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PENNSYLVANIA BULLETIN

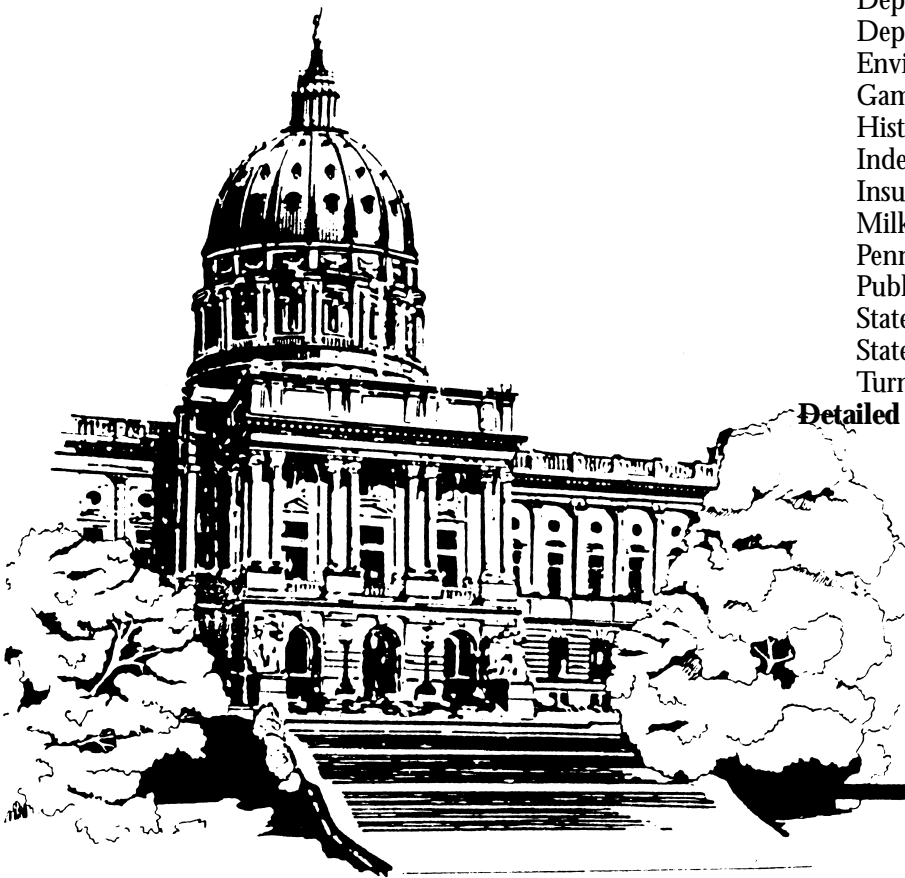
Volume 32
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Number 47
Pages 5731—5864

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Natural Resources' State Park
General Provisions Regulations

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The Courts
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Department of Banking
Department of Conservation and
Natural Resources
Department of Education
Department of Environmental Protection
Department of General Services
Department of Public Welfare
Environmental Hearing Board
Game Commission
Historical and Museum Commission
Independent Regulatory Review Commission
Insurance Department
Milk Marketing Board
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board
State Board of Barber Examiners
State Board of Podiatry
Turnpike Commission

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**Latest Pennsylvania Code Reporter
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No. 336, November 2002

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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 GENERAL ASSEMBLY

Recent Actions during the 2002 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2002 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2002 GENERAL ACTS ENACTED—ACT 129 through 133					
129	Oct 28	SB0612	PN2228	immediately	Crimes Code (18 Pa.C.S.)—criminal history record information dissemination to noncriminal justice agencies and individuals
130	Oct 28	SB0832	PN2296	immediately	Capital Facilities Debt Enabling Act—redevelopment assistance capital projects appropriation and limitation
131	Oct 28	SB1213	PN2292	immediately	Capital Budget Project Itemization Act of 2001-2002—enactment (line item veto)
132	Nov 6	HB0227	PN3199	60 days	Crimes Code (18 Pa.C.S.)—offensive weapons, electric or electronic incapacitation devices, aggravated assault and tear or noxious gas use in labor disputes
133	Nov 6	HB2060	PN4466	immediately	Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—prudent investor rule and applicability of diversification provisions codification
2002 VETOES OF BILLS—VETO 1					
1	Nov 6	HB0412	PN4206	immed/etc	Public School Code of 1949—criminal background checks, health recommendations, high school certificates and mandated waivers

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 02-2090. Filed for public inspection November 22, 2002, 9:00 a.m.]

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings, to be held at the Union League, 140 South Broad Street, Philadelphia, PA 19102:

Tuesday, December 10, 2002	10—11:30 a.m.	Media Workshop Lincoln Memorial Room
Wednesday, December 11, 2002	9 a.m.	Quarterly Commission Meeting Grant Room

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 02-2091. Filed for public inspection November 22, 2002, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Adoption of Local Rules of Civil Procedure; Rule 3105*(a). Delivery of Writ and Rule 3129.2*(e). Internet Notice; No. 02-0001-0005

Order

And Now, this 6th day of November, 2002, the Court hereby adopts Montgomery County Local Rules of Civil Procedure Rule 3105*(a). Delivery of Writ., and Rule 3129.2*(e). Internet Notice. These Rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court:

S. GERALD CORSO,
President Judge

Rule 3105*(a). Delivery of Writ.

(a) Where the writ directs the Sheriff to sell the real property of a defendant the complete writ package must be received by the Sheriff before noon on the Last Day to File for the next monthly sale.

Rule 3129.2*(e). Internet Notice.

(e) In addition to the notice required by this Rule the Sheriff shall post a list of all properties to be sold at each sale on the Sheriff's official county website. The form and

content of the notice shall be as determined by the Sheriff. Notice shall be posted at least twenty-one (21) days prior to the date the property is initially scheduled for sale. The Sheriff may at the Sheriff's discretion elect to update the listed information to indicate the withdrawal, postponement or stay of any sale. This additional information shall be for the convenience of the parties. The failure of the Sheriff to update the original information, or any inaccuracies in the update, shall not affect the validity of any sale.

[Pa.B. Doc. No. 02-2092. Filed for public inspection November 22, 2002, 9:00 a.m.]

MONTGOMERY COUNTY

Live Scan Processing Fee; No. Misc. 134 Jan. 02

Administrative Order

And Now, this 31st day of October, 2002, effective immediately, this Court's Administrative Order of February 4, 2002 regarding the above is hereby *Amended*. The Clerk of Courts is hereafter directed to assess a one-hundred-dollar (\$100.00) Live Scan Processing Fee against any defendant who was processed at a Live Scan site in Montgomery County on or after February 4, 2002 *And* is either:

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

The Live Scan Processing Fee, collected pursuant to this Order, is payable to the municipality supporting the Live Scan facility.

By the Court

S. GERALD CORSO,
President Judge

[Pa.B. Doc. No. 02-2093. Filed for public inspection November 22, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 89]

Medicare Supplement Insurance Minimum Standards

The Insurance Department (Department) amends §§ 89.775, 89.776, 89.783 and 89.790 to read as set forth in Annex A. Sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411, and 412) provide the Insurance Commissioner (Commissioner) with the authority and duty to promulgate regulations governing the enforcement of the laws relating to insurance. The final-omitted rulemaking will also bring the Department's regulations for the approval of Medicare supplement policies into compliance with the Federal statutory requirements of section 1882 of the Social Security Act (SSA) (42 U.S.C.A. § 1395ss) and the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (P. L. 106-554).

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Under section 204(3) of the CDL, notice of proposed rulemaking may be omitted when the agency for good cause finds that public notice of its intention to amend an administrative regulation is, under the circumstances, impracticable and unnecessary.

The amendments to Subchapter K (relating to Medicare supplement insurance minimum standards) are Federally mandated under recent Federal legislation, specifically BIPA, effective December 21, 2000. Federal law requires that these amendments be implemented by the states if they are to remain in compliance with the Federal requirements and maintain regulatory authority in this area. The revised NAIC Medicare Supplement model regulation (NAIC model regulation) was adopted October 24, 2001, and the Department's new regulations must be adopted within 1 year following the adoption of the NAIC model regulations for the Commonwealth to retain regulatory authority in this area. To comply with Federal statutory minimum requirements for Medicare supplement policies, as mandated by sections 111 and 618 of BIPA, the Commissioner finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are impracticable and unnecessary in this situation and that the proposed rulemaking may be properly omitted under section 204(3) of the CDL.

Purpose

Subchapter K was initially promulgated to establish minimum standards for Medicare supplement insurance policies. Standardization of policies was Federally required under the Omnibus Budget Reconciliation Act of 1990. The Department currently seeks to modify Subchapter K to meet the new Federal mandates for Medicare supplement policies as required under BIPA.

The final-omitted rulemaking is necessary to maintain the Commonwealth's compliance with Federal requirements, which will ensure that the Commonwealth retains enforcement authority over Medicare Supplement policies and these new requirements. These standards were effective for Medicare Supplement issuers on December 21,

2000, under BIPA. The Federal legislation establishes that states that adopt the language of the NAIC model regulation that has been revised to address the Federal changes will be considered to be in compliance with the Federal requirements. The Commonwealth needed to adopt these revisions to the Medicare Supplement regulations by October 24, 2002, to avoid Federal intervention.

The final-omitted rulemaking will protect the rights of Commonwealth consumers purchasing Medicare Supplement policies.

Explanation of Regulatory Requirements

Section 89.775(2)(vi) (relating to minimum benefit standards for policies or certificates issued for delivery prior to July 30, 1992) has been modified to reflect the revised cost sharing structure requirements for hospital outpatient department services. The added language is based on the revised NAIC model regulation.

Section 89.776(1)(vii)(C) (relating to benefit standards for policies or certificates issued or delivered on or after July 30, 1992) has been revised to reflect the Federal requirements amending the suspension of benefits and premiums under a Medicare Supplement policy due to coverage under a group health plan. The new language is based on the NAIC model regulation.

Section 89.776(1)(vii)(D) has been revised to clarify that the reinstatement of Medicare Supplement coverage is applicable specifically to clauses (B) and (C). The new language is based on the revised NAIC model regulation.

Section 89.776(2)(v) has been amended to reflect the new payment system for Medicare outpatient hospital services. The new language is based on the revised NAIC model regulation.

Section 89.783(c) (relating to required disclosure provisions) has been amended to delete the specific outlines of coverage disclosure for Plans A—J. These outlines of coverage contain information on the specific benefits that must be provided under each standardized Medicare Supplement policy. The inclusion of these outlines of coverage is not required by the NAIC model regulation. The outlines of coverage include deductibles and subscriber cost sharing amounts that change every year based on changes in the Medicare program cost sharing requirements. It is impracticable to continue to change these outlines of coverage every year with a regulation. The Department will instead maintain these outlines of coverage in written and electronic forms that will be available on request to assure that Medicare Supplement issuers and subscribers have access to the most up-to-date information and coverage requirements. The Department will also incorporate the chart (Plans A—J) into the Department's website to provide consumers and insurers with easier access to the plans. This will allow both consumers and insurers access to the plans 24-hours-a-day, 7-days-a-week and not just when the Department is open for business. Furthermore, the Department will publish a notice in the *Pennsylvania Bulletin* of the availability of the amended outlines when revisions are made available to the Department by the United States Department of Health and Human Services.

Section 89.790(a)(1) (relating to guaranteed issue for eligible persons) has been revised to change the definition of an eligible person for guaranteed issue rights under the regulation. The new language is based on the revised NAIC model regulation.

Section 89.790(b)(2)(i) has been revised to clarify the permitted discontinuation of an individual's enrollment in a Medicare+Choice plan. The modified language is a result of BIPA. This language is based on the revised NAIC model regulation.

Section 89.790(b)(2)(ii) has been revised to clarify the permitted discontinuation of an individual's enrollment in a Medicare+Choice plan. The modified language is a result of BIPA. This language is based on the revised NAIC model regulation.

Section 89.790(b)(2)(vi) and (vii) has been deleted to conform the final-omitted rulemaking to new eligibility periods for Medicare+Choice enrollees created by BIPA. This language is based on the revised NAIC model regulation.

Section 89.790(b)(3)(i) has been modified to remove the reference to Medicare risk contracts under section 1876 of the SSA (42 U.S.C.A. § 1395mm) as required by BIPA. This language is based on the revised NAIC model regulation.

Section 89.790(b)(5) and (6) has been modified to conform to changes in the SSA as a result of BIPA. This language was adopted by the NAIC model regulation.

Section 89.790(c) has been added to set forth the guaranteed issue time periods for individuals required by BIPA. This language was adopted by the NAIC model regulation.

Section 89.790(d) has been added to define the enrollment periods for individuals whose enrollment in a Medicare+Choice plan is interrupted within the first 12 months of enrollment. This section is necessary to meet requirements set by BIPA. This language was adopted in the revised NAIC model regulation.

Fiscal Impact

The Department can review revised Medicare supplement filings in the course of normal business and anticipates that it will experience minimal or no increase in cost in its review.

The insurance industry will likely not incur additional costs associated with complying with the new Federal requirements. The guaranteed eligibility provisions may increase the utilization of services and therefore, the cost of policies. There is currently no way to assess these potential costs.

Effectiveness/Sunset Date

This final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned.

Paperwork

Adoption of this final-omitted rulemaking should not require significant paperwork for insurance carriers' product development areas to implement the new Federal changes.

Persons Regulated

This final-omitted rulemaking applies to all insurance companies who issue Medicare supplement products in this Commonwealth.

Contact Person

For information on this final-omitted rulemaking, contact Peter J. Salvatore, Regulatory Coordinator, 1326

Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 772-1969, e-mail psalvatore@state.pa.us.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 13, 2002, the Department submitted copies of this final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. On the same date, the final-omitted rulemaking was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

On October 2, 2002, the Department requested a tolling of the final-omitted rulemaking for clarification. IRRC did not object to the tolling. On October 10, 2002, the Department resubmitted the final-omitted rulemaking to IRRC and the Chairpersons of the House and Senate Committees. On the same date, the final-omitted rulemaking was resubmitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act.

Under section 5.1(d) of the Regulatory Review Act, on October 22, 2002, this final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, on October 24, 2002, IRRC met and approved this final-omitted rulemaking.

Findings

The Insurance Commissioner finds that:

(1) There is good cause to amend Subchapter K. Deferral of the effective date of the rulemaking would be impractical and not serve the public interest. Under section 204(3) of the CDL, there is no purpose to be served by deferring the effective date. An immediate effective date will best serve the public interest by ensuring the Commonwealth's compliance with the new Federal requirements and retention of enforcement authority over all aspects of Medicare supplement policies.

(2) There is good cause to forego public notice of the intention to amend Subchapter K, because notice of the amendment under the circumstances is unnecessary and impractical under section 204(3) of the CDL for the following reasons:

(i) The amendments mandated by Federal law will go into effect with or without Commonwealth regulatory action.

(ii) If the amendments are not implemented as established by the Federal law, regulatory oversight of these requirements will be assumed by the Federal government. If this were to occur, it would split regulation of Medicare supplement policies between the Commonwealth and the Federal government. Dual regulation would negatively impact Commonwealth consumers due to a shortage in Federal enforcement staffing. Accordingly, it would be more difficult for Commonwealth consumers to have complaints concerning the new requirements addressed by the Federal government in a timely manner.

(iii) Public comment cannot change the fact that these Federal requirements will be implemented either by the Commonwealth or the Federal government. Nor can public comment have any impact upon the content of the new Federal mandates.

Order

The Commissioner, acting under the authority in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, orders that:

(1) The regulations of the Department, 31 Pa. Code Chapter 89, are amended by amending §§ 89.775, 89.776, 89.783 and 89.790 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

(3) 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 its publication in the *Pennsylvania Bulletin* and apply retroactively to October 24, 2002.

M. DIANE KOKEN, Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5582 (November 9, 2002).)

Fiscal Note: 11-212. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART IV. LIFE INSURANCE

CHAPTER 89. APPROVAL OF LIFE, ACCIDENT AND HEALTH INSURANCE

Subchapter K. MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

§ 89.775. Minimum benefit standards for policies or certificates issued for delivery prior to July 30, 1992.

A policy or certificate may not be advertised, solicited or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are consistent with this subchapter.

* * * * *

(2) Minimum benefit standards. The following represent minimum benefit standards:

* * * * *

(vi) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible.

* * * * *

§ 89.776. Benefits standards for policies or certificates issued or delivered on or after July 30, 1992.

The following standards apply to Medicare supplement policies or certificates delivered or issued for delivery in

this Commonwealth on or after July 30, 1992. A policy or certificate may not be advertised, solicited, delivered or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General standards. The following standards apply to Medicare supplement policies and certificates and are in addition to other requirements of this subchapter:

* * * * *

(vii) Suspension by policyholder.

* * * * *

(C) Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) of the Social Security Act (42 U.S.C.A. § 426(b)) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v) of the Social Security Act (42 U.S.C.A. § 1395y (b)(1)(A)(v))). If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of the loss and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan.

(D) Reinstatement of these coverages as described in clauses (B) and (C):

* * * * *

(2) Standards for basic (core) benefits common to all benefit plans. Every issuer shall make available a policy or certificate, including only the following basic core package of benefits to each prospective insured. An issuer shall also offer a policy or certificate to prospective insureds meeting the Plan B benefit plan. An issuer may make available to prospective insureds Medicare Supplement Insurance Benefit Plans C, D, E, F, G, H, I and J as listed in § 89.777(e) (relating to standard Medicare supplement benefit plans). The core packages are as follows:

* * * * *

(v) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

* * * * *

§ 89.783. Required disclosure provisions.

* * * * *

(c) Outline of coverage requirements for Medicare supplement policies.

* * * * *

(6) The cover page and the accompanying charts for Plan A to Plan J of the Outlines of Coverage are available upon request from the Department in printed and electronic formats. In addition, notice will be published, in the *Pennsylvania Bulletin*, of the availability of the amended outlines when revisions are made available to the Department by the United States Department of Health and Human Services as published in the

Federal Register. The Outlines of Coverages will be made available on the Department's website at http://www.insurance.state.pa.us.

(d) Notice regarding policies or certificates which are not Medicare supplement policies.

(1) An accident and sickness insurance policy or certificate, other than a Medicare supplement policy; a policy issued under a contract under section 1876 of the Social Security Act (42 U.S.C.A. § 1395mm), disability income policy; or other policy identified in § 89.771(b) (relating to applicability and scope) issued for delivery in this Commonwealth to persons eligible for Medicare, shall notify insured under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds.

The notice shall be at least 12 point type and shall contain the following language:

“THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CONTRACT). If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company.”

(2) Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in subsection (d)(1) shall disclose, using the applicable statement in Appendix I (relating to Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare), the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate.

§ 89.790. Guaranteed issue for eligible persons.

(a) Guaranteed issue.

(1) Eligible persons are those individuals described in subsection (b) who, seek to enroll under the policy during the period specified in subsection (c), and who submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

(2) With respect to eligible persons, an issuer may not:

(i) Deny or condition the issuance or effectiveness of a Medicare supplement policy described in subsection (e) that is offered and is available for issuance to new enrollees by the issuer.

* * * * *

(b) Eligible persons. An eligible person is an individual described in paragraphs (1)—(6):

* * * * *

(2) The individual is enrolled with a Medicare + Choice organization under a Medicare + Choice plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under section 1894 of the Social Security Act (42 U.S.C.A. § 1395eee), and there are circumstances similar to those described as follows that would permit discontinuance of the individual's enrollment with the provider if the individual were enrolled in a Medicare+Choice plan:

(i) The certification of the organization or plan under this part has been terminated.

(ii) The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides.

(iii) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the HHS Secretary, but not including termination of the individual's enrollment on the basis described in section 1851(g)(3)(B) of the Social Security Act (42 U.S.C.A. § 1395w-21(g)(3)(B)) (when the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856 of the Social Security Act (42 U.S.C.A. § 1395w-26), or the plan is terminated for all individuals within a residence area).

(iv) The individual demonstrates, in accordance with guidelines established by the HHS Secretary, that one of the following applies:

(A) The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide the covered care in accordance with applicable quality standards.

(B) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual.

(v) The individual meets other exceptional conditions the HHS Secretary may provide.

(3) The individual's enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under paragraph (2) and the individual is enrolled with one of the following:

(i) An eligible organization under a contract under section 1876 of the Social Security Act (42 U.S.C.A. § 1395mm) (Medicare cost).

(ii) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999.

(iii) An organization under an agreement under section 1833(a)(1)(A) of the Social Security Act (42 U.S.C.A. § 1395l(a)(1)(A)) (health care prepayment plan).

(iv) An organization under a Medicare Select policy.

* * * * *

(5) The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare + Choice organization under a Medicare + Choice plan under Part C of Medicare, any eligible organization under a contract under section 1876 of the Social Security Act (Medicare cost) (42 U.S.C.A. § 1395mm), any similar organization operating under demonstration project authority, any PACE provider under section 1894 of the Social Security Act, or any Medicare Select policy and the subsequent enrollment under this paragraph is terminated by the enrollee during the first 12 months of the subsequent enrollment (during which the enrollee is permitted to terminate the subsequent enrollment under section 1851(e) of the Social Security Act).

(6) The individual, upon first becoming eligible for benefits under Part A and enrolled in Part B, if eligible, of

Medicare, enrolls in a Medicare + Choice plan under Part C of Medicare, or with a PACE provider under section 1894 of the Social Security Act, and disenrolls from the plan or program within 12 months after the effective date of enrollment.

(c) *Guaranteed issue time periods.*

(1) In the case of an individual described in subsection (b)(1), the guaranteed issue period begins on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of such a termination or cessation) and ends 63 days after the date of the applicable notice.

(2) In the case of an individual described in subsection (b)(2), (3), (5) or (6) whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends 63 days after the date the applicable coverage is terminated.

(3) In the case of an individual described in subsection (b)(4)(i), the guaranteed issue period begins on the earlier of the following:

(i) The date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any.

(ii) The date that the applicable coverage is terminated, and ends on the date that is 63 days after the date the coverage is terminated.

(4) In the case of an individual described in section (b)(2), (4)(ii), (4)(iii), (5) or (6) who disenrolls voluntarily, the guaranteed issue period begins on the date that is 60 days before the effective date of the disenrollment and ends on the date that is 63 days after the effective date.

(5) In the case of an individual described in subsection (b) but not described in subsections (d)—(f), the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is 63 days after the effective date.

(d) *Extended medigap access for interrupted trial periods.*

(1) In the case of an individual described in subsection (b)(5) (or deemed to be so described, under this paragraph) whose enrollment with an organization or provider described in subsection (b)(5) is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls with another organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in subsection (b)(5).

(2) In the case of an individual described in subsection (b)(6) (or deemed to be so described, under this paragraph) whose enrollment with a plan or in a program described in subsection (b)(6) is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in subsection (b)(6).

(3) For the purposes of subsection (b)(5) and (6), no enrollment of an individual with an organization or provider described in subsection (b)(5), or with a plan or

in a program described in subsection (b)(6), may be deemed to be an initial enrollment under this paragraph after the 2-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

(e) *Products to which eligible persons are entitled.* The Medicare supplement policy to which eligible persons are entitled under:

(1) Subsection (b)(1)—(4) is a Medicare supplement policy which has a benefit package classified as Plan A, B, C or F offered by an issuer.

(2) Subsection (b)(5) is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in paragraph (1).

(3) Subsection (b)(6) includes any Medicare supplement policy offered by an issuer.

(f) *Notification provisions.*

(1) At the time of an event described in subsection (b) because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy or plan, the organization that terminates the contract or agreement, the issuer terminating the policy or the administrator of the plan being terminated, respectively, shall notify individuals of their rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection (a). The notice shall be communicated contemporaneously with the notification of termination.

(2) At the time of an event described in subsection (b) because of which an individual ceases enrollment under a contract or agreement, policy or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify individuals of their rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection (a). The notice shall be communicated within 10 working days of the issuer receiving notification of disenrollment.

[Pa.B. Doc. No. 02-2094. Filed for public inspection November 22, 2002, 9:00 a.m.]

[31 PA. CODE CHS. 89 AND 89a]

Policies and Forms; General Filing Requirements and General Contents of Forms

The Insurance Department (Department) amends Chapters 89 and 89a (relating to approval of life, accident and health insurance; and approval for life insurance, accident and health insurance and property and casualty insurance filing and form) to read as set forth in Annex A.

Statutory Authority

The final-form rulemaking is promulgated under the authority in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); sections 510—514 of The Insurance Company Law (40 P. S. §§ 510—514); and section 3(a) of the Accident and Health Filing Reform Act (40 P. S. § 3803(a)).

Comments and Response

Notice of proposed rulemaking was published at 30 Pa.B. 4623 (September 2, 2000) with a 30-day comment

period. During the 30-day comment period, comments were received from Erie Family Life Insurance Company (Erie), Highmark, Inc. (Highmark) and the Insurance Federation of Pennsylvania (IFP).

On November 2, 2000, as part of its regulatory review, the Independent Regulatory Review Commission (IRRC) submitted comments to the Department. The following is a response to these comments.

General

In regard to electronic filings, IRRC questioned how the Department would handle incompatibility problems with data submitted in electronic filings, specifically if the Department was unable to open attachments or files.

The compatibility of filing formats between the Department and insurers is an operational issue for the Department. The process currently in place is if a company submits a filing electronically and the Department is unable to open the attached file, the Department contacts the company and request; a resubmital of the filing in a format that is compatible with the Department's operating systems. As technology evolves, the Department envisions fewer problems with compatibility.

Erie requested a summary of the changes in the filing process for this Commonwealth that were published in the *Pennsylvania Bulletin*.

