommend that the Secretary take one of the following actions:

(i) Deny the request in whole or in part.

(ii) Grant the request in whole or in part.

(iii) Grant the request upon certain conditions being satisfied.

(iv) Grant other appropriate relief.

(8) The Secretary will make a final decision on the request and will issue written notice of the decision to the owner or the owner's agent and the building code official.

(e) An individual, partnership, agency, association or corporation who reasonably believes there is a violation of the accessibility provisions of the act or the Uniform Construction Code by a governmental entity or private owner may file a complaint with the body responsible for enforcement of the Uniform Construction Code under section 501(f) of the act (35 P. S. § 7210.501(f)).

(Editor's Note: Chapter 405 is a proposed new chapter. The text is printed in regular face to enhance readability.)

CHAPTER 405. ELEVATORS AND OTHER LIFTING DEVICES

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STAGE, ORCHESTRA AND ORGAN CONSOLE ELEVATORS

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GENERALLY

§ 405.1. Scope.

(a) *Application of chapter.* This chapter constitutes the Uniform Construction Code technical requirements for elevators and other lifting devices. This chapter applies to the construction, alteration, addition, repair, movement, equipment, removal, maintenance, use and change in use of every elevator and lifting device after _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)*

(b) *Exceptions.* The Uniform Construction Code does not apply to:

(1) New elevators and lifting devices or renovations to existing elevators and lifting devices for which a permit application was made to the Department before _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)*

(2) New elevators and lifting devices or renovations to existing elevators and lifting devices for which a contract for design or construction was signed before _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)*

(3) Elevators and lifting devices solely used by the occupants of a dwelling unit.

(c) Prior permits and construction.

(1) A permit issued under valid regulations before _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)* remains valid

and the construction of the elevator or lifting device may be completed in accordance with the approved permit if construction commences by _____ *(Editor's Note: The blank refers to a date 2 years after the effective date of adoption of this proposal.)*

(2) If construction of the elevator or lifting device has not commenced within the time period allowed under subsection (c)(1), the permit becomes rescinded. The permit holder shall acquire a new permit under section 304(c)(2) of the act (35 P. S. § 7210.304(c)(2)) before construction.

(3) An elevator or lifting device that was issued a certificate of operation by the Department before _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)*, may remain in use if the owner maintains the elevator or lifting device in accordance with a previous Department permit or approval, and the owner complied with the regulations in effect when the certificate of operation was issued.

§ 405.2. Standards.

(a) The following standards are adopted as part of the Uniform Construction Code and apply to the listed type of elevator or other lifting device:

(1) "ASME A17.1," 2000 Edition:

(i) Part 1 (General).

(ii) Part 2 (Electric elevators).

(iii) Part 3 (Hydraulic elevators).

(iv) Part 4 (Elevators with other types of driving machines).

(v) Part 5 (Special application elevators).

(vi) Part 6 (Escalators and moving walks).

(vii) Part 7 (Dumbwaiters and material lifts).

(viii) Part 8 (General requirements).

(ix) Part 9 (Standard codes and specifications).

(2) "ASME B20.1," 1996 Edition including "ASME B20.1b," 1998 addenda for vertical and inclined reciprocating conveyors without automatic transfer devices.

(3) "ASME A90.1," 1997 Edition including "ASME A90.1a," 1999 addenda for belt man-lifts.

(4) "ANSI B77.1," 1999 Edition for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors.

(5) "ASME A18.1," 1999 Edition including "ASME A.18.1a," 2001 addenda for vertical and inclined wheelchair lifts and stairway lifts. Testing under sections 10.3.2 and 10.3.3 shall comply with § 405.8 (relating to periodic test results).

(6) Electric wiring and apparatus shall comply with the "ICC Electrical Code."

(b) The following sections of "ASME A17.1," 2000 Edition are not adopted as the Uniform Construction Code:

(1) Section 5.3 (Private residence elevators).

(2) Section 5.4 (Private residence inclined elevators).

(3) Section 5.8 (Shipboard elevators).

(4) Section 5.9 (Mine elevators).

(5) Section 7.7 (Automatic transfer devices).

(6) Section 7.8 (Power dumbwaiter with automatic transfer devices).

(7) Section 7.9 (Electric material lifts with automatic transfer devices).

(8) Section 7.10 (Hydraulic material lifts with automatic transfer devices).

(9) Section 7.11 (Material lifts with obscured transfer devices).

(10) Section 8.6.7.3 (Private residence elevator).

(11) Section 8.6.7.4 (Private residence inclined elevators).

(12) Section 8.6.7.8 (Shipboard elevators).

(13) Section 8.6.7.9 (Mine elevators).

(14) Section 8.6.9.2 (Material lifts and dumbwaiters with automatic transfer devices).

(15) Section 8.7.5.3 (Private residence elevators).

(16) Section 8.7.5.4 (Private residence inclined elevators).

(17) Section 8.7.5.8 (Shipboard elevators).

(18) Section 8.7.5.9 (Mine elevators).

(19) Section 8.7.7.3 (Material lifts and dumbwaiters with automatic transfer devices).

(20) Section 8.10.5.2 (Private residence elevators and lifts).

(21) Section 8.10.5.5 (Material lifts and dumbwaiters with automatic transfer devices).

(22) Section 8.10.5.8 (Shipboard elevators).

(23) Section 8.11.5.2 (Private residence elevators and lifts).

(24) Section 8.11.5.5 (Material lifts and dumbwaiters with automatic transfer devices).

(25) Section 8.11.5.8 (Shipboard elevators).

(c) The following portions of "ASME B20.1," 1996 Edition are not adopted as the Uniform Construction Code:

(1) Section 3 (Intent).

(2) Section 5.14 (Hoppers and chutes).

(3) Section 6.1 (Belt conveyors—fixed in place).

(4) Section 6.2 (Bucket conveyors).

(5) Section 6.3 (Chain conveyors).

(6) Section 6.4 (En masse conveyors).

(7) Section 6.5 (Flight and apron conveyors—bulk material).

(8) Section 6.7 (Live roller conveyors—belt or chain driven).

(9) Section 6.8 (Mobile conveyors).

(10) Section 6.9 (Portable conveyors, extendible belt conveyors and car unloaders).

(11) Section 6.10 (Pusher bar conveyors).

(12) Section 6.11 (Roller and wheel conveyors).

(13) Section 6.12 (Screw conveyors).

(14) Section 6.13 (Shuttle conveyors, belt trippers and transfer cars).

(15) Section 6.14 (Skip hoists—bulk materials).

(16) Section 6.15 (Slat conveyors and roller slat conveyors).

(17) Section 6.16 (Suspended vertical tray conveyors).

(18) Section 6.17 (Tow conveyors—in the floor).

(19) Section 6.18 (Trolley conveyors and power and free conveyors).

(20) Section 6.19 (Vertical articulated conveyors).

(21) Section 6.20 (Vertical chain opposed shelf type conveyors).

(d) The following portions of "ASME A18.1," 1999 Edition are not adopted as the Uniform Construction Code:

(1) Part V (Private residence vertical platform lifts).

(2) Part VI (Private residence inclined platform lifts).

(3) Part VII (Private residence incline stairway chairlifts).

(4) Section 10.3.1 (One-year inspection and test requirements).

(e) This section applies when there is a conflict with a code or standard related to elevators or lifting devices.

§ 405.3. Permit application.

(a) An owner of an elevator or lifting device or an authorized agent shall apply to the Department for a permit before the construction, alteration, replacement or repair of an elevator or lifting device.

(b) An owner or owner's agent shall submit four copies of a permit application and supporting documents to the Department for review. The application and supporting construction documents shall be submitted in Department-approved media and clearly detail the location, nature and extent of the proposed construction and its compliance with the Uniform Construction Code.

(c) The Department may suspend or revoke a permit when the permit was issued erroneously, on inaccurate, incorrect or incomplete information or issued in violation of the Uniform Construction Code. The Department may charge an applicant a new application and inspection fee when a previous permit was suspended or revoked based upon inaccurate, incomplete or incorrect information provided by the permit applicant.

(d) A permit becomes invalid unless construction work is commenced within 180 days after its issuance or if the work is suspended or abandoned for a period of 180 days after it is commenced. The Department may grant written extensions of time for periods of 180 days each. A permit remains valid for no more than 5 years.

(e) The Department will grant or deny a permit in whole or in part within 30 business days of the filing date of a complete application. The Department will provide written notification to the applicant for applications denied in whole or in part.

(f) The Department will place the written or stamped notation "Reviewed and Approved for Code Compliance" on the documents accompanying the permit application. The Department will keep three sets of the construction documents and send one set of construction documents to the permit applicant.

(g) An owner or owner's agent may request a variance or appeal the code administrator's decision to the Industrial Board under § 403.122 (relating to appeals, variances and extensions of time). The appeal shall be based on a claim that the true intent of the act or the Uniform Construction Code were incorrectly interpreted, of the act does not fully apply or an equivalent form of construction is to be used.

(h) A permit is not valid until the Department collects the required fees under § 401.2 (relating to Department fees).

§ 405.4. Approved designs, equipment and devices.

A platform, car, cabin or chair safety device may be installed after it receives a Department-issued certificate of acceptance. An applicant for a certificate of acceptance shall meet the following requirements:

(1) The manufacturer, designer or engineer of the platform, car, cabin or chair safety device shall submit the design to the Department.

(2) The Department will observe the operation of the device for compliance with the Uniform Construction Code before use of the device in this Commonwealth.

(3) The Department will issue a certificate of acceptance after it observes successful testing of the device.

§ 405.5. Acceptance inspection.

The Department will conduct an acceptance inspection to confirm compliance with the Uniform Construction Code before a new elevator or lifting device or an elevator or lifting device under repair is put into service.

§ 405.6. Certificate of operation.

(a) An elevator or lifting device may not be operated unless the Department issues a certificate of operation for the elevator or other lifting device. The Department will issue a certificate of operation for the elevator or other lifting device if it passes inspection.

(b) A certificate of operation is valid for 24 months from the issue date for equipment that requires a 6-month periodic inspection under § 405.7 (relating to periodic inspections). A certificate of operation is valid for 48 months from the issue date for equipment requiring a 12-month periodic inspection cycle under § 405.7.

(c) A certificate of operation may remain valid for an additional 30 days after its expiration date if a periodic inspection is conducted within 30 days of the certificate's expiration date. A certificate of operation is not valid until the Department collects the required fee under § 401.2 (relating to Department fees).

(d) The certificate of operation or a copy of the certificate of operation for equipment with a machine room shall be posted in the elevator car or other lifting device enclosure, or attached to the controller in the machine room. The certificate of operation for escalators, moving walks and other equipment without a machine room shall be made available to a construction code official during a periodic inspection.

§ 405.7. Periodic inspections.

(a) A construction code official of the Department or a third-party agency shall conduct periodic inspections and document compliance with the Uniform Construction Code at intervals that do not exceed 6 months for the following equipment:

- (1) Electric elevator.
- (2) Hydraulic elevator.
- (3) Escalator.
- (4) Belt man-lift.
- (5) Lumber elevator.
- (6) Moving walk.
- (7) Orchestra elevator.
- (8) Organ elevator.

(9) Limited use/limited application elevator.

(10) Special purpose personnel elevator.

(11) Stage elevator.

(12) Power sidewalk elevator.

(13) Elevators used for construction.

(14) Inclined elevator.

(15) Rooftop elevator.

(b) A construction code official shall perform periodic inspections of all other lifting devices at intervals that do not exceed 12 months. A construction code official shall inspect a lifting device that is used on a seasonal basis before the beginning of the season of operation.

(c) A construction code official who performed a periodic inspection shall complete an inspection report containing all of the following information:

- (1) The inspection results.
- (2) The day, month and year of the inspection.
- (3) The beginning and conclusion times of the inspection.
- (4) The construction code official's certification number.
- (5) The construction code official's signature. An electronic signature may be used.

(d) A construction code official who performed a periodic inspection shall insure that the following information is completed on the certificate of operation:

- (1) The day, month and year of inspection.
- (2) The construction code official's certification number.
- (3) The construction code official's signature.

(e) A construction code official shall submit the results of routine inspections to the Department within 15 days of the inspection in a format acceptable to the Department.

(f) A construction code official shall notify the Department if a lifting device failed a periodic inspection within 1 business day from the inspection.

§ 405.8. Periodic inspection and testing.

(a) The following periodic inspection and testing under "ASME A17.1," 2000 Edition are required. A construction code official shall witness all of the testing:

- (1) Category One under section 8.11.2.2 at 5-year intervals.
- (2) Category Five under section 8.11.2.3 at 5-year intervals.
- (3) Category One under section 8.11.3.2 at 5-year intervals.
- (4) Category Three under section 8.11.3.3 at 5-year intervals.
- (5) Category Five under section 8.11.3.4 at 5-year intervals.
- (6) Category One under section 8.11.4.2 at 3-year intervals.
- (7) Other equipment under section 8.11.5 at 5-year intervals as follows:
 - (i) Sidewalk elevators under section 8.11.5.1.
 - (ii) Hand elevators under section 8.11.5.3.
 - (iii) Dumbwaiters under section 8.11.5.4.

(iv) Special purpose personnel elevators under section 8.11.5.6.

(v) Inclined elevators under section 8.11.5.7.

(vi) Screw column elevators under section 8.11.5.9.

(vii) Rooftop elevators under section 8.11.5.10.

(viii) Rack and pinion elevators under section 8.11.5.11.

(ix) Limited use and limited application elevators under section 8.11.5.12.

(x) Elevators used for construction under section 8.11.5.13.

(b) Inspection and testing under "ASME A.18.1," 1999 Edition is required as follows:

(1) Testing under section 10.3.2 shall be conducted at 5-year intervals.

(2) Testing under section 10.3.3 shall be conducted at 5-year intervals.

(c) A lumber elevator equipped with platform safety devices shall be tested with rated load at intervals that may not exceed 5 years.

(d) Stage, orchestra and organ lifts equipped with a platform safety device shall be tested with rated loads at intervals that may not exceed 5 years.

(e) A construction code official shall complete a test report after the official witnesses a periodic test in a format acceptable to the Department. The construction code official shall submit the report to the Department within 15 days of witnessing the tests. All of the following information is required in the report:

(1) The test results.

(2) The day, month and year of the test.

(3) The beginning and concluding times of the test.

(4) The construction code official's signature. The construction code official may use an electronic signature.

§ 405.9. Periodic dynamic testing.

(a) The following periodic dynamic testing shall be conducted under "ANSI B77.1," 1999 Edition:

(1) Aerial tramways dynamic testing under section 2.3.3.1.2.

(2) Detachable grip aerial lifts dynamic testing under section 3.3.3.1.2.

(3) Fixed grip aerial lifts dynamic testing under section 4.3.3.1.2.

(b) A construction code official shall witness all periodic dynamic testing under this section.

(c) A construction code official shall complete and submit a test report to the Department within 15 days of witnessing a periodic dynamic test. The report shall be in a format acceptable to the Department and contain all of the following information:

(1) The test results.

(2) The day, month and year of test.

(3) The beginning and concluding times of test.

(4) The construction code official's signature. The construction code official may use an electronic signature.

§ 405.10. Major repairs, replacements and alterations.

(a) Repairs, replacement and alterations of elevators or other lifting devices shall comply with the following sections of "ASME A17.1," 2000 Edition:

(1) Section 8.6.2 (Repairs).

(2) Section 8.6.3 (Replacements)

(3) Section 8.7 (Alterations).

(b) The requirements of subsection (a) apply to major repairs, replacements and alterations performed on other types of lifting devices that are not referenced in "ASME A17.1," 2000 Edition.

(c) An elevator or lifting device shall be taken out of service when a major repair, replacement or alteration is performed upon it. The owner or owner's agent shall provide written notification to the Department when the major repair, replacement or alteration is completed. The elevator or lifting device may be returned to service when it passes a Department inspection.

§ 405.11. Accident report.

(a) An owner of an elevator or lifting device or an authorized agent shall submit an accident report to the Department if the elevator or lifting device is involved in an accident resulting in any of the following:

(1) Fatal injury or hospitalization to a person.

(2) Damage to the elevator or lifting device rendering it unsafe under § 403.84 (relating to unsafe building, structure or equipment).

(b) The owner or authorized representative shall submit the accident report on a Department-prescribed form, which must be received by the Department within 24 hours of the accident.

(c) The Department may order an investigation of the accident.

(d) An elevator or lifting device that was involved in an accident may not return to operation until the Department provides approval.

§ 405.12. Lumber elevators.

(a) A lumber elevator is a platform that is used to raise or lower stacked lumber under the requirements of this section. An individual may not ride a lumber elevator.

(b) The shaftway is enclosed on all sides that are not used for loading or unloading with flush partitions that are at least 6 feet high. Movable bars or railings are required to protect all points of loading and unloading, unless gates are provided. Flaring is at an angle of at least 75° from the horizontal and shall protect all shearing points in the shaftway excluding each loading and unloading landing.

(c) Gates are required to protect all points of loading and unloading when the platform's vertical travel exceeds 6 feet or when there are two or more landings. The following types of automatic and semiautomatic gates may be used:

(1) Semiautomatic vertical-rising gates.

(2) Fully automatic vertical-rising gates only at terminal landings.

(3) Manually operated swinging or horizontal gates with locking devices and electric brakes.

(4) Department-approved, power-operated horizontal gates.

(d) A locking device shall comply with the following requirements:

(1) An automatic locking device shall be placed on, or attached to a manually operated gate. The locking device shall prevent the normal operation of the platform when the gate is open and unsecured. The locking device shall prevent the opening of the gate when the car is away from the landing.

(2) A shield shall be installed on openwork gates and shall be of sufficient size to prevent access to the lock from the outside of the shaftway.

(e) The shaftway shall have a pit with a depth of at least 2 feet from the lowest point of the underside of the platform framing to the pit floor or highest projection when the platform is at its lowest limit of travel. Toe guards, guide shoes or rollers attached to the platform and buffers or bumpers may extend into this space.

(f) Substantial guides of either wood or steel are required for installation on lumber elevators.

(g) Lifting capacity shall equal a live load of at least 50 pounds per square foot of platform floor area. The gross weight of the movable platform shall include railings, aprons, wirings, conduits, outlets and every item that is permanently attached to the platform.

(h) The lifting speed of a lumber elevator may not exceed 15 feet per minute.

(i) A lumber elevator shall be equipped with operating switches that meet the following requirements:

(1) An operating switch cannot be located where the entire shaftway is visible when gates are not installed.

(2) An operating switch shall be a continuous pressure switch.

(3) A manually operated emergency stop switch shall be placed adjacent to the elevator's operating switches, driving machines, pit entrances, machine controller and landings. An emergency stop switch shall be a manually reset switch and cannot be dependent upon springs for proper operation.

(4) An emergency stop switch shall be red. No other switch may be red.

(5) Operating switches shall be labeled by function.

(j) Reverse phase protection is required when alternating current is used.

(k) Elevator screws shall be directly connecting with worm or beveled gears. Gears shall be enclosed in a housing.

(l) A lumber elevator that is not supported or operated by screws, plungers or similar means shall have approved platform safeties capable of stopping and holding the platform with a full-rated load at any point of its travel.

(m) The motor, controller and brake shall be located in a lighted room outside of the shaftway, unless the devices are located in the pit. The lumber elevator shall be equipped with stone or masonry piers or columns capable of absorbing the impact of a full-loaded platform when the motor and controller are located in the pit.

(n) A lumber elevator shall be equipped with normal terminal limit switches located in the shaftway or stop motion devices on the operating machine and arranged to automatically bring the platform to rest at either terminal landing.

(o) Final terminal limit switches shall be installed and connected so the switch will function if a lumber elevator runs by the normal terminal limit switch. Final terminal limit switches will automatically shut off the power, apply the brake and prevent the operation of the lumber elevator in either direction until adjustments are made to return the lumber elevator to normal operation. Final terminal limit switches shall be located in the shaftway.

(p) A slack cable or slack chain device shall be installed on all winding drum or sprocket power-driven lumber elevator machinery. The device shall automatically shut off the power, apply the brake and stop the machinery when the platform is obstructed in its descent.

(q) A lumber elevator shall be equipped with an approved and enclosed fused main line switch or an approved and enclosed circuit breaker switch. The switch shall be located adjacent to the entrance door in the machine room when the motor and controller are located in a machine room. The switch shall be located outside of the shaftway and adjacent to the pit access door when the motor and controller are located in the pit.

(r) A motor or controller shall be equipped with a second device for disconnection when the motor or controller is not visible from the disconnection equipment required in subsection (q). The second disconnection device shall be equipped with a padlock that can lock the device in an "open" and "off" position.

(s) Lighting shall be provided in all machine spaces and pits within the shaftway and landings. The light switch shall be mounted at the entryway to a machine space and pit.

(t) A lumber elevator shall be equipped with a door that allows access to the pit when the motor or controller is located in the pit. A pit access door is to meet all of the following requirements:

(1) A pit access door shall be located below the bottom of the platform when the platform is at its lowest limit of travel.

(2) A pit access door shall be at least 30 inches by 30 inches in size, self-closing and self-locking.

(3) A pit access door shall have a switch to prevent operation of the elevator while the pit access door is open.

(4) An emergency stop switch shall be installed on the strike side of each pit access door.

(5) A switch for operating the pit lights shall be installed on the strike side of all pit access doors.

(6) A sign shall be located on the exterior strike side of each pit access door with the notation, "CAUTION—Elevator Pit Access Door—Authorized Personnel Only." The sign lettering shall be a minimum of 1/4 inch in width and 1 1/2 inches in height. The color of the lettering shall contrast with the color of the access door.

(7) An owner or owner's agent shall have sole possession of keys to each pit access door.

(u) A lumber elevator platform shall have a steel frame designed with a minimum safety factor of six based on the highest rating of either the rated lifting load or the rated static load, uniformly distributed.

(v) A platform shall be equipped with an apron on all its sides. When the travel distance of a lumber elevator extends above the top of the surrounding floor level, the apron shall have sufficient depth to enclose the space between the floor level and the under side of the platform when the platform is at its travel limit.

(w) As part of the initial inspection, the elevator shall be loaded to rated lifting capacity and operated throughout its entire travel. Platform safeties are to be tested with the maximum rated lifting capacity.

STAGE, ORCHESTRA AND ORGAN CONSOLE ELEVATORS

§ 405.31. Applicability.

The following types of elevators shall meet the requirements of this section and §§ 405.32—405.41:

(1) A stage elevator consisting of a section of the stage arranged to be raised and lowered above and below the stage in a vertical direction.

(2) An orchestra elevator consisting of a platform arranged to be raised and lowered in a vertical direction.

(3) An organ console elevator used for raising and lowering an organ console, including the organist in a vertical direction.

§ 405.32. Platforms.

(a) A stage, orchestra or organ console elevator platform shall be comprised of steel frame construction and designed with a safety factor at least six based on the highest rating of either the rated lifting load or the rated static load uniformly distributed.

(b) When the travel of a stage, orchestra or organ console elevator extends above the top of the shaftway enclosure, the platform shall be equipped with an apron at least as deep as the space between the top of the shaftway enclosure and the underside of the platform when the platform is at its limit of travel.

§ 405.33. Shaftway requirements.

(a) The inside surface of a shaftway shall have a smooth finish within the limits of travel without any projections or recesses except for landing entrances, guides and guide brackets, vertical slots required for concealed guides, junction boxes and conduits for wiring, seating cart storage areas, orchestra areas and piano storage areas.

(b) Shaftway guide rails shall be made of steel.

(c) Adjacent lift sides shall be equipped with aprons, railings and toeboards and pressure-sensing strips that are necessary to avoid shearing and fall hazards when elevators or other lifts under this section are installed in the same shaftway.

§ 405.34. Projections and recesses.

Projections or recesses for landing entrances, junction boxes and conduits for wiring, seating cart storage areas, orchestra areas and piano storage areas shall have the following protection:

(1) Metal bevel plates shall protect the underside and topside of projections and the underside of all recesses. The plates shall extend from the edge of the projection or recess to the wall. The beveled angle may not be less than 75° relative to a horizontal position. Instead of plates, the bevel surfaces may be made of concrete and troweled to a smooth finish. Pressure sensing strips meeting the requirements in paragraph (2) may be used instead of beveled plates.

(2) Pressure sensing strips shall be placed on the underside of the platform on sides where there is a projection or recessed opening and on an apron attached to the platform. Pressure sensing strips shall meet the following requirements:

(i) A strip shall be interconnected to the operating and controlling circuit of the elevator.

(ii) A strip shall detect an obstruction that exerts a force of 5 pounds or greater per square inch.

(iii) The elevator shall immediately stop and automatically reverse direction for travel of 2—4 inches when a strip detects an obstruction. The pressure strips may automatically reset once the elevator has stopped its reverse travel.

§ 405.35. Landing doors.

(a) Swinging doors installed at the bottom landing of the shaftway shall open outward.

(b) Shaftway landing doors shall be equipped with an approved interlock. The interlock shall:

(1) Secure the platform in the stop position or place the power of controlling the elevator beyond the operator's control while any landing door is open.

(2) Operate in conjunction with a normally closed electrical valve operating system when used for maintained pressure hydraulic elevators.

(c) A landing door may unlock only when the platform is stopped at the landing.

(d) Landing doors shall open manually from inside the shaftway regardless of the platform's position.

§ 405.36. Lifting capacity.

(a) The lifting capacity of an orchestra or organ console elevator shall equal a live load of at least 25 pounds per square foot of floor area of the platform.