A summary of changes was not given to them because that was a proposed rulemaking and the Department did not want to have a particular company follow anything other than the current regulation. However, it should be noted that notice of filing requirements for insurance policies in this Commonwealth are done by statute, regulation or through Department notice. Regulations and Department notices will be submitted to the *Pennsylvania Bulletin*, the official publication of the Commonwealth, for public review.

Section 89a.2. Purpose

IRRC and the IFP noted that requirements in Chapter 89 still apply to life and accident and health filings. They suggested either combining these chapters or cross-referencing them for clarity.

The Department agrees with the comments. Chapter 89 is a very large catchall chapter with regulatory requirements for many different lines of business. The Department intends to modify the requirements in Chapter 89, referenced by IRRC and the IFP, in the future under new sections of the regulation, such as Chapter 89b and Chapter 89c, and then reserve the sections in Chapter 89 that would become obsolete. Section 89a.2(b) has been added to cross-reference the filing requirements in Chapter 89 that apply to life and accident and health filings.

Section 89a.3. Form filings.

The IFP commented that this section should be modified to reference the act of February 3, 1994 (P. L. 1, No. 1) and the act of February 17, 1994 (P. L. 92, No. 9) and other issues related to multistate group life and health filings.

After review, the Department believes the statutory language, as stated, is sufficient and therefore no changes to this section are necessary.

Section 89a.11(c)(3). General contents of forms.

IRRC and Highmark commented that the required use of "participating or nonparticipating" in subsection (c)(3)

could cause confusion regarding whether providers in an insurer's health care network are "participating or nonparticipating" and requested that a different phrase be used or that this requirement not be applied to health insurers.

The Department agrees with the comments. The subsection has been modified as follows (addition italicized): "If the form is a policy, contract or certificate, an indication of whether the form is participating or nonparticipating *with regard to paying dividends to policyholders.*"

In addition, the Department has reviewed several of the sections and believes that there are some minor editorial changes that need to be made. These changes, while not changing the intent of the final-form rulemaking, do clarify and enhance the rulemaking. The following is an analysis of those changes.

Section 89a.4. General filing procedure.

The Department accepts filings by any electronic medium. To improve readability, the reference to the Internet in this section has been deleted because it is redundant.

Section 89a.5. Letter of submission.

This section has been modified by the Department to clarify the filing requirements if an insurer's employee or a third party is filing with the Department on behalf of an insurer they must be identified in the letter of submission. In addition, the reference to the Internet has been deleted for the reasons noted in § 89a.4.

Section 89a.11(e). General contents of forms.

The Department has modified subsection (e) to define the requirements for the use of variable data in a form filing. The use of variable data in form filings eliminates the need for filers to submit redundant forms with only minor benefit changes. It improves the efficiency of the form filing process for filers and the form filing review process for the Department.

Affected Parties

Insurance companies transacting business in this Commonwealth who must follow the Department's form and content requirements of form filings.

Fiscal Impact

State Government

The final-form rulemaking will not have an impact on Department costs associated with monitoring industry compliance because this does not represent a major change from current policy.

General Public

The final-form rulemaking is not expected to have any cost impact on premiums paid by consumers for insurance policies.

Political Subdivisions

The final-form rulemaking has no impact on costs to political subdivisions.

Private Sector

The final-form rulemaking will not have a major impact on private sector costs because this does not represent a major change from current policy.

Paperwork

The final-form rulemaking imposes no additional paperwork requirements on the Department and modifies the paperwork requirements imposed on the insurance industry.

Effectiveness/Sunset Date

The final-form rulemaking becomes effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned.

Contact Person

Questions regarding this final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 772-1969, psalvatore@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 27, 2002, the Department submitted a copy of the notice of proposed rulemaking published at 30 Pa.B. 4623, to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 17, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 24, 2002, and approved the final-form rulemaking.

Findings

The Commissioner finds that:

- (1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

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

- (a) The regulations of the Department, 31 Pa. Code Chapters 89 and 89a, are amended by deleting §§ 89.3—89.5, 89.11, 89.17 and 89.21—89.23; by amending §§ 89.1 and 89.18; and by adding §§ 89a.1—89a.5 and 89a.11 to read as set forth in Annex A.
- (b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.
- (c) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect upon final-form publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5582 (November 9, 2002).)

Fiscal Note: Fiscal Note 11-184 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART IV. LIFE INSURANCE

CHAPTER 89. APPROVAL OF LIFE, ACCIDENT AND HEALTH INSURANCE

**Subchapter A. REQUIREMENTS FOR ALL POLICIES AND FORMS
GENERAL PROVISIONS**

§ 89.1. Definitions.

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

Act—The Insurance Company Law of 1921 (40 P. S. §§ 341—991).

Advertisement—As defined in § 51.1 (relating to definitions).

Department—The Insurance Department of the Commonwealth.

§ 89.3. (Reserved).

§ 89.4. (Reserved).

§ 89.5. (Reserved).

PREPARATION OF FORMS

§ 89.11. (Reserved).

§ 89.17. (Reserved).

§ 89.18. Miscellaneous requirements.

(a) *Riot injuries.* If a policy contains an exception for injuries arising out of riots, the exception should be confined to those instances in which the insured is injured while participating in the riot.

(b) *Rate books.* Rate books and revisions thereof should be submitted for filing. The name of the insurer should appear on revision pages, supplements and the like, in order to facilitate proper filing in the Department. This subsection does not apply to group insurance.

FORMAL APPROVAL

§ 89.21. (Reserved).

§ 89.22. (Reserved).

§ 89.23. (Reserved).

CHAPTER 89a. APPROVAL FOR LIFE INSURANCE, ACCIDENT AND HEALTH INSURANCE AND PROPERTY AND CASUALTY INSURANCE FILING AND FORM

GENERAL FILING PROVISIONS

- Sec. 89a.1. Definitions.
- 89a.2. Purpose.
- 89a.3. Form filings.
- 89a.4. General filing procedure.
- 89a.5. Letter of submission.

PREPARATION OF FORMS

- 89a.11. General contents of forms.

GENERAL FILING PROVISIONS**§ 89a.1. Definitions.**

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

Department—The Insurance Department of the Commonwealth.

Filer—A person or entity submitting insurance or annuity forms to the Department.

Prominent type—

(i) Font or formatting techniques which differentiate selected text from other text.

(ii) The term includes, for example, capital letters, contrasting color and underscoring.

§ 89a.2. Purpose.

(a) This chapter provides the criteria for insurers to use in preparing specific form filings for Department review. Additionally, the chapter provides requirements for the general content of forms.

(b) In addition to the requirements of this chapter, Chapter 89 (relating to life and accident and health insurance filings) also applies to these filings.

§ 89a.3. Form filings.

(a) *Submission of forms.* Policies, contracts, certificates, endorsements, riders, applications and related forms for life insurance and annuities, accident and health insurance, and property and casualty insurance, intended to be issued in this Commonwealth, shall be submitted to the Department in accordance with the following:

(1) Forms for life insurance and annuities issued by insurance companies shall be submitted for prior approval in accordance with section 354 of The Insurance Company Law of 1921 (40 P. S. § 477b), unless specifically excepted under section 354 of The Insurance Company Law of 1921. Forms for life insurance and annuities issued by fraternal benefit societies shall be submitted for prior approval in accordance with section 404(f) of the Fraternal Benefit Societies Code (40 P. S. § 1142-404(f)), unless specifically excepted under section 354 of The Insurance Company Law of 1921.

(2) Forms for accident and health insurance shall be filed in accordance with section 3 of the Accident and Health Filing Reform Act (40 P. S. § 3803).

(3) Forms for property and casualty insurance shall be submitted for prior approval in accordance with section 354 of The Insurance Company Law of 1921 unless specifically excepted under section 354 of The Insurance Company Law of 1921.

(b) *Out-of-State delivery.* When other jurisdictions require prior approval or filing by the Department of forms to be issued in those jurisdictions by domestic Pennsylvania insurers, the insurers may submit the forms to the Department for approval or filing for issuance outside of this Commonwealth only.

§ 89a.4. General filing procedure.

(a) *Number of copies.*

(1) Forms intended to be issued in this Commonwealth shall be submitted in duplicate for hard copy filings. Filers submitting forms by means of electronic medium shall submit one electronic copy. One copy of each form may be retained by the Department.

(2) One copy of a form intended to be issued only outside this Commonwealth shall be submitted.

(b) *Clearly legible forms.* Forms intended to be issued in this Commonwealth shall be submitted in clearly legible form.

(c) *Filing fee.* A submission of forms shall include any filing fee as required by section 212 of The Insurance Department Act of 1921 (40 P. S. § 50).

(d) *Self-addressed stamped return envelope.* A hard copy submission of forms shall include a self-addressed envelope bearing enough postage to permit the return to the filer of the duplicate copies of the forms or submission letter, or both.

(e) *Separate submissions.* Forms for each line of insurance, life and annuities, accident and health, and property and casualty, shall be submitted separately to their respective bureaus within the Department: the Bureau of Life Insurance, the Bureau of Accident and Health Insurance, and the Bureau of Property and Casualty Insurance.

(f) *By whom submitted.* A submission of forms shall be made by the home office or an administrative office of the insurer, or by an attorney at law representing the insurer, unless the following applies:

(1) The submission includes, or is preceded by, a document from the insurer specifically authorizing the filer to make the submission on the insurer's behalf.

(2) The submission is made by a rating organization, licensed in this Commonwealth, on behalf of its members and subscriber companies.

§ 89a.5. Letter of submission.

The letter of submission shall be in duplicate for hard copy filings, shall clearly identify the insurer whose name appears on the forms and the filer, and shall be sent to the appropriate bureau director in the Office of Rate and Policy Regulation under the requirements of § 89a.4(e) (relating to general filing procedure). Only one copy of the letter of submission is necessary for electronic submissions. The letter shall contain at least all of the following information for each form submitted:

(1) The identifying form number. Additionally, if the form is other than a policy, contract or certificate, the form number of the policy, contract or certificate with which it will be used, and the date approved by or filed with the Department, or if not approved or filed, the date last submitted to the Department, or if for more general use, the type or group of the forms shall be described. If the form is a group certificate, the form number of the group master policy with which it will be used, and the date the group master policy was approved by or filed with the Department, or if not approved or filed, the date last submitted to the Department, or if the certificate is for general use, the types of group master policies with which it will be used.

(2) A designation of the general type of form submitted; for example, policy, contract, certificate, rider, endorsement, amendment, agreement, application, insert page or other general type.

(3) A brief statement of the specific type of insurance or annuity benefit coverage provided by the form. If the form does not provide insurance or annuity benefit coverage, a brief statement of the specific purpose of the form.

(4) If the form contains any provision, condition, feature or concept that departs from those generally used by the industry and that could be construed as new, innova-

tive, uncommon or unusual, a statement to this effect and an explanation of the specific purpose of the provision, condition, feature or concept.

(5) An explanation of the marketing method, if the method of marketing of the form departs from the direct sales approach or employs a new concept.

(6) If the form is a new one, not replacing an existing form, a statement to that effect.

(7) If the form is intended to replace another form, the form number of the form to be replaced, the date that the form was approved by or filed with the Department, and a statement of the changes made to the form to be replaced.

(8) For group insurance policy forms, a brief description of the type of entity to which the group policy will be issued; for example, discretionary group, association, out-of-State trust.

(9) The amount of the filing fee included with the submission or the amount that will be billed to the insurer.

PREPARATION OF FORMS

§ 89a.11. General contents of forms.

(a) *Name and address.* Each form shall state the full corporate or legal name of the company, association, exchange or society. However, the name need appear for filing purposes only on a rider, endorsement, amendment, agreement or insert page. If added for filing purposes only, the name may be added by any legible means. If more than one insurer is using an application, a multicompany application providing for the designation of the applicable insurer and available coverages, if applicable, may be used. A policy, contract or fraternal certificate shall state a current address for the insurer, consisting of at least a city and state or province.

(b) *Form number.* Each form shall contain a form number consisting of numbers, letters, or both. The form number shall be adequate to distinguish the form from all others used by the insurer. The form number may be the same as that of a form to be replaced. However, if the form to be replaced was approved by or filed with the Department, it may not have been issued in this Commonwealth and shall be withdrawn from any issuance in this Commonwealth.

(c) *Description or caption.* Each form, except an insert page, shall contain a brief description or descriptive caption. This brief description or descriptive caption shall appear in prominent type on the first or cover page of the form, or, in the case of a policy, contract or certificate, on the specifications page if the brief description or descriptive caption is visible without opening the form. The brief description or descriptive caption shall contain at least the following information:

(1) A designation of the general type of the form, that is, policy, contract, certificate, rider, endorsement, amendment, agreement, application or other general type.

(2) A designation of the specific type of insurance or annuity coverage provided, or if the form does not provide insurance or annuity coverage, a designation of the purpose of the form.

(3) If the form is a policy, contract or certificate, an indication of whether the form is participating or nonparticipating with regard to paying dividends to policyholders.

(d) *Required statement.* A rider, endorsement, amendment or agreement designated by another term in its brief description or descriptive caption shall state that it is "attached to and made part of the (policy, contract or certificate)," as appropriate.

(e) *Hypothetical data.* The blank spaces of each form, except an application, shall be filled in with hypothetical data to indicate the purpose of the form. This data shall be realistic and consistent with the other contents of the form. Information appearing in a form, except an application, which is variable shall be bracketed or otherwise marked to denote variability.

(f) *Readability.* A form:

(1) Shall be written in simple words and with sentences as short as possible. The words and sentences should convey meanings clearly and directly. Words should be used in their commonly understood senses.

(2) Shall contain a definition or explanation of terminology that would not be ordinarily understood by a person of average intelligence.

(3) May not contain inconsistent or contradictory language or provisions.

(4) That provides insurance coverage, shall accurately and completely explain the coverage and conditions of coverage.

[Pa.B. Doc. No. 02-2095. Filed for public inspection November 22, 2002, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

**STATE BOARD OF BARBER EXAMINERS
[49 PA. CODE CH. 3]**

Standards for Disinfection and Sanitation

The State Board of Barber Examiners (Board) amends Chapter 3 (relating to State Board of Barber Examiners) to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

The final-form rulemaking is authorized under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (act) (63 P. S. § 566.4(b)), known as the Barbers' License Law.

C. Background and Purpose

The purpose of the final-form rulemaking is twofold. First, it would update and implement standards for disinfection and sanitation that reflect current knowledge and practices for preventing the spread of pathogens in barber shops and barber schools. Second, it would delete unnecessary provisions and make editorial changes.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of the proposed rulemaking was published at 31 Pa.B. 2686 (May 26, 2001). Publication was followed by a

30-day public comment period during which the Board received one public comment. Following the close of the public comment period the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following is a response to the comments. The one public comment the Board received offered support of the proposed rulemaking and did not suggest any changes. Therefore, that public comment has not been addressed in the Preamble.

Section 3.12. License limitations.

The HPLC and IRRC commented that the term "teacher" is used in the regulation, whereas the statute uses the term "barber-teacher." The HPLC and IRRC recommended that the term "teacher" in this section be changed to "barber-teacher" to be consistent with the statutory language. The Board agrees and has amended this section accordingly.

Section 3.22. Credit.

Section 3.41. Applications for examinations.

The HPLC and IRRC commented that the term "barber-manager" is used in these sections of the proposed rulemaking, whereas the statute uses the term "manager-barber." The HPLC and IRRC recommended that the term "barber-manager" in these sections be changed to "manager-barber" to be consistent with the statutory language. The Board agrees and has amended these sections accordingly.

Section 3.54. Minimum equipment requirements.

The HPLC commented that the Board was amending paragraph (5) to require a sanitary headrest for "every two chairs" and paragraph (18) to change the equipment requirement of at least six combs for each chair in operation to an unspecified number of combs. The HPLC requested the rationale for these changes and questioned whether they would result in a reduction in sanitary standards. A headrest is not needed for all services that are performed and on modern barber chairs the headrest is removable. The change in paragraph (5) would allow barbers to still provide the services that require the headrest while eliminating the need to store unused equipment. As the headrest that is used is still required to be sanitary it would not result in a reduction in sanitary standards. The change to paragraph (18) is likewise made to eliminate the need for unused equipment and to allow barbers to choose the number of combs they feel is necessary to perform their services.

Section 3.55. Maintenance and sanitation.

IRRC commented on an inconsistency between subsection (f) and § 3.54(8) (relating to minimum equipment requirements) in which the Board eliminated the requirement for soiled towels to be placed in a "covered" receptacle. Subsection (f) still requires the towels to be discarded in a "closed" receptacle. IRRC recommended that both sections should be consistent. The Board agrees and has amended subsection (f) to remove the word "closed."

The HPLC commented that § 3.55(c)(2) (relating to maintenance and sanitation) used virtually the same language as provided in the definition of "disinfect" in § 3.1 (relating to definitions). The HPLC recommended that the definitions of "disinfect" and "EPA registered disinfectant" be consolidated in § 3.1 and that § 3.55(c)(2) reference the definition rather than redefin-

ing the term within that section. The Board has amended § 3.55(c)(2) and identical language in § 3.86(b)(2) (relating to maintenance and sanitation) to reference the definition for "disinfect." As §§ 3.55(c)(1) and 3.86(b)(1) use the identical language as the definition for "cleanse," the Board amended these sections to reference the definition for "cleanse" to be consistent with §§ 3.55(c)(2) and 3.86(b)(2). After considering the recommendation to consolidate the definitions for "disinfect" and "EPA registered disinfectant" the Board felt that it made the definitions clearer to leave them separate. However it did eliminate language from the definition of "disinfect" that was also used in the definition of "EPA registered disinfectant."

Section 3.61. Out-of-shop services.

IRRC questioned the Board's reasoning for the proposed deletion of § 3.61(4) (relating to out-of-shop services) and asked whether a cross-reference to § 3.55(c) should be put in if the Board does delete this paragraph. The Board originally planned to delete this paragraph because it felt that it was clear that the maintenance and sanitation requirements had to be adhered to whether one was in or out of a shop. However, in response to IRRC's comment, the Board has decided to retain § 3.61(4). Even though the Board has not deleted this paragraph, it has added a cross-reference to § 3.55(c) as suggested by IRRC because it felt this made the paragraph clearer.

Section 3.71. Curriculum.

IRRC recommended that the subject listings should be consistently plural or singular. The Board agrees and has amended the section so that all subject listings are plural.

Section 3.72. Student's records.

The HPLC recommended that the terminology in § 3.71 (relating to curriculum) be consistent with the statutory terms of "manager-barber" and "barber-teacher." However, no reference is made to these terms in § 3.71. IRRC correctly pointed out that § 3.72 (relating to student's records) used inconsistent terms. The Board agrees and has amended this section accordingly.

Section 3.85. Equipment.

The HPLC requested an explanation as to why *Gray's Anatomy* would be deleted as a requirement for barber schools in § 3.85 (relating to equipment). The Board notes that the section also requires a set of library books on anatomy in subsection (a)(10). Therefore, barber schools must still have an anatomy book. The Board is eliminating the requirement for a specific anatomy book to allow barber schools to choose from the various anatomy books published.

Section 3.86. Maintenance and sanitation.

The HPLC and IRRC both recommended that the title of this section, "maintenance and sterilization," be changed to "maintenance and sanitation" to be consistent with the proposed title of § 3.55, which uses the term "sanitation," and to more accurately reflect the content of that section. The Board agrees and has amended this section accordingly.

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

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

F. Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no fiscal impact on the Commonwealth or its political divisions.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 26, 2001, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 2686, to IRRC and to the Chairpersons of the SCP/PLC and the HPLC for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 22, 2002, this final-form rulemaking was deemed approved by the HPLC. On October 23, 2002, this final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 24, 2002, and approved the final-form rulemaking.

I. Contact Person

Further information may be obtained by contacting Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3402, www.dos.state.pa.us.

F. Findings

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

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

(3) The final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 2686.

(4) The final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this Preamble.

K. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 3, are amended by amending §§ 3.1, 3.12, 3.22, 3.41, 3.43, 3.51, 3.52, 3.54, 3.55, 3.61, 3.71—3.73, 3.84—3.88 and 3.90 and by deleting § 3.57 to read as set forth in Annex A.

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

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

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

CHERYL MCDERMOTT,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5582 (November 9, 2002).)

Fiscal Note: Fiscal Note 16A-424 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 3. STATE BOARD OF BARBER EXAMINERS

GENERAL PROVISIONS

§ 3.1. Definitions.

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

Act—The act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. §§ 551—566.4), known as the Barbers' License Law.

Board—The State Board of Barber Examiners, Bureau of Professional and Occupational Affairs, Department of State, Harrisburg, Pennsylvania 17120.

Cleanse—To clean and remove debris by washing with soap and water.

Disinfect—Complete immersion in an EPA-registered bactericidal, virucidal, fungicidal and tuberculocidal disinfectant that is mixed and used according to the manufacturer's directions.

EPA—The Federal Environmental Protection Agency.

EPA registered disinfectant—A product used to destroy pathogenic micro-organisms that is registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C.A. §§ 136—136y).

LICENSES

§ 3.12. License limitations.

(a) An individual to whom a barber-teacher's license has been issued will be deemed qualified to perform the functions of a barber-teacher, manager-barber or a barber.

(b) An individual to whom a manager-barber's license has been issued shall be deemed qualified to perform the functions of a manager-barber or a barber.

STUDENTS

§ 3.22. Credit.

A student will be given credit only for the actual time spent performing barbering services, or being instructed in theory by a licensed barber-teacher or manager-barber.

EXAMINATIONS

§ 3.41. Applications for examinations.

(a) An application for admission to an examination shall be properly completed and on file with the Board on or before the 10th of the month preceding the month in

which the examination is held. The examinations will be held in March, June, September and December.

(b) An examination application shall include payment of the fee, a notarized statement certifying the completion of the hours of instruction, from either a barber school or a barber-teacher or manager-barber with whom the student has studied and trained, and a notarized statement from a physician indicating that the student is free from contagious and infectious diseases.

§ 3.43. Practical test.

(a) For the practical test, an applicant shall bring to the examination center a patron upon whom the applicant may demonstrate the ability to do practical work.

(b) An applicant shall furnish his own tools, such as mannequins, clippers, shears, combs, razors, hone, strop, shaving brush, hair cloth, tonics, creams, towels and spatula to perform the practical operations of barbering.

(c) An applicant shall appear at the practical examination with a washable jacket or smock.

(d) The applicant shall demonstrate haircutting, permanent waving, hair coloring, shaving and honing and stropping.

(e) Each part of the practical test enumerated in subsection (d) should be considered a new operation. The applicant who has completed one operation shall begin the next operation as if a new patron were seated in the chair.

(f) Time permitted for the practical examination will be 1 1/2 hour.

BARBER SHOPS

§ 3.51. Licenses and permits.

(a) A new barbershop may not be opened, a person may not take over an existing barbershop and an existing shop may not be moved to a new location, until an application has been filed with the Board, the shop inspected and approved, and registration granted.

(b) Trade names and fictitious names shall be registered with the Corporation Bureau of the Department of State before a permit will be issued.

(c) Every barbershop shall display the licenses, permits and this chapter in a conspicuous place. Copies for posting may be obtained from the Board.

(d) A shop license will not be issued to a corporation, a partnership or an individual unless a licensed manager-barber is listed as manager, except for one-barber barbershops and for shops owned by licensed cosmetologists in which only one licensed barber and one licensed cosmetologist are working.

§ 3.52. Minimum general requirements.

(a) Every barbershop shall provide for the following:

- (1) Adequate location.
- (2) Sufficient amount of floor space.
- (3) Ample light.
- (4) Facilities for heating.
- (5) Proper ventilation.
- (6) Clean walls and ceiling.

(7) Suitable flooring (hardwood, tile, composition, linoleum) in the work area.

(8) Readily available restroom facilities.

(b) A barbershop may not be located in a food store, soft drink parlor, restaurant, coffee shop or in a place where foodstuffs are kept for sale in other than the original package, unless separated therefrom by a solid partition extending from floor to ceiling. If the partition contains a door, the door shall be kept closed.

(c) When a barbershop and a cosmetology shop are located side by side in the same building and owned by the same individual, partnership or corporation, the shops may share restroom facilities.

§ 3.54. Minimum equipment requirements.

Every barbershop shall provide for the following:

- (1) One barber pole, or a sign indicating that barbering services are performed.
- (2) A stand and mirror or the equivalent.
- (3) One hand mirror.
- (4) One barber chair which revolves, reclines and has a headrest.
- (5) A sanitary headrest for every two chairs.
- (6) A closed container for clean towels.
- (7) A covered waste container for each chair.
- (8) One soiled towel receptacle for each chair.
- (9) At least one washstand for every two chairs.
- (10) Running hot and cold water in every washstand.
- (11) A supply cabinet for stock of towels and supplies.
- (12) Seating accommodations for at least three persons.
- (13) One clothes tree or its equivalent.
- (14) One cabinet or closet for mops, brooms, and the like.
- (15) One hair clipper for each chair in operation.
- (16) Two razors for each chair in operation, at least one of which is nondisposable.
- (17) Two shears for each chair in operation.
- (18) Combs for each chair in operation.
- (19) One strop.
- (20) One tweezer.
- (21) One hone.
- (22) Sanitary towels for each chair.
- (23) Two clean haircloths for each chair.
- (24) Neck strips and dispenser.
- (25) Disinfection solution.
- (26) Proper disinfection equipment.
- (27) Hair tonic, face lotion, cold cream and massage cream.
- (28) Powder or liquid styptic.

§ 3.55. Maintenance and sanitation.

(a) Every barbershop shall be well lighted, well ventilated and kept in a clean, orderly and sanitary condition. Waste containers shall be thoroughly cleaned at least

once every 24 hours. The floor in the work area shall consist of hardwood, linoleum or other hard surfaces and shall be maintained in good repair. Every barbershop shall be provided with adequate lavatories, readily accessible and kept in a sanitary condition.

(b) Running water, hot and cold, shall be provided at a convenient point within each barbershop.

(c) Equipment and implements that come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) *Step 1: Cleanse.* The objects shall be cleansed as the term is defined in § 3.1 (relating to definitions).

(2) *Step 2: Disinfect.* The cleansed objects shall be disinfected as defined in § 3.1.

(3) *Step 3: Rinse and dry.* The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) *Step 4: Store.* The cleansed, disinfected, rinsed and dried objects shall be stored in a clean, dry and closed container clearly marked as such. Sharp implements shall be stored upright with the points down.

(d) Only cleansed, disinfected and rinsed equipment and implements properly stored shall be used on patrons.

(e) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

(f) Every barbershop shall use only freshly laundered and sanitized towels, kept in a closed dustproof container, for each patron. The headrest of the barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. In cutting the hair of a person, a newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin. Towels used on each patron shall be discarded in a receptacle, and towels may not be left lying on a workbench or washbowl.

(g) Every person serving as a barber or student shall thoroughly cleanse his hands immediately before serving each customer.

(h) Persons employed in a barbershop shall be clean, both as to person and dress.

(i) The use of finger bowls, powder puffs, styptic pencils or sponges in a barbershop is prohibited. A barber may not keep these items on or about a workstand. Nothing but powdered or liquid astringents applied in each case on a clean towel or clean piece of cotton may be used to check bleeding.

(j) A barber may not undertake to treat disease of the skin, but shall advise consultation with a physician.

(k) Products shall be used in accordance with the manufacturer's instructions.

(l) The Board will, in cooperation with the Department of Health, or other State or Federal agencies of comparable experience in matters of public health, prohibit the use of a substance or device in performing barbering services when the use may expose the public to unnecessary health hazards. Notice of this prohibition shall be

transmitted to licensees in accordance with section 10 of the act (63 P. S. § 560).

§ 3.57. (Reserved).

SERVICES PERFORMED OUTSIDE THE SHOP

§ 3.61. Out-of-shop services.

When barbering services are provided outside a licensed barbershop, the following requirements apply:

(1) Out-of-shop services shall be performed by a licensed barber under the sponsorship of a licensed barbershop, in accordance with the limitations in section 563 of the act (63 P. S. § 563).

(2) Supplies and equipment utilized in out-of-shop services shall be furnished by the sponsoring shop.

(3) Appointments for out-of-shop services shall be recorded in an appointment book kept by the sponsoring shop and made available to inspectors for the Commonwealth when requested.

(4) The owner of the sponsoring shop shall comply with the sanitary requirements of § 3.55 (relating to maintenance and sanitation) as if out-of-shop services were performed in the shop.

STUDY IN BARBER SHOPS

§ 3.71. Curriculum.

(a) *Schedule.* Every student shall be instructed in accordance with the following schedule:

<i>Subject</i>	<i>Approximate Hours</i>
Honing and stropping	25
Shaving and various uses of the straight razor	240
Haircutting, hairstyling and hairpieces	535
Shampoo and scalp massages	25
Haircoloring	25
Massaging (facials)	25
Hairwaving or curling (perms), straightening	25
Scalp and skin disease	50
State barber law and rules and regulations	50
Physiology	50
Sterilization and sanitation	50
Hygiene	25
Bacteriology	25
Electricity (ultraviolet, high frequency, infrared, curling irons)	25
Professional ethics and barbershop demeanor	25
Manager-barber instructions, instruments, shop management, examination orientation and preparation for related	<u>50</u>
Total minimum hours of credit required	1,250

(b) *Practical work.*

(1) Each student shall perform the following amount of practical work during his training:

<i>Subject</i>	<i>Approximate Number</i>
Permanent waves	50
Colors	50
Haircuts	200
Shaves	150
Massages (facial)	50
Shampoos	<u>50</u>
Total operations	550

(2) The shop owner shall display, in front of the student performing the practical work, a sign in display letters at least 1 inch in height as follows:

WORK DONE BY STUDENT

(c) *Exception.* A student who has commenced training under the previous curriculum before January 25, 1992, is not affected by subsection (a).

(d) *Examination.*

(1) If a licensed cosmetologist wishes to take the barber examination, the cosmetologist shall have successfully completed the following subjects:

<i>Subject</i>	<i>Approximate Hours</i>
State barber laws, rules and regulations	50
Haircutting, hairstyling and hairpieces	330
Shaving and various uses of the straight razor	240
Honing and stropping	50
Manager-barber instructions, instruments, shop management, orientation and preparation for related examination	<u>25</u>
Total hours of credit	695

(2) Upon application to the Board, the cosmetologist will be given 555 hours of credit for subjects previously covered in the cosmetology training courses, to be applied to the 1,250 hour training requirement.

§ 3.72. Student's records.

(a) Student records shall be kept for inspection by the Board's representative, which shall include proofs of age, education, blood test results, daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student studies in the shop. If the shop is closed within this 5-year period, the student's file shall be forwarded to the Board and the student shall be so notified by the shop.

(b) A manager-barber or barber-teacher who is training a student under subsection (a) shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

§ 3.73. Books.

Library and textbooks for teaching students shall include adequate books needed by the students. Among these shall be included a medical dictionary and a standardized textbook on barbering.

SCHOOLS OF BARBERING

§ 3.84. Space.

Clinic rooms shall be a minimum length of at least 10 feet for the first chair and 5 additional feet centerpoint

between each additional chair with a minimum width of 12 feet for one row of chairs. Where two rows of chairs are opposite of each other, the room shall be a minimum of 20 feet wide.

§ 3.85. Equipment.

(a) Every barber school shall have the following equipment for each school:

- (1) One blackboard, at least 4 feet by 8 feet.
- (2) One dermal lamp or therapeutic lamp.
- (3) One hair dryer for each ten students.
- (4) One high frequency electric current equipment.
- (5) One microscope.
- (6) One twin vibrator.
- (7) One medical dictionary.

(8) A set of charts on skin, bones, muscles, nerves and the circulatory system 24 inches by 30 inches or equivalent.

(9) A set of library books on anatomy, physiology and hygiene.

(10) Sufficient chairs, coat and hat racks to accommodate patrons.

- (11) One electric lather mixer for every ten students.
- (12) One washbowl for every two chairs.

(b) Every barber school shall have the following equipment for each student:

- (1) One standard barber chair with a modern workstand.
- (2) One large mirror 36 inches by 36 inches.
- (3) One dry sterilizing cabinet for all instruments.
- (4) One wet sterilizer, properly functioning.
- (5) One covered hamper for soiled towels.
- (6) One covered waste container.
- (7) One dust proof cabinet for linens.
- (8) One electric hair clipper.
- (9) Three shears (one thinning).
- (10) Two razors, at least one of which is nondisposable.
- (11) Four combs.
- (12) One set of strops.
- (13) One hone.
- (14) One standard textbook on barbering. Sets of question and answer books are not considered textbooks.
- (15) One hand-held hairdryer.

§ 3.86. Maintenance and sanitation.

(a) Every barber school shall be well lighted, well ventilated, kept in a clean, orderly and sanitary condition. Waste containers shall be thoroughly cleaned at least once every 24 hours. The floor in the work area shall consist of hardwood, linoleum or other hard surfaces and shall be maintained in good repair. Every barber school shall be provided with adequate lavatories, readily accessible and kept in a sanitary condition.

(b) Equipment and implements that come into contact with a patron's skin, scalp or hair shall be subject to the following procedure following each patron use:

(1) *Step 1: Cleanse.* The objects shall be cleansed as the term is defined in § 3.1 (relating to definitions).

(2) *Step 2: Disinfect.* The cleansed objects shall be disinfected as the term is defined in § 3.1

(3) *Step 3: Rinse and dry.* The cleansed and disinfected objects shall be rinsed with clean water and dried with a clean towel.

(4) *Step 4: Store.* The cleansed, disinfected, rinsed and dried objects shall be stored in a clean, dry and closed container clearly marked as such. Sharp instruments shall be stored upright with the points down.

(c) Only cleansed, disinfected and rinsed equipment and implements properly stored shall be used on patrons.

(d) Equipment and implements which have been dropped onto the floor or any other unclean surface shall be subjected to the four-step cleanse/disinfect/rinse and dry/store procedure prior to any patron use.

(e) Only freshly laundered and sanitized towels kept in a closed dustproof container shall be used for each patron. The headrest of a barber chair shall be covered with a freshly laundered towel or fresh paper for each patron. A newly laundered towel or fresh paper shall be placed about the neck to prevent the hair cloth from touching the skin when cutting the hair of a person. Towels used on each patron shall be discarded in a closed receptacle, and may not be left lying on a workbench or washbowl.

(f) The use of finger bowls, powder puffs, styptic pencils or sponges in barber schools is prohibited. A student may not keep any of them on or about a workstand. Only powdered or liquid astringents applied in each case on a clean towel or clean piece of cotton shall be used to check bleeding.

§ 3.87. Student's records.

(a) Each school shall keep, at all times and for inspection by the Board, a file of each student regarding proofs of age, education, blood test results, daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student attends the school. If the school is closed within this 5-year period, the student's files shall be forwarded to the Board and the students shall be so notified by the school.

(b) Each school shall keep quarterly reports of the hours earned by the student. The quarterly reports shall be provided to the student upon request.

§ 3.88. Supervisor and teachers.

(a) The school shall, at all times, be under the immediate supervision of a licensed teacher.

(b) Each school shall meet the following requirements:

(1) Each school shall employ as instructors only licensed barber-teachers competent to impart instructions in all branches of barber science which they teach.

(2) An individual may not be counted as a regular part-time or substitute teacher in a school unless the individual's barber-teacher's license is on display in the school.

(3) Every school shall employ at least one full-time licensed barber-teacher.

(4) Each class taught for credit shall consist of not more than 20 students per licensed barber-teacher, and at least one full-time teacher who shall be in attendance

during the hours the school is open for instruction. The only exception to this requirement which the Board may permit is lecturing by a staff physician or another specialist when at least one teacher is present.

(5) Teachers as well as students shall be attired during school hours in washable jackets, smocks or aprons, which shall be kept in a clean condition.

§ 3.90. Student curriculum.

(a) Each school shall post schedules showing the schedules of classes in theory and practical work. The daily schedule shall be at least 7 but not more than 8 hours for each day the school is in session. Each student shall have an opportunity to devote at least 5 hours per day to practical work. For each of these class periods the teacher in charge shall keep an accurate daily record of attendance and progress of each student.

(b) A student may not be given credit for hours attended unless the student is in actual attendance. Hours credited to a student should be devoted to the studying of barbering. Duty work may not exceed more than 10 minutes of the student instruction time. Duty work shall consist only of the tidying and cleaning naturally performed by an operator around the operator's own chair at the conclusion of the barber process. It may not include menial work ordinarily performed by a maid or janitor.

(c) Every barber school is required to instruct students in barber science as follows:

<i>Subject</i>	<i>Approximate Hours</i>
Honing and stropping	25
Shaving and various uses of the straight razor	240
Haircutting, hairstyling and hairpieces	535
Shampoo and scalp massages	25
Haircoloring	25
Massaging (facials)	25
Hairwaving or curling (perms), straightening	25
Scalp and skin disease	50
State barber law and rules and regulations	50
Physiology	50
Sterilization and sanitation	50
Hygiene	25
Bacteriology	25
Electricity (ultraviolet, high frequency, infrared, curling irons)	25
Professional ethics and barbershop demeanor	25
Manager-barber instruction, instruments, shop management, orientation and preparation for related examination	50
Total minimum hours required	1,250

(d) A student who has commenced training under the previous curriculum before January 25, 1992, is not affected by subsection (c).

(e) A student may not receive credit for time spent in the barber school until registration or renewal licenses for the schools have been obtained from the Board.

(f) Whenever a student at the time of enrolling is entitled to credits previously earned at an out-of-State or in-State school, the school enrolling the student shall carefully evaluate the credits. A mere statement that the applicant for certification of entrance credits has pursued work elsewhere will not be accepted as sufficient evidence. The statement shall be documentary evidence showing attendance at a given school, and if possible, the number of hours attended and the subjects pursued.

(g) A student may request a transfer of credits for hours or months of study between a barbershop and a

barber school if the student passes a test which is based on the number of hours attended and the subjects pursued and is devised by the shop or the school to place him in the appropriate courses.

(h) The Board reserves the right to reject an examination application of a student whose credits have been improperly given or evaluated.

[Pa.B. Doc. No. 02-2096. Filed for public inspection November 22, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 141]

Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 8, 2002, meeting, proposed the following change:

Amend § 141.41 (relating to general) to be consistent with the flintlock muzzleloading and muzzleloading seasons, to require hunters using muzzleloading rifles during other firearms deer seasons to use calibers .44 or larger as is currently required during the muzzleloading and flintlock muzzleloading seasons.

The proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed amendment is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed amendment was made public at the October 8, 2002, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until December 27, 2002.

1. Introduction

The Commission is proposing to amend § 141.41.

2. Purpose and Authority

Section 141.43 (relating to deer) requires individuals hunting during the muzzleloading and flintlock muzzleloading seasons to use guns using ammunition .44 caliber or larger. The proposed change will make the requirement uniform by imposing the restriction during all hunting seasons.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices. In addition, section 2102(d) of the code authorizes the Commission to promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used. This amendment was proposed under this authority.

3. Regulatory Requirements

The proposed amendment will require hunters carrying muzzleloaders to hunt deer outside of the muzzleloading season to use only muzzleloaders .44 caliber or larger. This is consistent with the existing .44 caliber restriction in muzzleloading and flintlock muzzleloading seasons.

4. Persons Affected

Hunters using muzzleloading rifles during bear and other firearms deer seasons will be affected by the proposed amendment.

5. Cost and Paperwork Requirements

Hunters who have hunted during bear and regular firearms deer seasons using muzzleloading firearms taking ammunition smaller than .44 caliber may need to get different firearms.

6. Effective Date

The proposed amendment will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the proposed amendment, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

(Editor's Note: An amendment to § 141.41 will be codified in the December 2002 Pennsylvania Code Reporter.)

Fiscal Note: 48-149. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.41. General.

* * * * *

(b) *It is unlawful to:*

* * * * *

(3) Hunt for deer [,] or bear [or elk] through the use of any muzzleloading handgun, or any muzzleloading firearm that is not .44 caliber or larger.

* * * * *

[Pa.B. Doc. No. 02-2097. Filed for public inspection November 22, 2002, 9:00 a.m.]

STATE BOARD OF PODIATRY

[49 PA. CODE CH. 29]

Continuing Education

The State Board of Podiatry (Board) proposes to amend §§ 29.13, 29.60—29.65, 29.67 and 29.68 and add §§ 29.63a, 29.69 and 29.70 to read as set forth in Annex A.

A. Effective Date

The proposed rulemaking will take effect when published as final-form in the *Pennsylvania Bulletin*.

B. Statutory Authority

The proposed rulemaking is authorized under sections 9, 9.1 and 15 of the Podiatry Practice Act (act) (63 P. S. §§ 42.9, 42.9a and 42.15).

C. Background and Purpose

Section 9 of the act states the procedure that a licensee must follow to effectuate biennial registration of the license. One of the requirements is that the licensee must furnish "...satisfactory evidence that the applicant attended during the two preceding license years such hours of approved educational conferences as determined by the board by regulation."

Similarly, section 9.1 of the act states that "no applicant for a renewal registration shall be granted a registration for the ensuing biennial licensing period unless the applicant shall furnish to the board satisfactory evidence that he has attended not less than the required number of hours of approved educational conferences during the two intervening license years."

Section 15 of the act authorizes the Board to make reasonable rules and regulations as it deems necessary and proper to carry out the intent and purposes of the act within the scope of the act.

As a result of problems that occurred during the biennial renewal period ending December 31, 2000, the Board now proposes to amend its continuing education regulations to include a preapproved course provider. Currently, § 29.64 (relating to application for approval of educational conferences) states that "course applications shall be submitted to the Board for approval at least 60 days prior to the scheduled date of the proposed educational conference." However, the act gives the Board the authority and discretion to approve a course retroactively, by ratification. See section 9.1 of the act (stating that an "approved educational conference" shall be one "approved or ratified" by the Board). Therefore, a provider's failure to submit a course for approval at least 60 days prior to the scheduled course date does not necessarily preclude approval of that course. At each of its meetings, the Board has the task of sifting through numerous applications setting forth, at length, the course program and contents and voting whether to approve or disapprove the individual courses.

For the biennial period ending December 31, 2000, approximately nine continuing education providers filed applications for course approval with the Board after the October 18, 2000, Board meeting. The conferences had already taken place, but had not yet been approved as providing acceptable continuing education credits for the Board's licensees. Those applications could not be considered by the Board until the following meeting, which took place in January 2001, after the renewal period had already passed. This created an enormous problem for licensees who had relied on the credits they received from those conferences in order to effectuate their biennial registration.

The Board determined that licenses would be renewed for licensees whose applications were incomplete because they had taken a course that had not been approved by the Board. Those licensees' applications were collected and held pending the Board's January 2001 meeting. In the end, those courses were ratified by the Board at its January 2001 meeting and the licensees who relied on those courses renewed their licenses without any further problem. However, the Board was unable to exercise its statutory responsibility to review and approve continuing education courses.

To avoid this problem during the ensuing biennial renewal periods, the Board proposes amending its continuing education regulations to include a preapproved course provider.

D. Description of Proposed Amendments

Proposed § 29.60 (relating to definitions) defines "biennium," "certification," "clock hour" and "provider."

Proposed § 29.61 (relating to requirements for biennial renewal and eligibility to conduct educational conferences) adds the requirements for biennial renewal, emphasizing that it is the responsibility of the licensee to ensure that the licensee has met the required 30 hours of credit per biennium. Applicants for license renewal are required to provide to the Board a signed statement certifying that the licensee has complied with the continuing education requirements. In the past, the problems with noncompliance have arisen because licensees have not been diligent in complying with the Board's regulations that only courses approved by the Board will be accepted as continuing education credit. Additionally, subsection (a) informs the licensee that a maximum of 10 clock hours of computer/internet, self-study magazine or journal article courses will be accepted by the Board.

Sections 29.62 and 29.63 (relating to length of time of educational conferences; and curriculum of educational conferences) are amended to provide that educational conferences shall offer at least 1 hour of instruction, instead of the current 4 hours. This is intended to give both licensees and providers increased flexibility.

The most important addition to the Board's continuing education requirements is § 29.63a (relating to preapproved course provider). Courses or programs offered or approved by the Council on Podiatric Medical Education will be accepted by the Board for continuing education credit.

Section 29.64 amends the section for approval of educational conferences by having the applicant—licensee or provider—submit an application for program/course approval if the licensee chooses to attend a program that is not offered by the preapproved provider or if a provider would like to gain Board approval for a particular program it is offering. Section 29.64(b) is proposed to be amended by requiring detailed information about the prospective course. The Board felt that a copy of the program brochure or the course syllabus, or both, would be sufficient.

Section 29.65 (relating to compilation of official attendance list) would be deleted because, under section 9.1 of the act, "no applicant for a renewal registration shall be granted a registration for the ensuing biennial licensing period unless the applicant shall furnish to the board satisfactory evidence that he has attended not less than the required number of hours of approved educational conferences during the two intervening license years." It is the licensee's responsibility to show proof of attendance, not the course provider's responsibility.

Section 29.67 (relating to approval or disapproval of educational conferences) provides that the Board will notify the designated person stated on the application for course/conference approval as to the approval or disapproval of the application within 30 days of action taken by the Board at the next scheduled Board meeting. This amends the current regulation which requires the Board to take action on an application within 30 days of receipt of the application. The proposed amendment is necessary because the Board meets bimonthly. When an application for approval of an educational course or conference ar-

rives within a month subsequent to a meeting, the Board is unable to meet the current 30 day requirement because the Board meets every 60 days. With the proposed amendment, even if the application arrives right after a Board meeting, the Board has 30 days from the time of the next Board meeting to notify the designated person stated on the application whether or not the course/conference has been approved.

Section 29.68 (relating to continuing education exemptions) adds a provision allowing for waivers of the continuing education requirements for serious illness or other demonstrated hardship. In addition, a fee shall be assessed for review of waiver or extension requests. Section 29.13 (relating to fees) is amended to reflect this new fee.

Section 29.69 (relating to continuing education requirement for biennial renewal of inactive and lapsed licenses) states that a licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium. In addition, a fee of \$25 shall be assessed for reactivation of an inactive or lapsed license. This fee is reflected in § 29.13.

Section 29.70 (relating to disciplinary action authorized) notifies the licensee that submission of fraudulent information to the Board or failure to complete the required number of continuing education credits may result in disciplinary action.

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

In compliance with Executive Order 1996-1, in drafting and promulgating the proposed rulemaking, the Board considered the purpose and likely impact of this proposed rulemaking on the public and the regulated community. On May 31, 2001, the Board solicited comments and suggestions on the proposed rulemaking from the Pennsylvania Podiatric Medical Association and Temple University School of Podiatric Medicine. The Pennsylvania Podiatric Medical Association objected to preapproval of courses given by the American Medical Association and the American Osteopathic Association. The Board agreed to delete the two associations from the list of preapproved providers at its November 28, 2001, meeting. The Board also considered Temple University's request that colleges of podiatric medicine be added to the list of preapproved providers but did not agree to make the addition.

F. Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector. To the contrary, having preapproved course providers would reduce the amount of paperwork. Course providers would no longer need to file applications for Board approval which are currently processed by Board staff.

G. Sunset Date

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

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 7, 2002, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the

Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

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

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Gina Bittner, Board Administrator, State Board of Podiatry, P. O. Box 2649, Harrisburg, PA 17105-2649, gbittner@state.pa.us within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

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

Fiscal Note: 16A-446. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 29. STATE BOARD OF PODIATRY LICENSES

§ 29.13. Fees

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

	* * * * *	
Review of continuing education waiver or extension requests		\$50
Review of reinstatement of license requests following inactive or expired status		\$25

CONTINUING EDUCATION

§ 29.60. Definitions.

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

Biennium—The period from January 1 of an odd-numbered year to December 31 of the next even-numbered year.

Certification—A statement signed by the licensee certifying that continuing education requirements have been met along with information and documentation relative to the course.

Clock hour—Educational conferences will be approved for continuing education credit at the rate

of one credit per 60 minutes of instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.

Provider—An agency, organization, institution, association or center approved by the Board to offer an organized course or program.

§ 29.61. [Hours of credit] Requirements for biennial renewal and eligibility to conduct educational conferences.

(a) [An applicant for biennial registration shall offer proof that:

(1) For the January 1987 renewal period, the applicant has completed 16 hours of continuing education credit in conferences approved by the Board.

(2) For and after the January 1989 renewal period, the applicant has completed 30 hours of continuing education credit in conferences approved by the Board.] As a condition of biennial renewal of a license, a licensee shall have completed 30 clock hours of continuing education during the preceding biennium in acceptable courses and programs in podiatry by approved providers. It is the responsibility of the licensee to ensure that credits used to comply with this continuing education requirement have been approved by the Board. Excess clock hours may not be carried over to the next biennium. A maximum of 10 clock hours of computer/Internet, magazine or journal article courses, which are approved by the Council on Podiatric Medical Education, shall be accepted by the Board.

(b) [Colleges, universities, podiatry associations or other groups] Providers approved by the Board are eligible to conduct educational conferences.

(c) Applicants for license renewal shall provide, on forms approved by the Board, a signed statement certifying that the continuing education requirements have been met and information to document their certification, including the following:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of the course or program and description of content.
- (4) The provider which sponsored the course or program.
- (5) The location of the course or program.
- (d) The licensee shall retain documentation of completion of the prescribed number of clock hours for 5 years which shall be produced upon demand by the Board or its auditing agents.

§ 29.62. Length of time of educational conferences.

(a) Educational conferences shall offer at least [4 hours] 1 hour of instruction.

(b) Educational conferences will be approved for continuing education credit at the rate of one credit per clock hour of [applicable] instruction, exclusive of coffee breaks, lunches, visits to exhibits and the like.

§ 29.63. Curriculum of educational conferences.

(a) [At least 4 hours of educational conference shall be devoted to covering at least four of the

following basic subjects:] Basic subjects for educational conferences may include: anatomy, physiology, bacteriology, mycology, pharmacy, chemistry, X-ray, surgery, preoperative care, postoperative care, biomechanics, pathology, dermatology, and law and podiatry.

* * * * *

§ 29.63a. Preapproved course provider.

Courses or programs offered or approved by the Council on Podiatric Medical Education will be accepted for continuing education credit. All courses shall fall within the scope of podiatry practice. The Board will not approve courses or programs, or portions thereof, in office management or in marketing the practice.

§ 29.64. Application for approval of educational conferences.

The Board may approve other continuing education courses or programs for credit so long as the applicant submits an application furnished by the Board for program approval in compliance with the following:

[(a)] (1) Course applications shall be submitted to the Board for approval at least 60 days prior to the scheduled date of the proposed educational conference. [Courses shall be approved prior to the solicitation of a student for the conference or the publication of an announcement pertaining to the conference.

(b)] (2) The application shall [contain the following information:] include a copy of the full program brochure or the course syllabus, or both. Further information may be required and shall be submitted in a timely fashion.

[(1) Full name and address of eligible institution or organization.

(2) Title of the program.

(3) Dates for the proposed conference.

(4) Location of the proposed conference.