(b) The lifting capacity of a stage elevator shall equal a live load of at least 75 pounds per square foot of floor area of the platform.

(c) Lifting capacity may not exceed 30 feet per minute.

§ 405.37. Operating controls.

Operating controls shall be located so that the operator may view the platform and load throughout their entire travel. Operating controls are governed by the following:

(1) Operating controls shall be continuous pressure switches.

(2) Detachable pendent switches that plug into the platform or at an area other than the platform may be installed as operating controls if the operator can view the platform and load throughout their entire travel.

(3) Manually operated emergency stop switches shall be located adjacent to the operating controls, driving machines, pit entrances, machine controller, orchestra areas and recessed storage areas located within the shaftway. Emergency stop switches shall be manually reset and not depend upon springs for proper operation.

(4) Emergency stop switches shall be red. No other switch may be red.

(5) Operating controls shall be labeled by function.

(6) A key is required for use of the operating controls other than emergency stop switches.

(7) An emergency stop switch shall be installed on organ console elevators accessible to the organist.

(8) A stage, orchestra or organ console elevator that intersects with other stage, orchestra, organ console elevators, storage areas or orchestra areas below the

stage level shall be equipped with a constant pressure pushbutton switch which meets the following requirements:

(i) The additional switch shall be located to permit an unobstructed view of the intersecting area.

(ii) The switch shall be held in the closed or "run" position to complete the operating circuit and permit the operator's controls to function.

(iii) Release of the switch will stop the elevator immediately.

(iv) An additional switch is not required for elevators that are completely enclosed in an operating shaftway.

§ 405.38. Switches.

(a) An elevator shall be equipped with normal terminal limit switches located in the shaft way or a stop motion device on the operating machine. The switches or device shall automatically bring the platform to rest at either terminal landing.

(b) Final terminal limit switches shall be installed in the shaftway and meet the following requirements:

(1) The switches shall be connected so that the functioning of the switch will occur if the elevator runs by the normal terminal limit switch.

(2) A final terminal limit switch is to automatically shut off power, apply the brake and prevent the operation of the elevator in either direction until adjustments are made to return the elevator to normal operation.

(c) An approved and enclosed fused main line switch or an approved circuit breaker switch shall be installed to disconnect the elevator and meet the following requirements:

(1) The switch shall be located adjacent to the entrance door in a machine room containing the motor and controller.

(2) The switch shall be located outside the shaftway and adjacent to the pit access door when the motor and controller are located in the pit.

§ 405.39. Pit and pit access.

(a) The pit shall be equipped with stone or masonry piers or columns or buffers capable of absorbing the impact of a fully loaded platform while maintaining a minimum refuge space of 2 feet throughout the pit area.

(b) A pit access door has to meet all of the following requirements:

(1) A pit access door shall be a minimum of 30 inches by 30 inches in size, self-closing and self-locking.

(2) Have a switch to prevent the operation of the elevator while the pit access door is open.

(3) An emergency stop switch shall be installed on the strike side of each pit access door.

(4) A switch for operating the pit lights shall be installed on the strike side of each pit access door.

(5) Contain a sign located on the exterior strike side of all pit access doors with the notation, "CAUTION—Elevator Pit Access Door—Authorized Personnel Only." The sign lettering is to be a minimum of 1/4 inch in width and 1 1/2 inches in height. The color of the lettering shall contrast with the color of the access door.

(6) An owner or owner's agent shall have sole possession of keys to each access door.

(c) A shaftway shall have a pit that meets all of the following requirements:

(1) Pit depth shall be at least 2 feet from the lowest point of the underside of the platform framing to the pit floor or highest floor projection when the platform is at its lowest limit of travel. Toe guards, guide shoes or rollers attached to the platform and buffers or bumpers may extend into this space.

(2) Clearance between the lowest point of an apron, guide shoe or rollers on the underside of the platform and any portion of the pit floor shall be at least 6 inches when the platform has reached its lowest limit of travel.

(3) Pit floor area directly beneath any apron area of the platform shall be marked with paint of at least two contrasting colors to a minimum width of 12 inches past the inside edge of the apron, guide shoe or rollers

(d) A door shall be installed to provide access to a pit when the motor or controller for a stage, orchestra or organ console elevator is located in the pit by one of the following means:

(1) A door below the bottom of the platform when the platform is at its lowest limit of travel.

(2) A door that opens outward in the platform.

(3) The pit shall be equipped with a ladder for gaining access to the pit through this access door.

(4) The ladder and access door shall be arranged to secure the ladder to the platform during access to the pit.

(5) The ladder shall extend from the platform to the pit floor regardless of the location of the platform in the shaftway.

§ 405.40. Single operator requirement.

A single operator is required to control operation of a stage, orchestra or organ console elevator under all of the following conditions:

(1) The operator and designated material handlers are the only persons that may ride on a stage or orchestra elevator.

(2) The operator and organist are the only persons that may ride on an organ console elevator. An organist may be the operator of the elevator if he receives adequate training on the operation of the elevator and all its controls.

(3) An operator is required to work with an assistant when using a stage, orchestra or organ console elevator that intersects with another stage, orchestra, organ console elevator, storage areas or orchestra areas below the stage level. The assistant shall insure that there are no obstructions in the path of the elevator being operated. The assistant shall always use a two-way communication device with the operator.

§ 405.41. Additional requirements.

(a) Railings and toeboards shall be provided at floor levels when the elevator is not at floor level. The railing and toeboard are to be interconnected to the operating circuit so that if any portion of the rail and toeboard is not in its proper placement, the elevator cannot operate.

(b) A key shall be located at the lowest floor in a container with a glass surface. This key shall open a landing door regardless of the location of the platform.

(c) A plate attached to the equipment controller shall contain the manufacturer's listed rated lifting capacity and maximum static load.

(d) The gross weight of the movable platform shall be posted on the controller and will include railings, aprons, wiring, conduits, outlets or an item that is permanently attached to the platform.

(e) Reverse phase protection shall be provided when alternating current is used.

(f) Elevator screws are to be directly connecting with worm or beveled gears. Gears shall be enclosed in a housing.

(g) A stage, orchestra or organ console elevator that is not supported or operated by screws, plungers or similar means shall have platform safeties capable of stopping and holding the platform with a full-rated load at any point of its travel.

(h) The motor controller and brake shall be located in a lighted room outside the shaftway, unless the devices are located in the pit.

(i) A slack cable or slack chain device shall be installed on all winding drum or sprocket power-driven stage, orchestra or organ console elevator machinery. The device shall automatically shut off the power, apply the brake and stop the machinery when the platform is obstructed in its descent.

(j) A motor or controller shall be equipped with a second device for disconnection when the motor or controller is not visible from the disconnection equipment required under subsection (i).

(k) Lighting shall be provided in all machine spaces, pits, storage areas, orchestra areas and landings within the shaftway. A light switch shall be mounted at the entryway to each area.

[Pa.B. Doc. No. 02-1479. Filed for public inspection August 23, 2002, 9:00 a.m.]

STATEMENTS OF POLICY

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 123]

Community Revitalization Program

The Department of Community and Economic Development (Department) amends Chapter 123 (relating to community revitalization program—statement of policy) to read as set forth in Annex A. The statement of policy is amended under the authority of Part II, section 209 of Act 7A of 2002, known as the General Appropriation Act of 2002 (Appropriation Act).

Background

The Appropriation Act requires the Department to publish Community Revitalization Program (CRP) guidelines in the *Pennsylvania Bulletin* prior to the spending of the 2002-2003 moneys designated for the CRP. This statement of policy updates the existing CRP guidelines published in 2001.

Amendments

Sections 123.1 and 123.3 (relating to introduction; and eligibility) are amended to update the reference to the Appropriation Act and to the current fiscal year.

Section 123.5 (relating to application submission and approval procedure) is amended to update the reference to the current fiscal year, the grant award cycles and the proposed award dates.

Section 123.6 (relating to procedures) is amended to update the reference to the current fiscal year.

Fiscal Impact

The amended statement of policy has no fiscal impact on the Commonwealth, political subdivisions or the public.

Paperwork Requirements

Additional paperwork requirements are not imposed as a result of the amended statement of policy.

Contact Person

For further information regarding the amended statement of policy, contact Eileen Kovach, Customer Service Center, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225, (717) 787-3003.

Findings

The Department finds that delay in implementing the statement of policy will have a serious adverse impact on the public interest.

Order

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

(1) The statement of policy of the Department, 12 Pa. Code Chapter 123, is amended by amending §§ 123.1, 123.3, 123.5 and 123.6 to read as set forth in Annex A.

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

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

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

SAMUEL A. MCCULLOUGH,
Secretary

Fiscal Note: 4-75. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart A. STRATEGIC PLANNING AND OPERATION

CHAPTER 123. COMMUNITY REVITALIZATION PROGRAM—STATEMENT OF POLICY

§ 123.1 Introduction.

(a) The CRP provides grants for community revitalization and improvement projects throughout this Commonwealth. CRP funds may be used for projects that are in accordance with Act 7A of 2002. Eligible projects are defined in § 123.3(b) (relating to eligibility).

(b) Assistance from the CRP is in the form of grants from the Commonwealth to eligible applicants for projects which, in the judgment of the Department, comply with Act 7A of 2002, are in accordance with the program guidelines in this chapter and meet all Department Single Application for Assistance criteria found in the application.

(c) Applicants should be aware that applications for other Department programs may also be considered under the CRP. This creates a large pool of applications for a limited appropriation from the General Assembly. As such, not every application can or will be funded.

(d) 2002 CRP expenditures will be charged to the State fiscal year July 1, 2002 to June 30, 2003.

§ 123.3 Eligibility.

(a) *Eligible applicants.* The following applicants are eligible:

(1) General purpose units of local government, including, counties, cities, boroughs, townships and home rule municipalities.

(2) Municipal and redevelopment authorities and agencies.

(3) Industrial development authorities and agencies.

(4) Nonprofit corporations incorporated under the laws of the Commonwealth.

(5) Community organizations engaged in activities consistent with the program guidelines as determined by the Department.

(b) *Eligible projects.*

(1) CRP funds may be used for community revitalization and improvement projects that are consistent with Act 7A of 2002. Eligible projects include projects which meet one or more of the following criteria:

- (i) Improve the stability of the community.
- (ii) Promote economic development.
- (iii) Improve existing or develop new, or both, civic, cultural, recreational, industrial and other facilities.
- (iv) Assist in business retention, expansion, creation or attraction.
- (v) Promote the creation of jobs and employment opportunities.
- (vi) Enhance the health, welfare and quality of life of Pennsylvania citizens.

(2) Projects for the sole benefit of a for-profit entity are not eligible for program funding.

(c) *Guideline compliance for Fiscal Year 2002-2003.* Projects that receive funding shall meet one or more of the criteria in subsection (b).

§ 123.5 Application submission and approval procedure.

(a) The application is available by calling the Customer Service Center, the Department's Regional Offices or at the Department's website www.invent.pa.com. Applications will be accepted anytime throughout the fiscal year, subject to § 123.7 (relating to limitations and penalties).

(1) Applications should be submitted to the following address:

Department of Community and Economic Development
 Customer Service Center
 Commonwealth Keystone Building
 400 North Street, Fourth Floor
 Harrisburg, PA 17120-0225
 (800) 379-7448

(2) Applications may also be submitted on-line at the Department's website: www.dced.state.pa.us or www.esa.dced.state.pa.us.

(b) CRP grant awards will be made in four funding rounds during the fiscal year. The Department will grant approximately 20% to 25% of the program appropriation in each round, and the balance in the final round. These percentages are targets. The Department will make every effort to allocate program funds in accordance with these targets, but is not bound to them. Applicants should not apply in each round, and should apply only once during the 2002-2003 Fiscal Year. Grant applications not funded in a round will be rolled into the next round for consideration.

(1) The first round consideration will include all applications received between July 1, 2002, and Friday, August 30, 2002.

(2) The second round will include applications received by Friday, November 29, 2002, and applications not approved in the first round.

(3) The third round will include applications received by Friday, January 31, 2003, and applications not approved in the first and second rounds.

(4) The fourth round will include applications received by Monday, March 31, 2003, and applications not approved in the first, second and third rounds.

(5) Targeted grant announcement dates, subject to change without notice at the discretion of the Department, are as follows:

- (i) November 2002 for the first round.
- (ii) January 2003 for the second round.
- (iii) March 2003 for the third round.
- (iv) May 2003 for the fourth round.

(c) CRP funds remaining after the fourth round may be awarded by the Department up to the end of the fiscal year.

(d) Unlike prior years, letters will not be sent to applicants after each funding round advising applicants that they have not been funded.

(e) Applicants that do not receive funding during any of the rounds will be notified at the end of the fiscal year.

(f) Follow up information as to the status of submitted grant applications may be obtained by contacting the DCED Customer Service Center. However, calls are not encouraged. The account manager letter is confirmation of receipt of the application. The demand for this program is very high, and staff may not be familiar with each individual application. Applicant care in preparation of the application will assist the Department in processing the application.

(h) Applicants should not submit more than one application per fiscal year. Additional applications do not enhance opportunity for funding. The Department reserves the right to reject additional applications from the same applicant, without notice to the applicant.

(i) The Department reserves the right to reject, without notification, applications received after March 31, 2003, for the 2002-2003 fiscal year appropriation.

§ 123.6 Procedures.

(a) CRP grant award notifications will be made by letter. After the award letter has been mailed, the applicant will receive a contract document that shall be signed by the grantee and returned to the Department for execution on behalf of the Commonwealth. Grants will not be awarded without a fully executed contract.

(b) The applicant will maintain full and accurate records with respect to the project. The Department will have free access to these records including invoices of material and other relative data and records, as well as the right to inspect all project work. The applicant shall furnish upon request of the Department all data, reports, contracts, documents and other information relevant to the project.

(c) Approved grants in the amount of \$100,000 or more require the grantee to provide an audit of the grant by a certified public accountant, prepared at the expense of the grantee, in compliance with State law.

(d) Approved grants under \$100,000 require the grantee to submit a detailed financial statement and a close out report of the use of State funds consistent with the contract. An audit is recommended, although not required.

(e) Funds will be disbursed according to the provisions in the contract between the applicant and the Department.

(f) Applications not acted on favorably will be considered to have been denied and will not be considered for the 2003-2004 fiscal year.

[Pa.B. Doc. No. 02-1480. Filed for public inspection August 23, 2002, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, August 28, 2002. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, NJ.

The conference will begin at 9:30 a.m. Topics of discussion include: a presentation on the performance of Commission investments through Valley Forge Private Asset Management and Mellon Asset Management; a report on the status of the campaign to restore Federal funding in the Federal fiscal year 2003 budget and the implications for the Commission's budget; an update on the Comprehensive Plan; a report on the PCB Expert Panel Meeting of August 21 and the TAC-Expert Panel Meeting of August 22; a presentation by the Marasco Newton Group on its Convening Report for the TMDL Implementation Advisory Committee; a presentation of the New York City Department of Environmental Protection on the Draft New York City Filtration Avoidance Determination for the Catskill-Delaware Water Supply System; and, time permitting, a preview of the 305(b) (water quality) report on the Main Stem and Delaware Bay.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the dockets listed below: a resolution to revise Doc. D-96-50 CP, issued to United Water Delaware, by the addition of a new condition "m," and a resolution amending the Comprehensive Plan and Water Code relating to the operation of Lake Wallenpaupack during drought, drought warning and drought watch conditions. The Commission meeting and public hearing notice posted on the Commission's web site, <http://www.drbc.net>, contains a link to the text of the proposed Lake Wallenpaupack resolution.

The dockets scheduled for public hearing are as follows:

1. Holdover Project: Bidermann Golf Club D-2002-13. A ground water withdrawal project to supply up to 0.864 million gallons (mg)/30 days of water to the applicant's golf course from new Well No. 5 in the Wissahickon Formation and to increase the existing withdrawal from all sources to 15.8 mg/30 days. The project is located in the Brandywine Creek Watershed in the City of Wilmington, New Castle County, Delaware.

2. Mount Laurel Township Municipal Authority D-85-9 CP RENEWAL. Renewal of a ground water withdrawal project to continue withdrawal of 120 mg/30 days to supply the applicant's public water distribution system from existing Wells Nos. 3, 4, 6 and 7 in the Lower Potomac-Raritan-Magothy Formation. The project is located in Mount Laurel Township, Burlington County, New Jersey.

3. Coastal Eagle Point Oil Company and Eagle Point Cogeneration Partnership D-86-15 RENEWAL 2. Renewal of a ground water withdrawal project to continue withdrawal of 232 mg/30 days to supply the applicant's industrial processes from existing Production Wells Nos. 1, 3, 4A, 5 and 6A and Recovery Wells in the Raritan-

Magothy Formation. The project is located in West Deptford Township, Gloucester County, New Jersey.

4. Kimble Glass, Inc. D-99-23. A ground water withdrawal project to supply up to 50 mg/30 days of water to the applicant's glass manufacturing facility from Wells Nos. 5, 6 and 7 in the Cohansey Aquifer. The project is located in Vineland City, Cumberland County, New Jersey.

5. Artesian Water Company, Inc. D-2000-47 CP. A ground water withdrawal project to supply up to 8.0 mg/30 days of water to the applicant's public water distribution system from new Well No. 1 in the Cheswold Aquifer and new Well No. 2 in the Frederica Aquifer and to limit the withdrawal from all wells to 8.0 mg/30 days. The project is located in the St. Jones River Watershed near the City of Magnolia, Kent County, Delaware.

6. Artesian Water Company, Inc. D-2001-25 CP. A ground water withdrawal project to supply up to 19.44 mg/30 days of water to the applicant's public water supply system from new Wells Nos. 1 and 2 in the Rancocas Formation and to limit the existing withdrawal from all wells to 19.44 mg/30 days. The project is located in the Smyrna River Watershed outside of Smyrna City, Kent County, Delaware.

7. The Upper Hanover Authority D-2002-10 CP. A ground water withdrawal project to supply up to 9.72 mg/30 days of water to the applicant's public water distribution system from new Well No. TUHA-4 in the Brunswick Formation and to increase the existing withdrawal from all wells from 22.4 to 32.12 mg/30 days. The project is located in the Perkiomen Creek Watershed in Upper Hanover Township, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

8. Upper Makefield Township D-2002-17 CP. An upgrade and expansion of a 0.1 million gallons per day (mgd) secondary sewage treatment plant (STP) to provide tertiary treatment of 0.173 mgd. The STP will continue to serve only Upper Makefield Township, Bucks County, Pennsylvania, but a proposed development known as The Arbours at Washington Crossing will be connected. Up to 122,544 gallons per day of STP effluent will be discharged to 18 detention/recharge basins and ponds at the proposed development, which is located on a 72 acre tract at the intersection of Taylorsville and Washington Crossing Roads. The remaining STP effluent will be discharged to the Delaware River in Water Quality Zone 1E through the existing outfall. The STP is located west of Taylorsville Road, approximately .5 mile northwest of its intersection with State Route 532.

9. Delaware Racing Association D-2002-19. An increase in a surface water withdrawal from White Clay Creek in the Christina River Watershed, from 0.4 mgd to 2.45 mgd. The proposed increase is needed to irrigate a new adjacent golf course, to be owned and operated by Parkside III, LLC. In order to meet existing bypass streamflow requirements of 40.3 cfs (26.4 mgd), two large storage ponds will be provided to contain water skimmed during higher streamflow conditions. During prolonged dry weather periods when the applicant is not permitted to withdraw surface water, pond storage supply may be supplemented under an agreement with a local water purveyor. The proposed total maximum 30 day surface

water withdrawal is 22.6 mg, and the maximum annual withdrawal is expected to be 71 mg for irrigation, plus 35 mg for pond storage. The project is located 1 mile west of the intersection of State Route 7 and the Amtrak rail lines in New Castle County, Delaware.

10. Morgan Hill Golf Club D-2002-24. A ground water withdrawal project to supply up to 6.8mg/30 days of water to the applicant's golf course from new Well No. IW-1 in the Leithsville Dolomite Formation. The project is located in the Delaware River Watershed in Williams Township, Northampton County, Pennsylvania.

11. Village of Andes D-2002-25 CP. Construction of an STP to replace individual septic systems serving the Village of Andes residents in the Town of Andes, Delaware County, New York. The proposed 0.062 mgd STP is designed to provide tertiary treatment via sequencing batch reactor and microfiltration processes. STP effluent will be discharged to Tremper Kill, a tributary of the East Branch Delaware River upstream of the Pepacton Reservoir, within the drainage area to the Commission's Special Protection Waters. The STP will be constructed between Cabin Hill and Tremper Kill Roads, just within the village border.

12. Moyer Packing Company D-2002-26. A ground water withdrawal project to supply up to 8.29 mg/30 days of water to the applicant's beef processing facility from new Wells Nos. PW-9 and PW-10 in the Brunswick Formation, and to increase the existing withdrawal from all wells to 24.0 mg/30 days. The project is located in the Skippack Creek Watershed in Franconia Township, Montgomery County, in the southeastern Pennsylvania Ground Water Protected Area.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting: Minutes of the July 17, 2002, business meeting; announcements; a report on Basin hydrologic conditions; a report by the Executive Director; a report by the Commis-

sion's General Counsel, including consideration of a timely request by Exelon Business Services Company (formerly PECO) for a hearing under Article 6 of the Commission's Rules of Practice and Procedure; a resolution extending the drought emergency declared by Resolution No. 2001-32; a resolution authorizing the Executive Director to execute an agreement with the State of New Jersey, through its Marine Sciences Consortium, to receive and expend funds not to exceed \$5,000 for sampling in the Delaware Bay, Delaware Estuary and tributaries for the "Coastal 2001-2005" Project; and a resolution authorizing the Executive Director to execute an agreement with the State of New Jersey for a Section 319H Non-Point Source Pollution Control and Management Implementation Program Grant in the amount of \$73,000 to provide fluvial geomorphology technical assistance for stream assessment and restoration. The meeting will end with an opportunity for public dialogue.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883-9500 ext. 221 with any docket related questions. Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at (609) 883-9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary directly at (609) 883-9500 ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY) to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 02-1481. Filed for public inspection August 23, 2002, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by 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.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0085103	Dorma Door Controls, Inc. Dorma Drive Reamstown, PA 17567	Lancaster County East Cocalico Township	UNT Stony Run 7J	Y
PA0082198	Peters Township Board of Supervisors P. O. Box 88 Lemasters, PA 17231	Franklin County Peters Township	UNT to Conococheague Creek 13C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0115231 Sewerage Public	Woodland Bigler Area Authority P. O. Box 27 Woodland, PA 16881	Clearfield County Bradford Township	Roaring Run 8C	Y
PA0040835 IW	Fish and Boat Commission 1150 Spring Creek Road Bellefonte, PA 16823-8458	Centre County Benner Township	Spring Creek 9C	Y

Southeast Regional: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

PA0052035, Sewage, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This application is for renewal/amendment of an NPDES permit to discharge 172,544 GPD of treated sewage from Heritage Hills Wastewater Treatment Plant in Upper Makefield Township, **Bucks County**.

This is an existing discharge to the Delaware River. The applicant is requesting to directly stream discharge 50,000 GPD and discharge the remaining 122,544 GPD to various recharge areas within the proposed Arbours at Washington Crossing Subdivision.

The receiving stream is classified for the following uses: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 (MP101, effluent pump station to Delaware River) based on an average flow of 100,000 GPD are as follows. The limits are effective during the period from permit issuance through completion of plant upgrade. The limits are based on direct discharge to the Delaware River.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for Outfall 001 (MP 101, effluent pump station to Delaware River) upon completion of plant upgrade lasting through expiration, based on an average flow of 50,000 GPD are as follows. These limits are based on direct discharge of effluent into the Delaware River. In case of an emergency, when the effluent cannot be discharged through MP102, the maximum flow can be discharged from Outfall 001 shall be 172,544 GPD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	3.0	45	60
Total Residual Chlorine	0.5		1.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for MP102 (recharge area pump station) effective, upon plant upgrade lasting through expiration, based on an average daily flow of 122,544 GPD are as follows:

The effluent from this monitoring point will be disposed of at various recharge areas within the Arbours at Washington Crossing. The Arbours at Washington Crossing site will consist of 17 detention basins and ponds. Overflow (if any) from these basins/ponds will be discharged either into Hough's Run or into Pennsylvania Canal, which ultimately drains into Delaware River.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	15	20
Total Suspended Solids	10	15	20
Ammonia (as N)	3.0		6.0
Total Residual Chlorine	0.23		0.45
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

Other Conditions: conditions for future permit modification; effective disinfection; 85% reduction of BOD₅ per Delaware River Basin Commission requirements; Re 30 (GJE02) 094-10D.

The EPA Waiver is in effect.

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

PA0210358, Sewage, **Robert and Patricia Gabreski**, 410 Quaker Hill Road, Warren, PA 16365. This existing facility is located in Glade Township, **Warren County**.

Description of Proposed Activity: a renewal of a permit for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Allegheny River and is used by the Emlenton Water Company at River Mile 90.0, 101 miles below point of discharge.