(5) Identification of the conference and lecturers, including name, title or affiliation, professional degree, and colleges or institutions in which the lecturers have given instruction. If the lecturers are not associated with approved schools, a memo concerning their professional activities and achievements shall be submitted.

(6) A schedule of the proposed conference which includes the title and brief description of each subject to be presented and the lecturer or panel to present the subject, specifying the time allotted thereto.

(7) The total number of educational hours included in the conference, excluding coffee breaks, lunches, visits to exhibits, and the like.

(8) The signature of the chief executive officer, secretary, or registrar of the eligible institution or organization, that is, the person who will authenticate the attendance at the educational conferences.

(9) The name and address of the person designated to receive the official notification of the action of the Board upon the application.]

[(c)] (3) ***

§ 29.65. [**Compilation of official attendance list**]
(Reserved).

[(a) The group, organization, or institution sponsoring an educational conference shall be responsible for designating an authorized representative to authenticate attendance and compile an official attendance list of Pennsylvania licensees in attendance at their conference.

(b) It shall be the responsibility of the authorized representative to submit an official attendance list to the Board Office within 30 days following the final day of the conference.]

§ 29.67. **Approval or disapproval of educational conferences.**

(a) The Board will notify [**the designated person stated on the application**] an applicant for course approval as to the approval or disapproval of the application within 30 days of [**receipt of the application by the Board**] action taken by the Board at the next scheduled Board meeting.

* * * * *

§ 29.68. **Continuing education exemptions.**

(a) Continuing education credits are not required for the years in which a licensed and currently registered podiatrist is in active military service or engaged in an American Podiatry Association approved Podiatric Residency Program.

(b) **The Board may waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee for serious illness**

or other demonstrated hardship. The request shall be made in writing, contain supporting documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. A waiver request will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver request.

(c) A fee shall be assessed for review of waiver or extension requests in accordance with § 29.13 (relating to fees).

§ 29.69. **Continuing education requirement for biennial renewal of inactive and lapsed licenses.**

(a) A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium as required in § 29.61 (relating to requirements for biennial renewal).

(b) A fee will be assessed for review of reinstatement of license requests following inactive or expired status in accordance with § 29.13 (relating to fees).

RECIPROCAL LICENSURE

§ 29.70. **Disciplinary action authorized.**

A licensed podiatrist who submits a false report or fails to complete the required number of continuing education credits may be subject to disciplinary action.

[Pa.B. Doc. No. 02-2098. Filed for public inspection November 22, 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 Monday, November 25, 2002. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, NJ.

The conference among the Commissioners and staff will begin at 10 a.m. Topics of discussion include: a status report on the PCB TMDL for the Delaware Estuary; a progress report on development of the Commission's new comprehensive plan; a presentation on the I-MAP Delaware Basin Internet mapping project; and a discussion regarding a resolution to amend the Commission's Comprehensive Plan and Water Code relating to the operation of Lake Wallenpaupack during drought watch, drought warning and drought conditions.

The dockets scheduled for public hearing are as follows:

1. *Borough of Collingswood D-89-3 CP Renewal.* A renewal of a surface water and ground water withdrawal project to supply up to 155 million gallons (mg)/30 days of water to the applicant's distribution system from all wells and Newton Creek. The project is located in Collingswood Borough, Camden County, NJ. No increase in the requested allocation is sought.

2. *Township of Harrison D-2002-36 CP.* An upgrade and expansion project of a 0.4 million gallons per day (mgd) secondary level sewage treatment plant (STP) to provide advanced secondary treatment of 0.8 mgd. The STP will continue to serve residential and commercial development in Harrison Township, Gloucester County, NJ. The plant is located in Harrison Township off Creek Road about 1 mile west of State Route 45. A new outfall will be constructed to discharge to the nontidal portion of Raccoon Creek, a tributary of the Delaware River.

3. *Musconetcong Sewerage Authority D-2002-40 CP.* A project to expand a 3.81 mgd tertiary STP by adding a 0.5 mgd tertiary treatment plant that will operate in parallel mode. The project is located in Mount Olive Township, Morris County, NJ, just north of the Route 206 intersection with Interstate 80. The project will continue to serve Stanhope Borough in Sussex County and Netcong Borough in Morris County, plus portions of Mount Olive Township, Mount Arlington Borough and Roxbury Township, also within Morris County. The expansion is primarily needed to serve residents of various communities

around Lake Hopatcong, where some failing onlot septic systems need to be phased out of service. A portion of the existing service area is located outside of the Delaware River Basin, in the Raritan River Basin, as documented in Docket No. D-92-80 CP, approved by the Commission on August 4, 1993. STP effluent will continue to be discharged to the Musconetcong River, a tributary of the Delaware River.

4. *Little Washington Wastewater Company d/b/a Suburban Wastewater Company D-2002-42.* A project to rerate the White Haven STP from 0.34 mgd to 0.45 mgd, while continuing to provide advanced secondary level of treatment from an activated sludge process. The project will continue to serve White Haven Borough and a portion of Dennison Township, both in Luzerne County, PA. The project is located in the Borough of White Haven, approximately 300 feet south of Route 940 on the bank of the Lehigh River, to which it will continue to discharge.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting: Minutes of the August 28, 2002, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; a report by the Commission's general counsel; a resolution concerning the drought emergency declared by the Commission on December 18, 2001; and a resolution to amend the Comprehensive Plan and Water Code relating to the operation of Lake Wallenpaupack during drought watch, drought warning and drought conditions. A hearing on the Lake Wallenpaupack resolution was held on October 16, 2002 and the written comment period on that item was held open through November 15, 2002.

Draft dockets scheduled for public hearing on November 25, 2002, are posted on the Commission's website, <http://www.drbc.net>, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Documents relating to the dockets and other items may be examined at the Commission's offices. 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 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 Secretary at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711, to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 02-2099. Filed for public inspection November 22, 2002, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 12, 2002.

BANKING INSTITUTIONS
Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-02	The Legacy Bank of Harrisburg, Harrisburg, and Northern State Bank, Towanda Surviving Institution—The Legacy Bank of Harrisburg, Harrisburg	Harrisburg	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-02	Premier Bank Doylestown Bucks County	801 Old York Rd. Jenkintown Abington Township Montgomery County	Approved
11-6-02	Community State Bank of Orbisonia Orbisonia Huntingdon County	307 N. Church St. Three Springs Huntingdon County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-28-02	Patriot Bank Pottstown Montgomery County	<i>To:</i> 2541 Mickley Ave. Whitehall Lehigh County <i>From:</i> 2641 MacArthur Road Whitehall Lehigh County	Effective
11-4-02	Patriot Bank Pottstown Montgomery County	<i>To:</i> 3650 Nazareth Pike Bethlehem Northampton County <i>From:</i> 3926 Linden Street Bethlehem Northampton County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-8-02	Pittsburgh Savings Bank Pittsburgh Allegheny County	125 Brownsville Rd. Pittsburgh Allegheny County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

PAUL H. WENTZEL, Jr.,
Acting Secretary

[Pa.B. Doc. No. 02-2100. Filed for public inspection November 22, 2002, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential
Mortgages for the Month of December 2002**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of December 2002, is 7%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399,

which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.47 to which was added 2.50 percentage points for a

total of 6.97 that by law is rounded off to the nearest quarter at 7%.

PAUL H. WENTZEL, Jr.,
Acting Secretary

[Pa.B. Doc. No. 02-2101. Filed for public inspection November 22, 2002, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Dickinson College for Approval of Changes to Its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Dickinson College for a Certificate of Authority approving the institution's request to amend its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing,

unless within 30 days after the publication of the notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code § 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Paula Fleck, Chief, Division of Program Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623, by 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Paula Fleck at (717) 772-3623 to discuss how the Department may best accommodate their needs.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 02-2102. Filed for public inspection November 22, 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 new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PAS232202	Lehigh Cultured Marble, Inc. 111 Lehigh Street Macungie, PA 18062	Lehigh County Macungie Borough	Swabia Creek 2C	Y
PA0062987 Sewage	David J. Bell 703 Lennox Ct. Lansdale, PA 19446	Susquehanna County Liberty Township	UNT of Snake Creek 4E	Y
PA0061727 (Minor Renewal)	The Passionist Nuns St. Gabriel's Monastery 631 Griffin Pond Road Clarks Summit, PA 18411-8828	South Abington Township Lackawanna County	Ditch to Leggetts Creek 5A	Y
PA0063649 (Minor Renewal)	Selviati Restaurant, Inc. t/a King Arthur Room Route 209, P. O. Box 645 Sciota, PA 18354-0645	Hamilton Township Monroe County	McMichael Creek 1E	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0119121	Glen-Gery Corporation 423 S. Pottsville Pike Shoemakersville, PA 19555	Berks County Perry Township	UNT to Schuylkill River 3B	Y
PA0007862	Pennsylvania American Water Company Yellow Breeches Treatment Plant 852 Wesley Drive Mechanicsburg, PA 17055	York County Fairview Township	Yellow Breeches Creek 7E	Y
PA0081922	Lewisberry Area Joint Authority P. O. Box 172 Lewisberry, PA 17339	York County Lewisberry Borough	Bennett Run 7E	Y
PA0023744	Northeastern York County Sewer Authority P. O. Box 516 175 Chestnut Street Mt. Wolf, PA 17347	York County East Manchester Township	Susquehanna River 7F	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0113158 (Sewerage)	Daniel R. Hawbaker R. D. 1, Box 123 Port Matilda, PA 16870	Patton Township Centre County	UNT to Buffalo Run 9-C	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

PA0052868, Industrial Waste, **BAE Systems**, 305 Richardson Road, Lansdale, PA 19446-1485. This application is for renewal of an NPDES permit to discharge treated groundwater from air stripper tower and stormwater from roof and parking lot from the facility at 305 Richardson Road in Montgomery Township, **Montgomery County**. This is an existing discharge to unnamed tributary to the West Branch of Neshaminy Creek.

The receiving stream is classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.086 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>
CBOD ₅	10		20
pH	Within limits of 6.0—9.0 Standard Units at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichlorethylene	0.005	0.01	0.0125
Tetrachoroethylene	0.005	0.004	0.005

The EPA Waiver is in effect.

PA0057053, Sewage, **John W. Feldmayer**, 866 Shavertown Road, Boothwyn, PA 19061. This application is for renewal of an NPDES permit to discharge treated sewage from the Feldmayer SFSTP in Concord Township, **Delaware County**. This is an existing discharge to an unnamed tributary to West Branch of Chester Creek.

The receiving stream is classified for HQ-CWF, exceptional value waters, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Total Residual Chlorine	Monitor and Report	Monitor and Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

PA0013048, Industrial Waste, **Honeywell, Inc.**, 1100 Virginia Drive, Fort Washington, PA 19034-3260. This application is for renewal of an NPDES permit to discharge cooling water from air conditioners and test chambers in Upper Dublin Township, **Montgomery County**. This is an existing discharge to Pine Run Creek.

The receiving stream is classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfalls 001 and 002, based on an average flow of 4,620 gal/day, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		

Other Conditions:

The EPA Waiver is in effect.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PA0062855, Industrial, **Mary-D Community Association**, 34-36 Forest Lane, Mary-D, PA 17952. This proposed facility is located in Schuylkill Township, **Schuylkill County**.

Description of Proposed Activity: Renewal application.

The receiving stream, Swift Creek, is in the State Water Plan watershed no. 3A and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Pottstown Borough Water Authority, is located on the Schuylkill River, 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00038 MGD.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Total Suspended Solids	30.0	60
Total Aluminum	4.0	8.0
Total Iron	2.0	4.0
Total Manganese	1.0	2.0
pH	6.0 to 9.0 Standard Units at all times	

PA0051811, Industrial, **Lehigh County Authority**, P. O. Box 3348, Allentown, PA 18106. This proposed facility is located in South Whitehall Township, **Lehigh County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, unnamed tributary to Little Cedar Creek, is in the State Water Plan watershed no. 2C and is classified for HQ, CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the City of Allentown is located on Little Lehigh Creek, approximately 4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .002.

<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
Total Aluminum			4	8
Total Iron			2	4
Total Manganese			1	2
pH			6.0 to 9.0 Standard Units at all times	
TRC			1	2

PA0061719, Sewage, **Pinecrest Development Corporation**, P. O. Box 760, Pocono Pines, PA 18350. This proposed facility is located in Tobyhanna Township, **Monroe County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage into unnamed tributary to Beaver Creek.

The receiving stream, Beaver Creek, is in the State Water Plan watershed no. 2A and is classified for HQ-CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Hazleton Water Authority is located on the Lehigh River, approximately 35 miles below the point of discharge.

The proposed effluent limits for Outfall 002 based on a design flow of .5 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Instantaneous (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
NO ₂ /NO ₃ -N	14		28
Phosphorus as "P"	1		2
Dissolved Oxygen	A minimum of 7 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		

PA0062979, Sewage, **Outletter Associates**, 490 N. Main Street, Pittston, PA 18640. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage.

The receiving stream, Pocono Creek, is in the State Water Plan watershed no. 1E and is classified for HQ-CWF, aquatic water supply and recreation. The nearest downstream public water supply intake for Stroudsburg Emergency Intake is located on Pocono Creek, approximately 8 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .024 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Instantaneous (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine		1.2	2.8

PA0052132, Sewage, **Parkland Area School District**, 2219 N. Cedar Crest Boulevard, Allentown, PA 18104. This proposed facility is located in South Whitehall Township, **Lehigh County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewerage from existing treatment plant.

The receiving stream, Jordan Creek, is in the State Water Plan watershed no. 02C and is classified for TSF, migratory fish, water supply and recreation. The nearest downstream public water supply intake for the City of Allentown is located on the Lehigh River, 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .0336.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	20		40
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine (1st Month—24th Month)	Monitor and Report		
(25th Month—Expiration)	1.0		2.3

PA0064238, Sewage, **West Mahanoy Township Supervisors**, 190 Penn Avenue, Shenandoah Heights, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Activity: Application for a new NPDES permit to discharge 0.015 mgd of treated sewage.

The receiving stream, Shenandoah Creek, is in the State Water Plan watershed no. 6B and is classified for CWF. The nearest downstream public water supply intake for the Consolidated Water Company, located on the Susquehanna River, is 36 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.015 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	25.0		50.0
Total Suspended Solids	30.0		60.0
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

PA0061573, Sewerage, **Camp Moshava, c/o Alan Silverman**, 25 West 26th Street, New York, NY 10010. This proposed facility is located in Berlin Township, **Wayne County**.

Description of Proposed Activity: Renewal application.

The receiving stream, unnamed tributary to Indian Orchard Brook, is in watershed no. 1B and is classified for HQ-CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Stroudsburg/East Stroudsburg, located on the Delaware River, is approximately 70 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.036 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	25.0		50.0
Total Suspended Solids	30.0		60.0
NH ₃ -N (5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Dissolved Oxygen	A minimum of 7.0 mg/l at all times.		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine (1st Month—24th Month)	Monitor Only		
(25th Month—Expiration)	0.34		0.802

PA0063657, Sewage, **Wyoming Area School District**, 20 Memorial Street, Exeter, PA 18643. This proposed facility is located in Exeter Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage.

The receiving stream, unnamed tributary to Sutton Creek, is in the State Water Plan watershed no. 5B and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Danville Water Supply is located on the Susquehanna River, approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .0068 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Instantaneous (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	6.1		12.2
(11-1 to 4-30)	18.3		36.6
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.7		1.6

PA0062111, Sewage, **Mahanoy Area Joint Industrial Corp.**, P. O. Box 271, Mahanoy City, PA 17948. This proposed facility is located in Delano Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, Pine Creek, is in the State Water Plan watershed no. 3A and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Pottstown Water Authority is located on the Schuylkill River, approximately 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .045.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Instantaneous (mg/l)</i>
CBOD ₅	25.0		50.0
Total Suspended Solids	30.0		60.0
NH ₃ -N			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21.0
Phosphorus as "P"			
Dissolved Oxygen	A minimum of 6 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine			
(1st Month—24th Month)	Monitor and Report		Monitor and Report
(25th Month—Expiration)	.18		.42

PA0063096, Sewage, **Seiders Hill, Inc.**, P. O. Box 359, Pottsville, PA 17901. This proposed facility is located in North Manheim Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, West Branch Schuylkill River, is in the State Water Plan watershed no. 3A and is classified for CWF. The nearest downstream public water supply intake for the Pottstown Water Authority is located on the Susquehanna River, approximately .75 mile below the point of discharge.

The proposed effluent limits for Outfall 004 based on a design flow of .09 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Instrument (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Phosphorus as "P"			
Dissolved Oxygen	A minimum of 5 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

PA0062332, Sewage, **Eaton Sewer and Water Co.**, P. O. Box 316, Nicholson, PA 18446. This proposed facility is located in Eaton Township, **Wyoming County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, North Branch Susquehanna River, is in the State Water Plan watershed no. 4G and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Danville Water Authority is located on the Susquehanna River, approximately 100 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.18 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	25.0		50.0
Total Suspended Solids	30.0		60.0
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine (1st Month—24th Month)	Monitor and Report		Monitor and Report
(25th Month—Expiration)	1.2		2.8

PA0030996, Sewage, **Bangor Area School District**, 123 Five Points Richmond Road, Bangor, PA 18013. This proposed facility is located in Upper Mount Bethel Township, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, unnamed tributary to Jacoby Creek, is in the State Water Plan watershed no. 1F and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the City of Easton is located on the Delaware River, approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.023 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Total Suspended Solids	10		20
NH ₃ -N (5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Dissolved Oxygen	A minimum of 5 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		

PA0060097, Sewage, **Pennsylvania American Water Company, Pocono Country Place Development**, 446 Sterling Road, Tobyhanna, PA 18466. This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Activity: Renewal of an NPDES Permit to discharge treated sewage.

The receiving stream, East Branch of Dressler Run, is in the State Water Plan watershed no. 2A and is classified for HQ, CWF. The nearest downstream public water supply intake for the City of Hazleton is located on the Lehigh River, 31 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.25.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
NH ₃ -N (5-1 to 10-31)	2.3		4.6
(11-1 to 4-30)	7.0		14.0
Phosphorus as "P"	1.0		2.0
Dissolved Oxygen	A minimum of 7.0 mg/l at all times.		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Zinc	Monitor and Report		

The EPA waiver is in effect.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

PA0039730, Sewage, **RRP Recreation Limited Partnership**, 100 Chipmunk Crossing, Entriiken, PA 16638. This facility is located in Lincoln Township, **Huntingdon County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Tatman Run (Raystown Lake), is in Watershed 11-D and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 110 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.100 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Phosphorus	2.0	4.0
Total Residual Chlorine	1.0	2.0
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	2,000/100 ml as a geometric average	
(10-1 to 4-30)		

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

PA0246921, Industrial Waste 0246921, **Borough of Lenhartsville**, P. O. Box 238, Lenhartsville, PA 19534. This facility is located in Lenhartsville Borough, **Berks County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Maiden Creek, is in Watershed 3-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for the Pottstown Borough is located on the Schuylkill River, approximately 45 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0423 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (SU)	XXX	XXX	XXX	From 6.0 to 9.0	
DO	XXX	XXX	XXX	Minimum of 5.0 mg/l	
Total Residual Chlorine	XXX	XXX	0.50	XXX	1.60
Total Suspended Solids	10	15	30	45	60
CBOD ₅	8.82	14	25	40	50
NH ₃ -N	7.05	XXX	20	XXX	40
Total Phosphorus	Monitor and Report	XXX	Monitor and Report	XXX	XXX
Fecal Coliform					
(5-1 to 9-30)	XXX	XXX	200	XXX	XXX
(10-1 to 4-30)	XXX	XXX	10,000	XXX	XXX

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3666.

PA0024759, Sewerage SIC, 4952, **Curwensville Municipal Authority**, 900 Susquehanna Ave., Curwensville, PA 16833. This existing facility is located in Curwensville Borough, **Clearfield County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan watershed 8B and classified for WWF. The nearest downstream public water supply intake for Reliant Energy is located on the West Branch of the Susquehanna River, 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.75 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
TSS	30	45		60
Total Cl ₂ Residual	0.50			1.6

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Daily Maximum (mg/l)	Instantaneous Maximum (mg/l)
Fecal Coliforms: (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml as a geometric mean 2,000 col/100 ml as a geometric mean		
pH		6.0 to 9.0 at all times		

In addition to the effluent limits, the permit contains Part C 7 that requires an Industrial Pretreatment Program and Part C 9 that requires the reporting of sanitary sewer overflows.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on an application are invited to submit a statement to the office noted before the application, within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

I. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 4602416, Sewerage, **Joseph Kuroski and Gina Bryan**, 1131 Church Road, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a small flow sewage treatment plant.

WQM Permit No. 1596414, Sewerage, **London Grove Township Municipal Authority**, 372 Rose Hill Road,

Suite 300, West Grove, PA 19390. This proposed facility is located in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Requesting approval to renew a spray irrigation permit.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 5002404, Sewerage, **Catherine Campbell**, 1961 New Valley Road, Marysville, PA 17058. This proposed facility is located in Rye Township, **Perry County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a sewage treatment facility.

WQM Permit No. 0502402, Sewerage, **Broad Top Township**, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633-0057. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a sewage treatment facility.

WQM Permit No. 0502403, Sewerage, **Broad Top Township**, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633-0057. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a sewage treatment facility.

WQM Permit No. 0502404, Sewerage, **Broad Top Township**, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633-0057. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a sewage treatment facility.

WQM Permit No. 0502405, Sewerage, **Broad Top Township**, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633-0057. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a sewage treatment facility.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 1702404, Sewerage SIC 4952, **Curwensville Municipal Authority**, 900 Susquehanna Ave., Curwensville, PA 16833. This proposed facility is located in Curwensville Borough, **Clearfield County**.

Description of Proposed Action/Activity: Construction and operation of a 0.5 million gallon flow equalization tank.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 1102202, Industrial Waste, **Conectiv Mid-Merit Inc.**, P. O. Box 6066, Newark, DE 19714.

Application for the construction and operation of a water recycling preparation plant to serve the Hinckston Run Power Plant, located in Jackson Township, **Cambria County**.

Application No. 0471408-A2, Sewerage, **Hopewell Township**, 1700 Clark Boulevard, Aliquippa, PA 15001. Application for the construction and modification of the Wilson and Heights Pump Stations to serve the Hopewell Township Sewer System located in Hopewell Township, **Beaver County**.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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 PAS10D128, Stormwater, **Heritage Building Group**, 3326 Old York Road, Suite A100, Furlong, PA, has applied to discharge stormwater associated with a construction activity located in Milford Township, **Bucks County** to Unami Creek (HQ).

NPDES Permit PAS10D129, Stormwater, **Rotelle Builders**, 219 Niantic Road, Barto, PA 19504, has applied to discharge stormwater associated with a construction activity located in Milford Township, **Bucks County** to Unami Creek (HQ-TSF).

NPDES Permit PAS10-112-1, Stormwater, **Bucks County Airport Authority**, P. O. Box 1185, 3879 Old Easton Road, Doylestown, PA 18901, has applied to discharge stormwater associated with construction activity located in Milford Township, **Bucks County** to unnamed tributary of Unami Creek (HQ-TSF).

NPDES Permit PAS10G552, Stormwater, **Wayne C. Megill**, 2 Huntrise Lane, West Chester, PA 19341, has applied to discharge stormwater associated with construction activity located in East Nottingham Township, **Chester County**, to Little Elk Creek (EV).

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 and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q036-2R	K & M Associates P. O. Box 332 Trexlerstown, PA 18087	Lehigh County Lower Macungie Township	Little Lehigh Creek HQ-CWF
<i>Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.</i>			
<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS10U187	Strausser Enterprises, Inc. 604 Village at Stones Crossing Easton, PA 18045	Northampton County Palmer Township	Bushkill Creek HQ-CWF

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Westmoreland County Conservation District: Donohoe Center, R. D. 12, Box 202B, Greensburg, PA 15601-9217, (724) 837-5271.

NPDES Permit PAS10X104, Stormwater, **Department of Environmental Protection, Bureau of Abandoned Mine Reclamation**, P. O. Box 8476, Harrisburg, PA 17105, has applied to discharge stormwater associated with a construction activity located in Mt. Pleasant Township, **Westmoreland County** to Weity Run (HQ-CWF).

NPDES Permit PAS10X105, Stormwater, **Dominion Peoples Gas**, 423 Hyde Park Road, Leechburg, PA 15656, has applied to discharge stormwater associated with a construction activity located in Washington Township, **Westmoreland County** to Poke Run (HQ-CWF) and Little Pucketa Creek (TSF).

NPDES Permit PAS10X106, Stormwater, **Maronda Homes, Inc.**, 202 Park West Drive, Pittsburgh, PA 15275, has applied to discharge stormwater associated with construction activity located in North Huntingdon Township, **Westmoreland County** to a tributary to Long Run (HQ-TSF) and Crawford Run (WWF).

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

NPDES Permit PAS102710, Stormwater, **Pennsylvania General Energy Corporation**, 208 Liberty Street, Warren, PA 16365 has applied to discharge stormwater associated with a construction activity located on Warrant 5110 in Jenks and Kingsley Townships, **Forest County** to Salmon Creek (HQ-CWF) and an unnamed tributary to Salmon Creek (HQ-CWF).

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application, within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit No. 4602505, Public Water Supply.

Applicant	Pennsylvania American Water Company
Township	Upper Providence
Responsible Official	William C. Kelvington 800 W. Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	Entech Engineering, Inc. 4 S. Forth Street Reading, PA 19603
Application Received Date	October 10, 2002
Description of Action	Installation of a pump station.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 6702517, Public Water Supply.

Applicant	Audubon Park Inc.
Municipality	Monaghan Township
County	York
Responsible Official	Kurt E. Suter, Owner 322 South Hanover Street Carlisle, PA 17013
Type of Facility	PWS
Consulting Engineer	Max E. Stoner, P. E. Glace Associates, Inc. 3705 Trindle Rd. Camp Hill, PA 17011
Application Received Date	October 16, 2002
Description of Action	Construction Permit Application for Well No. 2 and treatment. The application seeks approval to use the well at a maximum rate of 15 gallons per minute. Treatment will include nanofiltration to remove sulfates and total dissolved solids. Disinfection will be done through continued use of sodium hypochlorite; however, new feed equipment will also be provided.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 1602503, Public Water Supply.
 Applicant **Redbank Valley Municipal Authority**
 243 Broad Street
 New Bethlehem, PA 16242
 Township or Borough Porter Township
Clarion County
 Responsible Official Robert Case, Chairperson
 Type of Facility PWS
 Consulting Engineer Nichols & Slagle Engineering, Inc.
 980 Beaver Grade Rd.
 Suite 101, Westmark Bldg.
 Moon Township, PA 15108
 Application Received Date October 29, 2002
 Description of Action Cottage Hill Area Water system expansion project to include duplex booster pump station, 12,000 linear feet of waterline and 100,000 gallon standpipe.

Permit No. 1002503, Public Water Supply.
 Applicant **Meadows Manor Boarding Home**
 600 Freeport Road
 Butler, PA 16001
 Township or Borough Jefferson Township
Butler County
 Responsible Official Ron Paule
 Type of Facility PWS
 Consulting Engineer McGarvey Engineering
 172 Woodcrest Road
 Butler, PA 16002
 Application Received Date November 8, 2002
 Description of Action Modify existing water system; install chlorination equipment, additional filters, add 2 feet to the existing casing and place a 3 foot concrete apron around the casing.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Application No. 0889504-T1, Public Water Supply.
 Applicant **Woodside Terrace Partners**
 Township Sheshequin Township
Bradford County
 Responsible Official Clair Hoover, Partner
 P. O. Box 172
 Manheim, PA 17545-0172
 Type of Facility PWS
 Application Received Date November 7, 2002

Description of Action Application for transfer of existing water supply permit for Woodside Terrace Mobile Home Park.
Application No. Minor Amendment, Public Water Supply.
 Applicant **Kreamer Municipal Authority**
 Township Middlecreek Township
Snyder County
 Responsible Official William Rosencrans, Manager
 Kreamer Municipal Authority
 P. O. Box 220
 Kreamer, PA 17833
 Type of Facility PWS
 Consulting Engineer William E. Sidler, P. E.
 52 Schoolhouse Lane
 Turbotville, PA 17772
 Application Received Date November 6, 2002
 Description of Action Application to sandblast and coat interior of existing 250,000 gallon finished water storage tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as

a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Former ABAR Site, Northampton Township, Bucks County. Randy Shuler, ERM, Inc., 250 Phillips Blvd., Suite 280, Ewing, NJ 08618, on behalf of Dennis Duffy, c/o Superior Group, Inc., 3 Radnor Corp. Center, Suite 400, Radnor, PA 19087, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, Fuel Oil No. 2, PAH and used motor oil; and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Doylestown Intelligencer* on October 14, 2002.

Former Sunoco Station (Duns No. 0004-9056), Ridley Township, Delaware County. Marco Droese, Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343, on behalf of Ashok Patel, Hockessin Liquor, 719 Ace Memorial Dr., Route 41, Hockessin, DE 19707, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with leaded gasoline, MTBE and unleaded gasoline. 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 *Delaware County Times* on October 21, 2002.

Randall Nester Property, Pottstown Borough, Montgomery County. Sandra L. Long, P. E., Whittemore & Haigh Engineering, Inc., 200 Bethlehem Dr., Suite 201, Morgantown, PA 19543, on behalf of Barbara Nestor, 161 Crest Dr., Boyertown, PA 19512, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with leaded gasoline. 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 *Berks-Mont Times* on October 31, 2002.

3111 East Ontario Street Property, City of Philadelphia, Philadelphia County. Jennifer Pesch, Urban Engineers, Inc., 530 Walnut St., 14th Floor, Philadelphia, PA

19106, on behalf of Jon Edelstein, City of Philadelphia, Dept. of Public Property, Municipal Services Bldg., 1401 JFK Blvd., Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate soil contaminated with lead and groundwater contaminated with used motor oil. The applicant proposes to remediate the site to meet special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on September 3, 2002.

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Tomko Property, Upper Saucon Township, Lehigh County. Thomas J. Martinelli, Environmental Scientist, JMT Environmental Technologies, P. O. Box 22044, Lehigh Valley, PA 18002 submitted a Notice of Intent to Remediate (on behalf of Frances Tomko, Route 309, Center Valley, PA 18034) concerning the remediation of site soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reportedly published in the *Morning Call* on November 5, 2002.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Crown American Logan Valley Mall, Logan Township, Blair County. Mountain Research, Inc., 825 25th Street, Altoona, PA 16601, on behalf of Crown American Properties, LP, Pasquerilla Plaza, Johnstown, PA 15901 and J. C. Penney Company, P. O. Box 10001, Dallas, TX 75301-001, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with lead, PAHs, benzene and VOCs. The final report demonstrated attainment of a combination of the Statewide Health and Site-Specific Standards and the combined Remedial Investigation and Final Report was approved by the Department on November 7, 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. 301220. Clean Earth of Philadelphia, Inc., 3201 S. 61st Street, Philadelphia, PA 19153-3502, City of Philadelphia. The application is for a Radiation Protection Action Plan. The application was received by Southeast Regional Office on November 1, 2002.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application No. 101566. Hanover Borough, 44 Frederick Street, Hanover, PA 17331-3501, Penn Township, York County. The application is for the Radiation Protection Action Plan for the Hanover Area Transfer Station. The application was determined to be administratively complete by the Southcentral Regional Office on November 6, 2002.

Comments concerning the application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

Application incomplete under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application No. PAD067098822. Cycle Chem Inc., 550 Industrial Drive, Lewisberry, PA 17339, Fairview Township, **York County**. Application determined to be administratively incomplete by the Southcentral Regional Office on October 17, 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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager; (570) 327-3637.

41-00010C: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) for modification of a foundry molding line (refiner plate molding line) by increasing the allowable level of VOC emissions from the line above the level (zero) authorized by the Department at the time the line was originally constructed in Muncy Borough, **Lycoming County**.

18-313-018D: Avery Dennison Chemical Division—US (171 Draketown Road, Mill Hall, PA 17751-9601) for installation of an air cleaning device (a thermal fume oxidizer) on various chemical reactor systems used for the manufacture of adhesives, resins and coatings in Bald Eagle Township, **Clinton County**.

60-399-002: Ritz-Craft Corp. (15 Industrial Park Road, Mifflinburg, PA 17844) for construction of modular home manufacturing operations (Plant 2, Plant 3 and Specialty Paint Shop) in Mifflinburg Borough, **Union County**.

59-00003B: OSRAM SYLVANIA Products, Inc. (One Jackson Street, Wellsboro, PA 16901-1717) for construction of a 16.8 million Btu/hour natural gas and propane-fired boiler equipped with a low NOx burner and flue gas recirculation system in Wellsboro Borough, **Tioga County**. This boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

04-00516D: Vesuvius McDanel Co. (510 9th Avenue, Beaver Falls, PA 15010) for installation of natural gas-fired kiln at Beaver Falls Plant in Beaver Falls, **Beaver County**.

56-00288A: PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541) for installation of their coal crushing facility at Job 220 Merrill II Strip in Brothersvalley Township, **Somerset County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

33-033B: Owens-Brockway Glass Container, Inc. (Cherry Street, Brockway, PA 15824), for construction of an applied ceramic labeling process for labeling glass

bottles at their Brockway facility in Brockway, **Jefferson County**. The Owens-Brockway, Brockway facility is a Title V facility.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

AMS 02186: Household Metals Inc. (645 East Erie Avenue, Philadelphia, PA 19134) for permitting eight spray booths in Philadelphia, **Philadelphia County**.

AMS 02188: Spectrum Arena LP (3601 South Broad Street, Philadelphia, PA 19145) for permitting several combustion units in 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: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

46-00048: Wyeth Pharmaceuticals (500 Arcola Road, Collegeville, PA 19426) for modification of operating times for three 66 mmBtu/hr boilers and a limitation on the use of no. 2 fuel oil, as a secondary fuel, in the boilers, at their facility in Upper Providence Township, **Montgomery County**. This facility is a Title V facility. The emission limits in the company's current operating permit will remain the same. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Safko, Facilities Permitting Chief, (570) 826-2531.

66-301-010: R. H. Jones Crematory (2 Twin Drive, Tunkhannock, PA 18657) for construction of a human crematory in Tunkhannock Township, **Wyoming County**. A temperature of 1,800°F shall be maintained with a minimum residence time of 1 second when the unit is in operation. Particulate emissions shall not exceed 0.08 grain/dscf, corrected to 7% O₂. 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

16-010A: Owens-Brockway Glass Container—Clarion (151 Grand Avenue, Clarion, PA 16214) for installation of a baghouse on the hot end surface treatment process. This installation will result in no emissions increases. Notice is hereby given, in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department intends to issue a plan approval for their plant in Clarion, **Clarion County**. The facility currently has a Title V Operating Permit No. 16-00010. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

02162: Defense Energy Support Center (8725 John J. Kingman Road, Fort Belvoir, VA 22060) for installation of a soil vapor extraction system with two modified IC engines equipped with catalytic oxidizers as control device at 2800 South 20th Street, Philadelphia, PA 19145. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

02163: Naval Surface Warfare Center (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for installation of a 1,448 bhp diesel engine to replace an existing 2,000 hp diesel engine. This is a Title V facility. Operation of this source is limited to 500 hours in any 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

02166: SBC Telecom (36 South Fairview Avenue, Park Ridge, IL 60068) for installation of a 1,020 kW emergency generator at 401 North Broad Street, Philadelphia, PA 19130. The operation is limited to less than 500 hours in any 12-month period. The maximum NO_x emissions from the source will be 5.2 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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Safko, Facilities Permitting Chief, (570) 826-2531.

40-00020: Department of Public Welfare (White Haven Center, P. O. Box 2195, White Haven, PA 18661-9602) for operation of three anthracite coal fired boilers and emergency generators ranging from 6 kW to 200 kW at their facility in Foster Township, **Luzerne County**. This action is a renewal of the Title V Operating Permit issued in 1997.

35-00007: Department of Public Welfare (Clarks Summit State Hospital, 1541 Hillside Drive, Clarks Summit, PA 18411) for operation of two anthracite coal fired boilers, one no. 2 fuel oil fired boiler and emergency generators ranging from 7.5 kW to 200 kW at their facility in Newton Township, **Lackawanna County**. This action is a renewal of the Title V Operating Permit issued in 1997.

54-00011: Pennsylvania Power and Light Martins Creek LLC (2 North Ninth Street, Allentown, PA 18101-1179) for operation of two combustion turbines in Norwegian Township, **Schuylkill County**. This action is a renewal of the Title V Operating Permit issued in 1997.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-05044: Department of Public Welfare (P. O. Box 300, Wernersville, PA 19565) for operation of a skilled nurse care facility (Wernersville State Hospital) in South Heidelberg Township, **Berks County**. This action is a renewal of the Title V Operating Permit issued in 1997 and revised in 1998.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Program Manager, (570) 327-0512.

60-00007: United States Penitentiary, Lewisburg (P. O. Box 1000, Lewisburg, PA 17837) for renewal of the Title V Operating Permit for their Federal correctional facility in Kelly Township, **Union County**. The facility is currently operating under TVOP 60-00007, which was issued October 30, 1997. The facility's sources include 4 natural gas/no. 2 oil fired boilers, 42 natural gas fired heaters, 2 natural gas fired bake ovens, 2 natural gas fired drying ovens and 2 natural gas fired burnoff ovens, which have the potential to emit major quantities of SOx. The facility has the potential to emit NOx, CO, PM10, VOCs and HAPs below the major emission thresholds. The facility is subject to all applicable regulatory requirements of the Federal Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR Part 60, Subpart Dc). The proposed Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00005: Wood-Mode, Inc. (One Second Street, Route 522, Kreamer, PA 17833) for issuance of a revised Title V Operating Permit under 25 Pa. Code §§ 127.521 and 127.541 for their wood cabinet manufacturing facility in Middlecreek Township, **Snyder County**. The Title V Operating Permit revision is to incorporate conditions from the amended Reasonably Available Control Technology plan for one woodwaste fired boiler, one natural gas fired boiler and one woodwaste/natural gas fired boiler at their facility. In addition, this Title V Operating Permit revision will include the terms and conditions of plan approvals 55-302-005B and 55-302-005C for the two woodwaste fired boilers. The proposed Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

10-00311: The F. B. Leopold Co., Inc. (227 South Division Street, Zelienople, PA 16063-1313) for operation of their small gas-fired boiler, a degreaser and the fiberglass spray up area facility in Zelienople Borough, **Butler County**. Because of rulemaking, they are a Title V facility and therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Safko, Facilities Permitting Chief, (570) 826-2531.

45-313-009F: Heico Chemicals, Inc. (P. O. Box 160, Delaware Water Gap, PA 18327) for operation of 3 receivers, 12 tanks, 1 centrifuge, 2 dryers, 16 reactors and the associated air cleaning devices at their facility in Delaware Water Gap Borough, **Monroe County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05125: Department of Corrections (P. O. Box 598, Camp Hill, PA 17001) for operation of their Training Academy in Mount Joy Township, **Lancaster County**. The facility has the potential to emit 153.1 tons per year of SOx, 55 tons per year of NOx, 64.8 tons per year of PM, 33.7 tons per year of PM10, 3.7 tons per year of CO

and 1.8 tons of VOCs. The Synthetic Minor operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

24-00079: Osram Sylvania, Inc. (835 Washington Road, St. Marys, PA 15857) for operation of their Natural Minor Operating Permit for manufacturing incandescent light bulbs in the City of St. Marys, **Elk County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

S02-002: Cage Graphic Arts (2781 Roberts Avenue Philadelphia, PA 19129) for manufacturing of printing plates for the flexographic printing industry in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include two photo processing units, two plate dryers and two distillation stills.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limita-

tions, 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.

54860108R3. Reading Anthracite Company (200 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine in New Castle Township, **Schuylkill County** affecting 1,469.0 acres, receiving stream: none. Application received October 31, 2002.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

03950113 and NPDES Permit No. PA0201529. Seven Sisters Mining Company, Inc. (Star Route 22, P. O. Box 300, Delmont, PA 15626-0300). Renewal application for continued mining of an existing bituminous surface mine located in South Bend Township, **Armstrong County**, affecting 93 acres. Receiving stream: Cooked Creek, classified for WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received November 1, 2002.

03910104 and NPDES Permit No. PA02000158. Big Mack Leasing Co., Inc. (R. R. 6, Box 231, Kittanning, PA 16201). Renewal application for reclamation only of an existing bituminous surface mine located in Plumcreek Township, **Armstrong County**, affecting 59 acres. Receiving streams: two unnamed tributaries to Cherry Run, classified for CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received November 4, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

30743704. NPDES Permit N/A, Duquesne Light Co. (P. O. Box 457, Greensboro, PA 15338), to revise the permit for the Warwick Mine No. 2 Coal Refuse Disposal Area in Monongahela Township, **Greene County**, reclaim 72 acres and add beneficial ash and biosolids 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 September 12, 2002.

30831303. NPDES Permit PA0013511, RAG Cumberland Resources, L. P. (R. D. 3, Box 184, Waynesburg, PA 15370), to renew and revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to revise the permit for the per Chapter 105 (Garards Fort Quadrangle from N: 13.9 inches; W: 13.1 inches to N: 16.4 inches; W: 14.6 inches; Oak Forest Quadrangle from N: 15.3 inches; W: 0.1 inch to N: 17.2 inches; W: 0.1 inch and Oak Forest Quadrangle from N: 16.2 inches; W: 4.0 inches to N: 17.8 inches; W: 4.2 inches) N/A, Surface Acres Proposed N/A, Underground Acres Proposed NA, SCP Acres Proposed NA, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A.

This is a 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 renewal/revision application to authorize the mitigation of any impacts to Dutch Run, Mt. Phoebe Run and the unnamed tributary to Dyers Fork. 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 District Mining Office identified previously. Comments should contain the name, address and telephone number of the person comments, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (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. Application received October 9, 2002.

Noncoal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

01870301T2 and NPDES Permit PA0593931. Vulcan Construction Materials, LP (P. O. Box 4239, Winston-Salem, NC 27115-4239), transfer of an existing quarry operation from Vulcan Construction Materials, Inc. in Berwick, Conewago and Oxford Townships, **Adams County**, receiving stream: Slagle Run and North Stream. Application received November 1, 2002.

7674SM1C8 and NPDES Permit PA0615312. Penny Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit in Jackson Township, **Lebanon County**, receiving stream: Tulpehocken Creek. Classified for CWF. The first downstream potable water supply intake from the point of discharge is Myerstown Water Authority. Application received October 31, 2002.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

08020813. Jean J. Fink, R. R. 1, Box 189, Wyalusing, PA 18853. Commencement, operation and restoration of a Small Industrial Minerals (Stone) Permit in Wilmot Township, **Bradford County** affecting 3 acres. Receiving streams: unnamed tributary, tributary to Susquehanna River. Application received October 10, 2002.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

32020302 and NPDES Permit No. PA0249327. Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, commencement, operation and restoration of a

noncoal surface mine and for discharge of treated mine drainage in Pine Township, **Indiana County**, affecting 5.0 acres. Receiving streams: unnamed tributaries to Yellow Creek and unnamed tributaries to Dutch Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 30, 2002.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

43020305. SQP Industries (310 Grand Avenue, Pittsburgh, PA 158225). Commencement, operation and restoration of a slag operation in Sharpsville Borough, **Mercer County** affecting 32.8 acres. Receiving streams: Shenango River, classified for WWF. The first downstream potable water supply intake from the point of discharge is Consumers Pennsylvania Water Co. Application received October 31, 2002.

10020306 and NPDES Permit No. PA0242250. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a limestone, shale and sandstone operation in Worth Township, **Butler County** affecting 277.9 acres. Receiving streams: Slippery Rock Creek and two unnamed tributaries to Slippery Rock Creek, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received November 4, 2002.

1270-10020306-E-1. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to mine through and reconstruct a permanent pond in an intermittent unnamed tributary to Slippery Rock Creek in Worth Township, **Butler County**. Receiving streams: Slippery Rock Creek and two unnamed tributaries to Slippery Rock Creek, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received November 4, 2002.

PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. For landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated before each proposal.

Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

Project Proposals Received

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

EGS 02001. Raccoon Creek Watershed Assoc. (150 Cumer Lane, Burgettstown, PA 15021). A project to passively treat mine drainage pollution in Findlay Township, **Allegheny County**, affecting 2.65 acres. Receiving stream: unnamed tributary to Potato Garden Run. Project proposal received September 19, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1406. Joyce Schmiedlin, P. O. Box 555, Gibsonia, PA 15044. Richland Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a 40 foot by 40 foot commercial building within the right bank side floodway of Willow Run (CWF). The project is located in the northwest corner of the intersection of SR 910 and Grubbs Road (Valencia, PA Quadrangle N: 0.9 inch; W: 13.2 inches).

E04-290. Chad J. Zutter, 9000 Christopher Wren Drive, Apartment 7, Wexford, PA 15090. Economy Borough, **Beaver County**, ACOE Pittsburgh District.

To construct and maintain a single span bridge having a span of 32 feet and underclearance of 7 feet across the North Fork of Big Sewickley Creek (TSF) and to place and maintain fill in 0.17 acre of palustrine forested wetlands to provide access to a proposed residence. The project is located on the south side of Hoening Road (SR 2003) approximately 0.2 mile southwest of its intersection with Conway-Wallace Road (SR 2005) (Baden, PA Quadrangle N: 2.3 inches; W: 4.5 inches).

E26-301. Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Jefferson Township, **Fayette County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 30.0 feet and an underclearance of 7.4 feet over Little Redstone Creek (WWF). Also to relocate and maintain 115.0 linear feet of Little Redstone Creek (WWF) and 75.0 feet of an unnamed tributary to Little Redstone Creek (WWF) and to construct and maintain a temporary crossing consisting of five 18-inch diameter pipes approximately 4,000 feet south of its intersection with SR 4003 (Fayette City, PA Quadrangle N: 12.0 inches; W: 11.9 inches).

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D33-005A. Reynoldsville Sewage Authority, 400 North 5th Street, Reynoldsville, PA 15851. Winslow Township, **Jefferson County**, ACOE Pittsburgh District.

To modify the existing Storage Dam No. 5 across Pitchpine Run (CWF) impacting a de minimis area of wetland (PEM) equal to 0.05 acre. Modifications include extending the primary spillway pipe approximately 155 feet to reduce erosion immediately downstream of the dam and placing earthfill on the downstream slope of the dam to facilitate maintenance activities. Modifications will not change the normal pool elevation. The dam is located approximately 2,500 feet northeast of the intersection of SR 1002 and T527 (DuBois, PA Quadrangle N: 19.6 inches; W: 16.9 inches).

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. 4602410, Sewerage, **Upper Moreland Hatboro Joint Sewer Authority**, P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090. This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the replacement of the Hatboro Interceptor sanitary sewer main.

WQM Permit No. 4602411, Sewerage, **New Hanover Township**, 2943 North Charlotte Street, Gilbertsville, PA 19525. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the installation and operation of a pump station and force main to serve a 30 single family residential subdivision.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

NPDES Permit No. PA0062197, Industrial Waste, **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 Action/Activity: Renewal of NPDES permit.

NPDES Permit No. PA0062529, Industrial Waste, **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 Action/Activity: Renewal of NPDES permit.

NPDES Permit No. PA0063631, Sewage, **Parkland School District**, 2219 North Cedar Crest Boulevard, Allentown, PA 18104. This proposed facility is located in South Whitehall Township, **Lehigh County** and discharge to Jordan Creek.

Description of Proposed Action/Activity: Renewal of NPDES permit.

NPDES Permit No. PA0061182, Sewage, **Big Boulder Corporation**, P. O. Box 707, Blakeslee, PA 18610-0707. This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action: Renewal of NPDES permit.

NPDES Permit No. PA0031127, Sewage, **Borough of Northampton**, 1401 Laubach Avenue, Northampton, PA 18067. This proposed facility is located in Northampton Borough, **Northampton County**.

Description of Proposed Action/Activity: Renewal of NPDES permit.

NPDES Permit No. PA0041742, Sewage, **Nazareth Borough Municipal Authority**, P. O. Box A, Nazareth, PA 18064. This proposed facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Action: Renewal of NPDES permit.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES Permit No. PA0086771, Sewage, **Centre Township Municipal Authority, Dauberville Plant**, 449 Bucks Hill Road, Mohrsville, PA 19541. This proposed facility is located in Centre Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Irish Creek in Watershed 3-B.

NPDES Permit No. PA0052485, Sewage, **Mountain Springs Mobile Home Park**, P. O. Box 365, Shartlesville, PA 19554. This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Mill Creek in Watershed 3-C.

NPDES Permit No. PA0084565, Sewage, **East Prospect Borough Authority, East Prospect WWTP**, P. O. Box 344, East Prospect, PA 17317. This proposed facility is located in Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Cabin Creek in Watershed 7-I.

NPDES Permit No. PA0085235, Sewage, **Post Office Inn Corporation**, 3790 Morgantown Road, Mohnton, PA 19540-9618. This proposed facility is located in Robeson Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to unnamed tributary of Allegheny Creek in Watershed 3-C.

NPDES Permit No. PA0085669, Sewage, **Centerport Borough Municipal Authority**, P. O. Box 248, Centerport, PA 19516. This proposed facility is located in Centerport Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Irish Creek in Watershed 3-C.

NPDES Permit No. PA0084450, Sewage and Industrial Waste, USAG—Fort Detrick, 1500 Porter Street, Frederick, MD 21702. This proposed facility is located in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Miney Branch and unnamed tributaries to Miney Branch in Watershed 13-D.

NPDES Permit No. PA0080322, Industrial Waste, **Greater Lebanon Refuse Authority**, 1610 Russell Road, Lebanon, PA 17046-1437. This proposed facility is located in North Lebanon Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Swatara Creek in Watershed 7-D.

NPDES Permit No. PA0084522, Industrial Waste, **Allentown Refrigerated Terminal, Inc.**, 125 Seneca Trail, Boyertown, PA 19512. This proposed facility is located in Colebrookdale Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Ironstone Creek in Watershed 3-D.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

NPDES Permit No. PA0228541, Industrial Waste, **Pennsylvania State University**, 101-P Physical Plant Building, University Park, PA 16802-2116. This facility is located in College Township, **Centre County**.

Description of Activity: Authorization to discharge 0.0072 MGD of treated effluent from a groundwater remediation system for the Alpha Fire Training Site to Big Hollow. System consists of groundwater extraction wells, an equalization tank and an air stripper.

NPDES Permit No. PA0039241, Sewage 4952, **United States Department of Justice**, P. O. Box 3500, White Deer, PA 17887-3500. This facility is located in Greg Township, **Union County**.

Description of Action/Activity: Renewal of NPDES permit for nonmunicipal wastewater treatment facilities.

NPDES Permit No. PA0112631, Sewage 4952, **Allen Wargo**, 1746 Old Reading Rd., Catawissa, PA 17820. This facility is located in Roaring Creek Township, **Columbia County**.