The receiving stream, unnamed tributary (Quaker Run) to Conewango Creek, is in Watershed 16-B and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor and Report	
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (all year)		200/100 ml as a geometric average	
Total Residual Chlorine	1.4		3.3
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 Nonwaived Permit Applications

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

PA0062529, Industrial, **Schuylkill County Municipal Authority**, 221 South Centre Street, P. O. Box 960, Pottsville, PA 17901. This proposed facility is located in Blythe Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Wolf Center, is in the State Water Plan Watershed #3A and is classified for: CWF. The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on Schuylkill River, over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.164 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	1.30	2.60	0.95	1.90
Total Iron			2.0	4.0
Total Manganese			1.0	2.0
Total Copper	0.07	0.14	0.05	0.10
Total Lead	0.015	0.03	0.011	0.022
Total Zinc	0.045	0.09	0.032	0.064
Total Residual Chlorine			0.5	
pH			6—9 Standard Units	
Chloroform			Monitor/Report	

PA0062197, Industrial, **Schuylkill County Municipal Authority**, 221 South Centre Street, P. O. Box 960, Pottsville, PA 17901. This proposed facility is located in New Castle Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Mud Run, is in the State Water Plan Watershed #3A and is classified for: CWF. The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on Schuylkill River, over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.03 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	0.85	1.70	3.4	6.8
Total Iron			2.0	4.0
Total Manganese			1.0	2.0
Total Residual Chlorine			0.5	
pH			6—9 Standard Units	
Chloroform	0.002	0.004	0.009	0.018

PA0063258, Industrial, **Mahanoy Township Authority**, 46 North Main Street, Mahanoy City, PA 17948-2659. This proposed facility is located in Mahanoy Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES permit.

The receiving stream, unnamed tributary to North Mahanoy Creek, is in the State Water Plan Watershed #6B and is classified for: CWF.

The proposed effluent limits for Outfall 001 based on a design flow of 0.1 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	60
pH			6—9 Standard Units	
Total Aluminum			2.0	4.0
Total Iron			2.0	4.0
Total Manganese			1.0	2.0
Total Residual Chlorine			0.5	

PA0062758, Industrial, **Municipal Authority of Borough of Shenandoah**, P. O. Box 110, Shenandoah, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Activity: renew an NPDES permit.

The receiving stream, Lost Creek, is in the State Water Plan Watershed #6C and is classified for: CWF.

The proposed effluent limits for Outfall 001 based on a design flow of 0.128.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Parameter</i>	<i>Average Monthly</i>
Total Suspended Solids			30.0	60.0
Total Aluminum			4.0	8.0
Total Iron			2.0	4.0
Total Manganese			1.0	2.0

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Parameter</i>	<i>Average Monthly</i>
Total Residual Chlorine			0.5	
pH			6-9 Standard Units	

PA0011517, Industrial, **Keystone Cement Company**, P. O. Box A, Route 329, Bath, PA 18014-0058. This proposed facility is located in East Allen Township, **Northampton County**.

Description of Proposed Activity: Renewal of Industrial Waste NPDES Permit.

The receiving stream, Monocacy, is in the State Water Plan Watershed #2C and is classified for: HQ-CWF. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River, over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 003 based on a design flow of 0.256 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Temperature	110°F		
pH	Within limits of 6.0—9.0 Standard Units at all times.		

The proposed effluent limits for Stormwater Outfall 004 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			Monitor/Report
COD			Monitor/Report
Oil and Grease			Monitor/Report
pH	Within limits of 6.0—9.0 Standard Units at all times.		
Total Suspended Solids			50
Total Kjeldahl Nitrogen			Monitor/Report
Total Phosphorus			Monitor/Report
Iron (Dissolved)			Monitor/Report

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

Application No. PA0246379, CAFO, **White Oak Mills, Inc. (Blue Mountain Finishing Farm)**, 419 West High Street, Elizabethtown, PA 17022-2189. White Oak Mills, Inc. has submitted an application for an Individual NPDES permit for an existing CAFO known as Blue Mountain Finishing Farm, 10391 Otterbein Church Road, Lurgan Township, **Franklin County**.

The CAFO is situated near an unnamed tributary of Clippingers Run in Watershed 7-B, which is classified for WWF. The CAFO is designed to maintain an animal population of approximately 554 AEU's consisting of 4,600 finishing swine. The animals are housed in four swine barns. Manure drains into a two-stage HDPE-lined manure storage facility. The total capacity of the manure storage facilities is 4.11 million gallons for the first stage and 3.79 million gallons for the second stage.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the 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 the determination may be appealed to the Environmental Hearing Board.

The EPA permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA0246701, CAFO, **Norman J. and Mark J. Sollenberger (Sollenberger Brothers)**, 820 Salemsville Road, New Enterprise, PA 16664. Norman J. and Mark J. Sollenberger have submitted an application for an Individual NPDES permit for an existing CAFO known as Sollenberger Brothers in South Woodbury Township, **Bedford County**.

The CAFO is situated near Beaver Creek in Watershed 11-D, which is classified for HQ-CWF. The CAFO is designed to maintain an animal population of approximately 730 AEU's consisting of 275 sows, 25 gilts, 20 boars, 780 nursery pigs, 2,250 finishing pigs, 240 adult Jersey cows, 30 Jersey heifers and 90 Jersey calves. The

animals will be housed in a cow and heifer barn and two hog barns. Semisolid manure from the dairy operation is spread daily. When conditions do not allow spreading, the manure is stacked temporarily on a noncropped area. Liquid manure and milk house waste is applied to a filter grass strip.

Manure from the hog operation is conveyed by gravity to a concrete lagoon and an HDPE lined lagoon. The total capacity of the manure storage facilities for the hog operation is 1,162,500 gallons. There is no manure storage for the dairy operation. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the

writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the 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 the determination may be appealed to the Environmental Hearing Board.

The EPA permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

NPDES PA0027057, Sewage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. This proposed facility is located in the City of Williamsport, **Lycoming County**.

Description of Proposed Activity: Renewal of Major NPDES Permit for the Williamsport Sanitary Authority Central Plant.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed #10B and is classified for: WWF. The nearest downstream public water supply intake, for the Pennsylvania-American Water Company at Milton, is located on the West Branch Susquehanna River, 29 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an Annual Average Design Flow of 8.4 MGD:

<i>Discharge Parameter</i>	<i>Monthly Average (mg/L)</i>	<i>Weekly Average (mg/L)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
Total Chlorine Residual	0.52		0.90	1.7
Free Cyanide	0.035		0.054	0.088
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)				
pH				

200 col/100 mL as a Geometric Mean
2,000 col/100 mL as a Geometric Mean
Within the range of 6.0 to 9.0

Combined Sewer Overflow Outfalls: 002—004.

- Monitor and Report
- Continue Implementing CSO Strategy

In addition to the effluent limits, the permit contains the following major special conditions: operation/implementation of pretreatment program; toxics reduction evaluation; management and controls of combined sewers overflows.

NPDES PA0027049, Sewage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. This proposed facility is located in the City of Williamsport, **Lycoming County**.

Description of Proposed Activity: Renewal of Major NPDES Permit for the Williamsport Sanitary Authority West Plant.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed #10A and is classified for: WWF. The nearest downstream public water supply intake, for the Pennsylvania-American Water Company at Milton, is located on the West Branch Susquehanna River, 32 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an annual average design flow of 3.92 MGD:

<i>Discharge Parameter</i>	<i>Monthly Average (mg/L)</i>	<i>Weekly Average (mg/L)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
CBOD ₅	43	65		86
Total Suspended Solids	41	62		82
Total Chlorine Residual	1.35		2.33	4.41

<i>Discharge Parameter</i>	<i>Monthly Average (mg/L)</i>	<i>Weekly Average (mg/L)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
Bromoform	0.684		1.368	1.710
Chlorodibromomethane	0.065		0.130	0.163
Dichlorobromomethane	0.089		0.178	0.223
Fecal Coliforms (5-1 to 9-30)		200 col/100 mL as a Geometric Mean		
(10-1 to 4-30)		2,000 col/100 mL as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

Combined Sewer Overflow Outfall: 002

- Monitor and Report
- Continue Implementing CSO Strategy

In addition to the effluent limits, the permit contains the following major special conditions: operation/implementation of pretreatment program; toxics reduction evaluation; management and controls of combined sewers overflows.

NPDES PA0028665, SIC 4952, **Jersey Shore Borough**, P. O. Box 526, Jersey Shore, PA 17740. This proposed action is for renewal of a NPDES permit for an existing discharge of treated sewage to the West Branch Susquehanna River in Jersey Shore Borough, **Lycoming County**.

The receiving stream is in the Lycoming Watershed (#10-A) and is classified for the following uses: WWF, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply considered during the evaluation is the Pennsylvania American Water Company, located approximately 40 miles downstream.

Outfall 001: The proposed effluent limits, based on a design flow of 1.05 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	25	40	50
Suspended Solids	30	45	60
Total Chlorine Residual	1.5		3.5
Free Chlorine Residual	Monitor		Monitor
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		
pH	6.0—9.0 Standard Units at all times		

Other Conditions: Biomonitoring requirements.

The EPA waiver is not in effect.

NPDES PA0228575, Industrial Waste SIC, 4941, **Pennsylvania-American Water Company**, 105 Sodom Road, Milton, PA 17847. This proposed facility is located in Rush Township, **Centre County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for a proposed discharge of groundwater for stream augmentation.

The receiving stream, unnamed tributary of Trout Run (Minnie Run), is in the State Water Plan Watershed 8D and classified for: CWF. The nearest downstream public water supply intake for Pennsylvania-American Water Company is located on West Branch Susquehanna River, 180 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.325 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH			Within the range of 6.0 to 9.0		
Turbidity				Report	
Temperature °F				Report	

NPDES PA0228583, Industrial Waste SIC, 4941, **Pennsylvania-American Water Company**, 105 Sodman Road, Milton, PA 17847-9762. This proposed facility is located in Rush Township, **Centre County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for a proposed discharge of supply well water for stream augmentation.

The receiving stream, Trout Run, is in the State Water Plan Watershed 8D and classified for: CWF. The nearest downstream public water supply intake for Pennsylvania-American Water Company is located on West Branch Susquehanna River, 180 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.36 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Daily Maximum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH					Within the range of 6.0 to 9.0
Turbidity				Report	
Temperature °F				Report	

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

PA0028673, Sewage, **Gallitzin Borough Sewer and Disposal Authority**, 411 Convent Street STE 10, Gallitzin, PA 16641. This application is for renewal of an NPDES permit to discharge treated sewage from Borough of Gallitzin Wastewater Treatment Plant in Gallitzin Township, **Cambria County**.

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

Outfall 001: existing discharge, design flow of 0.4 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	8.5	12.8		17.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,500/100 ml as a geometric mean			
Total Residual Chlorine	.17			.56
Chemical Additive C-496	.07	.10		.14
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002—007 serve as combined sewer overflows.

The EPA waiver is in effect.

PA0028703, Sewage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317-3153. This application is for renewal of an NPDES permit to discharge treated sewage from the Donaldson's Crossroads Water Pollution Control Plant in Peters Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chartiers Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 1.2 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25.0	37.5		50.0
Suspended Solids	30.0	45.0		60.0
Ammonia Nitrogen				
(5-1 to 10-31)	9.0	13.5		18.0
(11-1 to 4-30)	20.0	30.0		40.0
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				
1st Month to 12th Month	1.0			3.3
13th Month to Expiration	0.5			1.6
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0090131, Sewage, **Samuel Bottone**, R. D. 1, Lot 6, Scenery Hill, PA 15360. This application is for renewal of an NPDES permit to discharge treated sewage from Beryl Acres STP in North Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary South Branch Pigeon Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ellsworth Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.011 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)	3.8			7.6
(11-1 to 4-30)	7.6			15.2
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine	.63			1.47
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0090913, Sewage, **Independence Township Municipal Authority**, P. O. Box 156, Avella, PA 15312. This application is for renewal of an NPDES permit to discharge treated sewage from P&W Patch STP in Independence Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Cross Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the City of Wheeling, Ohio River.

Outfall 001: existing discharge, design flow of 0.024 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)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.08			.19
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204854, Sewage, **Knob Vue Estates, Inc.**, 40 Metz Hill Road, Freedom, PA 15042. This application is for Renewal of an NPDES permit to discharge treated sewage from Knob Vue Estates STP in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Pine Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the ARCO Chemical Company—BV Plant on the Ohio River.

Outfall 001: existing discharge, design flow of 0.0145 mgd.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
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	0.15			0.35
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0238805, Sewage, **Northwest Savings Bank**, Bon Air Road off Highway 646, Bradford, PA 16701. This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Activity: A new Part I Permit for a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Pennsylvania/New York line on Tunungwant Creek, approximately 6 miles below point of discharge.

The receiving stream, unnamed tributary to Pennbrook Run is in Watershed 16-C and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0008 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
Total Residual Chlorine	1.4		3.3
Fecal Coliform	200/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

XX—Monitor and Report

The EPA Waiver is in effect.

PA0238902, Sewage, **Henry T. and Charlotte G. Bayer**, R. R. 1, Box 86, New Castle, PA 16101. This proposed facility is located in Hickory Township, **Lawrence County**.

Description of Proposed Activity: a new permit for a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Municipal Authority of Township of Sewickley on Beaver River located at River Mile 7.56, approximately 22.2 miles below point of discharge.

The receiving stream, Hottenbaugh Run (UNT to Neshannock Creek), is in watershed 20-A and classified for: TSF, aquatic life, water supply and recreation.

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

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

The EPA Waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

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

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

WQM Permit No. 0902201, Industrial Waste, **Circle K Stores, Inc. c/o Phillips 66 Company**, 1100 Routes 1 and 9, Linden, NJ 07036. This proposed facility is located in Doylestown Borough, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation for a groundwater remediation system with reinjection of effluent at site.

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

WQM Permit No. 2202404, Sewerage, **Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033-2453. This proposed facility is located in Conewago Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction/operation of the Church Road Pump Station, Woodbine Road Pump Station and the Roundtop Pump Station.

WQM Permit No. 2202405, Sewerage, **Allen McCormack**, 500 North Lockwill Avenue, Harrisburg, PA 17112. This proposed facility is located in Reed Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction/operation of a small flow sewage treatment system to serve apartments and business offices at East side of US Route 22/322 at North end of US Route 22/322 Clarks Ferry Bridge.

WQM Permit No. 3802401, Sewerage, **Copart Auto Auctions**, 5500 East Second Street, 2nd Floor, Benicia, CA 94510. This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/operation of a small flow sewage treatment system to serve the Copart Auto Auction in Grantville.

WQM Permit No. 3402202, Industrial Waste, **Valley Proteins, Inc.**, P. O. Box 3588, Winchester, VA 22604-2586. This proposed facility is located in Mifflintown Borough, **Juniata County**.

Description of Proposed Action/Activity: Authorization for to dispose of waste by land application at their Mifflintown facility.

WQM Permit No. 2902403, CAFO Operation, **Fowler Farm, Inc.**, 1359 Hanks Road, Crystal Spring, PA 15536-8609. This proposed facility is located in Brush Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Modifications of existing manure storage facility to add perimeter drain system per Consent Order and Agreement.

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

WQM Permit No. 5302201, CAFO Operation, **Torr-View Farms**, 59 State Route 244, Coudersport, PA 16915. This proposed facility is located in Hebron Township, **Potter County**.

Description of Proposed Action/Activity: Application to construct and operate a concrete manure storage tank, 140 feet in diameter by 16 feet high.

WQM Permit No. 5902408, Sewerage SIC 4952, **Lee R. Kaltenbach**, R. R. 6, Box 106A, Wellsboro, PA 16901. This proposed facility is located in Delmar Township, **Tioga County**.

Description of Proposed Action/Activity: This is an application for a SFTF serving a bed and breakfast.

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

WQM Permit No 6202408, Sewerage, **William Jewell**, P. O. Box 158, Garland, PA 16416. This proposed facility is located in Pittsfield Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

WQM Permit No 2002418, Sewerage, **David W. and Melissa A. Bartholomew**, 20031 Parkwood Drive, Saegertown, PA 16433. This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

II. Oil and Gas Management Permit Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

WQM Permit No. 4202601, Industrial Waste, **Cline Oil Company**, One Longfellow Avenue, Bradford, PA 16701-2140. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: Construct and operate a passive wetland treatment system for treating production fluids from oil 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.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed

permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

NPDES Permit PAS10G538, Stormwater, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425 has applied to discharge stormwater associated with a construction activity located in Upper Uwchlan Township, **Chester County** to Pickering Creek (HQ-TSF).

NPDES Permit PAS10G539, Stormwater, **C. Edward Laurie**, 244 Upper Valley Road, Christiana, PA 17509, has applied to discharge stormwater associated with a construction activity located in East Nottingham Township, **Chester County** to Little Elk Creek (HQ-TSF; MF).

NPDES Permit PAS10G540, Stormwater, **Gambone Brothers**, 1030 West Germantown Pike, P. O. Box 287, Fairview Village, PA 19409, has applied to discharge stormwater associated with a construction activity located in North Coventry Township, **Chester County** to unnamed tributary to Pigeon Creek (HQ-TSF).

NPDES Permit PAS10G059-R, Stormwater, **Spring Run Estates**, Old Telegraph Road, R. D. 7, Coatesville, PA 19320 has applied to discharge stormwater associated with a construction activity located in West Caln Township, **Chester County** to West Branch Brandywine Creek (HQ).

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

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q246	Dale Koller 1870 Waldheim Rd. Bethlehem, PA 18015	Lehigh County Weisenberg Township	Jordan Creek HQ-CWF, MF
<i>Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.</i>			
<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10S020-R-1	Keystone Hollow Corp. P. O. Box 1158 Marshalls Creek, PA 18335	Monroe County Middle Smithfield Township	Marshalls Creek HQ-CWF Bush Kill HQ-TSF

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

<p>NPDES No. PAS10U178</p>	<p>Applicant Name & Address Rev. James Grimes The Carpenter's Community Church P. O. Box 358 Nazareth, PA 18064</p>	<p>County & Municipality Northampton County Lower Nazareth Township</p>	<p>Receiving Water/Use Monocacy Creek HQ-CWF</p>
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**PUBLIC WATER SUPPLY (PWS)
PERMIT**

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

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

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

Permit No. 6702508, Public Water Supply.

Applicant	Shrewsbury Borough
County	York
Responsible Official	Peter W. Schnabel, Council President 35 W. Railroad Avenue Shrewsbury, PA 17361
Type of Facility	PWS

Consulting Engineer	Charles A. Kehew II, P. E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401
Application Received Date	April 16, 2002
Description of Action	Installation of a booster pump at an existing interconnection to allow Shrewsbury Borough to reverse flow from the low-service gradient of its distribution system to the high-service gradient as needed. A 100-gallon per minute pump will be installed in an existing, previously permitted subsurface vault.

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

Permit No. 0489509-A3, Public Water Supply.

Applicant	Westmoreland County Municipal Authority P. O. Box 730 Greensburg, PA 15601-0730
Township or Borough	Penn Township
Responsible Official	Christopher Kerr Westmoreland County Municipal Authority P. O. Box 730 Greensburg, PA 15601-0730
Type of Facility	Pump Station
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Application Received Date	July 18, 2002
Description of Action	Additions to the Clelian Heights Pump Station

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

Permit No. 4202501, Public Water Supply.

Applicant	Eldred Borough Water Authority 3 Bennett Street Eldred, PA 16731
Township or Borough	Eldred Borough
Responsible Official	McKean
Type of Facility	PWS

Consulting Engineer E&M Engineers and Surveyors
PC
24 Derrick Road
Bradford, PA 16701-3350

Application Received Date July 25, 2002

Description of Action Install booster pump on Bardon Brook Road waterline.

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 **Meadowbrook Mobile Home Park**

Township or Borough Washington Township

Responsible Official Anne Simons, Managing Partner
The Simons Family Partnership
641 Richmond Road
Bangor, PA 18013

Type of Facility PWS

Application Received Date July 17, 2002

Description of Action Permit Transfer

Application No. Minor Amendment.

Applicant **Jackson G. Perry**

Township or Borough Wayne Township

Responsible Official Jackson Perry, Owner
1703 Panther Valley Road
Pine Grove, PA 17963

Type of Facility Bulk Water Hauling Facility

Consulting Engineer Edward E. Davis, P. E.
WJP Engineers
1406 Laurel Boulevard
Pottsville, PA 17901

Application Received Date July 31, 2002

Description of Action The applicant proposes to delete ozonation at the site utilized for disinfection purposes and retain UV treatment facilities as the sole disinfection treatment technique at the site. Also, minor changes to the previously permitted storage tank are proposed.

Application No. Minor Amendment.

Applicant **Matamoris Municipal Authority**

Township or Borough Matamoris Borough

Responsible Official 304 Pennsylvania Avenue
Matamoris, PA 18336

Type of Facility Community Water System

Consulting Engineer James M. Farr, P. E.
McGoey Hauser Edsall,
Consulting Engineers
507 Broad Street
Milford, PA 18337

Application Received Date July 22, 2002

Description of Action The conversion of gas chlorination to hypochlorite at four well houses.

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

Application No. 2595504-MA2, Minor Amendment.

Applicant **Woodhaven Mobile Home Park**
7950 Page Road
Wattsburg, PA 16442

Township or Borough Greene Township, Erie County

Responsible Official Shane and Judith Kosterman
Owners/Operators

Type of Facility PWS

Consulting Engineer Lake Engineering
140 Meadville Street
Edinboro, PA 16412

Application Received Date July 29, 2002

Description of Action Replace existing 10,000 gallon steel chlorine contact/storage tank with two 10,000 gallon fiberglass chlorine contact/storage tanks.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth.

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

WA 28-161B, Water Allocations, **Borough of Chambersburg**, 100 South Second Street, Chambersburg, PA 17201. This facility is located in Chambersburg Borough, **Franklin County**. The applicant is requesting the right to withdrawal up to 6.0 mgd from their existing intake structure located on the Conococheague Creek. Consulting engineer: Gene C. Koontz, Gannett Fleming, Inc. Application received May 8, 2002.

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:

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

Highland Group Ind.—Sheffield Plant, Sheffield Township, **Warren County**. Civil & Environmental Consultants, Inc. (on behalf of Highland Group Industries of 31200 Solon Rd., Solon, OH 44139) has submitted a Notice of Intent to Remediate Soil contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Site Specific Nonresidential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Valley Voice* on August 9, 2002.

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

Duff Residence, Upper Southampton Township, **Bucks County**. Eric Rosina, Storb Environmental, Inc.,

410 N. Easton Rd., Willow Grove, PA 19090-2511, on behalf of Edward Duff, 2100 Byberry Rd., Huntingdon Valley, PA 19006, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Fuel Oil No. 2. 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 *Bucks County Courier* on July 2, 2002.

Wycombe Railroad Station, Buckingham Township, **Bucks County**. Stephen W. Osborn, Merritt/Osborn, Inc., P. O. Box 299, 465 Crowell Rd., Chatham, MA, on behalf of Bucks County Railroad Preservation & Restoration Corp., 4613 Hughesian Dr., P. O. Box 413, Buckingham, PA, has submitted a Notice of Intent to Remediate soil contaminated with lead and heavy metals. 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 Intelligencer* on July 24, 2002.

Route 113 and Bethlehem Pike, Hilltown Township, **Bucks County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of State Farm Mutual Automobile Insurance Co., One State Farm Plaza, Bloomington, IL, has submitted a Notice of Intent to Remediate soil contaminated with lead, arsenic and benzo(a)pyrene. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *News Herald* on July 24, 2002.

Keystone Floor Products, Bensalem Township, **Bucks County**. James F. Mullan, P. E., Hocage Consulting, Inc., on behalf of Keystone Floor Products, 2969 Samuel Dr., Bensalem, PA 19020, has submitted a Notice of Intent to Remediate soil contaminated with PAHs and pesticides; and groundwater contaminated with lead and heavy metals. 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 Times* on July 24, 2002.

Laramie Tire, Norristown Borough, **Montgomery County**. Christopher Orzechowski, P. G., RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of GHR & Assoc./MAACO, 1050 Bethlehem Pike, Montgomeryville, PA, has submitted a Notice of Intent to Remediate groundwater contaminated with 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 *Times Herald* on July 24, 2002.

Dekalb Street Site, Upper Merion Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Glasgow, Inc., Willow Grove Ave. and Limekiln Pk., P. O. Box 1089, Glenside, PA 19038, has submitted a Notice of Intent to Remediate soil contaminated with 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 *King of Prussia Courier* on July 19, 2002.

Klausner Residence, Plymouth Township, **Montgomery County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104, on behalf of Edith Klausner, 16 Locust Lane,

Plymouth Township, PA, has submitted a Notice of Intent to Remediate groundwater contaminated with 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 *Philadelphia Daily News* on July 15, 2002.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Cole Steel Loucks Mill Road Facility, Spring Garden Township, **York County.** Buchart Horn, Inc., P. O. Box 15040, York, PA 17405-7040, on behalf of Northrop Grumman Corporation, P. O. Box 18, Granit Springs, NY 10527, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PAHs, solvents and cyanide. The applicant proposes to remediate the site to meet the requirements for a combination of the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Dispatch* on July 29, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit Application No. 100549. Waste Management Disposal Services of Pennsylvania, Inc., 1425 Sell Road, Pottstown, PA 19464, Douglass Township and West Pottsgrove Townships, **Berks and Montgomery Counties.** Phase I application for the vertical expansion of the Eastern Expansion of the Pottstown Landfill. LMIP meeting held on August 1, 2002, and an alternate project timeline of 380 days negotiated for the Phase I and Phase II reviews. The application is considered received by the Southeast Regional Office on August 8, 2002.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing

the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the Act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

45-302-070: Pocono Medical Center (206 East Brown Street, East Stroudsburg, PA 18301-3094) for construction of two natural gas/#2 oil fired boilers in East Stroudsburg Borough, **Monroe County.**

48-318-134: Bethlehem Contracting Co. (P. O. Box 40, Bath, PA 18014) for modification of paint spraying operations and associated air cleaning device in East Allen Township, **Northampton County.**

48-399-052: Bethlehem Contracting Co. (P. O. Box 40, Bath, PA 18014) for construction of a steel shot blast operation and associated air cleaning device in East Allen Township, **Northampton County.**

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

41-00025A: Lycoming County Resource Management Services (447 Alexander Drive, Montgomery, PA 17752) for construction of a tubgrinder at the Lycoming County Landfill in Brady Township, **Lycoming County.**

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

37-181A: New Castle Industries (925 Industrial Street, New Castle, PA 16107) for installation of a chromium mist eliminator on an existing chrome plating operation in New Castle, **Lawrence County**.