Description of Action/Activity: Renewal of NPDES permit for small flow domestic wastewater treatment facilities.

WQM Permit No. 1902401, Sewerage SIC 4952, **Alvin J. and Elaine F. Luschas**, 152 Golfcourse Road, Berwick, PA 18603. This proposed facility is located in North Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Issuance of a water quality management permit to construct and operate a single residence sewage plant.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0027618-A1, Sewage, **Bethel Park Municipal Authority**, 5100 West Library Avenue, Bethel Park, PA 15102 is authorized to discharge from a facility located at Bethel Park Sewage Treatment Plant (Piney Fork STP), South Park Township, **Allegheny County** to receiving waters named Piney Fork.

NPDES Permit No. PA0098094, Sewage, **Stonewood Family Limited Partnership**, 116 East Pittsburgh Street, Suite 200, Greensburg, PA 15601 is authorized to discharge from a facility located at Pittsburgh Airport Park STP, Independence Township, **Beaver County** to receiving waters named Raccoon Creek.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2002420, Sewerage, **Michael B. Frazier**, 17444 South Norrisville Road, Conneautville, PA 16406. This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence.

WQM Permit No. 1002411, Sewerage, **John C. Davis**, 212 Leisie Road, Renfrew, PA 16053. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a single residence.

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.

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.

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G541	David Nelson 960 Street Road Oxford, PA 19363	Chester	Upper Oxford Township	West Branch of the Big Elk Creek HQ-TSF-MF
PAS10G524	Corby Road Associates, LP 5169 Woodmill Drive, Suite 10 Wilmington, DE 19808	Chester	Penn Township	East Branch of the Big Elk Creek HQ
PAS10G536	Oxford Area School District 119 South Fifth Street Oxford, PA 19363	Chester	East Nottingham Township	Little Elk Creek HQ-TSF-MF

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	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities

PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bedminster Township Bucks County	PAR10D479	The Piper Group, Inc. P. O. Box 320 Pipersville, PA 18947	Unnamed tributary to Deep Run WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Buckingham Township Bucks County	PAR10D658	Heritage Steeplecase, LP 3326 Old York Road Suite B Furlong, PA 18925	Unnamed tributary to Neshaminy Creek TSF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Rockhill Township Bucks County	PAR10D706	WB Homes 400 Sumneytown Pike Suite 200 North Wales, PA 19454	East Branch of the Perkiomen Creek TSF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Richland Township Bucks County	PAR10D662	Greenway Development, LP 3625 Welsh Road Willow Grove, PA 19090	Morgan Creek TSF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Buckingham Township Bucks County	PAR10D707	Central Bucks School District 320 West Swamp Road Doylestown, PA 18901	Lahaska Creek CWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bensalem Township Bucks County	PAR10D598	O'Neill Properties 700 S. Henderson Rd. Suite 225 King of Prussia, PA	Neshaminy Creek WWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lower Makefield Township Bucks County	PAR10D682	Deluca Homes Corporate Ctr. 107 Floral Vale Boulevard Yardley, PA 19067	Unnamed tributary of Delaware Canal WWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Newtown Township Bucks County	PAR10D703	Newtown Township 100 Municipal Drive Newtown Hills, PA 18940	Neshaminy Creek WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Newtown Township Bucks County	PAR10D632	Law School Admission Council P. O. Box 40 Newtown, PA 18940	Unnamed tributary to Core Creek CWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Bucks County	PAR10D590	Deluca Enterprises 107 Floral Vale Boulevard Yardley, PA 19067	Unnamed tributary to Core Creek CWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Richlandtown Township Bucks County	PAR10D688	Lowe's Home Centers 927 Wakefield Drive Havre de Grace, MD	Morgan Creek TSF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plumstead Township Bucks County	PAR10D623	Pamela Gundlach FROF 102 North Main Street Doylestown, PA 18901	Pine Run Creek WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Makefield Township Bucks County	PAR10D648	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA	Bucks Creek WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Falls Township Bucks County	PAR10D666	Falls Township 1888 Lincoln Highway Fairless Hills, PA	Martin Creek/ Delaware River WWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plumstead Township Bucks County	PAR10D657	Central Bucks Athletic Assoc. Box 111 Buckingham, PA 18912	Tohickon Creek CWF-WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
New Britain Township Bucks County	PAR10D627	Site Development, Inc. 17i000 Horizon Way Suite 200 Mt. Laurel, NJ	West Branch of the Neshaminy Creek TSF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Buckingham Township Bucks County	PAR10D610	John A. Arrow, Inc. 4575 Wismer Road Doylestown, PA 18901	Tributary to Mill Creek WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bedminster Township Bucks County	PAR10D500	Westrum Development Co. 375 Commerce Drive Fort Washington, PA 19034	Deep Run Tributary WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Ivyland Borough Bucks County	PAR10D674	The DePaul Group 1750 Walton Road Blue Bell, PA 19422	Little Neshaminy Creek WWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Doylestown Township Bucks County	PAR10D670	James Corkran 219 Briarwood Court Doylestown, PA 18901	Neshaminy Creek WWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Rockhill Township Bucks County	PAR10D691	New Hope-Solebury School District 180 West Bridge Street New Hope, PA 18938	Delaware River Canal WWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plumstead Township Bucks County	PAR10D584	The RW Group III, LP 5 South Main Street Suite 300 Doylestown, PA 18901	Unnamed tributary to Cabin Run WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Hope Borough Bucks County	PAR10D656	New Hope Borough 41 North Main Street New Hope, PA 18938	Delaware River WWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Buckingham Township Bucks County	PAR10D575	Covenant Presbyterian Church 3434 Durham Road Doylestown, PA 18901	Watson Creek CWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Warminster Township Bucks County	PAR10D635	Robert Dumont 255 Old New Brunswick Road Suite 5310 Philadelphia, PA	Little Neshaminy Creek WWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAR10T890	Crossroads Presbyterian Church 456 West Ridge Pike Limerick, PA 19468	Landis Creek WF-M	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Providence Township Montgomery County	PAR10T828	TH Properties 345 Main Street Harleysville, PA 19438	Mingo Creek WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAR10T874	Bracci Builders 715 Morristown Road Horsham, PA 19044	Pennypack Creek WF-M	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAR10T902	Oxford Land Development Ltd. 521 Stump Road P. O. Box 841 Montgomeryville, PA 18936	Park Creek WWF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Newlin Township Chester County	PAR10G483	Martin Tully 315 Young Road Coatesville, PA 19320	West Branch of the Brandywine Creek WWF-MF	Southeast Regional Office Suite 6010 Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Northampton County Allen Township	PAR10U165	Ronald Meyer, Superintendent Catasauqua Area School District 201 North 14th St. Catasauqua, PA 18032	Catasauqua Creek CWF	Northampton County Conservation District (610) 746-1971
Northampton County Bethlehem Township	PAR10U039-2R	Stephen Selvaggio 623 Selvaggio Dr. Nazareth, PA 18064	Nancy Run CWF, MF (Upstream of SR 3007)	Northampton County Conservation District (610) 746-1971
Northampton County Portland Borough Upper Mt. Bethel Township	PAR10U076-R	Alan LaFiura, President Ultra Poly Corp. 102 Demi Road Portland, PA 18351	Delaware River WWF, MF	Northampton County Conservation District (610) 746-1971
Hamilton Township	PAR100155 Formerly PAR100008R	Pine Run Inc. 1880 Pine Run Rd. Abbottstown, PA 17301	Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bermudian Keys Township	PAR100156 Formerly PAR100036R	D.A.K. Properties, Inc. P. O. Box 407 660 Edgegrove Rd. Hanover, PA 17331	Pine Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Colonial Ridge Mt. Pleasant Township	PAR100158 Formerly PAR100014R	Thomas Gebhart 200 Wheatland Drive Gettysburg, PA 17325	Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Beaver Colony Estates East Berlin Borough	PAR100159 Formerly PAR100023R	Beaver Colony Joint Venture 300 Frederick Street Hanover, PA 17331	Beaver Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
City of Reading Berks County	PAR10C445	Douglas M. Messinger, VP Planning/Tech. Sweet Street Desserts Inc. 722 Hiesters Ln. Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Douglass Township Berks County	PAR10C427	Les Stewart Stewart & Conti Dev. Co. 3130 Mill Rd. Fairview Village, PA 19403	Unnamed tributary to and Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Hampden Township	PAR10H153R	Tom Gaughen Brambles Townhouse Assoc. P. O. Box 586 Camp Hill, PA 17011	Conodoquinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Silver Spring Township	PAR10H131R	Max Martain Evergreen Subdiv. 2933 Aroona Rd. Mechanicsburg, PA 17055	Trindle Spring Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Bradford County Smithfield Township	PAR100832	Beverly Harding Smithfield Township Authority R. R. 2, Box 189 Columbia Cross Roads, PA 16914	Tomjack Creek TSF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539 Ext. 205
Lycoming County Loyalsock Township	PAR103956	Shick Elementary Loyalsock Township School District 2800 Four Mile Dr. Montoursville, PA 17754	Loyalsock Creek CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Beaver County Hopewell Township	PAR100299	James Palmer Beaver County Corp. for Econ. Dev. 250 Insurance St. Beaver, PA 15009	UNT to Boggs Run WWF UNT to Trampmill Run WWF	Beaver County Conservation District (724) 774-7090

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Cambria County Richland Township	PAR101083-1	Arrow Concrete Products 837 Horner St. Johnstown, PA 15902	Solomon Run WWF	Cambria County Conservation District (814) 472-2120
Indiana County	PAR103155-2	Dr. John R. McWhirter Copper Beech Townhome Communities P. O. Box 79 Boalsburg, PA 16827	UNT to Whites Run CWF	Indiana County Conservation District (724) 463-8547
Washington County Peters Township	PAR10W218	Howard Hlawati 106 Trillum Road Venetia, PA 15367	Peters Creek WWF	Washington County Conservation District (724) 228-6774
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Schuylkill County Gordon Borough	PAR222208	Universal Forest Products Eastern Division 2801 East Beltin, NE Grand Rapids, MI 49506- 9736	Little Mahanoy Creek	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Carbon County Lehighon Borough	PAR202230	Blue Ridge Pressure Castings, Inc. 10th and Bridge Streets Lehighon, PA 18235-0208	Mahanoy Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
City of Meadville Crawford County	PAR118318	Seco/Warwick Corporation 180 Mercer Street Meadville, PA 16335	French Creek	DEP—WRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Warren Warren County	PAR808366	Allegheny & Eastern Railroad, Inc. 316 Pine Street Warren, PA 16365-1807	Allegheny River	DEP—WRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR128303	Aurora Foods, Inc. 2200 East 38th Street Erie, PA 16510	Lake Erie	DEP—WRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Linesville Borough Crawford County	PAR228314	Cardinal American Corporation Tel-O-Post Company 32111 Aurora Road Solon, OH 44139	Linesville Creek	DEP—WRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Ellwood City Borough Lawrence County	PAR208329	INMETCO 245 Portersville Road Ellwood City, PA 16117	Connoquenessing Creek	DEP—WRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of St. Marys Elk County	PAR228313	Penn Pallet, Inc. P. O. Box 8 St. Marys, PA 15857-0008	Unnamed tributary to West Branch Clarion River	DEP—WRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lebanon County North Londonderry Township	PAG043594	Dale Huffman 1195 Syner Road Annville, PA 17003	UNT to Quittapahilla Creek TSF	Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
North Centre Township Columbia County	PAG045147	Alvin J. and Elaine F. Luschas 152 Golfcourse Road Berwick, PA 18603	Unnamed tributary to West Branch Briar Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Center Township Butler County	PAG048504	Diane M. Spiece 105 Lions Road Butler, PA 16001	Crooked Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048844	Michael B. Frazier 17444 South Norrisville Road Conneautville, PA 16406	Unnamed tributary to Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Forward Township Butler County	PAG048834	John C. Davis 212 Leisie Road Renfrew, PA 16053	Glade Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pittsfield Township Warren County	PAG048830	William Jewell P. O. Box 158 Garland, PA 16416	Unnamed tributary of Gar Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Johnstown City Cambria County	PAG056173	Sunoco Inc. 5733 A Butler Street Pittsburgh, PA 15201	Conemaugh River via Storm Sewer	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Johnstown City Cambria County	PAG056174	Sunoco Inc. 5733 A Butler Street Pittsburgh, PA 15201	Conemaugh River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Dickinson Township Cumberland County	PAG083570	Borough of Carlisle 53 W. South Street Carlisle, PA 17013	John McKeegan-Lay Farm Dickinson Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Compton Farm Biosolids Site Conemaugh Township Indiana County	PAG086106	City of Johnstown 241 Asphalt Road Johnstown, PA 15906	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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. 4602502, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 W. Hersheypark Drive Hershey, PA 17033
Township	Upper Providence
County	Montgomery
Type of Facility	PWS

Consulting Engineer	Jeffery C. Jessell, P. E. Pennsylvania American Water Company 4 Wellington Boulevard Wyomissing, PA 19610
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Permit to Construct Issued	November 5, 2002
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Operations Permit issued to **Ridgeview Mobile Home Park**, 54 Pear Tree Lane, Colora, MD 21917, PWS ID 1150200, West Nottingham Township, **Chester County** on October 22, 2002, for the operation of facilities approved under Construction Permit No. 1502504.

Operations Permit issued to **Community Management, Inc. Imperial Mobile Home Park**, 211 N. Dual Highway, Laurel, DE 19956, PWS ID 1150013, West Caln Township, **Chester County** on November 11, 2002, for the operation of facilities approved under Construction Permit No. 1500511.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0602505, Public Water Supply.

Applicant	Post Precision Castings Inc.
Municipality	Upper Tulpehocken Township
County	Berks
Type of Facility	Installation of softening and nitrate treatment systems for Well No. 2.

Consulting Engineer	James R. Fisher, P. E. Fisher Engineering Inc. 18 C. S. 7th Street Akron, PA 17501
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Permit to Construct Issued:	November 8, 2002
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Permit No. 2202509 MA, Minor Amendment, Public Water Supply.

Applicant	United Water Pennsylvania
Municipality	Hummelstown Borough
County	Dauphin
Type of Facility	Installation of sodium hypochlorite storage tanks at the Hummelstown and Sixth Street plants.

Consulting Engineer	R. Michael Gephart, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
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Permit to Construct Issued:	November 1, 2002
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Permit No. 0102502, Public Water Supply.
 Applicant **The Links of Gettysburg Utility Company LLC**
 Municipality Mt. Joy Township
 County **Adams**
 Type of Facility Construction Permit for a new community water system. The system will consist of two wells, manganese filtration, chlorine disinfection, storage and distribution facilities. Projected average daily demand for the proposed system is 112,000 gpd. Well No. 1 is permitted at a maximum withdrawal rate of 79 gallons per minute (gpm) and Well No. 2 is also permitted at 79 gpm.

Consulting Engineer Richard M. Bodner, P. E.
 Martin and Martin, Inc.
 37 S. Main St.
 Chambersburg, PA 17201

Permit to Construct Issued: October 11, 2002

Permit No. 2802501, Public Water Supply.
 Applicant **Guilford Water Authority**
 Municipality Greene Township
 County **Franklin**
 Type of Facility Construction Permit for Hosack Run Well No. 5. The well will be pumped at a rate of 0.06 MGD. Treatment will be provided at existing, previously permitted facilities.

Consulting Engineer Diana Young, P. E.
 Buchart-Horn, Inc.
 P. O. Box 15040
 York, PA 17405-7040

Permit to Construct Issued: October 24, 2002

Permit No. 0102506, Public Water Supply.
 Applicant **Chesapeake Estates Mobile Home Park**
 Municipality Mt. Pleasant
 County **Adams**
 Type of Facility Construction Permit for a 50,000-gallon aboveground finished water storage tank and a 50 gpm finished water booster station.

Consulting Engineer Janet R. McNally, P. E.
 William F. Hill & Assoc., Inc.
 207 Baltimore St.
 Gettysburg, PA 17325

Permit to Construct Issued: November 8, 2002

Operations Permit issued to **Philadelphia Suburban Water Company**, 3060018, Cumru, **Berks County** on November 4, 2000, for the operation of facilities approved under Construction Permit No. 0601507.

Operations Permit issued to **Republic Development Corp.**, 7500025, Newport Borough, **Perry County** on November 4, 2002, for the operation of facilities approved under Construction Permit No. 5001501.

Operations Permit issued to **Altoona City Authority Prospect Water Storage Tanks**, 4070023, City of Altoona, **Blair County** on October 11, 2002, for the operation of facilities approved under Construction Permit No. 0701504.

Operations Permit issued to **York Springs Municipal Authority**, 7010030, Huntington, **Adams County** on November 8, 2002, for the operation of facilities approved under Construction Permit No. 0102505.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 1402504, Public Water Supply.

Applicant **Rush Township Board of Supervisors**
 150 North Richards Street
 P. O. Box 152
 Philipsburg, PA 16866

Township Rush Township

County **Centre**

Type of Facility PWS—approval to construct a new water system consisting of 8,400 feet of 12-inch and 4,600 feet of 8-inch waterlines to be fed from the Pennsylvania American Water Company system in Philipsburg.

Consulting Engineer Richard H. Bulger, Jr. & Associates
 P. O. Box 331
 Martinsburg, PA 16662

Permit to Construct Issued: November 4, 2002

Permit No. Minor Amendment. Public Water Supply.

Applicant **Pennsylvania American Water Company Moshannon Valley District**
 P. O. Box 707
 Philipsburg, PA 16866

Township Rush Township

County **Centre**

Type of Facility PWS—approval to replace pumps at the Moshannon Valley Economic Development Park Pump Station to serve the new Rush Township water system.

Consulting Engineer Bruce Juergens, P. E.
 Pennsylvania American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17033

Permit to Construct Issued: November 4, 2002

Permit No., Minor Amendment. Public Water Supply.

Applicant **College Township Water Authority**
1481 East College Avenue
State College, PA 16801

Township College Township

County **Centre**

Type of Facility PWS—approval to construct an interconnection with the Rockview State Correctional Institute.

Consulting Engineer Entech Engineering, Inc.
4 South Fourth Street
P. O. Box 32
Reading, PA 19603

Permit to Construct Issued October 30, 2002

Permit No., Minor Amendment. Public Water Supply.

Applicant **Spring Township Municipal Authority**
P. O. Box 133
Beaver Springs, PA 17812

Township Spring Township

County **Snyder**

Type of Facility PWS—approval to operate filter-to-waste facilities on existing filter plant and new pretreatment chemicals consisting of caustic soda and polyaluminum chloride.

Permit to Operate Issued November 4, 2002

Permit No. 1801501. Public Water Supply.

Applicant **Loganton Borough Council**
210 North Mill Street
P. O. Box 27
Loganton, PA 17747

Borough Loganton Borough

County **Clinton**

Type of Facility PWS—approval to operate Well No. 2, disinfection and corrosion control treatment in Wellhouse No. 1 and new raw and finished water transmission lines.

Permit to Operate Issued October 31, 2002

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 1198502-A1, Public Water Supply.

Applicant **Blacklick Valley Municipal Authority**
P. O. Box 272
Twin Rocks, PA 15960

Borough or Township Blacklick and Cambria Townships

County **Cambria**

Type of Facility Water system improvements

Consulting Engineer Hegemann & Wray
429 Park Avenue
Cresson, PA 16630

Permit to Construct Issued November 4, 2002

Permit No. 0402502, Public Water Supply.

Applicant **Department of Conservation and Natural Resources Park Region No. 2**
P. O. Box 387
Prospect, PA 16052-0387

Borough or Township Hanover Township

County **Beaver**

Type of Facility Raccoon Creek State Park elevated spheroid water tank, waterline replacement and chlorination equipment.

Consulting Engineer McGuire Group Inc.
1212 Manor Building
564 Forbes Avenue
Pittsburgh, PA 15219

Permit to Construct Issued November 4, 2002

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 2502501, Public Water Supply.

Applicant **Wintergreen Acres MHP**
Williams Road
Lake City, PA 16423

Borough or Township Girard Township

County **Erie**

Type of Facility PWS

Consulting Engineer Richard A. Deiss & Associates
9342 Pettis Road
Meadville, PA 16335

Permit to Construct Issued November 6, 2002

Operations Permit issued to **Tionesta Borough**, P. O. Box 408, Tionesta, PA 16353-0408, PWS ID 6270001, Tionesta Borough, **Forest County** on November 6, 2002, for the operation of facilities approved under Construction Permit 2701501.

Operations Permit issued to **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507, PWS ID 6250028, City of Erie, **Erie County** on November 8, 2002, for the operation of facilities approved under Construction Permit No. 2789-T1-MA2.

Operations Permit issued to **Sandycreek Township**, 878 Pone Lane, Franklin, PA 16323, PWS ID 6610042, Sandycreek Township, **Venango County** on November 8, 2002, for the operation of facilities approved under Construction Permit No. 6190503-MA4.

Operations Permit issued to **Jamestown Municipal Authority**, 406 Jackson Street, Box 188, Jamestown, PA 16134, Jamestown Borough, **Mercer County**, PWS ID 6430043 on November 8, 2002, for the operation of facilities approved under Construction Permit No. 4301501.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750a.20a).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Categorical Exclusion

Saxton Borough Municipal Authority, Saxton Borough, P. O. Box 173, Saxton, PA 16678; **Bedford County**.

Description: The Pennsylvania Infrastructure Investment Authority (Authority) which administers the Commonwealth's State Revolving Fund is intended to be the funding source for this project. The Authority proposes to construct a centrifuge for mechanical dewatering of sludge at their existing wastewater treatment plant. The project will be constructed within the confines of an existing structure. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Berwick Borough	344 Market St. Berwick, PA 18603	Columbia County

Plan Description: The approved plan provides for construction of a second, parallel interceptor line, to provide adequate conveyance of sanitary waste to the sewage treatment plant. In addition, a solids removal system will be placed in the existing combined sewers to facilitate solids removal. 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 Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Chillisquaque Township	P. O. Box 22 Montandon, PA 17850	Northumberland County

Plan Description: The approved plan provides for a public sewage collection and conveyance system to serve Montandon Village, East Lewisburg along Old Route 45, Sodom Road Colonial Park, Milton Center East and along SR 405 north of Housels Run Rd. The sewage from this new collection system will be conveyed to and treated at the Milton sewage treatment plant. The project cost is estimated to be \$5,253,720 and the new facilities will be owned and operated by the Milton Regional Sewer Authority. 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.

Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Center Township	P. O. Box 435 Rogersville, PA 15359	Greene

Plan Description: The approved plan provides for the construction of a sewage collection, conveyance and treatment system for the Village of Rogersville, Center Township, Greene County. 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).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Boggs Township	1270 Runville Road Bellefonte, PA 16823	Centre
Howard Township	222 Highland Drive Howard, PA 16841	Centre

Plan Description: The plan was disapproved because it failed to address the immediate and long-term sewage needs of the communities of McCartneytown, Mt. Eagle and adjacent areas. The onlot malfunction rates were found to be in excess of 50% for most of the study areas. In addition, repair options to the malfunctioning onlot systems are unavailable due to the small lot size and unsuitable soil conditions.

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.

Springfield Auto Outlet, Springfield Township, **Delaware County**. Michael A. Christie, P. G., Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Baby Superstore, Inc., 461 From Rd., Paramus, NJ 07652, has submitted a Final Report concerning remediation of site soil contaminated with PCB, BTEX, PAH and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Bethlehem Pike Property, Montgomery Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold Kathcher & Fox, LLP 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Neil C. Hopkins, Clark Hopkins and Craig Hopkins d/b/a CNC Investment Group, 107 N. Broad St., Doylestown, PA 18901, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX, PAH, MTBE and naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Vacant Parcel (1126-1130 Spring Garden Street), City of Philadelphia, **Philadelphia County**. Jeffrey T. Bauer, Whitestone Associates, Inc., 1120 Welsh Rd., North Wales, PA 19454, on behalf of Ross Goldberg, Posel Management Co., 212 Walnut St., Philadelphia, PA 19106, has submitted a Final Report concerning remediation of site soil contaminated with inorganics and PAH. The report is intended to document remediation of the site to meet Site-Specific Standards.

Tioga Marine Terminal (Maintenance Bldg. and Carpenter Shop), City of Philadelphia, **Philadelphia County**. James G. Gallagher, Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104, on behalf of Philadelphia Regional Port Authority, 3601 N. Delaware Ave., Philadelphia, PA 19106, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX and PAH. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Holmesburg Shopping Center, City of Philadelphia, **Philadelphia County**. Nancy Repetto, Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380, on behalf of Leon Silverman, Esq., Stein & Silverman, PC, 230 S. Broad St., Philadelphia, PA 19102, has submitted a Final Report concerning remediation of site soil contaminated with Fuel Oil No. 2. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Pearson Property, Lake Township, **Luzerne County**. James Sposito, Quad Three Group, Inc., 116 North Washington Avenue, Scranton, PA 18503 submitted a Final Report (on behalf of Pamela Pearson, Loyalville Outlet Road, Harveys Lake, PA) concerning the remediation of soils found or suspected to have been contaminated with

no. 2 fuel oil. The report was submitted to document attainment of the Statewide Health Standard.

Conewago Equities (former Ross Bike, former Chain Bike Corp.), Hanover Township, **Lehigh County**. Andrew C. Thomas, P. G., American Resource Consultants, Inc., 4459 W. Swamp Road, Doylestown, PA 18901 submitted a Final Report for soils (on behalf of Allen Smith, Vice President, Conewago Equities, L. P., 610 Edgegrove Road, Hanover, PA 17331) concerning the remediation of soils found or suspected to have been contaminated with metals, chlorinated solvents and polycyclic aromatic hydrocarbons. The report was submitted to document attainment of the Statewide Health Standard.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Federal Paperboard Plant, West Manchester Township, **York County**. EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103, on behalf of International Paper Company, 6400 Poplar Avenue, Tower II, 5-023, Memphis, TN 38197 submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soils and groundwater contaminated with BTEX, PHCs and PAHs. The applicant is seeking attainment of a combination of Statewide Health and Site Specific Standards.

Eastern Industries, Inc., formerly Douglassville Hot Mix Asphalt Plant, Amity Township, **Berks County**. EarthRes Group, P. O. Box 468, Pipersville, PA 18947, on behalf of Eastern Industries, Inc., 4401 Camp Meeting Road, Center Valley, PA 18034-9454 submitted a remedial investigation report concerning remediation of site soils and groundwater contaminated with solvents. The applicant is seeking attainment of the Site Specific Standard.

Defense Distribution Depot, Susquehanna, PA, SWMU 6, Fairview Township, **York County**. Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Remedial Investigation and a Cleanup Plan concerning remediation of site groundwater contaminated with solvents. The applicant is seeking attainment of the Site Specific Standard.

William Moul Residence, Conewago Township, **York County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of William Moul, 830 Bremer Road, Dover, PA 17315, submitted a Final Report concerning remediation of site soils contaminated with benzene, cumene, ethyl benzene, fluorene, naphthalene, phenanthrene and toluene. The report was submitted within 90 days of the release and is intended to document remediation of the site to the Statewide Health Standard.

Eric Coomes Residence, North Hopewell Township, **York County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of Eric Coomes, 5828 Spruce Road, Felton, PA 17356, submitted a Final Report concerning remediation of site soils contaminated with benzene, cumene, ethyl benzene, fluorene, naphthalene, phenanthrene and toluene. The report was submitted within 90 days of the release and is intended to document remediation of the site to the Statewide Health Standard.

Rite Aid Steelton Site, Borough of Steelton, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contami-

nated with PAHs, BTEX and PHCs. The report is intended to document remediation of the site to a combination of the Statewide Health and Site Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Sun Pipe Line Company Stutzman Farm, South Heidelberg Township, **Berks County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381, on behalf of Sun Pipeline Line Company, Post Road and Blue Ball Avenue, Marcus Hook, PA 19061, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with fuel oil no. 2 and leaded gas. The applicant proposes to remediate the site

to meet a combination of requirements for the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on October 11, 2002.

Daniel Boone Homestead, Exeter Township, **Berks County**. Spotts, Stevens and McCoy, Inc., 345 North Wyomissing Boulevard, P. O. Box 6307, Reading, PA 19610-0307, on behalf of Historical and Museum Commission, 300 North Street, Harrisburg, PA 17120, submitted a Notice of Intent to Remediate site soils contaminated with no. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on October 18, 2002.

MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

Barry E. Kunsman, 2759 Valley View Road, Hellertown, PA 18055. Authorization No. WH0010. Effective November 4, 2002.

T. Ross Bros. Construction Inc., P. O. Box 70, Montandon, PA 17850. Authorization No. WH0162. Effective November 4, 2002.

Bueno Transport Ltd., Apt. 3D, 1854 Monroe Ave., Bronx, NY 10457-5763. Authorization No. WH0371. Effective November 4, 2002.

M & B Trucking, P. O. Box 604, 805 Saxman St., Barracksville, WV 26559. Authorization No. WH0391. Effective November 4, 2002.

Pecaro of East Brunswick Inc., Suite 102, 1059 King Georges Post Road, Edison, NJ 08837-3544. Authorization No. WH0399. Effective November 5, 2002.

Republic Environmental Systems Transportation Group Inc., 21 Church Road, Hatfield, PA 19440-1206. Authorization No. WH0568. Effective November 5, 2002.

Horwith Trucks Inc., 1449 Nor-Bath Blvd., P. O. Box 7 Route 329, Northampton, PA 18067-0007. Authorization No. WH0604. Effective November 5, 2002.

Greenridge Waste Services LLC, R. R. 1 Box 716, Scottsdale, PA 15683-1379. Authorization No. WH0726. Effective November 5, 2002.

Wills Trucking Inc., 3185 Columbia Road, Richfield, OH 44286-9622. Authorization No. WH0728. Effective November 5, 2002.

Voyager Trucking Corp., P. O. Box 737926, Elmhurst, NY 11373. Authorization No. WH0731. Effective November 5, 2002.

C. S. Hauling, 324 Sportsman Road, Portage, PA 15946-6606. Authorization No. WH0349. Effective November 5, 2002.

Sattazahn Refuse Removal Inc., 121 Lions Drive, Fredericksburg, PA 17026-9525. Authorization No. WH0438. Effective November 5, 2002.

Henry Alvarez, 5 Snow Crystal Lane, Stamford, CT 06905. Authorization No. WH0508. Effective November 5, 2002.

Jorge L. Perez, 102 Springdale Street, Bridgeport, CT 06606. Authorization No. WH0522. Effective November 5, 2002.

Luis Espejo, 917 Unruh Avenue, Philadelphia, PA 19111. Authorization No. WH0525. Effective November 5, 2002.

Michele Johnston, Inc., R. R. 1 Box 269a, Falls Creek, PA 15840. Authorization No. WH0665. Effective November 12, 2002.

Martin W. Johnston, R. R. 4 Box 131 B, DuBois, PA 15801. Authorization No. WH0666. Effective November 12, 2002.

Robert E. Johnston, P. O. Box 224, Penfield, PA 15849. Authorization No. WH0667. Effective November 12, 2002.

Edward W. Johnston, R. R. 2 Box 259, Punxsutawney, PA 15767. Authorization No. WH0668. Effective November 12, 2002.

Charles I. Kriner, R. R. 3 Box 215, DuBois, PA 15801. Authorization No. WH0669. Effective November 12, 2002.

James M. Johnston, R. R. 2 Box 233 A, Punxsutawney, PA 15767. Authorization No. WH0670. Effective November 12, 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.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

GP4-1-07-03044: Electric Motor and Supply, Inc. (1000 50th Street, P. O. Box 152, Altoona, PA 16603) on November 1, 2002, was authorized to operate a burn off oven under GP4 in the City of Altoona, **Blair County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

GP5-18-02: Equitable Production Co., Inc. (1710 Pennsylvania Avenue, Charleston, WV 25302) on October 24, 2002, to authorize the operation of a 165 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (a catalytic converter) under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Grugan Station in Grugan Township, **Clinton County**.

GP5-14-02C: Equitable Production Co., Inc. (1710 Pennsylvania Avenue, Charleston, WV 25302) on October 24, 2002, to authorize the operation of a 730 horsepower natural gas-fired reciprocating internal combustion compressor engine, a 385 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (a catalytic converter) and a dehydrator under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Red Buck Station in Snow Shoe Township, **Centre County**.

GP5-17-10A: Fairman Drilling Co. (P. O. Box 288, DuBois, PA 15801) on October 28, 2002, to deny authorization to construct and operate a 215 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (a catalytic converter) under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) due to the failure to provide information necessary to perform a through evaluation of the air contamination aspects of the engine in Greenwood Township, **Clearfield County**.

GP4-18-01: First Quality Nonwovens, Inc. (121 North Road, McElhattan, PA 17748) on October 29, 2002, to authorize the operation of a burn off oven under the General Plan Approval and General Operating Permit for Burn Off Ovens (BAQ-GPA/GP-4) in Wayne Township, **Clinton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

GP-32-00366: Mountain V Oil and Gas, Inc. (712 Masonic Drive, P. O. Box 470, Bridgeport, WV 26330) on November 4, 2002, a BAQ-GPA/GP5 for construction and operation of a Waukesha Model F-1197G rich-burn engine rated at 186 Bhp, equipped with a catalytic converter and A/F ratio.

GP-30-00106: Equitable Production, Inc. (P. O. Box 2347, Charleston WV 25328) on November 4, 2002, a BAQ-GPA/GP5 for construction and operation of a CE NATCO, Model 5GR-150-KR-4CNA dehydrator.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

AMS 02182: Sunoco Chemicals (Margaret and Bermuda Streets, Philadelphia, PA 19137) for installation of a Cumene Deluge Tank; **Philadelphia County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0009B: Asahi Glass Fluoropolymers USA (255 South Bailey Road, Downingtown, PA 19355) on November 7, 2002, for operation of a fluid bed dryer in Caln Township, **Chester County**.

09-0134A: Reed Minerals (Steel Road South, Morrisville, PA 19067) on November 7, 2002, for operation of two baghouses in Falls Township, **Bucks County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Mark Wejkszner, Acting New Source Review Chief, (570) 826-2531.

48-309-120: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) on October 31, 2002, for installation of an air cleaning device to control atmospheric emissions from bucket elevators 209 and 314 at Nazareth Plant I in Lower Nazareth Township, **Northampton County**.

39-309-058: Lafarge North America (5160 Main Street, Whitehall, PA 18052) on November 5, 2002, for

installation of an air cleaning device to control atmospheric emissions from the No. 2 and No. 6 clinker silo load-out spouts at their Whitehall Plant in Whitehall Township, **Lehigh County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

19-318-017A: Kawneer Co., Inc. (500 East Twelfth Street, Bloomsburg, PA 17815) on October 15, 2002, for modification of an architectural aluminum products surface coating operation and associated air cleaning device (a regenerative thermal oxidizer) by increasing the allowable VOC emission rate from 14.8 tons in any 12 consecutive month period to 49 tons in any 12 consecutive month period as well as for the construction of four spray booths to be incorporated in the respective surface coating operation in the Town of Bloomsburg, **Columbia County**.

59-00004B: Ward Manufacturing, Inc. (115 Gulick Street, Blossburg, PA 16912) on October 29, 2002, for construction of a furan warm box foundry core-making machine and associated air cleaning device (a bin vent fabric collector) in Blossburg Borough, **Tioga County**.

19-320-005: Press Enterprise, Inc. (3185 Lackawanna Avenue, Bloomsburg, PA 17815) on October 29, 2002, for construction of an eight color heatset web offset lithographic printing press and associated air cleaning device (a regenerative thermal oxidizer) in Scott Township, **Columbia County**.

49-00009A: Mohawk Flush Doors—Premdor Corp. (P. O. Box 112, Northumberland, PA 17857) on October 29, 2002, for construction of two wood door/door component roll coaters and one spray booth in Point Township, **Northumberland County**.

41-00025A: Lycoming County Resource Management Services (P. O. Box 187, Montgomery, PA 17752) on October 30, 2002, for construction of a wood waste tubgrinder and associated 750 horsepower diesel engine at the Lycoming County Landfill in Brady Township, **Lycoming County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

AMS 01162: Sunoco, Inc. (R and M) (3144 Passyunk Avenue, Philadelphia, PA 19145) was authorized to install a backup tail gas unit in Philadelphia, **Philadelphia County**.

AMS 01166 and 02110: Children's Hospital of Philadelphia (34th and Civic Center Boulevard, Philadelphia, PA 19104) was authorized to install three 800 hp boilers, two 2,000 kW and one 600 kW emergency generators and to convert two existing 1,081 hp emergency generators to peak shaving generators in Philadelphia, **Philadelphia County**.

AMS 02122: Calpine Philadelphia, Inc. (Pilot House 2nd Floor, Lewis Wharf, Boston, MA 02110) was authorized to install a 875 bhp digester gas fired generator at SW Water Pollution Control Plant, 8200 Enterprise Avenue, Philadelphia, **Philadelphia County**.

01169: Purolite Co. (3620 G Street, Philadelphia, PA 19134) on November 5, 2002, for installation of the following processes: cyclers, Glatt Dryer, caustic and acidic wastewater tanks, iso-butyl alcohol (IBA) condenser

with IBA recovery tanks and an electric chiller system and copolymer wastewater. Purolite has also accepted facility-wide limits for VOC emission limits of 20 tons per rolling 12-month period and hazardous air pollutant emissions of 10 tons per rolling 12-month period. Purolite has also accepted facility-wide production limits.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0035B: Coltec Industrial Products, Inc. (23 Friends Lane, Newtown, PA 18940) on November 6, 2002, for operation of a PTFE manufacturing line lubricant in Newtown Township, **Bucks County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on November 6, 2002, for operation of a waste incinerator in Upper Merion Township, **Montgomery County**.

46-0036C: Visteon Systems LLC (2750 Morris Road, Lansdale, PA 19446) on November 6, 2002, for operation of a selective solder No. 8 in Worcester Township, **Montgomery County**.

23-0087: Greif Brothers Corp. (3033 Market Street, Twin Oaks, PA 19014) on November 7, 2002, for operation of an alcohol spray booth in Upper Chichester Township, **Delaware County**.

15-0115: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) on November 7, 2002, for operation of two 12.55 mmBtu/hr gas/fuel boilers in West Goshen Township, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

36-03135A: Shared Mail Acquisitions LLC (72 Industrial Circle, Lancaster, PA 17601) on November 5, 2002, for construction of two heatset offset web lithographic presses and associated dryers controlled by an oxidizer in Upper Leacock Township, **Lancaster County**. This plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

49-313-032J: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on November 1, 2002, to extend authorization to operate some air contamination sources (pharmaceutical reaction vessels) identified in the respective plan approval on a temporary basis until March 1, 2003, as well as to extend the expiration date for installation of air cleaning devices (two thermal oxidizers) on various other air contamination sources (pharmaceutical reaction vessels) identified in the plan approval in Riverside Borough, **Northumberland County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

11-00285A: Whitaker Roads Corp. (P. O. Box 5657, Johnstown, PA 15904) on November 5, 2002, for installation of an asphalt plant in Richland Township, **Cambria County**. This plan approval was extended.

03-00229A: Rosebud Mining Co. (R. D. 9 Box 379A, Kittanning, PA 16201) on November 7, 2002, for installation of a vibrating screen at Logansport Mine in Bethel Township, **Armstrong County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

23-00011: Sunoco Partners Marketing and Terminals L. P. (Calgon Hook and Hook Roads, Delaware, PA 19032) on November 4, 2002, for issuance of an Administrative Amendment for a Change of Ownership of the facility formerly owned by Sunoco Inc. (R and M) in Darby Township, **Delaware County**. The facility's major emission points include storage tanks containing VOCs. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued August 10, 2000.

23-00045: Sunoco Partners Marketing Terminals L. P. (4041 Market Street, Aston, PA 19014) on November 4, 2002, for issuance of an Administrative Amendment for a Change of Ownership of the facility formerly owned by Sunoco Inc. (R and M) in Upper Chichester Township, **Delaware County**. The facility's major emission points include storage tanks containing VOCs. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued May 8, 2000.

15-00035: GE LNP Inc. (to be known as LNP Engineering Plastics, Inc.) S. Baily Road, Thorndale, PA 19372) located in Caln Township, **Chester County**. On November 4, 2002, the Title V Operating Permit was issued as an Administrative Amendment for a Change of Ownership of the facility formerly owned by LNP Engineering Plastics, Inc. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued November 7, 2001.

46-00013: Hatfield Quality Meats, Inc. (2700 Funks Road, Hatfield, PA 19449) on November 4, 2002, for issuance of an Administrative Amendment for a Change of Ownership of the facility formerly owned by Clemens Family Corp. in Hatfield Township, **Montgomery**

County. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued December 29, 1998.

46-00091: Sunoco Partners Marketing and Terminals L. P. (3290 Sunset Lane, Willow Grove, PA 19040) on November 5, 2002, for issuance of an Administrative Amendment for a Change of Ownership of the facility formerly owned by Sunoco Inc. (R and M) in Upper Moreland Township, **Montgomery County**. The facility's major emission points include storage tanks containing VOCs. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued August 11, 1999.

23-00037: Sunoco Partners Marketing and Terminals L. P. (No. 4 Hog Island Road Philadelphia, PA 19153) on November 5, 2002, for issuance of an Administrative Amendment for a Change of Ownership of the facility formerly owned by Atlantic Pipeline Corp. in Tincicum Township, **Delaware County**. The facility's major emission points include storage tanks containing VOCs. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued August 30, 2000.

23-00044: Sunoco Partners Marketing and Terminals L. P. (Commerce Drive in I95 Industrial Park, Aston, PA 19014) on November 5, 2002, for issuance of an Administrative Amendment for a Change of Ownership of the facility formerly owned by Sunoco Inc. (R and M) in Upper Chichester Township, **Delaware County**. The facility's major emission points include storage tanks containing VOCs. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued August 10, 2000.

23-00043: Sunoco Partners Marketing and Terminals L. P. (Hog Island Road, Tincicum, PA 19029) on November 5, 2002, for issuance of an Administrative Amendment for a Change of Ownership of the facility formerly owned by Sunoco Inc. (R and M) in Tincicum Township, **Delaware County**. The facility's major emission points include storage tanks containing VOCs. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued April 12, 2000.

23-00009: Boeing Aircraft and Military System Group (P. O. Box 16858, Philadelphia, PA 19142) in Ridley Township, **Delaware County** for a revision to Title V Operating Permit 23-00009. In accordance with 25 Pa. Code §§ 127.463, 127.512(c) and 127.542, the Department reopened the Title V Operating Permit TVOP 23-00009 for Boeing of Ridley Township, Delaware County to make the following revisions:

Section A—Cover Page

- Name change to Boeing Aircraft & Military Systems Group.

Section C—Site Level Requirements

- Page 31, Condition No. 013—The following paragraph was added to the condition for clarification: “Written reports under this section do not require a certification by a responsible official.”
- Page 37—The compliance certification date was changed to March 1, 2003.

Section D—Source Level Requirements

- Sources 035 and 036, B&W Boilers.
- Sources 172, Plastic Media Blasting No. 1.
- Sources 194 and 213, Degreasers.
- Source 218, Misc. Cold Degreasers.
- Source 226, Nital Etch.
- Source 228, Frekote Exhaust booth.
- Sources 231 Misc. minor paint booths, 232, Maintenance spray booth.
- Source 251, Composite manufacturing.
- Sources 300—304, Paint booths in various buildings.

For the previous sources, the following were conducted:

- Aerospace NESHAP conditions pertaining to the following control devices were removed:
 - a) Controlled coatings.
 - b) Carbon adsorbers.
 - c) Conventional water wash system.
 - The conditions were replaced with the revised 25 Pa. Code § 129.63.
 - The “Batch vapor and in-line machine standards” of Halogenated Solvent Cleaning NESHAPs were replaced with “alternate standards.”
 - Wood furniture NESHAPS requirements were added.
- The changes do not result in an increase of emissions.

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.

23-00072: Action Supply Co., Inc. (Calcon Hook Road, Sharon Hill, PA 19079) on October 6, 2002, for operation of a Natural Minor Operating Permit in Darby Township, **Delaware County**.

15-0034: Sanofi-Synthelabo, Inc. (25 Great Valley Parkway, Malvern, PA 19355) on November 7, 2002, for operation of a facility VOC/NOx RACT in East Whiteland Township, **Chester County**. The Operating Permit is renewed.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-03085: Power Packaging, Inc. (525 Dunham Road, St. Charles, IL 60174) on November 4, 2002, for operation of a beverage packaging facility in Muhlenberg Township, **Berks County**.

67-03113: Advanced Industrial Services, Inc. (3250 Susquehanna Trail, York, PA 17402) on November 5, 2002, for operation of a metal fabrication facility in Manchester Township, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

49-310-007: Central Builders Supply Co. (P. O. Box 152, Sunbury, PA 17801) on October 1, 2002, for operation of a wet sand and gravel processing operation in West Chillisquaque Township, **Northumberland County**. This operation is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

49-317-002: Sensenig Milling Services, Inc. (R. R. 2, Box 68A, Watsonstown, PA 17777) on October 29, 2002, for operation of a rotary bakery waste dryer and associated air cleaning devices (a cyclone and a fabric collector operating in series) in Lewis Township, **Northumberland County**.

12-00009: American Sintered Technologies (P. O. Box 149, Emporium, PA 15834), on August 5, 2002, for their sintered metal parts manufacturing facility in Emporium Borough, **Cameron County**. The facility's main sources include five natural gas fired space heaters, seven electric sintering furnaces, a powdered metal parts dip sizing operation and an oil impregnation operation.

17-00046: HPM Industries, Inc. (Atlas Pressed Metals Plant, 125 Tom Mix Drive, P. O. Box P, DuBois, PA 15801), on July 25, 2002, for their sintered metal parts manufacturing facility in DuBois Borough, **Clearfield County**. The facility's main sources include ten natural gas fired space heaters, four electric sintering furnaces, a powdered metal parts dip sizing operation and an electric drying oven.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

49-00007: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on November 7, 2002, for issuance of a revised operating permit, Revision No. 3, for the pharmaceutical, pesticide and chemical manufacturing facility in Riverside Borough, **Northumberland County**. The revision of this permit is to incorporate terms and conditions from Plan Approval 49-313-032H, which authorized installation of a new thermal oxidizer and packed bed scrubber for the control of air contaminant emissions from a number of existing equipment associated with the Avermectin Operations and the Antibiotic Campaign Op-

erations. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

59-00005: Dominion Transmission, Inc. (625 Liberty Avenue Pittsburgh, PA 15222) on October 31, 2002, for issuance of a revised Title V Operating Permit to include terms and conditions for operation of screw-in prechambers on a 2,000 horsepower natural gas fired internal combustion engine (engine 7) installed under plan approval 59-00005D at their Sabinsville gas compressor station. This facility is in Clymer Township, **Tioga County**. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00006: Dominion Transmission, Inc. (625 Liberty Avenue Pittsburgh, PA 15222) on October 31, 2002, for issuance of a revised Title V Operating Permit to include terms and conditions for operation of screw-in prechambers on three 2,000 horsepower natural gas fired internal combustion engines and three 3,400 horsepower natural gas fired internal combustion engines (engines 3—8) installed under plan approval 53-00006A at their Ellisburg gas compressor station. This facility is in Genesee Township, **Potter County**. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00010: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756), on August 12, 2002, for issuance of a revised Title V Operating Permit, Revision No. 1, for the change of ownership of the Muncy plant from Andritz, Inc. to Andritz, Inc. (after merger). This facility is in Muncy Borough, **Lycoming County**. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

61-00147: Department of Public Welfare—Polk Center (Route 62, P. O. Box 94, Polk, PA 16342) for operation of their psychiatric hospital in Polk Borough, **Venango County**. The Title V Operating Permit (reissued on August 21, 2002, and revised on October 2, 2002) was administratively amended on November 4, 2002, to correct a typographical error.

10-00001: AK Steel Corp. (Route 8 South, P. O. Box 832, Butler, PA 16003) for operation of their Butler facility in Butler Township, **Butler County**. The Title V Operating Permit (issued on January 22, 1999, and amended on October 20, 1999, on May 10, 2000, and on August 1, 2002) was administratively amended on November 7, 2002, to incorporate plan approval (10-001F) conditions. This plan approval was for no. 4 pickle line.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

The City of Philadelphia, Air Management Services (AMS) administratively amended an operating permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices for the following facilities:

S96-045: Temple Continuing Care Center (5301 Old York Road, Philadelphia, PA 19141-2996) administratively amended on November 5, 2002, to change contact information.

The Synthetic Minor operating permit was originally issued on June 1, 2001.

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); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

630202 and NPDES Permit No. PA0250210. Robinson Coal Company (200 Neville Road, Pittsburgh, PA 15225). Government Financed Construction Contract issued for reclamation of approximately 30 acres of abandoned mine lands located in Robinson Township, **Washington County**. Receiving streams: unnamed tributary to Little Raccoon Run, Little Raccoon Run, Raccoon Creek, Ohio River. Application received July 23, 2002. Contract issued November 5, 2002

63803009 and NPDES Permit No. PA0203432. Robinson Coal Company (200 Neville Road, Pittsburgh, PA 15225). Permit renewal issued for reclamation only of a bituminous surface/auger mine located in Robinson Township, **Washington County**, affecting 215.5 acres. Receiving streams: unnamed tributary to Robinson Run. Application received June 27, 2001. Renewal issued November 6, 2002.

26870107 and NPDES Permit No. PA0589802. Durant Excavating Company (18 North Ross Street, Masontown, PA 15461). Permit renewal issued for continued operation and reclamation of a bituminous surface mine located in Nicholson Township, **Fayette County**, affecting 82.0 acres. Receiving streams: unnamed tributaries to Jacobs Creek. Application received July 1, 2002. Renewal issued November 7, 2002.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

11020101 and NPDES Permit No. PA0249203. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Reade Township, **Cambria County**, affecting 141.0 acres. Receiving streams: Fallentimber Run, unnamed tributaries to Fallentimber Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 16, 2002. Permit issued November 4, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

32951301. NPDES Permit PA0215821, Penn-American Coal L. P. (R. D. 1, Box 119A, Avonmore, PA 15618), to revise the permit for the Burrell Mine in Burrell Township, **Indiana County** to add surface activity site, Surface Acres Proposed 19.0, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Blacklick Creek, classified for CWF. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued October 31, 2002.

30010701. NPDES Permit PA0235440, RAG Cumberland Resources L. P. (158 Portal Rd., P. O. Box 1020, Waynesburg, PA 15370), to operate the Cumberland Mine No. 2 CRDA in Whiteley Township, **Greene County**, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed 118, CRDP Refuse Disposal Acres Proposed 113, tributary to Whiteley Creek, classified for WWF. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued November 5, 2002.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

5974-16940103-E-1. RFI Energy, Inc. (555 Philadelphia St., Indiana, PA 15701). Application for a stream encroachment to conduct mining activities within 100 feet, mine through and reconstruct a portion of unnamed tributary 1D to the Allegheny River in Perry Township, **Clarion County**. Receiving streams: unnamed tributary to the Allegheny River and unnamed tributary to the Clarion River. Application received July 10, 2002. Permit issued November 4, 2002.