10-340A: Eagle Printing Co. (514 West Wayne Street, Butler, PA 16001) for installation of a new production center housing a web offset press equipped with an integrated dryer/oxidizer to control VOCs in Butler, **Butler County**.

24-016B: Keystone Powdered Metal Co. (1935 State Street, St. Marys, PA 15857-1661) for modification of an operating permit condition to reduce afterburner operating temperatures in St. Marys, **Elk County**. This is a Title V facility.

43-287B: Jones Performance Products, Inc. (No. 1 Jones Way, West Middlesex, PA 16159-0563) for modification of the facility VOC limit to 49.9 tons/year in West Middlesex, **Mercer County**. This is a Title V facility.

43-152A: Sharon Tube Co. (134 Mill Street, Sharon, PA 16146) for installation of a baghouse to collect particulate matter from the outlet of the existing cyclone separator and zinc galvanizing line fume hoods in the City of Sharon, **Mercer County**.

25-987B: Hanes Erie, Inc. (7601 Klier Drive Fairview, PA 16415) for construction of a new spray coating line in Fairview Township, **Erie County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

02139: Kinder Morgan Liquid Terminals (3300 North Delaware Avenue, Philadelphia, PA 19134) for installation of a truck loading position for VOC containing materials in the City of Philadelphia, **Philadelphia County**.

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

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

46-0132: Lansdale Crematory, Inc. (P. O. Box 854, Lansdale, PA 19446) for installation of two 150 pound per hour human crematoriums at its facility on Derstine and Cannon Avenue in Lansdale Borough, **Montgomery County**. The facility is a non-Title V (State only) facility for any of air pollutant. This installation will result in the maximum NOx emissions of 2.64 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

54-318-015: Schuylkill Products, Inc. (121 River Street, Cressona, PA 17929) for construction of a concrete forms release coating booth in Cressona Borough, **Schuylkill County**. The forms will be coated with a form-release oil and a protective form coating. The release

oil will generate 4.6 tons of VOCs per year. The protective form coating will generate 4.7 tons of HAPS (toluene) per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

39-327-003: SHI APD Cryogenics, Inc. (1833 Vultee Street, Allentown, PA 18103) for modification of three batch vapor degreasers in the City of Allentown, **Lehigh County**. Modification consists of retrofitting the existing vapor degreasers with a combination of controls (freeboard refrigeration device, stainless steel freeboard extension to achieve 100% freeboard ratio and sliding stainless steel covers) to meet the requirement of National Emissions Standard for Halogenated Solvent Cleaning, 40 CFR Part 63, Subpart T. This facility is a non-Title V facility. After the retrofit with a combination of controls, the hazardous air pollutant (HAPs) emissions from these units will be less than 150 kilograms per each square meters of solvent/air interface per month (30.7 b/ft²/month) from each unit. The company will employ additional work practice standards as stated in 40 CFR Part 63, Subpart T to minimize HAPs emissions from the operations. The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The company shall maintain a minimum lowest air blanket temperature of 55°F at the centerline of the tank and maintain the units in accordance with the good engineering practices to assure proper operation of the units.

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

14-00005A: Department of Corrections (Box A, Bellefonte, PA 16823-0820) for construction of a natural gas and No. 2 fuel oil-fired boiler at the Rockview State Correctional Institution in Benner Township, **Centre County**. The design heat input for the respective boiler when burning natural gas and No. 2 fuel oil will be 57.7 and 54.9 million Btu per hour, respectively. The facility is a major facility for which a Title V Operating Permit (14-00005) has been issued.

The boiler will be equipped with a low NOx burner which incorporates flue gas recirculation. The facility has proposed to voluntarily limit the amount of No. 2 fuel oil burned in the boiler to 960,000 gallons per year. The boiler will have the potential to emit up to 14.2, 37.43, 5.13, 0.99 and 21.23 tons of NOx, CO, PM, VOCs and SOx, respectively, per 12 consecutive month period.

The Department has determined that the proposed boiler 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 boiler shall be equipped with a low nitrogen oxide burner system which incorporates flue gas recirculation.

2. The NOx, CO, PM, VOC and SOx emissions shall not exceed 14.2, 37.43, 5.13, 0.99 and 21.23 tons, respectively, per 12 consecutive month period.

3. The NO_x, CO and VOC emissions shall never exceed 6.31, 8.56 and 0.23 pounds per hour, respectively.

4. The boiler shall not burn more than 960,000 gallons of No. 2 fuel oil per 12 consecutive month period. The company shall keep monthly records of the amount of No. 2 fuel oil burned in the respective boiler.

5. The boiler shall only burn natural gas or No. 2 fuel oil containing a sulfur content of 0.3% or less.

14-00002D: Graymont (PA), Inc. (P. O. Box 448, Bellefonte, PA 16823) for construction of an existing lime co-product processing operation (CalAg System) in Spring Township, **Centre County**. The CalAg System incorporates a 136 brake horsepower diesel engine. The facility is a major facility for which a Title V Operating Permit (14-00002) has been issued.

The engine will have the potential to emit up to 3.66, 0.3 and 0.48 tons of NO_x, VOCs and CO, respectively, per 12 consecutive month period. The fugitive dust emissions from the operation of the CalAg System are expected to be minimal since a water spray dust suppression system will be used to apply water to the material throughout the process.

The Department has determined that the CalAg System 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 construction of the respective operation.

The Department intends to place conditions in the plan approval to be issued to assure compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. The fugitive dust emissions from the CalAg System shall be controlled by a water spray dust suppression system. If at any time the water spray dust suppression system is unable to provide an adequate supply of water due to freezing weather or any other reason the company shall immediately cease operation of the CalAg System.

2. The company shall have on site a water truck equipped with a pressurized spray mechanism to be used, as needed, for the control of fugitive dust emissions from plant roadways, stockpiles, and the like.

3. The engine associated with the CalAg System shall not operate more than 4,000 hours during any 12 consecutive month period. The facility shall maintain records of the hours the engine operates each month, shall retain these records onsite for at least 5 years and shall make these records available to the Department upon request.

4. The engine shall not emit NO_x, VOCs and CO in excess of 3.66, 0.3 and 0.48 tons per 12 consecutive month period, respectively. Additionally, the NO_x, VOCs and CO emissions from the engine shall never exceed 1.83, 0.15 and 0.24 pounds per hour, respectively.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

02050: Naval Surface Warfare Center (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for reactivation of four marine boilers in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. These are existing sources. As BAT Naval Surface Warfare Center will derate three boilers and take a 53.78% reduction in their permitted fuel cap. The plan approval

will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

02138: Naval Surface Warfare Center (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for installation of a 434 hp diesel engine for Navy Pilot Retrofit Program in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. The NO_x emissions from the source will be 4.49 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

25-00916: Ridg-U—Rak-North East Plant (120 South Lake Street, North East, PA 16428) for a Title V Operating Permit Renewal for operation of a metal shelving manufacturing facility in North East Borough, **Erie County**.

25-00326: Foamex LP—Corry Plant (466 Shady Avenue, Corry, PA 16407) for a Title V Operating Permit Renewal for operation of a flexible polyurethane foam manufacturing facility in Corry Borough, **Erie County**.

37-00248: United States Can Co.—Shenango Township Plant (1902 Old Butler Road, New Castle, PA 16101) for a Title V Operating Permit Renewal for operation of a can sheet coating facility in Shenango Township, **Lawrence County**.

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

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

46-00186: Tri-Valley Crematory (667 Harleysville Pike, Franconia, PA 18924) for operation of a human crematory in Franconia Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00206: Merck and Co., Inc. (1180 Church Road, Lansdale, PA 19446) for operation of a pharmaceutical preparation facility in Lansdale Borough, **Montgomery County**. The permit is for a non-Title V (State only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00147: Chemalloy Co., Inc. (1301 Conshohocken Road, Conshohocken, PA 19428) for operation of the manufacturing plant in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

21-05036: Hempt Bros., Inc. (205 Creek Road, Camp Hill, PA 17011) for operation of its Camp Hill Asphalt Plant in Lower Allen Township, **Cumberland County**. One of the liquid asphalt cement storage tanks is subject to 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels). The site has the following potential annual emissions: 99 tons per year of CO; 8 tons per year of PM-10; 6 tons per year of NOx; 2 tons per year of VOC; 1 ton per year of SOx. The Synthetic Minor Operating Permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements

22-05034: Pennsy Supply, Inc. (P. O. Box 331, Harrisburg, PA 17105) for operation of its hot mix batch asphalt plant controlled by a cyclone/fabric collector at the Hummelstown Quarry in South Hanover Township, **Dauphin County**. Actual emissions for criteria pollutants will be below Title V thresholds. This will be accomplished by limiting the production of hot mix asphalt. The operating permit will contain appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

28-03040: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) for operation of a limestone quarrying and processing facility in Guilford Township, **Franklin County**. This is a non-Title V (State only) facility. Potential emissions of particulate matter are estimated to be 13.8 tons per year. The operating permit will contain appropriate conditions 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.

17-399-021: Wickett and Craig of America, Inc. (120 Cooper Road, Curwensville, PA 16833) for operation of a fertilizer manufacturing operation in Curwensville Borough, **Clearfield County**.

The respective facility is a minor facility. The fertilizer manufacturing operation is used to manufacture fertilizer from waste leather generated by a leather tanning operation. It consists of a urea formaldehyde solution storage tank, a mix tank, a granulator feed tank, two granulators, a rotary dryer and various other pieces of process equipment. The air contaminant emissions from the fertilizer manufacturing operation are controlled by a packed bed scrubber and a fabric collector. The fertilizer manufacturing operation will emit up to .434 ton of formaldehyde and .75 ton of particulate matter per year. Formaldehyde is a hazardous air pollutant.

The Department has determined that the fertilizer manufacturing operation has been constructed and is operating, in accordance with all conditions of Plan Approval 17-399-021 as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the operation of the respective fertilizer manufacturing operation.

The following is a summary of the conditions the Department proposes to place in the operating permit to be issued to ensure compliance with all applicable requirements:

1. The air contaminant emissions from the urea formaldehyde solution storage tank, the mix tank, the granulator feed tank and the granulators shall be controlled by a packed bed scrubber using a hydrogen peroxide scrubbing solution at a recirculation rate of at least 20 gallons per minute. The scrubber shall maintain a formaldehyde removal efficiency of at least 90% and the resultant formaldehyde emissions shall not exceed .434 ton per year.

2. The packed bed scrubber shall be equipped with a scrubbing solution flow rate monitor, a differential pressure monitor and high/low liquid level alarms.

3. The hydrogen peroxide concentration of the scrubbing solution shall be determined via laboratory analysis on a daily basis and shall never be allowed to fall below 1%. Records shall be maintained of the dates upon which the hydrogen peroxide concentration of the scrubbing solution is analyzed as well as the results of each analysis.

4. The air contamination emissions from the dryer and associated cage mill, screen, conveyor and bucket elevator shall be controlled by an insulated fabric collector equipped with a compressed air dryer and oil trap as well as a differential pressure monitor. Particulate matter shall not be emitted from the collector in excess of .01 grain per dry standard cubic foot of exhaust.

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

25-00875: Aurora Foods, Inc. (2200 East 38th Street, Erie, PA 16510) for operation of a frozen foods production plant in the City of Erie, **Erie County**.

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

01-003: American Bank Note Co. (132 South 55th Street, Philadelphia, PA 19139) for operation of a printing facility for high quality financial documents in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include four nonheatset intaglio presses, 11 nonheatset sheetfed lithographic printing presses and two chrome plating tanks with a composite mesh-pad system control device.

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 applica-

tion is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

40930102C. Mammoth Anthracite, LLC (P. O. Box 108, Beaver Meadows, PA 18216), correction to an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 475.0 acres, receiving stream: none. Application received July 30, 2002.

49871603R2. D. Dale Lenig (R. R. 1, Box 292, Shamokin, PA 17872), renewal of a coal processing plant operation in Little Mahanoy Township, **Northumberland County** affecting 2.1 acres, receiving stream: none. Application received August 5, 2002.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17020108. R. B. Contracting, R. D. 1, Box 13, Curwensville, PA 16833. Commencement, operation and restoration of a bituminous surface mine permit in Jor-

dan Township, **Clearfield County** affecting 15.8 acres. Receiving streams: Comfort Run and Hunter Run classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received July 31, 2002.

17020109. Gary C. Walls, P. O. Box 212, Clymer, PA 15728-0212. Commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 75 acres. Receiving streams: unnamed tributary to West Branch Susquehanna River and Martin Run to West Branch Susquehanna River, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received August 1, 2002.

17020110. RAMM Coal Company, R. D. 1, Box 16, Rockton, PA 15856. Commencement, operation and restoration of a bituminous surface mine-auger permit in Sandy and Brady Townships, **Clearfield County** affecting 143.6 acres. Receiving streams: Laborde Branch classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received August 1, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

11941601. NPDES Permit PA0214833, Fuel Recovery, Inc. (2591 Wexford-Bayne Rd., Suite 204, Sewickley, PA 15143), to renew the permit for the Cooney Preparation Plant in Portage Township, **Cambria County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received May 30, 2002.

63831302. NPDES Permit PA0213608, Eighty Four Mining Co. (P. O. Box 284, Eighty Four, PA 15330), to renew the permit for the Mine 84 in Somerset and Amwell Townships, **Washington County** to add 8 surface permit acres to the Hallam shaft site, Surface Acres Proposed 8, 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 10, 2002.

56950702. NPDES Permit PA0214914, PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Cambria Refuse Disposal Area in Stonycreek Township, **Somerset County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following use: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received July 15, 2002.

30841307. NPDES Permit PA0213438, RAG Emerald Resources, L.P., 158 Portal Rd., P. O. Box 1020, Waynesburg, PA 15370, to revise the permit for the Emerald Mine No. 1 in Franklin Township, **Washington County**, ACOE Pittsburgh District (Waynesburg, PA Quadrangle N: 2.2 inches; W: 5.15 inches to Oak Forest, PA Quadrangle N: 21.3 inches; W: 4.7 inches).

This is a 25 Pa. Code Chapter 105 Water Obstruction and Encroachment permit application (Stream Module

15) and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the reconstruction Laurel Run.

Written comments or objections on the request for section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the McMurray District Mining Office, 2913 Washington Rd., McMurray, PA 15317. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Water Obstruction and Encroachment Permit (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the McMurray District Mining Office, by appointment, at the address previously listed.

Application received July 17, 2002.

Noncoal Applications Received

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

08020809. Kim L. Mapes, 704 S. Fourth Street, Towanda, PA 18848. Commencement, operation and restoration of a Small Industrial Mineral (Bluestone) permit in Standing Stone Township, **Bradford County** affecting 2 acres. Receiving stream: unnamed tributary to Susquehanna River. Application received July 10, 2002.

53020802. Hyde Stone Quarry, Inc., Box 128, HCR #1, Shinglehouse, PA 16748. Commencement, operation and restoration of a Small Industrial Mineral (Bluestone) permit in Oswayo Township, **Potter County** affecting 3 acres. Receiving streams: Eleven Mile Creek. Application received July 15, 2002.

57020801. Jon S. Percival, P. O. Box 226, Eagles Mere, PA 17731. Commencement, operation and restoration of a Small Industrial Mineral (red dog) permit in Cherry Township, **Sullivan County** affecting 4 acres. Receiving streams: unnamed tributary to Birch Creek, Birch Creek, tributary to Loyalsock Creek. Application received July 15, 2002.

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

7876SM1C4 and NPDES Permit PA0595721. ES-SROC Cement Corp. (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES Permit in Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek. Classified for the following use: CWF. Application received August 2, 2002.

7776SM1A3C3 and NPDES Permit PA0611883. Martin Stone Quarries, Inc. (P. O. Box 297, Bechtelsville, PA 19505), renewal of NPDES Permit in Colebrookdale Township, **Berks County**, receiving stream: unnamed tributary to Swamp Creek. Classified for the following use: trout stocking. First downstream potable water supply intake from the point of discharge: Cabot Performance Materials and Hickory Valley Golf Club. Application received August 5, 2002.

Small Noncoal (Industrial Mineral) Bond Release Application

58970802. Gerald Mensel (R. R. 1 Box 1261, Nicholson, PA 18446). Stage I and II bond release on a small quarry operation in Lenox Township, **Susquehanna County** affecting 3.0 acres for \$3,000 on property owned by Gerald Mensel. Application received July 29, 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)).

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

E67-724. Ervin Eckert, 1282 Haines Road, York, PA 17402 in Spring Garden Township, **York County**, ACOE Baltimore District.

To construct and maintain a single span bridge across Mill Creek (WWF) located 2,000 feet south of the intersection of Mount Rose Avenue and Camp Betty Washington Road (York, PA Quadrangle N: 14.0 inches; W: 8.1 inches) in Spring Garden Township, York County.

E67-725. Gary L. Sweitzer Enterprises, Inc., 1969 York Haven Road, Etters, PA 17319 in Dover Township, **York County**, ACOE Baltimore District.

To construct and maintain: (1) 210 feet of 8-inch sanitary sewer line located in the floodway of the Little Conewago Creek (TSF); (2) 135 feet of 8-inch sanitary sewer line located in the floodway of an unnamed tributary to the Little Conewago Creek (TSF); and (3) fill two wetland pockets which will directly impact 0.10 acre of palustrine emergent wetlands with a secondary impact of 0.17 acre of palustrine emergent wetlands for a 69 lot residential subdivision (West York, PA Quadrangle N: 15.8 inches; W: 12.0 inches) in Dover Township, York County. The permittee has met the wetland replacement requirement by proposing to create 0.30 acre of palustrine emergent wetlands.

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

E14-430. Pennsylvania-American Water Company, 105 Sodom Road, Milton, PA 17847. Minnie Run augmentation, in Rush Township, **Centre County**, ACOE Baltimore District (Sandy Ridge, PA Quadrangle N: 11.3 inches; W: 16.94 inches).

To construct and maintain a ductile iron pipe outfall with associated concrete headwall and R-5 riprap apron to augment stream flow to Minnie Run located 4,800 feet southwest of the intersection of Barry Street and SR 970 in Sandy Ridge. This project proposes to indirectly affect Minnie Run, which is classified as a HQ-CWF.

E14-431. Pennsylvania-American Water Company, 105 Sodom Road, Milton, PA 17847. Trout Run augmentation, in Rush Township, **Centre County**, ACOE Baltimore District (Sandy Ridge, PA Quadrangle N: 9.84 inches; W: 2.21 inches).

To construct and maintain a ductile iron pipe outfall with associated concrete headwall and R-5 riprap apron to augment stream flow to Trout Run located near the Osceola Reservoir. This project proposes to indirectly affect Trout Run, which is classified as a HQ-CWF.

E60-157. Pennsylvania Department of Transportation, 315 Jordan Avenue, Montoursville, PA 17754. SR 3020/004 bridge replacement, in Hartley Township, **Union County**, ACOE Baltimore District (Hartleton, PA Quadrangle N: 1.1 inches; W: 13.8 inches).

To: (1) remove an existing bridge; (2) construct and maintain a reinforced concrete box culvert with a 16-foot span and a 4-foot rise; and (3) construct and temporarily maintain a diversion channel around the construction area, in an unnamed tributary to Whitehorn Run located 175 feet from SR 3002 on SR 3020. This project proposes to impact 100 linear feet of an unnamed tributary to an unnamed tributary to Whitehorn Run, which is classified as a HQ-CWF.

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

E10-362, Dennis Spirk, The Space Center, 22237 Perry Highway, Zelienople, PA 16063. The Space Center, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Zelienople, PA Quadrangle N: 2.6 inches; W: 0.5 inch).

To construct and maintain a 215-foot long, 5.5-foot diameter reinforced concrete pipe extension to an existing stream enclosure in an unnamed tributary to Glade Run (WWF) to expand a storage rental business adjacent to the west side of U.S. Route 19 approximately 2.0 miles south of the intersection of U.S. Route 19 and SR 68. The project includes the placement of approximately 30 to 40 feet of fill over the stream enclosure extension.

E10-365, RGAM, Inc., 650 Washington Road, 5th Floor, Pittsburgh, PA 15228. Foxmoor Apartments, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 18.4 inches; W: 14.0 inches).

To fill a total of 0.05 acre of PEM wetlands to develop an apartment complex at the southeast of the corner of Garvin and Ehrman Roads. The project includes impacts including fill, culverts and construction of two nonjurisdictional dams and impoundments to a total of 1,200 feet of two unnamed tributaries to Brush Creek (WWF) each having a drainage area of less than 100 acres. Project proposes contribution to the Pennsylvania Wetlands Fund for replacement of impacted wetlands.

E16-121, Edna D. Schmitt. Bridge across Deer Creek, in Elk Township, **Clarion County**, ACOE Pittsburgh District (Fryburg, PA Quadrangle N: 4.1 inches; W: 13.7 inches).

To construct and maintain a timber deck bridge having a structure length of 38 feet and an underclearance of approximately 7.5 feet across Deer Creek on an existing private driveway extending west from T-410 Soap Fat Road approximately 1.2 miles north of SR 322.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481; (814) 332-6860.

E62-385. Pierce & Petersen Oil, P. O. Box 627, Warren, PA 16365. Mead Township, **Warren County**, ACOE Pittsburgh District (Clarendon, PA Quadrangle N: 10.3 inches; W: 2.3 inches and N: 10.25 inches; W: 1.6 inches).

Construct and maintain two 3-inch diameter (2,600 feet in length) plastic pipelines to transport oil and gas from wells on Lots 40 and 49 to existing pipelines on Lot 39. The pipelines will cross underneath (by a 12-inch wide trench) Browns Run (designated use: CWF; existing use: EV) in two locations. One crossing will be approximately 1,000 feet west of the southern end of Forest Service Road 160D and the other will be approximately 350 south of intersection of an unnamed access road and Forest Service Road 160D.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations

SSIP

<i>Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>
SSIP 02010	Tom Carper PPC Lubricants Inc. 900 Eisenhower Boulevard P. O. Box 2621 Harrisburg, PA 17105	Lebanon

regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
Union Township	90 small ASTs storing lube oil	390,000 gallons total

ACTIONS

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

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

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

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

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

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

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

WQM Permit No. 1501401 Amendment No. 1, Sewerage, Penn Township, 260 Lewis Road, West Grove, PA 19390. This proposed facility is located in Penn Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the rerating of an existing wastewater treatment facility and installation of a PVC forcemain.

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

NPDES Permit No. PA0052167, Sewage, Wind Gap Municipal Authority, 16 South Broadway, Wind Gap, PA 18091. This proposed facility is located in Plainfield Township, **Northampton County** and discharge to unnamed tributary of Little Bushkill Creek.

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

NPDES Permit No. PA0053147, Sewage, Upper Saucon Sewage Treatment Authority, 5500 Camp Meeting Road, Center Valley, PA 18034. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: to renew NPDES Permit.

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

NPDES Permit No. PA0024481, Sewage, Borough of Meyersdale, 613 Second Street, P. O. Box 60, Meyersdale, PA 15552 is authorized to discharge from a facility located at Meyersdale STP, Summit Township, **Somerset County** to receiving waters named Casselman River.

NPDES Permit No. PA0026913, Sewage, The Municipal Authority of the City of McKeesport, 100

Atlantic Avenue, McKeesport, PA 15132 is authorized to discharge from a facility located at McKeesport Water Pollution Control Plant, City of McKeesport, **Allegheny County** to receiving waters named Monongahela River.

NPDES Permit No. PA0028436, Sewerage, **Elizabeth Borough Municipal Authority**, P. O. Box 268, Elizabeth, PA 15037 is authorized to discharge from a facility located at Elizabeth Borough STP, Elizabeth Borough, **Allegheny County** to receiving waters named Monongahela River.

NPDES Permit No. PA0218847-A1, Sewerage, **Pyramid Healthcare, Inc.**, 1512 12th Avenue, Altoona, PA 16601 is authorized to discharge from a facility located at Pyramid Healthcare STP, Reade Township, **Cambria County** to receiving waters named Drainage Swale to Powell Run.

Permit No. 0202406, Sewerage, **Ross Township Municipal Building**, 5325 Perrysville Avenue, Pittsburgh, PA 15225. Construction of an Interceptor located in Ross Township, **Allegheny County** to serve Ross Township, Bellevue Borough and City of Pittsburgh Areas tributary to Jacks Run and ALCOSAN.

Permit No. 1101406, Sewerage, **Pyramid Healthcare, Inc.**, 1512 12th Avenue, Altoona, PA 16601. Construction of STP to serve commercial establishment located in Reade Township, **Cambria County** to serve Pyramid Healthcare.

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

NPDES Permit No. PA0238791, Sewerage, **Rae Kent Gardner**, P. O. Box 43, Warren, PA 16365-0043. This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: This project is authorized to discharge to unnamed tributary to Morse Run.

WQM Permit No. 6202404, Sewerage, **Rae Kent Gardner**, P. O. Box 43, Warren, PA 16365-0043. This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

WQM Permit No. 2502410, Sewerage, **Paul Fails**, 25685 North Mosiertown Road, Edinboro, PA 16412. This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

WQM Permit No. 2502409, Sewerage, **Peter Kroemer**, 12561 Hamilton Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

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

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

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

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

<i>NPDES No. Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10R037-1	Robert O. Roberts, Superintendent Lake Lehman School District P. O. Box 38 Lehman, PA 18627	Luzerne	Lehman Township	East Branch of Harvey's Creek HQ-CWF
PAS10U171	Gerhard Reithmuller 82 Eagle Rock Way Montclair, NJ 07042	Northampton	Palmer Township	Bushkill Creek 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 this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	<i>General Permit for Discharges From Stripper Oil Well Facilities</i>
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>
City of Erie	PAR10K199	City of Erie 626 State Street Erie, PA 16501	Presque Isle Bay WWF	Erie Conservation District (814) 825-6403
Fairview Township	PAR10K198	Westminster Place Partnership 2601 West 26th St. Erie, PA 16506	Brandy Run CWF	Erie Conservation District (814) 825-6403
Greenwood Township Crawford County	PAR102323	Susan L. Frey Meadville Area Industrial Commission Keystone Regional Industrial Park 764 Bessemer Street Meadville, PA 16335	Conneaut Outlet WWF	Crawford County (814) 724-1793
Upper Hanover Township Montgomery County	PAR10T879	Karl Pedone 2557 Geryville Pike Pennsburg, PA 18073	Berman Run Macoby Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franconia Township Montgomery County	PAR10T825	Jack Boorse 378 Kratz Road Perkiomenville, PA 18074	Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<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>
Perkiomen Township Montgomery County	PAR10T802	Caesar J. Gorski 864 Mt. Air Road Collegetown, PA 19426	Schoolhouse Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Moreland Township Montgomery County	PAR10T682	Hovnanian Pennsylvania, Inc. 301 Oxford Valley Road Suite 1503 Yardley, PA 19067	Tributary to Huntingdon Valley Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Hanover Township Montgomery County	PAR10T849	Milford Acquisitions, Inc. 1590 Canary Road Quakertown, PA 18951	Macoby Creek and Stony Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Luzerne County Wilkes-Barre Township	PAR10R256	CBL Properties, Inc. 800 South St., Suite 395 Waltham, MA 10453	Solomons Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County Williams Township	PAR10U171-1	Edward Vogel Stanton Properties 339A Amwell Road P. O. Box 399A Hillsborough, NJ 08844	Delaware River WWF	Northampton County Conservation District (610) 746-1971
Northampton County City of Bethlehem	PAR10U185	Michael Sakele Sakele Brothers Co. P. O. Box 172 Hellertown, PA 18055	Saucon Creek CWF	Northampton County Conservation District (610) 746-1971
Carbon County Banks Township McAdoo Borough	PAR10I332	KBM Regional Auth. P. O. Box 14 McAdoo, PA 18237	Catawissa Creek CWF Beaver Creek CWF	Carbon County Conservation District (610) 377-4894
West Hanover Township	PAR10I303	Richard Yingst 4712 Smith St. Harrisburg, PA 17109	Walnut Run CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Upper Paxton Township	PAR10I013R	Rabbit Hill Estates Subdivision George F. Wilt 899 Union St. Millersburg, PA 17061	Little Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
East Lampeter Township Lancaster County	PAR10O288-R	Southridge Farm Part- nership 26 Millersville Rd. Lancaster, PA 17603	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Cocalico Township Lancaster County	PAR10O544	Woodcrest Retreat Association 225 Woodcrest Rd. Ephrata, PA 17522	Coover Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAR10O465-1	J. F. Energy Corp Inc. 2860 Yellow Goose Rd. Lancaster, PA 17607	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

<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>
Salisbury Township Lancaster County	PAR100554	MISA Corporation 1007 Appleville Rd. West Chester, PA 19380	UNT Pequea Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAR100573	S & K Limited Partnership 2938 Columbia Ave. Suite 1202 Lancaster, PA 17603	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manor Township Lancaster County	PAR100575	Charles Kicera Inc. 26 Millersville Rd. Lancaster, PA 17603	West Branch of Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAR100582	Gerald Snavely Claude Clark 402 A Snavely Mill Rd. Lititz, PA 17543	Hammer Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Lycoming County Fairfield Township	PAR103955	Mountain View Development Lyco Triad Incorp. Jason Jean 358 Baldwin St. Lemont, PA 16851	Tules Run WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Northumberland County W. Chillisquaque Township	PAR104948	Eastern Industries Broschious Borrow Site P. O. Box 177 Winfield, PA 17889	Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114 Ext. 4

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>
Sandy Township Clearfield County	PAR224847	Burke Parsons Bowlby Corporation R. R. 3, Box 275 DuBois, PA 15801-8848	Slab Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Upper Augusta Township Northumberland County	PAR704818	Anthracite Industries, Inc. Deibler Station Plant P. O. Box 112 Sunbury, PA 17801	Shamokin Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Upper Augusta Township Northumberland County	PAR704808	Anthracite Industries, Inc. Main Site Plant P. O. Box 112 Sunbury, PA 17801	Shamokin Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<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>
McKeesport City Allegheny County	PAR606181	Casturo's 750 West 5th Avenue McKeesport, PA 15132	Monongahela River via Storm Sewer	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Hempfield Township Westmoreland County	PAR606183	Adamsburg Auto Wreckers 60 Edna Road Adamsburg, PA 15611	UNT to Little Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
City of Erie Erie County	PAR808338	Consolidated Freightways, Inc. P. O. Box 871480 Vancouver, WA 98603	Lake Erie and Cascade Creek to Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Erie County	PAR508301	Waste Management Dis- posal Services of PA, Inc. Lake View Landfill 851 Robison Road East Erie, PA 16509	Unnamed tributary to Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR708305	Mayer Brothers Con- struction Company— Maybro Asphalt Plant 1902 Cherry Street Erie, PA 16502	Cascade Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Jefferson County	PAR808319	Clearfield-Jefferson County Regional Airport Authority P. O. Box 299 Falls Creek, PA 15840	Unnamed tributary to Keys Run and unnamed tributary to Horn Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR238303	Owens-Brockway Clo- sures, Inc. 316 West 16th Street Erie, PA 16502	Presque Isle Bay	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Paint Township Clarion County	PAR228317	Temple-Inland Forest Products Corporation- Clarion MDF P. O. Box Drawer N Diboll, TX 75941	Unnamed tributaries to Clarion River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Mead Township Crawford County	PAR208311	Meadville Forging Company P. O. Box 4590 Meadville, PA 16335	Unnamed tributary to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR808335	Con-Way Transportation Services, Inc. c/o CNF, Inc. 3240 Hillview Avenue Palo Alto, CA 94304	Lake Erie	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>
Greenfield Township Erie County	PAG048818	Paul Fails 25685 North Mosiertown Road Edinboro, PA 16412	Unnamed tributary to Towney Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048817	Peter Kroemer 12561 Hamilton Road Edinboro, PA 16412	Unnamed tributary to Conneauttee 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>
Lancaster County East Cocalico Township	PAG053507	Redner's Markets Inc. 3 Quarry Road Reading, PA 19605	Cocalico Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Former Canoe Creek Mobil Station east of Business Rt. 15 and VFW Post 6757 west of Business Rt. 15, both sites adjacent to north bank of Canoe Camp Creek Rich- mond Township, Tioga County	PAG054824	Christopher Welles, President Welles Mill Co., Inc. R. R. 6, Box 6024 Towanda, PA 18848	Canoe Camp Creek	Northcentral Regional Office Environmental Cleanup Program 208 West Third Street Suite 101 Williamsport, PA 17701- 6448 (570) 321-6525

PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 0902504, Public Water Supply.

Applicant	Pennsylvania Suburban Water Company 762 W. Lancaster Avenue Bryn Mawr, PA 19010-3489
Township	Middletown
County	Bucks
Type of Facility	PWS
Consulting Engineer	CET Engineering Service 1240 North Main Street Harrisburg, PA 17112
Permit to Construct Issued	August 8, 2002

Operations Permit issued to **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 1460073, East Brandywine Township, **Chester County** on August 12, 2002, for the operation of facilities approved under Construction Permit 1501504.

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

Permit No. 1102503, Public Water Supply.

Applicant **Reade Township Municipal Authority**
1032 Skyline Drive
Blandburg, PA 16619-0506

Borough or Township Reade Township

County **Cambria**

Type of Facility BCI emergency interconnect

Consulting Engineer Gannett Fleming, Foster Plaza III
Suite 200, 601 Holiday Drive
Pittsburgh, PA 15220

Permit to Construct July 22, 2002
Issued

Operations Permit issued to **Pennsylvania American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317, PWS ID 5020039, South Fayette Township, **Allegheny County** on August 8, 2002, for the operation of facilities approved under Construction Permit 0202501.

Operations Permit issued to **The Municipal Authority of the Borough of Portage**, 606 Cambria Street, Portage, PA 16602, PWS ID 4110027, Portage Township and Portage and Cassandra Boroughs, **Cambria County** on August 8, 2002, for the operation of facilities approved under Construction Permit 1187507-A1.

Operations Permit issued to **Pennsylvania American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317, PWS ID 5020039, Cross Creek Township, **Washington County** on August 8, 2002, for the operation of facilities approved under Construction Permit 6301501.

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

Permit No. 2002501, Public Water Supply.

Applicant **Municipal Authority of the Borough of Conneaut Lake**
P. O. Box 345
Conneaut Lake, PA 16316

Borough or Township Conneaut Lake Borough

County **Crawford**

Type of Facility PWS—Innovative technology for removal of arsenic, iron, distribution line replacement and chlorine contact line installation.

Consulting Engineer Richard A. Deiss & Associates
9342 Pettis Road
Meadville, PA 16335

Permit to Construct August 1, 2002
Issued

Operations Permit issued to **Fairview Township Water Authority**, 7485 McCray Road, P. O. Box U, Fairview, PA 16415-0821, PWS ID 6250087, Fairview Township, **Erie County** on August 5, 2002, for the operation of facilities approved under Construction Permit 2583502-T1-MA1.

Permit No. 1092503-T1-MA5, Minor Amendment. Public Water Supply.

Applicant **Cranberry Township**
2525 Rochester Road, Suite 400
Cranberry Township, PA 16066-6499

Borough or Township Cranberry Township

County **Butler**

Type of Facility PWS—Robert Baird 1.0 MG storage tank (South Tank)

Consulting Engineer KLH Engineers
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit to Construct August 1, 2002
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pine Grove Borough	1 Snyder Avenue Pine Grove, PA 17963	Schuylkill
Pine Grove Township	175 Oak Drive Road Pine Grove, PA 17963	Schuylkill

Plan Description: The Update Revision provides for a Selected Alternative to construct a new 1.5 million gallon a day sewage treatment plant that will utilize a sequencing batch reactor process. The proposed plant will be located at a site west of the Interstate 81 Pine Grove Interchange and will discharge to the Swatara Creek. The existing Pine Grove Joint Treatment Authority sewage treatment plant will be taken out of service. A pump station will be constructed near the existing plant and will connect to a proposed force main interceptor for the purpose of conveying sewage to the new plant. The sewage service area will be expanded and will require the abandonment of two existing package sewage treatment plants. An illustration of the Selected Alternative and change in service area can be found on Map I-10 of the Update Revision. The Update Revision also includes an infiltration/inflow (I/I) reduction program in Pine Grove Borough. The Selected Alternative and I/I reduction program are being funded with the assistance of Rural Utilities Service grants and loans. The nonsewered areas of the Township will be administered via the Sewage Enforcement Officer (SEO). The SEO will report directly to the Township Supervisors on the condition of the onlot systems on an annual basis. The implementation schedule for completing the Selected Alternative is found in Table 3 on Page 5 of the Update Revision. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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>
Union Township	225 Pine Grove Road Hanover, PA 17331	Adams

Plan Description: The approved plan provides for the completion of a preliminary hydrogeologic study for any proposed land development underlain with carbonate geology. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
St Thomas Township	965 Hade Rd. Chambersburg, PA 17201	Franklin County

Plan Description: This was a planning module for a small flow treatment facility to replace a malfunctioning onlot sewage disposal system at the home and office of Dr. Gregg Brady on Lincoln Way West in St. Thomas Township. The plan was disapproved because the proposal failed to adequately address continued long-term operation and maintenance activities and responsibilities for the proposed small flow treatment facility.

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.

Duff Residence, Upper Southampton Township, **Bucks County**. Eric Rosina, Storb Environmental, Inc., 410 N. Easton Rd., Willow Grove, PA 19090-2511, on behalf of Edward Duff, 2100 Byberry Rd., Huntingdon Valley, PA, 19006, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with Fuel Oil No. 2. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Brode & Brooks, Inc. (Estate of Lawrence I. Yerk), Pennsburg Borough, **Montgomery County**. Hudson S. Green, Jr. and Jeremy W. Bolyn, Earth Data Northeast, Inc., 924 Springdale Dr., Exton, PA 19341, on behalf of the Estate of Lawrence I. Yerk, c/o Mullaney Law Offices, 598 Main St., Red Hill, PA 18076, has submitted a Final Report concerning remediation of site soil contaminated with lead and petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

Assouline & Ting, Inc., City of Philadelphia, **Philadelphia County**. Peter A. Malik, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Assouline & Ting, Inc., 505 Vine St., Philadelphia, PA 19106, has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with heavy metals and volatiles. The report is intended to document remediation of the site to meet Site-Specific Standards.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Defense Distribution Depot Susquehanna PA IRP Site 60, Fairview Township, **York County**. Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002 has submitted a Final Report concerning remediation of site soils contaminated with solvents. The report is intended to document remediation of the site to the Statewide Health standard.

Bloody Run Pumping Station, Everett Borough, **Bedford County**. Johnston Construction Co., P. O. Box 98, Dover, PA 17315, on behalf of Department of Environmental Protection, Bureau of Waterway Engineering, 400 Market Street, Harrisburg, PA 17105, submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to the Statewide Health standard.

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

Costy's Used Truck & Auto Parts, Inc., Richmond Township, **Tioga County**. Mountain Research, Inc., on behalf of David and Daniel Kurzejewski, R. R. 3, Box 87, Mansfield, PA 16933, has submitted a Remedial Investigation Report concerning groundwater contaminated with BTEX, Naphthalene and MTBE. The applicant is proposing to remediate the site to meet a combination of the Statewide Health and/or Site-Specific Standard.

TRW, Inc.—Valve Division, Danville Plant, Danville Borough, **Montour County**. GeoServices, Ltd., on behalf of TRW, Inc., 601 East Market Street, Danville, PA 17821, has submitted a Remedial Investigation Report and Risk Assessment Report concerning soil and groundwater contaminated with PCBs, solvents, BTEX, PHCs and PAHs. These reports were submitted in partial fulfillment of the requirements necessary to meet the Site-Specific Standard.

**LAND RECYCLING AND ENVIRONMENTAL
REMEDICATION**

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:

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

Sunoco, Inc., Ship Road Leak Site #9000-0170, West Whiteland Township, **Chester County**. Lisa M.

Holderbach, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Exton, PA 19341, on behalf of Philadelphia Suburban Water Co., 762 W. Lancaster Ave., Bryn Mawr, PA 19010, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and PAHs. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 8, 2002.

Former Automatic Timing and Controls Facility, Upper Merion Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Schuylkill Assoc., P. O. Box 128, Ambler, PA 19002, has submitted a Final Report concerning the remediation of site groundwater contaminated with BTEX and solvents. The Final report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on July 30, 2002.

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

Trehab Center (Pennstar Bank), Borough of Montrose, **Susquehanna County**. Hydrocon Services, Inc., 16 E. Minor Street, Emmaus, PA 18049 submitted a Final Report (on behalf of Trehab Center, 10 Public Avenue, Montrose, PA 18801) concerning the remediation of soil contaminated with no. 2 fuel oil. The report demonstrated attainment of the Statewide health standard and was approved on August 1, 2002.

Kacer Residence, Waymart Borough, **Wyoming County**. Martin Gilgallon, P. G., Project Hydrogeologist, PA Tectonics, Inc., 333 Enterprise Street, Dickson City, PA 18519 submitted a Final Report (on behalf of Frank Kacer, Belmont Street, Waymart, PA 18472) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil. The Final Report was submitted within 90 days of the release date of contamination. The report demonstrated attainment of the Statewide health standard and was approved on August 6, 2002.

SOLIDA (Susquehanna, Oakland, Lanesboro Industrial Development Authority) Property, Oakland Township, **Susquehanna County**. Martin Gilgallon, P. G., Project Hydrogeologist, PA Tectonics, Inc., 333 Enterprise Street, Dickson City, PA 18519 submitted a Baseline Environmental Report (on behalf of SOLIDA, R. R. 2, Box 49-A, Susquehanna, PA 18847) concerning the characterization and remediation of soils and/or groundwater found or suspected to have been contaminated with petroleum hydrocarbons, lead and other metals. The report was submitted in partial fulfillment of the Special Industrial Area standard and was approved on August 2, 2002.

Pappas Residence, City of Wilkes-Barre, **Luzerne County**. Suburban Oil Service, 2261 Sans Souci Parkway, Wilkes-Barre, PA 18702 submitted a Final Report (on behalf of Roseann Pappas, Corlear Street, Wilkes-Barre, PA 18702) concerning the remediation of soil contaminated with no. 2 fuel oil. The Final Report was submitted within 90 days of the release date of contamination. The report demonstrated attainment of the Statewide health standard and was approved on April 29, 2002.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit No. 301345. D & P Assoc., 481 Crossfield Rd., King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. Permit for the closure and post-closure care and use of the former BOC Gases lime impoundment. The permit was issued by the Southeast Regional Office on August 8, 2002.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

39-302-174GP: County of Lehigh (17 South Seventh Street, Allentown, PA 18101-2400) for construction and operation of Burnham Boiler No. 1 at the Cedarbrook Nursing Home in South Whitehall Township, **Lehigh County**.

39-302-175GP: County of Lehigh (17 South Seventh Street, Allentown, PA 18101-2400) for construction and operation of Burnham Boiler No. 2 at the Cedarbrook Nursing Home in South Whitehall Township, **Lehigh County**.

64-310-010GP: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044-0231) for construction and operation of a portable stone crushing plant and associated air cleaning device in Lake Township, **Wayne County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

GP-32-00324: Power Gas Marketing and Transmission, Inc. (Gulf Tower, 32nd Floor, 707 Grant Street, Pittsburgh, PA 15219) on August 5, 2002, for operation of one Caterpillar, Model No. G342NA, Natural Gas-Fired Compressor Engine rated at 220 bhp at the Silvis Compressor Station in Hempfield Township, **Westmoreland County**.

GP-03-00232: H. B. Mellott Estate, Inc. (100 Mellott Estate, Suite 100, Warfordsburg, PA 17267) on August 7, 2002, for operation of a portable nonmetallic mineral processing plant with two crushers (one 500 TPH and one 600 TPH), one screen, eight associated conveyors, one diesel power unit 1.09 mmBtu/hr and one diesel generator 1.69 mmBtu/hr at Graff Mine in West Franklin Township, **Armstrong County**.

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

25-970: Cost Effective Coatings (12069 East Main Road, North East, PA 16428) on July 30, 2002, for operation of a burn off oven in North East, **Erie County**.

61-202: Great Lake Energy Partners LLC—Cook Station (Goodwin Road, Dempseytown, PA 16317) on July 31, 2002, for operation of a natural gas production facility in Plum Township, **Venango County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

13-305-002: Northampton Fuel Supply Co. (7500 Georgetown Road, Suite 13, Bethesda, MD 20814) on July 22, 2002, for construction of a coal refuse and screening plant and associated air cleaning device in Banks Township, **Carbon County**.

40-320-016: Quebecor World Hazleton, Inc. (Route 924, Humboldt Industrial Park, Rural Route No. 1, Box 409Z, Hazleton, PA 18201) on July 30, 2002, for modification of lithographic printing lines and associated air cleaning device in Hazleton, **Luzerne County**.

45-301-028: HG Smith Wilbert Vault Co. (2120 North Fifth Street, Stroudsburg, PA 18360) on August 2, 2002, for construction of a crematory incinerator and associated air cleaning device at Dreher Avenue in Stroudsburg Borough, **Monroe County**.

39-309-057: Lafarge North America (5160 Main Street, Whitehall, PA 18052) on July 25, 2002, for installation of an air cleaning device on the A-Frame Clinker Building at the Whitehall Plant in Whitehall Township, **Lehigh County**.

48-309-119: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) on July 18, 2002, for installation of an air cleaning device on the cement transfer system at the Nazareth Plant No. 1 in Lower Nazareth Township, **Northampton County**.

48-313-046: United Panel, Inc. (P. O. Box 188, Mount Bethel, PA 18343) on August 2, 2002, for construction of a granule production line and associated air cleaning device in Upper Mount Bethel Township in **Northampton County**.

48-313-047: United Panel, Inc. (P. O. Box 188, Mount Bethel, PA 18343) on August 2, 2002, for construction of a Stenni Production Line and associated air cleaning device in Upper Mount Bethel Township, **Northampton County**.

48-313-048: United Panel, Inc. (P. O. Box 188, Mount Bethel, PA 18343) on August 2, 2002, for construction of a board finishing line and associated air cleaning device in Upper Mount Bethel Township, **Northampton County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

06-03038A: Bridgeview, Inc. (P. O. Box 364, Morgantown, PA 19543) on August 6, 2002, for construction of a pet crematorium controlled by an afterburner in Robeson Township, **Berks County**.

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

10-303B: CUE, Inc. (11 Leonberg Road, Cranberry Township, PA 16066) on July 25, 2002, for operation of casting operations in Cranberry Township, **Butler County**.

10-303A: CUE, Inc. (11 Leonberg Road, Cranberry Township, PA 16066) on July 25, 2002, for operation of adhesive coating operations in Cranberry Township, **Butler County**.

10-027B: Penreco (138 Petrolia Street, Karns City, PA 16041) on July 18, 2002, for replacement of the 9L Agitator in Karns City, **Butler County**.

ER-43-270: Trinity Industries, Inc.—Rail Car Manufacturing Plant 102 South (Waugh Avenue, Greenville, PA 16125) for 61.65 tons of VOC emission reduction credits from the shutdown of sources in Hempfield Township, **Mercer County**.

24-083E: Carbone of America—Graphite Materials Division (1032 Trout Run Road, St. Marys, PA 15857) on August 8, 2002, for installation of a scrubber in Benzinger Township, **Elk County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

46-302-213: Lockheed Martin Corp. (230 East Mall Boulevard, King of Prussia, PA 19406) on August 6, 2002, for operation of a combustion unit/boiler in Upper Merion Township, **Montgomery County**.

46-0020C: Superior Tube Co. (3900 Germantown Pike, Collegeville, PA 19426) on August 7, 2002, for operation of an activated carbon adsorption system in Lower Providence Township, **Montgomery County**.

46-0081B: Markel Corp. (416 School Lane, Norristown, PA 19404) on August 13, 2002, for operation of two horizontal extruders in Plymouth Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

36-310-013E: Compass Quarries, Inc. (47 McIlvaine Road, Paradise, PA 17562) on July 28, 2002, for modification of an existing stone crushing plant at the Paradise Quarry in Paradise Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performances for Nonmetallic Mineral Processing Plants. This plan approval was extended.

36-310-023F: Compass Quarries, Inc. (47 McIlvaine Road, Paradise, PA 17562) on July 28, 2002, for modification of an existing agricultural limestone pulverizing plant at the Paradise Quarry facility in Paradise Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

44-05002A: New Holland North America, Inc. (P. O. Box 868, Belleville, PA 17004) on August 1, 2002, for installation of a surface coating system in Union Township, **Mifflin County**. This plan approval was extended.

67-05016B: R. H. Sheppard Co., Inc. (P. O. Box 877, Hanover, PA 17331-0877) on June 1, 2002, for operation of a core-making operation controlled by a packed bed gas scrubber and a bin vent filter at its Plant No. 7 in Hanover Borough, **York County**. This plan approval was extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

65-853A: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) for a minor modification of the plan approval to authorize the transfer and use of 129 tpy of NOx and 1.6 tpy of VOC emission reduction credits (ERCs) at the Monessen Coke Plant in Monessen, **Westmoreland County**. The NOx and VOC ERCs will be used for the emission increases of 112.17 tpy of NOx and 1.39 tpy of VOCs. This facility is a major facility subject to the emission offset requirements of 25 Pa. Code Chapter 127, Subchapter E (relating to new source review).

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

10-021J: INDSPEC Chemical Corp. (133 Main Street, Butler, PA 16050) on August 31, 2002, for Reactor 507 and new resin hold tank in Petrolia, **Butler County**.

10-313-028B: INDSPEC Chemical Corp. (133 Main Street, Butler, PA 16050) on August 30, 2002, for a resorcinol flaker/bagging and packaging system in Petrolia, **Butler County**.

20-258A: Andover Industries, BMPI (R. D. 2, Dunham Road, Meadville, PA 16335) on June 30, 2002, for a paint line in Vernon Township, **Crawford County**.

25-648A: NEPA Energy LP (10915 Ackerman Road, North East, PA 16428) on July 31, 2002, for a boiler and low NOx in North East, **Erie County**.

37-316A: International Mill Service, Inc. (700 Moravia Street, New Castle, PA 16101) on June 30, 2002, for a slag processing facility in New Castle, **Lawrence County**.

42-195A: RAM Forest Products, Inc. (Route 44, Ceres Road, Shinglehouse, PA 16748) on June 30, 2002, for a wood fired boiler in Ceres Township, **McKean County**.

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

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

46-00005: Merck and Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) on August 6, 2002, for operation of a Facility Title V Operating Permit in Upper Gwynedd Township, **Montgomery County**.

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

20-00035: Molded Fiber Glass Co.—Tray Co. (6175 US Highway 6, Linesville, PA 16424) for a Title V

Operating Permit Renewal for operation of a Reinforced Plastic Manufacturing Facility in Linesville Borough, **Crawford 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.

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

09-00112: Superior Woodcraft, Inc. (160 North Hamilton Street, Doylestown, PA 18901) on August 8, 2002, for operation of a synthetic minor operating permit in Doylestown Borough, **Bucks County**.

09-00047: Warminster Fiberglass Co. (725 County Line Road, Southampton, PA 18966) on August 8, 2002, for operation of a synthetic minor operating permit in Upper Southampton Township, **Bucks County**.

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

36-05062A: Manheim Auto Auctions (1190 Lancaster Road, Manheim, PA 17545) on August 6, 2002, for operation of their automobile refinishing facility in Penn Township, **Lancaster County**.

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

03-00179: Leading Technologies, Inc. (P. O. Box 628, Leechburg, PA 15656) for operation of manufacturing semiconductor lead frames and other electronic interconnecting products at Parks Township Industrial Park facility in Leechburg, **Armstrong County**.

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

10-00270: Lectromat, Inc. (Route 309, Mars, PA 16046) on August 1, 2002, for manufacture of specialty epoxy insulations in Adams Township, **Butler 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.

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

21-05021: Arnold Fuel Oil, Inc. (P. O. Box 2621, Harrisburg, PA 17105) on July 30, 2002, for operation of a gasoline distribution facility at its Mechanicsburg North Terminal in Silver Spring Township, **Cumberland County**. This is Revision No. 2 of the operating permit.

36-05082: Clark Filter (3649 Hempland Road, Lancaster, PA 17601) for operation of paper coating and curing lines at the Hempfield Division Plant in West Hempfield Township, **Lancaster County**. This is Revision No. 1 of the operating permit.

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

10-00001: AK Steel Corp. (Route 8 South, P. O. Box 832, Butler, PA 16003) administratively amended on August 1, 2002, to incorporate the following plan approval conditions (10-307-050A, 10-001B and 10-001C) into their Title V Operating Permit at their Butler Facility in Butler Township, **Butler County**. These plan approvals were for the No. 22 Pickle Line, sources venting to the No. 3 Baghouse and the No. 12 Pickle Line. The original Title V Operating Permit was issued on January 22, 1999 and amended on October 20, 1999, and again on May 10, 2000.

37-00003: Essroc Cement (2nd Street, Bessemer, PA 16112) administratively amended on August 8, 2002, to incorporate the newly applicable requirements from Plan Approval No. 37-003B into their Title V Operating Permit for operation of the cement manufacturing facility in Bessemer Borough, **Lawrence County**.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

46-00173: New Hanover Incineration, Inc. (3645 Church Road, Perkiomenville, PA 18074) revoked on June 26, 2002, for operation of a natural minor operating permit in New Hanover Township, **Montgomery County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17970119 and NPDES Permit No. PA0237876. Johnson Brothers Coal Company, R. R. 1, Box 580, Mahaffey, PA 15757. Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc., located in Gulich Township, **Clearfield County** affecting 52.7 acres. Receiving streams: Muddy Run. Application received December 21, 2001. Permit issued July 29, 2002.

41940101 and NPDES Permit No. PA0219843. Fisher Mining Co., 40 Choate Circle, Montoursville, PA

17754. Renewal of an existing bituminous surface mine permit in Pine and McHenry Townships, **Lycoming County** affecting 640 acres. Receiving streams: Buckeye Run to Otter Run and Right Fork of Otter Run to Otter Run, Otter Run to Little Pine Creek, Little Pine Creek to Pine Creek, Pine Creek to West Branch Susquehanna River. Application received March 21, 2001. Permit issued August 6, 2002.

17910114 and NPDES Permit No. PA0206628. River Hill Coal Company, Inc., Kylertown, PA 16847. Renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County** affecting 300 acres. Receiving streams: unnamed tributaries to Dutch Hollow Run, Dutch Hollow Run, a tributary to Mosquito Creek and Mosquito Creek. Application received March 29, 2002. Permit issued July 26, 2002.

17860146 and NPDES Permit No. PA0115738. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717-7960. Renewal of an existing bituminous surface mine permit in Chest Township, **Clearfield County** affecting 214.8 acres. Receiving streams: unnamed tributary to Wilson Run, to Wilson Run, to Chest Creek, to West Branch Susquehanna River. Application received March 4, 2002. Permit issued July 26, 2002.

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

03950114 and NPDES Permit No. PA0201928. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Permit renewal issued for reclamation only of a bituminous surface/auger mine located in South Bend Township, **Armstrong County**, affecting 221.6 acres. Receiving streams: unnamed tributary to Sugar Run. Application received May 31, 2002. Reclamation only renewal issued August 8, 2002.

03920110. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Permit renewal issued for reclamation only of a bituminous surface/auger mine located in South Bend Township, **Armstrong County**, affecting 37.7 acres. Receiving streams: Craig Run to Crooked Creek. Application received June 5, 2002. Reclamation only renewal issued August 8, 2002.

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

32860115 and NPDES Permit No. PA0597864. Paul F. Becker Coal Company, 1593 Old Route 22, Duncansville, PA 16635, permit renewal for reclamation for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Banks Township, **Indiana County**, affecting 78.1 acres. Receiving streams: two unnamed tributaries to South Branch Bear Run and an unnamed tributary to Straight Run classified for the following uses: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 24, 2002. Permit issued August 5, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

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** to add 36 acres to CRDA, Surface Acres Proposed 36, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed 21, CRDP Refuse Disposal Acres Proposed 15, no additional dis-

charges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued August 5, 2002.

56841605. NPDES Permit PA0214761, Croner, Inc. (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Goodtown Prep. Plant in Brothersvalley Township, **Somerset County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued August 8, 2002.

Noncoal Permits Actions

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

66010804. Randy M. Wiernusz (165 Shaffer Lane, Tunkhannock, PA 18657), commencement, operation and restoration of a quarry operation in Lemon Township, **Wyoming County**, affecting 1.0 acre. Receiving stream: Meshoppen Creek. Application received October 16, 2001. Permit issued August 5, 2002.

64020804. Rob Flynn (R. R. 2 Box 2228, Lakewood, PA 18439), commencement, operation and restoration of a quarry operation in Preston Township, **Wayne County**, affecting 5.0 acres. Receiving stream: Equinunk Creek. Application received July 2, 2002. Permit issued August 8, 2002.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17022801. Cynthia E. Russell, R. D. 1, Box 179, Laurel Run Road, Curwensville, PA 16833. Commencement, operation and restoration of a Small Industrial Mineral (sandstone) permit in Pike Township, **Clearfield County** affecting 5 acres. Receiving streams: Anderson Creek, tributary to West Branch Susquehanna River. Application received February 4, 2002. Permit issued July 26, 2002.

41010801. Keith T. Kmetz, 1720 Sylvan Dell Road, South Williamsport, PA 17702. Commencement, operation and restoration of a Small Industrial Mineral (topsoil) permit in Armstrong Township, **Lycoming County** affecting 4 acres. Receiving streams: tributary to Susquehanna River, Susquehanna River. Application received August 6, 2001. Permit issued August 2, 2002.

08010801. Norton Quarry, R. R. 1, Box 172, New Albany, PA 18833. Commencement, operation and restoration of a Small Industrial Mineral (flagstone) permit in Wyalusing Township, **Bradford County** affecting 2 acres. Receiving streams: Camp Creek, tributary to Wyalusing Creek. Application received January 23, 2001. Application returned: August 5, 2002.

17010801. R. B. Contracting, R. D. 1, Box 13, Curwensville, PA 16833. Commencement, operation and restoration of a Small Industrial Mineral (shale) permit in Brady Township, **Clearfield County** affecting 5 acres. Receiving streams: Luthersburg Branch, tributary to Sandy Lick Creek. Application received May 4, 2001. Application returned: August 5, 2002.

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

31020801. Richard W. Anderson, Jr., 1422 Scott Street, Huntingdon, PA 16652, commencement operation and restoration of a noncoal (shale) mine in Oneida Township, **Huntingdon County**, affecting 1.0 acre. Re-

ceiving streams: two unnamed tributaries to Standing Stone Creek classified for the following uses: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Standing Stone Creek for Huntingdon Borough. Application received May 21, 2002. Permit issued August 7, 2002.

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

10010309. Annandale Sandstone (219 Goff Station Road, Boyers, PA 16020) Revision to an existing sandstone operation to remove incidental coal in Venango Township, **Butler County**. Receiving streams: unnamed tributary to Seaton Creek and Seaton Creek. Application received May 29, 2002. Permit issued July 31, 2002.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

21024040. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in South Hampton Township, **Cumberland County** with an expiration date of November 30, 2002. Permit issued August 5, 2002.

22024009. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Londonderry Township, **Dauphin County** with an expiration date of August 24, 2003. Permit issued August 5, 2002.

36024082. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in West Donegal Township, **Lancaster County** with an expiration date of September 30, 2007. Permit issued August 5, 2002.

67024024. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Manchester Township, **York County** with an expiration date August 24, 2003. Permit issued August 5, 2002.

67024025. Fitz & Smith, Inc. (483 East Locust Street, P. O. Box 178, Dallastown, PA 17313), construction blasting East Manchester Township, **York County** with an expiration date of October 25, 2002. Permit issued August 5, 2002.

35024018. Double M (P. O. Box 186, Waverly, PA 18471), construction blasting in Dunmore Borough, **Lackawanna County** with an expiration date of December 31, 2002. Permit issued August 5, 2002.

39024016. Bernard J. Hasara (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting in Hanover Township, **Lehigh County** with an expiration date of December 15, 2002. Permit issued August 5, 2002.

39024017. Bernard J. Hasara (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting in Upper Saucon Township, **Lehigh County** with an expiration date of February 28, 2003. Permit issued August 5, 2002.

48024015. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Nazareth Borough, **Northampton County** with an expiration date of July 5, 2003. Permit issued August 6, 2002.

48024016. David H. Drury (385 Watts Drive, Duncanon, PA 17020), construction blasting in Lower Saucon Township, **Northampton County** with an expiration date of September 29, 2002. Permit issued August 6, 2002.

45024049. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Pocono Township, **Monroe County** with an expiration date of July 3, 2003. Permit issued August 6, 2002.

36024083. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting in Manheim Township, **Lancaster County** with an expiration date of July 5, 2003. Permit issued August 6, 2002.

15024025. Explo Service, Inc. (P. O. Box 164, 1315 Sheep Hill Road, East Earl, PA 17519), construction blasting in West Caln Township, **Chester County** with an expiration date of June 29, 2003. Permit issued August 6, 2002.

45024050. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Paradise Township, **Monroe County** with an expiration date of July 9, 2003. Permit issued August 6, 2002.

38024021. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in South Lebanon Township, **Lebanon County** with an expiration date of February 25, 2003. Permit issued August 6, 2002.

67024026. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in York Township, **York County** with an expiration date of March 25, 2003. Permit issued August 6, 2002.

67024027. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Manchester Township, **York County** with an expiration date of June 25, 2003. Permit issued August 6, 2002.

06024035. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Cumru Township, **Berks County** with an expiration date of August 30, 2003. Permit issued August 6, 2002.

46024046. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in Franconia Township, **Montgomery County** with an expiration date of November 29, 2002. Permit issued August 7, 2002.

46024042. Allan A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting in Whitemarsh Township, **Montgomery County** with an expiration date of October 25, 2002. Permit issued August 7, 2002.

45024051. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of July 12, 2003. Permit issued August 7, 2002.

46024040. AMROC, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Franconia Township, **Montgomery County** with an expiration date of August 30, 2003. Permit issued August 7, 2002.

09024026. Delta Gulf Corp. (P. O. Box 5429, Shreveport, LA 71135-5429), construction blasting in East Rockhill Township, **Bucks County**; Pike Township, **Berks County**; North Annville, North Lebanon and Swatara Townships, **Lebanon County**; Jackson and

Southwest Madison Townships, **Perry County** with an expiration date of November 30, 2002. Permit issued August 7, 2002.

21024041. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608), construction blasting in West Pennsboro Township, **Cumberland County** with an expiration date of August 30, 2007. Permit issued August 7, 2002.

45024054. Spring Mountain Homes (P. O. Box 475, Reeders, PA 18352), construction blasting in Pocono Township, **Monroe County** with an expiration date of October 31, 2002. Permit issued August 8, 2002.

48024017. Joao & Bradley Construction Co., Inc. (4211 Tracy Lane, Bethlehem, PA 18020), construction blasting in Palmer and Bethlehem Townships, **Northampton County** with an expiration date of December 28, 2002. Permit issued August 8, 2002.

46024041. Joao & Bradley Construction Co., Inc. (4211 Tracy Lane, Bethlehem, PA 18020), construction blasting in Abington Township, **Montgomery County** with an expiration date of May 28, 2003. Permit issued August 8, 2002.

36024084. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of August 30, 2003. Permit issued August 8, 2002.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

14024019. Alan A. Myers, 1573 Spring Valley Road, State College, PA 16801, for construction blasting, located in Benner and College Townships, **Centre County**, with an expected duration of 365 days. Permit issued August 6, 2002. Permit expires: December 31, 2002.

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

04024001. Controlled Demolition, Inc. (2737 Merymans Mill Road, Phoenix, MD 21131). Permit issued for a Valspar Polyurethane Residue Removal project located in Rochester Township, **Beaver County**, with an expected duration of 2 days. Permit issued August 8, 2002.

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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

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Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-428. Minisink Hotel, Inc., P. O. Box 70, Minisink Hills, PA 18341. Smithfield Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a pedestrian bridge having a single span of approximately 37.7 feet and a maximum underclearance of approximately 14.0 feet across Marshalls Creek to service pedestrian traffic from the Minisink Hotel to the roller rink catering area. The project also includes the installation of a 1 1/4-inch sanitary sewer line attached to the side of the northern bridge beam. The project is located north of the intersection of SR 2028 and SR 2021 (Stroudsburg, PA-NJ Quadrangle N: 22.5 inches; W: 2.0 inches).

E39-410. North Whitehall Township, 3256 Levans Road, Coplay, PA 18037. North Whitehall Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure; to construct and maintain an open-bottom, precast concrete arch culvert having a span of 30.4 feet and an underclearance of 5.25 feet across Coplay Creek; to construct and maintain bank restoration and stabilization, consisting of log and stone deflectors, erosion control matting, native plantings and riprap along 200 feet of the right bank of Coplay Creek; and to construct and maintain an outfall structure consisting of a 15-inch diameter pipe and concrete end wall in the floodway of Coplay Creek. The project is located at the intersection of Excelsior Road (T-665) and Coplay Creek Road (Cementon, PA Quadrangle N: 10.1 inches; W: 13.7 inches).

EA48-004NE. Gregory A. Gulick, 3399 Bath Pike, Bethlehem, PA 18017. Hanover Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To restore two watercourses that have been historically plowed and reshaped during farming activities as follows: (1) a 1,665-foot long, grass-lined channel having a depth of 1 foot and width of 40 feet; and (2) a 330-foot long, grass-lined channel having a depth of 1 foot and width of 30 feet. The project is located approximately 1,500 feet southwest of the intersection of SR 0022 and SR 0512 (Catasauqua, PA Quadrangle N: 6.0 inches; W: 1.8 inches).

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

E21-338. South Middletown Municipal Authority, P. O. Box 8, Boiling Springs, PA 17007 in South Middletown Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain about 250 linear feet of new 6-inch diameter high density polyethylene sanitary sewer force main encased in a 10-inch diameter steel pipe, crossing of the Yellow Breeches Creek (HQ-CWF) stream channel and floodway located about 50 feet downstream of the SR 2003 bridge crossing of the Creek (Carlisle, PA Quadrangle N: 2.3 inches; W: 3.3 inches) in South Middletown Township, Cumberland County.

E67-717. Randy Odachowski, 3833 Salem Road, York, PA 17404 in North Codorus Township, **York County**, ACOE Baltimore District.

To excavate a 35.8-foot by 32.6-foot nonjurisdictional pond which will have a brick embankment of 20-feet by 3-feet high in the channel of an unnamed tributary to Codorus Creek (WWF) located about 1,700 feet southwest of New Salem School (West York, PA Quadrangle N: 4.03 inches; W: 7.2 inches) in North Codorus Township, York County.

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

E14-418. Thomas A. Shivery, 356 Lower Coleville Road, Bellefonte, PA 16823. Stream enclosure garage, in Spring Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 6.07 inches; W: 6.82 inches).

To construct and maintain a 52-foot 2-inch long by 36-foot 2-inch wide garage over 36 linear feet of an 8-foot wide concrete block walled unnamed tributary to Buffalo Run located 700 feet southeast on Lower Coleville Road from Coleville Road. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-423. Philipsburg Borough, P. O. Box 631, Philipsburg, PA 16866-0631. Cold Stream footbridge, in Philipsburg Borough, **Centre County**, ACOE Baltimore District (Philipsburg, PA Quadrangle N: 3.5 inches; W: 11.1 inches).

To construct and maintain a 4-foot wide by 60-foot long steel beam/wood deck pedestrian bridge with its associated concrete abutments and 7-foot underclearance across Cold Stream for a recreational trail located 2,000 feet upstream of the Cold Stream Dam spillway. The project proposes to permanently impact 4 linear feet of the Cold Stream that is classified as a HQ-CWF. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-232. Bloomsburg Fair Association, P. O. Box 479, Bloomsburg, PA 17815. Road construction in floodway, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 21.1 inches; W: 13.8 inches).

To construct and maintain a one directional access road approximately 600 feet long that will connect Route 11 to River Road in the floodway of Fishing Creek 100 feet south of the SR 42/SR 11 interchange. This permit was issued under section 105.13(e) "Small Projects."

E59-431. Donald W. Trowbridge, 222 Granger Street, Blossburg, PA 16912-1433. Culvert crossing, in Rutland Township, **Tioga County**, ACOE Baltimore District (Rutland, PA Quadrangle N: 4.2 inches; W: 15.3 inches).

To construct, operate and maintain a 104-inch diameter steel culvert pipe residential crossing having a length of 30 feet. This permit also authorizes rock headwalls and one foot of clean fill used for cover over the culvert pipe. This crossing is located on Bailey Creek 130 feet north of Bailey Creek Road, 1/4 mile west of French Road (Millerton, PA Quadrangle N: 4.21 inches, W: 15.3 inches) in Rutland Township, Tioga County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E60-156. Chris A. Walter, R. R. 1, Box 339, New Columbia, PA 17856. New home in floodway, in White Deer Township, **Union County**, ACOE Baltimore District (Allenwood, PA Quadrangle N: 13.37 inches; W: 2.37 inches).

To replace a 14-foot by 60-foot trailer with a 28-foot by 44-foot double wide mobile home in the 100-year floodway of White Deer Creek located 1.0 mile west on White Deer Pike from SR 0015 in White Deer Township, Union County. This permit was issued under section 105.13(e) "Small Projects."

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

E10-328, Adams Ridge II, L. P., 1150 Brodhead Road, Monaca, PA 15061-2500. Adams Ridge II, Phase VI, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 12.0 inches; W: 6.0 inches).

To fill 0.60 acre of wetland (PSS/PFO) and impact approximately 2,000 feet of the channel of a tributary to Kaufman Run having a contributory drainage area less than 100 acres for the construction of Adams Ridge II, Phase VI, residential development south of SR 228 approximately 1 mile west of Mars Borough. This project includes creation of 1.25 acres of replacement wetland along Kaufman Run on Adams Ridge Pointe Road (formerly Four Seasons Road).

E25-647, Erie-Western Pennsylvania Port Authority, 100 State Street, Suite 205, Erie, PA 16507. Ore Dock Access Road, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 3.5 inches; W: 10.9 inches).

Realign and reconstruct an existing access road within the 100-year flood plain of Lake Erie and to rehabilitate and maintain the existing bridge having an approximate clear span of 67 feet and an underclearance of 15 feet across Mill Creek on the Ore Dock Access Road extending from the Bayfront Parkway west of the Erie Wastewater Treatment Plant northeast to the Mountfort Terminal.

E62-377, Timothy J. Stec, R. D. 1 Box 3, Grand Valley, PA 16420. Timothy J. Stec SRSTP Outfall to Caldwell Creek, in Eldred Township, **Warren County**, ACOE Pittsburgh District (Grand Valley, PA Quadrangle N: 18.7 inches; W: 5.2 inches).

Install and maintain an outfall pipe with concrete headwall along the right bank of Caldwell Creek (HQ) approximately 0.5 mile upstream of T-361 Whaley Hill Road at Grand Valley from a Single Residence Sewage Treatment Facility for an existing home along T-318 Hoover Road.

E62-384, Mead Oil Company, P. O. Box 667, Sheffield, PA 16347. Gas pipelines across Little Arnot Run, in Mead Township and Cherrygrove Township, **Warren County**, ACOE Pittsburgh District (Sheffield, PA Quadrangle N: 18.8 inches; W: 14.6 inches).

To construct and maintain 11,525 feet long, 3-inch diameter and 2-inch diameter natural gas pipelines to extend existing lines to provide gas to a local business. The pipeline will cross underneath (by trenching) Little Arnot Run approximately 1.6 miles northeast of the intersection of SR 2001 and Gregerson Road.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D64-104EA. Consumers Pennsylvania Water Company, 204 East Sunbury Street, Shamokin, PA 17872. Paupack, Township, **Wayne County**, ACOE Philadelphia District.

To breach and remove Red Shale Dam No. 1 across Red Shale Brook (HQ-CWF, MF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 3,800 feet south of the intersection of SR 3028 and T367 (Hawley, PA Quadrangle N: 19.40 inches; W: 14.75 inches).

[Pa.B. Doc. No. 02-1482. Filed for public inspection August 23, 2002, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "July 2002 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2002.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes To Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Interim Final Technical Guidance

DEP ID: 254-2100-101. Title: Environmental Assessment Process, Phase I Review. Description: The Department is adding this document to its inventory of technical guidance documents. The Department will perform the Environmental Assessment in Phase I or prior to other technical review for applicable municipal and residual waste permit applications. This policy establishes procedures the Department will follow in reviewing Environmental Assessments submitted with municipal and residual waste permit applications to evaluate the harms and benefits of the proposed facility on public health, welfare, safety and the environment. Comment Period Ends: September 23, 2002. Effective Date: August 24, 2002. Contact: Steve Socash at (717) 787-6052 or e-mail: ssocash@state.pa.us.

Final Technical Guidance

DEP ID: 255-5400-001. Title: Outdoor Shooting Range Guidance. Description: This document provides guidance on the operation, modification and location of outdoor shooting ranges in order to prevent, eliminate or mitigate hazards to human health or the environment resulting

from the use of lead shot. Effective Date: September 7, 2002. Contact: Ken Beard at (717) 783-9475 or e-mail: kbeard@state.pa.us

Notice of Intent to Rescind

DEP ID: 562-2403-505. Title: Drop Trailer and Tanker Guidelines. Description: Prior to July 14, 2001, Department regulations (25 Pa Code Chapter 211) did not advise the use of drop trailers and tankers for storing explosives. When Chapter 211 was revised, effective July 14, 2001, it incorporated the federal Bureau of Alcohol, Tobacco and Firearms standards for storage of explosives (27 CFR Part 55, Subpart K). These new standards for Pennsylvania, now found in Section 211.115, properly address the storage of explosives in drop trailers and tankers. Therefore, the subject guidance document is no longer necessary. Effective date of rescission: August 30, 2002. Contact: Rick Lamkie at (717) 787-5103 or e-mail: rlamkie@state.pa.us

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1483. Filed for public inspection August 23, 2002, 9:00 a.m.]

Wetlands Protection Advisory Committee Meeting

The Wetlands Protection Advisory Committee meeting scheduled for Thursday, August 29, has been cancelled. The next meeting is scheduled for Tuesday, November 26, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA at 10 a.m. For information, contact Kelly Heffner at (717) 787-6827.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1484. Filed for public inspection August 23, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Emergency Medical Services Patient Care Report Data Elements, Confidential and Nonconfidential Data Elements and Essential Patient Information for Transmission for Patient Care

Under 28 Pa. Code § 1001.41 (relating to data and information requirements for ambulance services) the Department of Health (Department) is publishing the following: (a) a list of data elements and form specifications for the emergency medical services (EMS) patient care report (PCR); (b) a designation of data items for the PCR that are confidential; and (c) patient information in the PCR designated as essential for immediate transmission to the receiving facility for patient care.

(A) *Data Elements and Form Specifications.* The following standards must be met for an EMS data collection software program to satisfy the requirements for electronic PCR reporting:

1. A prospective vendor must contact the Department of Health, Emergency Medical Services Office, Room 1032, P. O. Box 90, Harrisburg, PA 17108, to request the output data specifications and the patient care information that a user of the software must be able to enter into the PCR.

2. The requirements that a PCR data collection software program must meet, after the vendor obtains the input and output specifications and the patient care information from the Emergency Medical Services Office (EMS Office), are the following:

i. It must have all the data elements identified in the column titled "Required Data Elements" on the EMS PCR Data and Information Chart included in this notice.

ii. It must have symbols for years that are consistent with ASCII codes assigned by the aggregating data program.

iii. It must be able to collect and print narrative.

iv. It must be able to generate an ASCII flat file (undelimited).

v. It must allow for the practitioner or ambulance service's designated data administrator to make corrections when data elements are omitted or an error occurred when the form was initially completed.

vi. It must annotate additions and corrections made to the PCR by identifying what data element was added or changed, the date of change and who made the change.

vii. It must assign a specific lithocode to each PCR and prevent duplication of lithocode assignments.

3. The prospective vendor must coordinate with a regional EMS council that is willing to conduct a beta test of the software program using 100 preprepared PCRs provided by the EMS Office. The regional EMS council will run the raw data files and generate reports from the Statewide PCR data system for validation.

The beta test will include:

i. Two ambulance services each entering the data from 50 of the 100 prepared PCRs provided by the EMS Office.

ii. Printing of the 100 PCRs.

iii. Printing a list of the data elements collected.

iv. Printing reports that identify unit utilization for:

a. Response outcome, hour/day of week.

b. Fractal time.

c. Municipal response for each of the two beta sites.

v. Printing the following reports:

a. Incident location/type report with number of calls and percentage of calls.

b. Trauma summary.

c. Revised trauma scores.

d. Glasgow coma scale.

e. Medical summary.

f. EKG.

g. Treatment summary.

h. Admission summary.

i. BLS and ALS skills report for each practitioner.

j. BLS and ALS skills report for each beta test site.

k. Demographics summary (age, gender, total).

l. Vital signs summary (ranges, systolic, diastolic, pulse, respiration).

m. Attendant activity.

vi. Printing output files of data elements to include:

a. Field number.

- b. Field name.
- c. Number of fields for each field name.
- d. Type of field (that is, numeric, blanks stored as "0," mm/dd/yyyy, character Boolean and acceptable field values).

To secure a determination of software compliance from the EMS Office the following must occur:

1. The vendor must request a determination of compliance from the EMS Office, upon which the EMS Office will notify the vendor of reports and information that the vendor must submit to the EMS Office to seek a determination of compliance.
2. The regional EMS council that coordinated the beta test shall submit a letter to the EMS Office recommending a determination of compliance or noncompliance. The regional EMS council will validate that all of the aforementioned criteria have been met before recommending a determination of compliance. The EMS Office will notify the vendor as to whether the data collection software program satisfies the requirements for electronic PCR reporting. If the EMS Office determines there are inadequacies, it will identify the corrections that need to be made.

Data software programs developed for handheld devices that transmit data to an approved software program must be evaluated by a regional EMS council prior to being used by an ambulance service in the field to ensure the transmitted data is accurate and complete and supports the ambulance service in meeting regulatory requirements for data submission. A minimum of 20 PCRs provided by the EMS Office will be used to evaluate the transfer and accuracy of the data collected and transmitted using the handheld device. The evaluation will consist of entering the PCR data on the handheld device and transmitting the data to the approved software program. The regional EMS council will compare data from the two sources. The regional EMS council will submit a letter to the EMS Office recommending a determination of compliance or noncompliance. The EMS Office will notify the vendor as to whether the data collection software program for the handheld device satisfies the requirements for electronic reporting. If the EMS Office finds inadequacies, it will identify the corrections that need to be made and provide notice to the vendor.

To secure endorsement of the software by the EMS Office, in addition to securing a determination of compliance from the EMS Office, the vendor must do the following:

1. The vendor must agree, in writing, to make changes to the software program at no cost to the customer if the change is a minor one requested by the EMS Office. A minor change is one that does not add or decrease a field. For example, a change of the year in the date field is a minor change.
2. The vendor must agree, in writing, to provide to the EMS Office and to all licensed users 30-days advance notice before selling the program source code and company or going out of business. The vendor must further agree, in writing, that if circumstances prevent the vendor from meeting the 30-day notice requirement, the vendor will provide input specifications and the source code for the software program to the EMS Office at no cost.

(B) *Confidential PCR Data Elements.* Section 1001.42 of 28 Pa. Code (relating to dissemination of information) prohibits the release of the PCR, disclosure of confidential

information in the PCR or a report or record thereof, except as authorized under 28 Pa. Code § 1001.42(a)(1)—(7). The Department has the authority under 28 Pa. Code § 1001.41(b) to designate some of the information in the PCR as nonconfidential but has chosen not to do so at this time. Consequently, the PCR is confidential in its entirety, and all information in the PCR is subject to the disclosure restrictions in 28 Pa. Code § 1001.41(b). The EMS Office and the regional EMS councils will, however, release aggregate data extracted from PCRs.

To protect against the indirect disclosure of patient information, patient data will be aggregated into groups large enough to prevent an individual from being identified.

Regional EMS councils will release aggregate information from the PCR at a geographic level no smaller than minor civil division (MCD). The report contents will be limited to the following PCR data items:

- Number of calls by an MCD.
- Demographic characteristics of patients, age and sex.
- Number of calls made by month.
- Level of certification of prehospital personnel.
- Average response time.
- Response outcomes.
- Incident location.
- Incident type.
- Suspected illness.
- Medical command facility.

If requests are made for information from a geographic area smaller than an MCD or for PCR data not previously listed, the following is applicable:

1. No PCR or information contained therein shall be released unless the patient (or an authorized representative of the patient) gives a written request or consent to release the PCR or another regulatory exception is met. A request for a specific ambulance service's response record will be referred directly to the service.

2. When a request is made for PCR data elements identified for other purposes, for example, research or statistical analysis, the elements will be released only after the person requesting the data secures written approval from the EMS Office. The request must be submitted in writing to the appropriate regional EMS council. The regional EMS council will forward the request to the EMS Office for consideration. After the EMS Office gives written approval of a request, prior to the EMS Office releasing data, the requesting party must submit a signed data user agreement provided by the EMS Office.

The PCR data elements applicable to the foregoing paragraphs are:

- Patient identifiers.
- Ambulance service identifiers.
- Prehospital care personnel identifiers.
- Medical command facility identifiers.
- MCD identifiers.

(C) *Patient Information Required to be Transmitted to Hospital at Time of Patient Delivery.* Section 1001.41(d) of 28 Pa. Code requires an ambulance service to provide to the individual at the hospital assuming responsibility for the patient the patient information designated in the

PCR as essential for immediate transmission to personnel for patient care. The EMS Office encourages ambulance services to transmit immediately to the facility all information solicited by the PCR, including the narrative section. If the ambulance service does not provide all of the information solicited by the PCR at the time the hospital or facility assumes care, essential information that must be transmitted are the items listed on the following EMS PCR Data and Information Chart. The information may be transmitted verbally, electronically or in a format developed by the hospital or other entity that the hospital finds acceptable to ensure the confidentiality of information designated as confidential in the PCR form.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape or Braille) should contact Fay Geegee, Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740, V/TT: (717) 783-6154 for speech or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Essential Information for Immediate Transmission to Receiving Facility at Time of Patient Delivery
28 Pa. Code § 1001.41(d)

Required Data Elements

Lithocode	
Affiliate Number/Unit Number	
Incident Location MCD Code	
Date—Month/Day/Year	Required
Attendant #1 Type	
Attendant #1	Required
Attendant #2 Type	
Attendant #2	
Attendant #3 Type	
Attendant #3	
Attendant #4 Type	
Attendant #4	
Driver	
Response Mode	
Transport Mode	
Dispatch Time	
Enroute Time	
Arrive Scene Time	
Depart Scene Time	
Arrive Destination Time	
Available Time	
In Quarters Time	
Response Outcome	
Service Incident Number	
Incident Location Type	
Work Related	
Incident Type	
Suspected Illness	Required
Sex	Required
Age	Required
Age Type (month/day)	
Initial Vital Sign—Systolic	Required
Initial Vital Sign—Diastolic	Required
Initial Vital Sign—Palp	Required
Initial Vital Sign—Pulse	Required

Required Data Elements

Initial Vital Sign—Respiration	Required
Eyes/Verbal/Motor Safety Devices	Required
Contributing Factors	
Situation of Injury	Required
Injury Site/Type	Required
Revised Trauma Score	
BLS Treatment	Required
ALS Treatment	Required
EKG Initial	Required
EKG Last	
IV Fluid	Required
IV Rate	Required
Medication	Required
CPR Information	
Patient Condition On Scene/At Facility	
Medical Command (Type)	
Receiving Facility	
Patient Received By	
Research Code	
Command Facility ID #	
Service Name	Required
Service Number	
Incident Number	
Today's Date	
Incident Location (description)	
Patient Name	Required
Phone	
Age	
Date of Birth	
Sex	
Patient Address	
Social Security Number	
Membership	
Private Physician	
Insurance Code Number	
Bill To (Company or Name)	
Bill To Address & Phone	
Mileage	
Chief Complaint	Required
Current Medication	Required
Allergies (Meds)	Required
Past Medical History	
Narrative	
Vital Signs	
Name Patient Received by	
Crew Signatures (No. 1 through No. 4)	
Person Receiving Patient Signature and Date	
Command Physician Name and ID#	

Essential Information for Immediate Transmission to Receiving Facility at Time of Patient Delivery
28 Pa. Code § 1001.41(d)

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1485. Filed for public inspection August 23, 2002, 9:00 a.m.]

Public Hearing to Solicit Comments for Regulations on Do-Not-Resuscitate Orders and Advance Declarations

The Department of Health (Department) will hold a public hearing on September 12, 2002, from 1 p.m. to 3 p.m. in Room 327, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

The purpose of the public hearing is to solicit comments on proposed and interim regulations to be promulgated by the Department under Act 59 of 2002 (Act 59).

Act 59 amends the Advance Directive for Health Care Act (Advance Directive Act) and establishes the Do-Not-Resuscitate Act (DNR Act). The amendments to the Advance Directive Act revise requirements under which emergency medical services (EMS) personnel are to implement a patient's advance declaration directing that the patient not be resuscitated. The DNR Act establishes standards for and procedures by which a patient's attending physician may provide a patient with an out-of-hospital do-not-resuscitate order, bracelet or necklace that EMS personnel are to honor.

Act 59 was signed into law on June 19, 2002, and went into effect on August 18, 2002. It requires the Department to promulgate interim regulations to aid in the implementation of Act 59 by December 16, 2002, and to conduct a public hearing prior to the adoption of interim regulations.

The Department plans to conduct the public hearing as an open discussion among the persons attending. To ensure that the room size and layout are adequate, the Department requests that persons planning to attend the public hearing contact Yvonne Cooper by September 5, 2002. It is the Department's preference that Yvonne Cooper be contacted by e-mail at ycooper@state.pa.us.

The Department anticipates that it will have prepared a preliminary draft of regulations prior to the public hearing. Persons interested in securing a copy of the preliminary draft should contact Yvonne Cooper to request a copy.

Interested persons may submit written comments to Yvonne Cooper, Emergency Medical Services Office, 1032 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740, fax (717) 772-0910. Attendance at the public hearing is not a prerequisite.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodations to do so should contact Yvonne Cooper or for speech or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT). Persons with a disability who require an alternative format of this notice or the preliminary draft regulations should also contact Yvonne Cooper.

The hearing is subject to cancellation without notice. If the public hearing needs to be moved to another location based upon the number of persons attending, an appropriate notice will be posted in the lobby of the Health and Welfare Building on the day of the hearing.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1486. Filed for public inspection August 23, 2002, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Innovation and Expansion Grant to Plan, Coordinate and Implement a Statewide Independent Living Conference; OVR RFP 2002-4

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Federal Rehabilitation Act of 1973, as amended in 1992, announces that competing applications to establish, expand or improve community rehabilitation programs serving persons with the most significant disabilities will be accepted. This competition is authorized under the Federal Rehabilitation Act of 1973.

Funding for this competition is under the auspice of the State Board of Vocational Rehabilitation and the OVR, which will serve as administrator and fiscal agent for the grant awarded under this competition. Applications will be written to accomplish the following areas of emphasis:

In coordination with, and guidance from, the Statewide Independent Living Council (SILC):

- The Grantee will develop a work plan for an Independent Living Conference (Conference). The work plan will include, at minimum, strategies to explore, evaluate and select prospective Conference topics; strategies for Conference site selection; strategies for selection and recruitment of prospective Conference speakers/presenters for the Conference topics; strategies for Conference marketing, public relations and support; strategies for expanding Conference attendance to underserved populations; and a prospective budget and cost allocation plan for the Conference, including prospective resources of revenue.

- The Grantee will convene a Conference Planning Committee to advise the Grantee and assist with planning and coordinating the Conference. At minimum, membership of the Conference Planning Committee will consist of persons with significant disabilities, including at least one person who is blind and one person who is deaf. Conference Planning Committee membership will be recruited from a variety of sources, including from populations of people who are traditionally underserved by independent living and rehabilitation services.

- With the assistance of the Conference Planning Committee, the Grantee will coordinate and facilitate planning activities associated with the Conference.

- The Grantee will coordinate and implement logistical activities associated with the Conference, including announcements and invitations, scheduling of speakers/presenters, onsite Conference management, Conference security, disability-related accommodations, lodging reservations, as necessary, preparation and distribution of Conference program booklets, participant rosters and other arrangements as may be necessary to the conduct of a successful Conference.

- The Grantee will prepare and submit to the OVR quarterly and year-end reports presenting activity and progress/problems related to the Conference.

- The Grantee will provide the OVR with stage and cumulative accountings of Conference and Conference-related expenses and revenues at 90-day intervals throughout the 18-month life of the grant.

- The Grantee will provide the OVR with an audited accounting of Conference expenses and revenues no later than 90 days following the close of the Conference.

Service Information

This competition will result in one 18 month award beginning January 1, 2003. Activities required under this grant competition include those noted in the preceding section.

For purposes of this competition, an eligible applicant is an individual, a for-profit or nonprofit organization, incorporated under the laws of the Commonwealth or a government agency or political subdivision experienced in effectively planning and implementing conferences of the scope intended, particularly where events have been undertaken on behalf of persons with significant disabilities.

An applicant must have experience in activities, as noted, for a minimum of 3 years prior to the date of application to be considered for this competition. A successful applicant must be able to demonstrate the effectiveness of previous experience in its grant application.

Application Information

Applications received by 5 p.m. on October 4, 2002, which are complete and conform to established specifications, will be accepted for review. Applications submitted after this date and time will be ineligible for consideration.

Applications will be evaluated by a panel of reviewers convened for that purpose.

The effective dates for the contract will be January 1, 2003, through June 30, 2004. Final awards made through this competition are subject to the approval of the Executive Director of the OVR.

A complete OVR RFP 2002-4 application package, which includes more detailed information, is available by contacting Jacqueline B. Lucas, Office of Vocational Rehabilitation, Contracts and Grants Management Section, 1521 North Sixth Street, Harrisburg, PA 17102, (717) 787-7016, fax: (717) 705-9345, TDD: (717) 783-8917.

Preproposal Conference

A preproposal conference to deal specifically with technical questions regarding applications will be held for applicants on Thursday, September 5, 2002, at 10 a.m. in the OVR Central Office, 1521 North Sixth St., Harrisburg, PA. Copies of the application package will also be available at the preproposal conference.

Persons planning to attend the preproposal conference who have special needs that should be considered to participate fully in the preproposal conference should contact Jacqueline B. Lucas at (717) 787-7016 no later than 1 week in advance of the preproposal conference date.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 02-1487. Filed for public inspection August 23, 2002, 9:00 a.m.]

Innovation and Expansion Grant to Plan, Coordinate and Implement a Statewide Independent Living Training Program; OVR RFP 2002-6

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973, as amended in 1992, announces that competing applications to establish, expand or improve community rehabilitation programs serving persons with the most significant disabilities will be accepted. This competition is authorized under Title VII and section 121 of the Rehabilitation Act of 1973.

Funding for this competition is under the auspice of the State Board of Vocational Rehabilitation and the OVR, which will serve as administrator and fiscal agent for the grant awarded under this competition. Applications will be written to accomplish the following areas of emphasis:

Fifteen Centers for Independent Living (CILs) currently operate in this Commonwealth with Federal or State funds. The successful applicant will provide: (1) a minimum of two annual training sessions on topics responsive to the needs of the 15 CILs; and (2) develop and implement an ongoing technical assistance service responsive to the needs of individual CILs. Participants in training and technical assistance services provided through this award are CIL personnel and other parties relevant to the effective provision of independent living (IL) services, through CILs in this Commonwealth, that is, IL customers, OVR personnel, and the like.

An operating fund of \$50,000 will be used by the grantee for the purpose of financing expenses directly related to the provision of training and/or technical assistance services as specified. Examples of these expenses include, but are not limited to, the costs of training sites; instruction/ instructor/instructional material expenses; fees of approved technical assistance consultants; staff/instructor/trainee travel reimbursement consistent with Commonwealth travel regulations and determined allowable by the OVR. The grantee will submit proposed training budgets to the OVR for approval before completing arrangements for any grant-sponsored training programs.

The specific objectives of this grant competition are:

1. Conduct training needs assessment of all CILs in this Commonwealth within the first 3 months of the grant year.

2. In conjunction with the CILs and the Pennsylvania Statewide Independent Living Council (Council), and based upon the findings of the CIL training needs assessment, develop a training and technical assistance plan for presentation to the OVR and the Council for review/approval. The plan will be presented for review no later than the end of the fourth month of the project year.

3. Based upon the approved training and technical assistance plan, implement a process through which timely, responsive technical assistance service may be rendered to this Commonwealth's CILs.

4. Provide or arrange for the provision of a minimum of two training sessions per year on topics responsive to the assessed training needs of the targeted audiences. Train-

ing, as provided, must be consistent with the training plan approved by the OVR and the Council.

5. Training sessions provided through this award will be geographically situated as to be easily accessible to the CILs and their employees. The physical locations for any training provided through this award must be fully accessible to persons with disabilities.

6. Provide quarterly and final program and fiscal reports to the OVR. The final annual report for the project year must include an objective evaluation of training and technical assistance services. Evaluation must clearly reflect the input of persons who have received training and/or technical assistance through the grant.

Service Information

This competition will result in one award and funding for a 2-year period, beginning January 1, 2003. Activities allowable under this grant competition include those noted in the preceding section. The successful applicant will enter a contract with the OVR to serve as the Commonwealth's agent administering services as described.

For purposes of this competition, an eligible applicant is an individual, a for-profit or nonprofit organization, incorporated under the laws of the Commonwealth or a government agency or a political subdivision experienced in effectively providing training services.

A successful applicant must be able to demonstrate the effectiveness of previous experience in its grant application.

Application Information

Applications received by 5 p.m. on Friday, October 4, 2002, which are complete and conform to established specifications, will be accepted for review. Applications submitted after this date and time will be ineligible for consideration.

Applications will be evaluated by a panel of reviewers convened for that purpose.

The effective dates for the contract will be January 1, 2003, through December 31, 2003. Final awards made through this competition are subject to the approval of the Executive Director of the OVR.

A complete OVR RFP 2002-6 application package, which includes more detailed information, is available by contacting Jacqueline B. Lucas, Office of Vocational Rehabilitation, Contracts and Grants Management Section, 1521 North Sixth Street, Harrisburg, PA 17102-2913, (717) 787-7016, fax: (717) 705-9345, TDD: (717) 783-8917; or writing to the following address:

Preproposal Conference

A preproposal conference to deal specifically with technical questions regarding applications will be held for applicants on Friday, September 6, 2002, at 10 a.m. in the OVR Central Office, 1521 North Sixth St., Harrisburg, PA. Copies of the application package will also be available at the preproposal conference.

Persons planning to attend the preproposal conference who have special needs that should be considered to participate fully in the preproposal conference should

contact Jacqueline B. Lucas at (717) 787-7016, no later than 1 week in advance of the preproposal conference date.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 02-1488. Filed for public inspection August 23, 2002, 9:00 a.m.]

Uniform Construction Code; Public Hearings

The Department of Labor and Industry (Department) has scheduled three public hearings to hear comments on its proposed Uniform Construction Code (UCC), Administrative and Enforcement and Elevators and Other Lifting Devices regulations. See 32 Pa.B. 4128 (August 24, 2002) for the text of this proposed rulemaking.

The Department will also consider comment and testimony on the "Code for the Conservation of Space Conditioning Energy for Housing in Pennsylvania: The PHRC Alternative to Chapter 11, Energy Efficiency, of the International Residential Code (IRC) 2000 for Use in Pennsylvania" at these three public hearings. The Department intends to utilize the Pennsylvania Housing Research Center (PHRC) code in the UCC regulations as an alternative approach to the prescriptive energy measures contained in the "International Residential Code 2000 and the International Energy Conservation Code 2000." Federal law requires each state to certify to the United States Secretary of Energy that its residential building code comports with the "International Energy Conservation Code 2000." A state may determine that its residential building code should be revised to meet or exceed the "International Energy Conservation Code 2000." This notice and the public hearing listed in this notice will fulfill the public notice and hearing requirements under Energy Conservation and Resource Renewal Act, 42 U.S.C.A. § 6833. These regulations are being proposed under section 301 of the Pennsylvania Construction Code Act (35 P. S. § 7210.301).

The public hearings are set for the following locations and dates:

Radisson Hotel Pittsburgh
101 Mall Blvd.
Monroeville, PA 15146
September 9, 2002
2—4 p.m.

Plymouth Township Community Center
2910 Jolly Road
Plymouth Meeting, PA 19462
September 11, 2002
1:30—3:30 p.m.

Holiday Inn Grantville
604 Station Road
(I-81, Exit 80)
Grantville, PA 17028
September 13, 2002
1:30—3:30 p.m.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 02-1489. Filed for public inspection August 23, 2002, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, August 8, 2002, and took the following actions:

Regulations Approved

State Board of Podiatry #16A-445: Biennial Renewal Fees (amends 49 Pa. Code Chapter 29)

Department of Public Welfare #14-472: TANF Program (amends 55 Pa. Code Chapters 105, 123, 125, 133, 140, 141, 145, 151, 153, 165, 177, 178, 181, 183, 187 and 281)

Approval Order

Public Meeting held
August 8, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by Phone; Arthur Coccodrilli, Dissenting; Robert J. Harbison, III; John F. Mizner, by Phone

Department of Public Welfare; Temporary Assistance for Needy Families (TANF) Program; Regulation No. 14-472

On October 2, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapters 105, 123, 125, 133, 140, 141, 145, 151, 153, 165, 177, 178, 181, 183, 187 and 281. The proposed regulation was published in the October 20, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 8, 2002.

This regulation replaces the Aid to Families with Dependent Children Program with rules for the Federally authorized Temporary Assistance for Needy Families (TANF) program and includes changes to the General Assistance, Medical Assistance and Food Stamp programs.

We have determined this regulation is consistent with the statutory authority of the Department (62 P.S. §§ 201(2) and 403(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1490. Filed for public inspection August 23, 2002, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at

which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

*Final-
Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-474	Department of Public Welfare Redetermining Eligibility, General Eligibility Provisions and Income	08/12/02
11-209	Insurance Department Privacy of Consumer Health Information	08/13/02

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1491. Filed for public inspection August 23, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Ronald B. Green; Doc. No. SC02-08-004

Notice is hereby given of the Order to Show Cause issued on August 9, 2002, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violation of the following is alleged: sections 604, 633, 633.1 and 639 of the Insurance Department Act of 1921 (40 P.S. §§ 234, 273, 273.1 and 279) and 31 Pa. Code §§ 37.46, 37.47 and 37.81 (relating to standards for denial of certificate/license; revocation, suspension, nonrenewal of certificates and licenses; and premium accounts).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1492. Filed for public inspection August 23, 2002, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of American General Life Insurance Company of Pennsylvania, an admitted stock life insurance company organized under the laws of the Commonwealth, with and into American General Assurance Company, an admitted stock life insurance company organized under the laws of the State of Illinois. The initial filing was received on July 29, 2002, and was made under requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21205—21207).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, e-mail cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1493. Filed for public inspection August 23, 2002, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Major Medical Non-Group Rate Filing; No. 588-MMNG-1/1/03; ID No. A62469001

On August 6, 2002, Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield submitted a filing requesting the Insurance Department's (Department) approval to increase the current monthly rates by 18.85% for the Major Medical Non-Group Program. The projected average number of contracts per month during the January 1, 2003—December 31, 2003, period is approximately 5,829. The proposed increase will generate additional revenue of \$1,805,271. An effective date of January 1, 2003, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1494. Filed for public inspection August 23, 2002, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Non-Group Special Care Rate Filing; Filing No. 589-BC-SP-1/1/03; ID No. A62514001

On August 7, 2002, Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Insurance Department's (Department) approval to increase the current monthly rates by 4.93% for the Blue Cross Non-Group Special Care Program. The projected average number of contracts per month during the January 1, 2003—December 31, 2003, period is approximately 3,266. The proposed increase will generate additional revenue of \$114,672. An effective date of January 1, 2003, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1495. Filed for public inspection August 23, 2002, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; No. 590-BC NG BASE 1/1/03; ID No. A62512001

On August 7, 2002, Blue Cross of Northeastern Pennsylvania submitted Filing No. 590-BC NG BASE 1/1/03, ID No. A62512001 requesting approval to increase the Non-Group Basic Conversion and Direct Enrollment rates by 7.8%. The proposed effective date is January 1, 2003. This filing will impact 74,355 contract months and will generate approximately \$995,465 in additional revenue.

This filing is available for public inspection during normal working hours at the Insurance Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1496. Filed for public inspection August 23, 2002, 9:00 a.m.]

Highmark Blue Cross Blue Shield; Direct Pay Medical Surgical Plan Rates; Filing No. 1-DPMS-02-HBCBS; ID A62539001

On August 8, 2002, Highmark Blue Cross Blue Shield submitted Filing No. 1-DPMS-02-HBCBS, ID A62539001 requesting approval to increase the Direct Pay Medical Surgical Plan Rates for the Western Region. The proposed

increase for UCR 100 is 23.1% and 17.7% for Plan C. The proposed effective date is January 1, 2003. This filing will impact 6,500 contract holders and will generate approximately \$1.6 million in additional annual revenue.

This filing is available for public inspection during normal working hours at the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1497. Filed for public inspection August 23, 2002, 9:00 a.m.]

Highmark, Inc.; Direct Pay Medical/Surgical UCR Program; Filing No. 200218; ID No. A62516001

On August 7, 2002, by filing No. 200218, Highmark Inc. d/b/a Pennsylvania Blue Shield requests approval to increase its premium rates for its Direct Pay Medical/Surgical UCR Programs in the Blue Cross of Northeastern Pennsylvania Plan area. The filing requests an increase of 14.0% of current premium, an average of \$16.42 per contract per month. This will affect about 3,900 contract holders and produce additional annual premium income of about \$768,000. The requested effective date of the change is January 1, 2003.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1498. Filed for public inspection August 23, 2002, 9:00 a.m.]

Highmark, Inc.; Direct Pay Preferred Hospital Benefits Plan Rate Increase; Filing No. 1-CPE-02-HBCBS

Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield requests approval to increase its premium rates for its Direct Pay Preferred Hospital Benefits Plan. The filing requests an increase of about 21.9% of current premium, \$53.90 per contract per month. This will affect about 6,600 contract holders and produce additional premium income of about \$4.2 million per year. The requested effective date of the change is January 1, 2003.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1499. Filed for public inspection August 23, 2002, 9:00 a.m.]

Highmark Inc.; Requested Rate Increase for the Direct Pay Medicare Supplemental Medical Surgical Portion of Security 65 Programs; Filing No. 200219

Highmark, Inc. d/b/a Pennsylvania Blue Shield requests approval to increase premium rates for its Direct Pay Medicare Supplement (Security 65) Programs in the Blue Cross of Northeastern Pennsylvania and Independence Blue Cross plan areas. The filing requests an average increase of 5.2% of current premium, an average of \$3.69 per contract per month. This will affect approximately 108,000 contract holders and produce additional premium income of approximately \$4.8 million per year. The requested effective date of the change is January 1, 2003.

The actual requested rates for medical surgical portion effective January 1, 2003, are as follows:

<i>Security 65 Plans A, B, H</i>	<i>Independence Blue Cross</i>	<i>Blue Cross of Northeastern PA</i>
First Eligibility	\$ 79.85	\$56.75
Late Entry: 65—69	\$ 79.85	\$56.75
Late Entry: 70—79	\$ 92.45	\$66.00
Late Entry: 80 and over	\$103.60	\$73.95
<i>Security 65 Plan C</i>		
First Eligibility	\$ 87.80	\$64.40
Late Entry: 65—69	\$ 87.80	\$64.40
Late Entry: 70—79	\$100.40	\$73.65
Late Entry: 80 and over	\$111.55	\$81.60

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1500. Filed for public inspection August 23, 2002, 9:00 a.m.]

Highmark, Inc.; Special Care Medical/Surgical Program; Filing No. 1-SCMS-02-HI; ID No. A62538001

On August 8, 2002, by filing No. 1-SCMS-02-HI, Highmark Inc. d/b/a Highmark Blue Cross Blue Shield and d/b/a Pennsylvania Blue Shield requests approval to increase premium rates for its Special Care Medical/Surgical Programs in the Central Pennsylvania Region, Highmark Blue Cross Blue Shield Region and Blue Cross of Northeastern Pennsylvania Region. No change is requested for the Independence Blue Cross Region. Increases will vary by region as shown.

<i>Region</i>	<i>Percentage Increase</i>	<i>Additional Prem. per Month</i>	<i>Number of Contracts</i>
Central Region	30.5%	\$46,000	3,250
Highmark Blue Cross Blue Shield	22.5%	\$168,100	19,300
Blue Cross of Northeast PA	9.0%	\$10,250	2,800
All Regions Combined	22.2%	\$224,350	25,350

The filing requests an average increase of about 22.2% of current premium. This will affect about 25,350 contract holders and produce additional annual income of about \$2,692,200. The requested effective date of the change is January 1, 2003.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1501. Filed for public inspection August 23, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Order

Public Meeting held
August 8, 2002

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

*Petition to Reinstate Airnex Communications, Inc. Doc.
No. A-310794*

Order

By the Commission:

On June 18, 2001, Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Airnex Communications, Inc. (Airnex), an IXC reseller certificated at A-310794. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to Airnex that its 1999 Annual Report was due. The complaint charged that Airnex violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report. The Complaint requested that the Commission issue an order canceling Airnex's certificate of public convenience for failure to file its 1999 Annual Report.

According to the U.S. Postal Service return receipt, service of the Complaint was perfected on June 22, 2001. Airnex did not answer or file its 1999 Annual Report within the time given. By order entered April 4, 2002, the Commission cancelled Airnex's certificate of public convenience. On June 13, 2002, Airnex filed a Petition to Reinstate and attached its 1999 Annual Report.

It is well settled that decisions such as whether to grant a petition for reinstatement are left to the Commis-

sion's discretion and will be reversed on appeal only if that discretion is abused. *Hoskins Taxi Service v. Pa. P.U.C.*, 486 A.2d 1030 (Pa. Comwlth. 1985). In ruling upon a petition for reinstatement, it is incumbent upon this Commission to examine all relevant factors in order to reach an equitable result. *Medical Transportation, Inc.*, 57 Pa. P.U.C. 79 (1983).

The Commission has identified five factors that are particularly relevant to the determination of a petition to reinstate: 1) the amount of time that elapsed between the cancellation of the certificate of public convenience and the filing of the petition to reinstate, 2) whether the petitioner has a record of habitually violating the Public Utility Code, 3) the reasonableness of the excuse given for the violation that caused the certificate to be canceled, 4) whether petitioner has implemented procedures to prevent a recurrence of the circumstances giving rise to the subject complaint, and 5) all assessments must be current prior to reinstatement. *M.S. Carriers, Inc.*, Docket No. A-00110601 (May 4, 1999).

In considering the first factor, we note that approximately 10 weeks elapsed between the cancellation on April 4, 2002, and Airnex's request for reinstatement on June 13, 2002.

In regard to the second factor, a review of Commission records shows that Airnex had a formal complaint filed against it for failure to timely pay its 2001-2002 Annual Assessment. However, Airnex satisfied its outstanding assessment on April 4, 2002. Airnex has had a total of two formal complaints instituted against it since the issuance of its certificate in 1999. While this is not a stellar record, it is not so egregious as to militate against reinstatement.

In considering the third and fourth factors, Airnex states that its failure to file its 1999 Annual Report was due to an administrative oversight. Airnex states that it

has contracted the services of Telecom Compliance Services, Inc. to ensure that its regulatory compliance remains in good standing. Airnex's excuse for the violation appears reasonable, and the fact that Airnex has taken steps to ensure future compliance supports reinstatement.

The fifth factor requires that all outstanding fines and/or assessments be paid prior to reinstatement. A review of Commission records show that Airnex currently has no unpaid fines or assessments.

Based upon the foregoing, we grant Airnex's petition for reinstatement. However, we caution Airnex that in the future annual reports must be timely filed and all Commission correspondence must be answered in a timely manner. *Therefore*,

It is Ordered:

1. That the Petition to Reinstatement filed by Airnex Communications, Inc. at C-00015633 on June 13, 2002 is hereby granted.

2. That the certificate of public convenience held by Airnex Communications, Inc. at A-310794 is hereby reinstated.

3. That the Secretary serve a copy of this Order upon all jurisdictional telecommunications carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1502. Filed for public inspection August 23, 2002, 9:00 a.m.]

Order

Public Meeting held
August 8, 2002

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

*Petition to Reinstatement Association Administrators, Inc. Doc.
No. A-310527*

Order

By the Commission:

On June 19, 2001, Law Bureau Prosecutory Staff filed a Formal Complaint against Association Administrators, Inc. (AAI), an IXC reseller certificated at A-310527. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to AAI that its 1999 Annual Report was due. The complaint charged that AAI violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report. The Complaint requested that the Commission issue an order canceling AAI's certificate of public convenience for failure to file its 1999 Annual Report.

According to the U.S. Postal Service return receipt, service of the Complaint was perfected on June 21, 2001. AAI did not answer or file its 1999 Annual Report within the time given. By order entered April 4, 2002, the Commission cancelled AAI's certificate of public convenience. On June 13, 2002, AAI filed a Petition to Reinstatement and attached its 1999 Annual Report.

It is well settled that decisions such as whether to grant a petition for reinstatement are left to the Commission's discretion and will be reversed on appeal only if

that discretion is abused. *Hoskins Taxi Service v. Pa. P.U.C.*, 486 A.2d 1030 (Pa. Comwlth. 1985). In ruling upon a petition for reinstatement, it is incumbent upon this Commission to examine all relevant factors in order to reach an equitable result. *Medical Transportation, Inc.*, 57 Pa. P.U.C. 79 (1983).

The Commission has identified five factors that are particularly relevant to the determination of a petition to reinstate: 1) the amount of time that elapsed between the cancellation of the certificate of public convenience and the filing of the petition to reinstate, 2) whether the petitioner has a record of habitually violating the Public Utility Code, 3) the reasonableness of the excuse given for the violation that caused the certificate to be canceled, 4) whether petitioner has implemented procedures to prevent a recurrence of the circumstances giving rise to the subject complaint, and 5) all assessments must be current prior to reinstatement. *Re.*, *M.S. Carriers, Inc.*, Docket No. A-00110601 (May 4, 1999).

In considering the first factor, we note that approximately 10 weeks elapsed between the cancellation on April 4, 2002, and AAI's request for reinstatement on June 13, 2002.

In regard to the second factor, AAI does not have a record of habitually violating the Public Utility Code. The instant violation that led to cancellation of its certificate has been the only complaint against AAI since the issuance of its certificate in 1997.

In considering the third and fourth factors, AAI states that its failure to file its 1999 Annual Report was due to an administrative oversight. AAI states that it has contracted the services of Telecom Compliance Services, Inc. to ensure that its regulatory compliance remains in good standing. AAI's excuse for the violation appears reasonable, and the fact that AAI has taken steps to ensure future compliance militates toward reinstatement.

The fifth factor requires that all outstanding fines and/or assessments be paid prior to reinstatement. A review of Commission records shows that AAI currently has no unpaid fines or assessments.

Based upon the foregoing, we grant AAI's petition for reinstatement. However, we caution AAI that in the future annual reports must be timely filed and all Commission correspondence must be answered in a timely manner; *Therefore*,

It is Ordered:

1. That the Petition to Reinstatement filed by Association Administrators, Inc. at C-00015662 on June 13, 2002, is hereby granted.

2. That the certificate of public convenience held by Association Administrators, Inc. at A-310527 is hereby reinstated.

3. That the Secretary serve a copy of this Order upon all jurisdictional telecommunications carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1503. Filed for public inspection August 23, 2002, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before September 16, 2002, as set forth at 52 Pa. Code § 3.381 (relating to the applications for transportation of property, household goods in use and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00119180. Dennis Sosa. (148 Carbondale Road, Waymart, Wayne County, PA 18472)—persons in limousine service, between points in the counties of Wayne and Lackawanna, and from points in said counties, to points in Pennsylvania, and return.

A-00119179. John Horn, Sr., t/d/b/a Paradise Transportation. (437 Eagle Drive, Blandon, Berks County, PA 19510)—persons in paratransit service, between points in the Townships of Alsace, Maiden creek, Ontelaunee, the Boroughs of Leesport, Temple and Laureldale and the City of Reading, all located in Berks County, and from points in said territory, to points in the City and County of Philadelphia, the Township of Tinicum, Delaware County and the Township of Hanover, Lehigh County, and return.

Applications of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.*

A-00110720, Folder 2, Am-B. Jack M. Pavella, t/d/b/a Jack Pavella's Lamplighter Limousine Service. (31 Woodside Drive, Washington, Washington County, PA 15201)—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County.

A-00117603, Folder 1, Am-A. Peter Molnar, t/d/b/a Molnar Limousine Service. (3437 Denny Street, Pittsburgh, Allegheny County, PA 15201)—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County.

A-00117756, Folder 1, Am-A. Gateway Limousine Service, LLC. (4215 Main Street, Pittsburgh, Allegheny County, PA 15224)—a limited liability company of the Commonwealth of Pennsylvania—to transport, persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons, in limousine service, between points in the county of Allegheny.

A-00117885, Folder 1, Am-A. John W. Caldwell, T/D/B/A Caldwell's Airport and Sedan Service. (1432 Cooper Avenue, Pittsburgh, Allegheny County, PA 15212)—persons in limousine service, between points in Pennsylvania: *So As to Permit* persons in limousine service, between points in the county of Allegheny.

A-00107211, Folder 1, Am-B. Rainbow Cab, Inc. (539 South Bolmar Street, West Chester, Chester County, PA 19382)—a corporation of the Commonwealth of Pennsylvania—inter alia—persons upon call or demand in the Borough of West Chester, Chester County: *So As to Permit* persons upon call or demand in the Townships of Uwchlan, West Whiteland, East Caln, East Whiteland, Willistown and Easttown, and in that portion of the Township of Tredyffrin, bordered on the north by Interstate Route 76 and on the east by Route 252, the Boroughs of Downingtown and Malvern, all located in Chester County, and the Township of Edgemont, Delaware County.

A-00117559, Folder 1, Am-A. Stephen J. Malik, Sr., T/D/B/A Corporate Sedan Service. (660 Means Avenue, Floor # 2, Pittsburgh, Allegheny County, PA 15202)—persons in limousine service, between points in Pennsylvania: *So As to Permit* persons in limousine service, between points in the county of Allegheny. Attorney: David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

A-00115254, Folder 2. Majesty Company, Inc. (PO Box 3062, Munhall, Allegheny County, PA 15120)—a corporation of the Commonwealth of Pennsylvania, to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the County of Allegheny, and from points in said County, to points in Pennsylvania, and return.

Complaint

Motor Freight Transportation Inc., 350 Chestnut Street, York, PA 17403; A-00115976C0201; A-00115976, F.1

Dear Respondent:

On June 10, 2002, the Bureau of Transportation and Safety instituted a Complaint against Motor Freight Transportation, Inc., respondent, alleging failure to pay outstanding assessments of \$364 for the fiscal year 2000, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Bureau of Transportation and Safety notified the Respondent that it must file an Answer to the Complaint within twenty days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission issue an order cancelling respondent's Certificate of Public Convenience, directing the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notifying the Pennsylvania Department of Revenue and respondent's insurance carriers that respondent's Certificate is revoked.

The Complaint was served on respondent on June 27, 2002. To date, more than twenty days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the Certificate of Public Convenience, issued to respondent at A-00115976 F.1, is hereby cancelled.

Furthermore, this Commission will put an administrative hold on respondent's vehicle registrations. Respondent will not be able to register any new vehicles or

renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

and on respondent's insurance carriers:

General Accident Insurance
One Beacon St.
Boston, MA 02108

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1504. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-310633F7003. Commonwealth Telephone Company and Level 3 Communications, LLC. Joint Petition of Commonwealth Telephone Company and Level 3 Communications, LLC for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Level 3 Communications, LLC, by its counsel, filed on August 7, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company and Level 3 Communications, LLC 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. 02-1505. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-310163F7001. Verizon North Inc. and Excel Telecommunications, Inc. d/b/a Excel. Joint Petition of Verizon North Inc. and Excel Telecommunications, Inc. d/b/a Excel for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Excel Telecommunications, Inc. d/b/a Excel, by its counsel, filed on August 5, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Excel Telecommunications, Inc. d/b/a Excel 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. 02-1506. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-311190F7001. Verizon North Inc. and Millenianet Corporation. Joint Petition of Verizon North Inc. and Millenianet Corporation for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Millenianet Corporation, by its counsel, filed on August 5, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a 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 Verizon North Inc. and Millenianet 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. 02-1507. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-310569F7001. Verizon North Inc. and OneStar Long Distance Inc. d/b/a OneStar Long Distance. Joint Petition of Verizon Pennsylvania Inc. and OneStar Long Distance Inc. d/b/a OneStar Long Distance for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and OneStar Long Distance Inc. d/b/a OneStar Long Distance, by its counsel, filed on August 5, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and OneStar Long Distance Inc. d/b/a OneStar Long Distance 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. 02-1508. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-310163F7000. Verizon Pennsylvania Inc. and Excel Telecommunications, Inc. d/b/a Excel. Joint Petition of Verizon Pennsylvania Inc. and Excel Telecommunications, Inc. d/b/a Excel for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Excel Telecommunications, Inc. d/b/a Excel, by its counsel, filed on August 5, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Excel Telecommunications, Inc. d/b/a Excel 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. 02-1509. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-311190F7000. Verizon Pennsylvania Inc. and Millenianet Corporation. Joint Petition of Verizon Pennsylvania Inc. and Millenianet Corporation for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Millenianet Corporation, by its counsel, filed on August 5, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a 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 Verizon Pennsylvania Inc. and Millenianet 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. 02-1510. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-311085F7000. Verizon Pennsylvania Inc. and New Access Communications LLC. Joint Petition of Verizon Pennsylvania Inc. and New Access Communications LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and New Access Communications LLC, by its counsel, filed on August 2, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and New Access Communications LLC 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. 02-1511. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-310569F7000. Verizon Pennsylvania Inc. and OneStar Long Distance Inc. d/b/a OneStar Long Distance. Joint Petition of Verizon Pennsylvania Inc. and OneStar Long Distance Inc. d/b/a OneStar Long Distance for approval of a replacement interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and OneStar Long Distance Inc. d/b/a OneStar Long Distance, by its counsel, filed on August 2, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a replacement interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and OneStar Long Distance Inc. d/b/a OneStar Long Distance 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. 02-1512. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-310433F7000. Verizon Pennsylvania Inc. and PNG Telecommunications, Inc. d/b/a Powernet Global Communications. Joint Petition of Verizon Pennsylvania Inc. and PNG Telecommunications, Inc. d/b/a Powernet Global Communications for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and PNG Telecommunications, Inc. d/b/a Powernet Global Communications, by its counsel, filed on August 6, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and PNG Telecommunications, Inc. d/b/a Powernet Global Communications 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. 02-1513. Filed for public inspection August 23, 2002, 9:00 a.m.]

Telecommunications

A-311156F7000. Verizon Pennsylvania Inc. and Remi Retail Communications, LLC d/b/a Remi Communications. Joint Petition of Verizon Pennsylvania Inc. and Remi Retail Communications, LLC d/b/a Remi Communications for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Remi Retail Communications, LLC d/b/a Remi Communications, by its counsel, filed on August 5, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Remi Retail Communications, LLC d/b/a Remi Communications 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. 02-1514. Filed for public inspection August 23, 2002, 9:00 a.m.]

Water Service
Without Hearing

A-212285F0106. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in a portion of Earl Township, Berks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before September 9, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1515. Filed for public inspection August 23, 2002, 9:00 a.m.]

**Water Service
Without Hearing**

A-212285F0107. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in a portion of Lower Heidelberg Township, Berks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before September 9, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1516. Filed for public inspection August 23, 2002, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

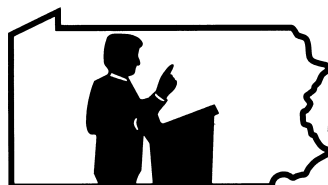
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

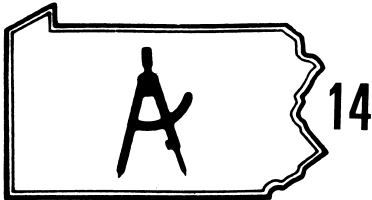
GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

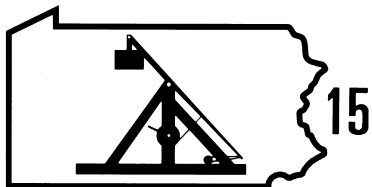
SERVICES



Engineering Services

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



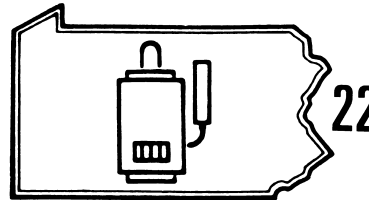
Environmental Maintenance Service

BF 443-101 Abandoned Mine Reclamation Project, John Kann Coal Company, Mining Permit No. 1714-13, involves approximately 12 acres selective grading, 20 acres seeding and backfilling 3 ponds. This project issues August 23, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Bell and Banks Townships, Clearfield & Indiana Counties
Duration: 250 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994

BF 473-101 Abandoned Mine Land Reclamation, Bulldog Excavation, Mining Permit Nos. 65940108-01 thru -06, Coal and Mineral Sales, Inc., Mining Permit Nos. 65880104-01 and -02, involves approximately 19,600 c.y. special handling of existing topsoil cover-Site A; 52,600 c.y. grading - Site A; 24,600 c.y. grading - Site B; 475 c.y. ditch excavation; 175 ton roadway surface material, 815 l.f. subsurface drain, 21 acres seeding; and a spring restoration. This project issues August 23, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent.

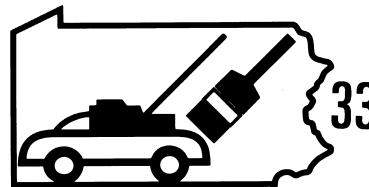
Department: Environmental Protection
Location: Sewickley Township, Westmoreland County
Duration: 340 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994



HVAC Services

LBLA 6261 Purchase of electrical supply items including conduit and accessories, Quazite boxes and covers, enclosures and covers.

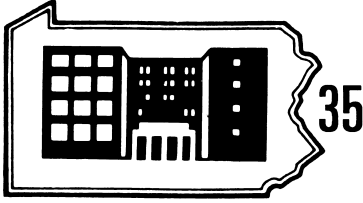
Department: Fish and Boat Commission
Location: Delivery to be made to the Huntsdale Fish Culture Station, Carlisle, PA
Duration: Delivery approx. October 2002
Contact: Kathi Tibbott, Purchasing Agent (814) 359-5130



Property Maintenance

FM1518 Repair and rehabilitation of salt storage buildings.

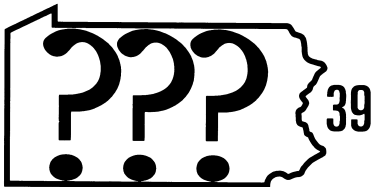
Department: Transportation
Location: PADOT Engineering District 4-0, Dunmore, PA. 18512
Duration: 1 year contract.
Contact: Steve Shields (570) 963-3508



Real Estate Services

93480 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of State with 75,000 useable square feet of Office space within an 8 mile radius of the State Capitol Building, Harrisburg, PA with a minimum parking for 100 vehicles. Downtown locations will be considered. For more information on SFP #93480 which is due on September 6, 2002 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: State
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. Jennings K. Ward (717) 787-7412



Miscellaneous

8321-00000-02 Furnish & install new carpet tiles including removal & disposal (off-site) of existing carpet. Work to be done during normal work hours in 2 phases. The carpet tiles wanted are Shaw "groovy", color: #51400, confetti. No furniture moving required. Work to be completed by 09/30/02.

Department: Health
Location: PA Department of Health, Division of Nursing Care Facilities, 526 Health & Welfare Building, Harrisburg, PA 17120
Duration: Job to be completed by 09/30/02
Contact: Mark D. Hubbard (717) 787-7166

SP3528540103 Provide rental tanks with pumps and pressure for storage of potable and/or non-potable water to eight (8) residences in Washington County, Pennsylvania. Contractor shall provide installation, delivery, set-up, winterization, quarterly cleanings, disassembly and removal upon termination of the contract.

Department: Environmental Protection
Location: Findleyville
Duration: Contract will terminate June 30, 2003 with four one (1) year renewal options.
Contact: Phyllis Cocco (814) 472-1811

SP3520027221 The Department of Environmental Protection, Bureau of Abandoned Mine Reclamation requires a contractor to provide tree planting and tree shelter services in the Spring of 2003. The planting will be for approximately 119,636 tree seedlings and will be accomplished on 12 sites covering approximately 315.4 acres of land.

Department: Environmental Protection
Location: Various sites throughout the Commonwealth of Pennsylvania.
Duration: Through June 30, 2003.
Contact: Sherry Morrow (717) 772-1216

063348 For the removal of ice and snow from the entire length of Traffic Route 3 in Delaware County. Bidding documents will be available for purchase upon request from the PennDOT Sales Store, 5th Floor, Commonwealth Keystone Building, 400 North Street, PO Box 2730, Harrisburg, PA 17120, Telephone Number 717-787-5968. Specifications can also be viewed on PennDOT's home page <http://www.dot.state.pa.us> by selecting either "Doing Business with PennDot/Construction Specifications" or "General Information/Publications/Highway Related Publications/Publication 408". The Bid Opening is expected to occur in September of 2002.

Department: Transportation
Location: Traffic Route 3 (West Chester Pike)
Duration: For the 2002-2003 and the 2003-2004 Snow Seasons
Contact: Louis J. Porrini, Highway Maint. Mgr (610) 205-6703

[Pa.B. Doc. No. 02-1517. Filed for public inspection August 23, 2002, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY POWELL LOGAN,
Secretary