33010104 and NPDES No. PA0241997. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Transfer of an existing bituminous strip operation from McKay Coal Company, Inc. in Clover Township, **Jefferson County** affecting 29.5 acres. Receiving streams: unnamed tributary No. 1 to Runaway Run. Application received July 15, 2002. Permit issued November 4, 2002.

Noncoal Permits Actions

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Co., P. O. Box 355, 172 Route 519, Eighty Four, PA 15330, to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to address the treatment of utility structures, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued October 23, 2002.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

43022804. SQP Industries (3100 Grand Ave., Pittsburgh, PA 15225). Commencement, operation and restoration of a small noncoal slag operation in Sharpsville Borough, **Mercer County** affecting 4.7 acres. Receiving streams: Shenango River. Application received August 1, 2002. Permit issued November 5, 2002.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151-161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

35024027. Emmett J. Wilkinson (EJW Corporation) (R. R. 2 Box 189, Kingsley, PA 18826), construction blasting in the City of Scranton, **Lackawanna County** with an expiration date of January 20, 2003. Permit issued November 5, 2002.

15024031. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in Malvern Borough, **Chester County** with an expiration date of February 18, 2003. Permit issued November 5, 2002.

52024027. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Dingman Township, **Pike County** with an expiration date of October 6, 2003. Permit issued November 5, 2002.

13024007. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Banks Township, **Carbon County** with an expiration date of October 6, 2003. Permit issued November 5, 2002.

360240118. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Paradise Township, **Lancaster County** with an expiration date of October 15, 2007. Permit issued November 5, 2002.

38024031. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in North Cornwall Township, **Lebanon County** with an expiration date of November 30, 2007. Permit issued November 5, 2002.

21024054. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Shippensburg Township, **Cumberland County** with an expiration date of February 28, 2004. Permit issued November 5, 2002.

45024080. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of October 8, 2003. Permit issued November 5, 2002.

21024055. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting in Penn Township, **Cumberland County** with an expiration date of October 15, 2007. Permit issued November 5, 2002.

46024063. Schlouch Incorporated (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Limerick Township, **Montgomery County** with an expiration date of November 21, 2003. Permit issued November 5, 2002.

39024023. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of November 15, 2007. Permit issued November 7, 2002.

23024011. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in Bethel Township, **Delaware County** with an expiration date of November 15, 2003. Permit issued November 7, 2002.

360240123. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Mount Joy Township, **Lancaster County** with an expiration date of November 30, 2005. Permit issued November 7, 2002.

360240119. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of November 17, 2004. Permit issued November 7, 2002.

360240120. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Manheim Township, **Lancaster County** with an expiration date of November 17, 2007. Permit issued November 7, 2002.

360240121. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Manor Township, **Lancaster County** with an expiration date of November 30, 2007. Permit issued November 7, 2002.

360240122. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Mountville Borough, **Lancaster County** with an expiration date of November 30, 2007. Permit issued November 8, 2002.

360240126. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Mt. Joy Borough, **Lancaster County** with an expiration date of November 30, 2007. Permit issued November 8, 2002.

360240127. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of November 30, 2007. Permit issued November 8, 2002.

360240128. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Manor Township and Millersville Borough, **Lancaster County** with an expiration date of November 30, 2007. Permit issued November 8, 2002.

360240129. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17036), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of November 30, 2007. Permit issued November 8, 2002.

67024041. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17036), construction blasting in Dover Township, **York County** with an expiration date of November 30, 2007. Permit issued November 8, 2002.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

02024011. Rick Lawson Exe for construction located in South Park Township, **Allegheny County**, with an expected duration of 1 year. Permit issued November 6, 2002.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

33024001. McCauley Trucking (R. R. 5, Box 48A, Brookville, PA 15825). Blasting activity permit to build and connect a road in Pinecreek Township, **Jefferson County** for 45 days. Application received October 25, 2002. Application issued November 4, 2002.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. (§§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and

of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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.

E58-246. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. Rush Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a two-span prestressed spread box beam bridge, having clear normal spans of 81.2 feet each and an underclearance of approximately 21 feet, across East Branch Wyalusing Creek. The project is located along SR 3023, Section 570, approximately 500 feet south of the intersection of SR 0706 and SR 3023 (Lawton, PA Quadrangle N: 5.8 inches; W: 6.2 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E22-419. Meadows of Hanover Development, Incorporated, 225 North Presidential Blvd., Bala Cynwyd, PA 19044 in South Hanover Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain: (1) three wetland road crossings which will impact 0.38 acre of wetlands; and (2) to construct Stormwater Detention Area No. 9 in an unnamed tributary to Kellock Run (WWF) in conjunction with the development of Phases 1 and 5 of a residential subdivision known as the Meadows of Hanover Development located on the west side of Route 39, about 1.5 miles north of the Village of Union Deposit (Hershey, PA Quadrangle N: 11.0 inches; W: 10.2 inches) in South Hanover Township, Dauphin County. The permittee is required to provide 0.38 acre of replacement wetlands.

E22-434. Steelton Borough, 123 North Front Street, Steelton, PA 17113 in Steelton Borough, **Dauphin County**, ACOE Baltimore District.

To construct and maintain: (1) a concrete boat launch ramp with floating dock; (2) a bituminous concrete roadway and vehicle parking area; and (3) a picnic area and pavilion all in the channel and floodway of the Susquehanna River (WWF) to provide for recreation and boating access to the river located on 2.88 acres of land on the east bank of the river, upstream of the Pennsylvania

Turnpike (SR 0076) bridge (Steelton, PA Quadrangle N: 5.3 inches; W: 7.2 inches) in Steelton Borough, Dauphin County.

E31-184. Dublin Township, P. O. Box 11, Neelyton, PA 17239 in Dublin Township, **Huntingdon County**, ACOE Baltimore District.

To: (1) remove the existing culverts; (2) construct and maintain a 58-inch by 43-inch RCP culvert and a 59-inch by 34-inch RCP culvert at the channel of an unnamed tributary to the North Branch Little Aughwick Creek (HQ-CWF) located at the crossing of SR 2009, Segment 0030, Offset 3240 and T-307; and (3) fill in 0.27 acre of wetlands to improve the alignment of the road (Fanetsburg, PA Quadrangle N: 17.5 inches; W: 17.5 inches) in Dublin Township, Huntingdon County. The applicant will provide 0.27 acre of replacement wetlands at the Aughwick Creek advanced wetland replacement.

E67-720. Gregory Brennenman, 790 Arbor Drive, Red Lion, PA 17356 in York Township, **York County**, ACOE Baltimore District.

To remove two existing structures then construct and maintain a 5-foot 1-inch by 16-foot 4-inch corrugated steel low profile box culvert in Barshinger Creek (CWF) located approximately 10,000 feet upstream of the confluence with the East Branch Codorus Creek. (York, PA Quadrangle N: 0.2 inch; W: 2.35 inches) in York Township, York County.

E67-727. Izaak Walton League of America, York County Chapter 67, 7131 Ironstone Hill Road, Dalstown, PA 17313 in Shrewsbury Township, **York County**, ACOE Baltimore District.

To construct and maintain two cattle crossing and 1,100 linear feet of stream restoration/bank stabilization in and along the South Branch Codorus Creek (WWF) using a natural stream channel design approach including the installation of in-stream structures (rock vanes, cross vanes, rock toe protection and root wads), bank grading and riparian plantings. The project is located on the Robert and Greta Dise property approximately 2,000 feet southeast of the intersection of SR 0616 and Fissels Church Road to the intersection of SR 0616 and the railroad tracks (Glen Rock, PA Quadrangle N: 4.6 inches; W: 13.6 inches) in Shrewsbury Township, York County. The restoration will impact 0.09 acre of palustrine emergent wetland, 0.04 acre permanent impact and 0.05 acre temporary impact. The amount of permanent wetland impact is considered a de minimis impact of 0.05 acre and wetland mitigation is not required.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

E08-397. Warren Township, P. O. Box 52, Warren Center, PA 18851. Bridge construction in Warren Township, **Bradford County**, ACOE Baltimore District (Little Meadow, PA Quadrangle N: 11.8 inches; W: 7.5 inches).

To construct and maintain a 30 foot long by 20 foot wide truck scale bridge with side rails and a concrete block retaining wall over Corbin Creek located adjacent to the Warren Township Municipal Building on the Township lot. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-427. Wetland Habitat Management Inc., 205 East Beaver Drive, State College, PA 16801, in Huston Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 17.5 inches; W: 14.3 inches).

To impact 3.14 acres of palustrine wetlands to facilitate the construction of a 51.37-acre wetland mitigation site. The site is located at the intersection of SR 220 and TR 350 about 8 miles northeast of Port Matilda (Julian, PA Quadrangle N: 17.5 inches; W: 14.3 inches; Latitude: 40 degrees 51 minute 41 seconds; Longitude: 77 degrees 59 minutes 10 seconds) in Huston Township, Centre County.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1395. City of Pittsburgh, 301 City-County Building, 414 Grant Street, Pittsburgh, PA 15219. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing stone wall and to construct and maintain a new wall having a length of approximately 100 feet and 15 feet high, located along the left bank of a tributary to Saw Mill Run (WWF). The project is located along the east side of Banksville Avenue approximately 500 feet south of its intersection with Carnahan Road (Pittsburgh West, PA Quadrangle N: 5.7 inches; W: 5.0 inches).

E56-318. Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. Lower Turkeyfoot Township, **Somerset County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a normal clear span of 45.15 feet and an underclearance of 5.83 feet across Drake Run (HQ-CWF). Also to construct and maintain a temporary crossing consisting of three 36-inch diameter pipes in Drake Run (HQ-CWF) and to temporarily place and maintain fill in 0.037 acre of PEM wetland. This project is located on SR 3003, Section 001 just south of Draketown (Confluence, PA Quadrangle N: 17.9 inches; W: 17.0 inches).

SPECIAL NOTICES

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) approved the Delaware County Municipal Waste Plan Revision on October 31, 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.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

[Pa.B. Doc. No. 02-2103. Filed for public inspection November 22, 2002, 9:00 a.m.]

Draft General Permits for Beneficial Use of Biosolids or Residential Septage by Land Application (PAG-7, PAG-8, PAG-9); Extension of Public Comment Period

In accordance with the provisions of the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) issues these general permits for use by eligible persons for the beneficial use of exceptional quality biosolids, biosolids or residential septage that will be land applied, who are required in 25 Pa. Code Chapters 91, 92 or 271 (relating to general provisions; National Pollutant Discharge Elimination System permitting, monitoring and compliance; and municipal waste management—general provisions), as applicable, to obtain a permit for the beneficial use of biosolids in this Commonwealth.

Notice of proposed revisions to PAG-7, PAG-8 and PAG-9 was originally published at 32 Pa.B. 367 and 377 (January 19, 2002), with a 30-day public comment period that closed on February 19, 2002. The Department then extended the public comment period until March 25, 2002. The Department has considered the comments received on the proposed revisions, prepared a draft comment/response document and made corresponding changes to the proposed revisions.

The Department is concerned with public anxiety and odor complaints associated with the land application of biosolids. To address this concern, the Department is proposing a comprehensive approach to odor management, which includes the requirement for an odor control plan.

The Department is proposing to further amend the three general permits to incorporate a requirement for the person who prepares biosolids (permittee) to develop and implement a Biosolids Odor Control Plan (Plan). The Department has also prepared a draft Plan guidance document that is available for review and comment. The Department proposes that persons applying for general permit coverage submit the Plan with the Notice of Intent

and that current biosolids permittees submit their Plan within 90 days of the effective date of the revised general permits.

Notice of republication of the PAG-7, PAG-8 and PAG-9 as draft for additional public comment was published at 32 Pa.B. 5213 (October 19, 2002) with a 30-day public comment period that closed on November 18, 2002. The Department, by this notice, extends the public comment period on the three draft general permits and the draft Plan guidance for an additional 30 days following publication of this notice in the *Pennsylvania Bulletin* (December 23, 2002).

A notice was published at 32 Pa.B. 2039 (April 20, 2002) extending the terms of the current general permits until December 23, 2002. The existing general permit document packages will continue to be available from the Department's Regional and Central Offices until they are replaced or updated. Existing permit coverage will be valid until December 23, 2002, or until notice of the expiration of the current permit and notice of availability of the new PAG-7, PAG-8 and PAG-9 is published subsequent to this public comment period. The Plan guidance will be finalized at the same time.

Copies of the new draft revised general permits, draft comment response document and draft Plan guidance are available from the Department's Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, e-mail trutrouma@state.pa.us and on the Department's website at www.dep.state.pa.us. To access the document, type in directLINK "participate"; scroll down to "Proposals Open for Comment"; then choose "Regulations and Other Proposals."

Written comments should be submitted to the previous address. Comments will not be accepted by facsimile or on voice mail. Comments will also be accepted by e-mail and should be sent to jafrica@state.pa.us by December 23, 2002. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Comments received from October 19, 2002, to December 23, 2002, will be considered in finalizing the general permits. Following the comment period, the Department will prepare a comment and response document and final general permits. Availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-2104. Filed for public inspection November 22, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule Revisions; Deletion of Codes Having Zero Occurrences

The Department of Public Welfare (Department) announces that effective December 1, 2002, changes will be made to the Medical Assistance (MA) Program Fee Schedule to begin to bring the procedure coding system into compliance with Health Insurance Portability and Accountability Act (HIPAA) (Pub. L. No. 104-191, 110 Stat. 1836) requirements. HIPAA requires payors of medical services to use standardized procedure code sets. The HIPAA procedure code sets that have been adopted are:

- National Drug Codes (NDC)—Drugs, biologicals.
- Current Dental Terminology, third edition (CDT-3)—Dental services.
- Current Procedure Terminology, fourth revision (CPT-4)—Physicians and all other services.
- CPT-4—HCFA Common Procedure Coding System (HCPCS) Level II—Medical equipment, injectible drugs, transportation services and other services not found in CPT-4.

The following provides those procedure codes that will be end dated November 30, 2002, due to zero occurrences during 2001.

Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120. Comments received will be considered for future fee schedule revisions.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative should contact the Office of Legal Counsel, (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Local Procedure Codes Being Deleted from the Fee Schedule as a Result of Zero Occurrences and which will not be Compensable for Services Provided after November 30, 2002

<i>Procedure Code</i>	<i>Type of Service</i>	<i>Provider Type</i>	<i>Description</i>
W0090	AJ	01	EPSDT-Screen-Physician
W0091	AJ	10	EPSDT-Screen-Independent clinic
W0092	AJ	01	EPSDT-Screen-Basic hospital clinic
W0093	AJ	11	EPSDT-Screen-Hospital outpatient clinic (enrollment approval required)
W0095	AJ	49	EPSDT-Screen CRNPs

<i>Procedure Code</i>	<i>Type of Service</i>	<i>Provider Type</i>	<i>Description</i>
W0190	HS	37	Hospice (drugs)
W0191	HS	37	Respite (Medicare 1-5)
W0192	HS	37	Respite (Medicare 6 or more)
W0400	ES	50	Nonsecure psychiatric care
W0401	ES	50	Secure psychiatric care
W0519	AK	23	Exception to RN/LPN, PT, OT, ST audiologist limits
W0526	AK	23	Audiological therapy (days 1-28) by an audiologist
W0527	AK	23	Audiological therapy (29th day and beyond) by an audiologist
W0609	HS	01	Attending physician direct care—general inpatient care—follow-up must be provided by physician not related to a hospice
W0616	HS	01	Attending physician direct care-inpatient respite care—1-5 visits per 60 days—must be provided by physician not related to a hospice
W0617	ES	50	Program exception—Case Management—Mental Health
W0902	10	01	Declotting of internal A-V shunt anastomosis of graft with or without balloon catheter, artery or vein
W0902	20	01	Declotting of internal A-V shunt anastomosis of graft with or without balloon catheter, artery or vein
W0902	27	06, 08	Declotting of internal A-V shunt anastomosis of graft with or without balloon catheter, artery or vein
W0902	40	01, 44	Declotting of internal A-V shunt anastomosis of graft with or without balloon catheter, artery or vein
W0953	AK	23	Office visit hypodermic/intramuscular therapy
W5947	30	09	Birth center visit, first trimester, physician
W5948	30	09	Birth center visit, second trimester, physician
W9078	CM	02	Case management research code (Initial case management services provided to a client)
W9090	CM	02	Case management services/MA-0192 Waiver (Days 1-30)
W9091	CM	02	Case management services/MA-0192 Waiver (Each 30 day period thereafter)
W9250	80	01, 10, 11, 12	Rotational vestibular testing
W9351	25	01, 11, 12	HIS bundle electrogram; with stress testing
W9352	25	01, 11, 12	HIS bundle electrogram; with drug evaluation
W9352	27	06, 08	HIS bundle electrogram; with drug evaluation
W9353	25	01, 11, 12	HIS bundle electrogram; with tachyarrhythmia study
W9356	25	01, 11, 12	Left cardiac catheterization with insertion of transvenous electrode, temporary
W9356	27	06, 08	Left cardiac catheterization with insertion of transvenous electrode, temporary
W9417	80	01, 10, 11, 12	Maximal expiratory volume studies
W9417	AY	01	Maximal expiratory volume studies
W9417	AZ	10, 11, 12	Maximal expiratory volume studies
W9418	80	01, 10, 11, 12	Various forced expiratory volume studies, that is FEV1, FEV1%, FEV2, FEV3
W9418	AY	01	Various forced expiratory volume studies, that is FEV1, FEV1%, FEV2, FEV3
W9418	AZ	10, 11, 12	Various forced expiratory volume studies, that is FEV1, FEV1%, FEV2, FEV3
W9594	80	01, 08, 10, 11, 12	Electromyography; including nerve conduction velocities, four extremities and related parasp.

<i>Procedure Code</i>	<i>Type of Service</i>	<i>Provider Type</i>	<i>Description</i>
W9594	AY	01	Electromyography; including nerve conduction velocities, four extremities and related parasp.
W9594	AZ	08, 10, 11, 12	Electromyography; including nerve conduction velocities, four extremities and related parasp.
W9869	30	09	General assistance exception—obstetrical office visit
W9874	AR	30	General assistance exception—family planning clinic
W9875	30	01	General assistance exception—obstetrical office visit
W9972	9P	05, 19	Patient vertical positioning device, nonmechanical
X1165	20	01, 04, 10, 11, 12	Debridement of hypertrophic nail; subsequent, single
X2135	27	06, 08	Treatment of closed or open fracture of malar area, including zygomatic arch and malar tripod w/o manipulation
X2135	40	01, 44	Treatment of closed or open fracture of malar area, including zygomatic arch and malar tripod w/o manipulation
X2825	20	01, 04, 10, 11, 12	Tenotomy and/or partial capsulotomy, closed, puncture or snap type, metatarsophalangeal joint
X2825	27	06, 08	Tenotomy and/or partial capsulotomy, closed, puncture or snap type, metatarsophalangeal joint
X2825	40	01, 44	Tenotomy and/or partial capsulotomy, closed, puncture or snap type, metatarsophalangeal joint
X2835	20	01, 04, 10, 11, 12	Arthroplasty of foot; phalangeal-phalangeal joint
X2835	27	06, 08	Arthroplasty of foot, phalangeal-phalangeal joint
X2835	40	01, 44	Arthroplasty of foot, phalangeal-phalangeal joint
X2836	10	01, 04	Arthroplasty of foot; first metatarsophalangeal joint, total joint replacement
X2836	20	01, 04, 10, 11, 12	Arthroplasty of foot, first metatarsophalangeal joint, total joint replacement
X2836	27	06, 08	Arthroplasty of foot, first metatarsophalangeal joint, total joint replacement
X2836	40	01, 44	Arthroplasty of foot, first metatarsophalangeal joint, total joint replacement
X2837	10	01, 04	Arthroplasty of foot; inter-phalangeal joint, with implant
X2837	20	01, 04, 10, 11, 12	Arthroplasty of foot; inter-phalangeal joint, with implant
X2837	27	06, 08	Arthroplasty of foot; inter-phalangeal joint, with implant
X2837	40	01, 44	Arthroplasty of foot; inter-phalangeal joint, with implant
X2838	10	01, 04	Arthroplasty of foot; metatarsal-phalangeal joint, with implant
X2838	20	01, 04, 10, 11, 12	Arthroplasty of foot; metatarsal-phalangeal joint, with implant
X2838	27	06, 08	Arthroplasty of foot; metatarsal-phalangeal joint, with implant
X2838	40	01, 44	Arthroplasty of foot; metatarsal-phalangeal joint, with implant
X3203	20	01, 11, 12	Thoracostomy tube with water seal, for drainage of malignant pleural effusion
X3203	40	01, 04	Thoracostomy tube with water seal, for drainage of malignant pleural effusion
X3553	10	01	Bypass graft, axillary-brachial
X3553	20	01	Bypass graft, axillary-brachial
X3553	27	06, 08	Bypass graft, axillary-brachial
X3553	40	01, 44	Bypass graft, axillary-brachial
X3626	25	01, 11, 12	Implantation of an infusion pump with catheterization hepatic artery by lararotomy
X3626	40	01, 44	Implantation of an infusion pump with catheterization hepatic artery by lararotomy

<i>Procedure Code</i>	<i>Type of Service</i>	<i>Provider Type</i>	<i>Description</i>
X3633	10	01	Percutaneous transluminal angioplasty; coronary artery (includes pre and post injections for angiography and cardiac catheterization)
X3633	20	01, 11, 12	Percutaneous transluminal angioplasty; coronary artery (includes pre and post injections for angiography and cardiac catheterization)
X3633	27	06, 08	Percutaneous transluminal angioplasty; coronary artery (includes pre and post injections for angiography and cardiac catheterization)
X3633	40	01, 44	Percutaneous transluminal angioplasty; coronary artery (includes pre and post injections for angiography and cardiac catheterization)
X3634	10	01	Catheterization of coronary artery with thrombolytic agent for recanalization (includes pre and post injections for angiography and cardiac catheterization)
X3634	20	01, 11, 12	Catheterization of coronary artery with thrombolytic agent for recanalization (includes pre and post injections for angiography and cardiac catheterization)
X3634	27	06, 08	Catheterization of coronary artery with thrombolytic agent for recanalization (includes pre and post injections for angiography and cardiac catheterization)
X3634	40	01, 44	Catheterization of coronary artery with thrombolytic agent for recanalization (includes pre and post injections for angiography and cardiac catheterization)
X3635	10	01	Percutaneous transluminal angioplasty; each additional vessel, eg, coronary, visceral, peripheral
X3635	20	01, 11, 12	Percutaneous transluminal angioplasty; each additional vessel, eg, coronary, visceral, peripheral
X3635	40	01, 44	Percutaneous transluminal angioplasty; each additional vessel, eg, coronary, visceral, peripheral
X3659	10	01	Transluminal peripheral atherectomy, percutaneous; each additional vessel, eg, coronary, visceral and peripheral
X3659	20	01	Transluminal peripheral atherectomy, percutaneous; each additional vessel, eg, coronary, visceral and peripheral
X3659	40	01, 44	Transluminal peripheral atherectomy, percutaneous; each additional vessel, eg, coronary, visceral and peripheral
X3823	10	01	Bone marrow harvesting for transplantation, autologous
X3823	20	01	Bone marrow harvesting for transplantation, autologous
X3823	40	01, 44	Bone marrow harvesting for transplantation, autologous
X4320	25	01, 10, 11, 12	Suction esophageal biopsy
X4320	40	01, 44	Suction esophageal biopsy
X4530	25	01, 10, 11, 12	Proctosigmoidoscopy; routine service, asymptomatic patient
X4530	40	01, 44	Proctosigmoidoscopy; routine service, asymptomatic patient
X4533	25	01, 10, 11, 12	Sigmoidoscopy, flexible fiberoptic; asymptomatic patient
X4533	40	01, 44	Sigmoidoscopy, flexible fiberoptic; asymptomatic patient
X5812	10	01	Vaginal hysterectomy; with plastic repair of vagina, anterior and/or posterior colporrhaphy
X5812	20	01	Vaginal hysterectomy; with plastic repair of vagina, anterior and/or posterior colporrhaphy
X5812	40	01, 44	Vaginal hysterectomy; with plastic repair of vagina, anterior and/or posterior colporrhaphy
X5888	20	01	Laparoscopy, with fulguration of oviducts and D&C (dilation and curettage)
X5888	27	06, 08	Laparoscopy, with fulguration of oviducts and D&C (dilation and curettage)
X5888	40	01, 44	Laparoscopy, with fulguration of oviducts and D&C (dilation and curettage)

<i>Procedure Code</i>	<i>Type of Service</i>	<i>Provider Type</i>	<i>Description</i>
X5900	25	01	Percutaneous umbilical blood sampling (PUBS)
X5902	25	01	Nipple stimulation stress test
X5982	10	01	Abortion (elective); transabdominal approach
X5982	30	01	Abortion (elective); transabdominal approach
X5982	40	01, 44	Abortion (elective); transabdominal approach
X6378	10	01	Subcutaneous implantation of infusion pump with catheterization for connection to intraspinal catheter (eg, epidural, intrathecal subarachnoid)
X6378	20	01	Subcutaneous implantation of infusion pump with catheterization for connection to intraspinal catheter (eg, epidural, intrathecal subarachnoid)
X6378	40	01, 44	Subcutaneous implantation of infusion pump with catheterization for connection to intraspinal catheter (eg, epidural, intrathecal subarachnoid)
X6680	20	01, 10, 11, 12	Discission of lens, needling of secondary membrane, complicated, as scissors
X6680	27	06, 08	Discission of lens, needling of secondary membrane, complicated, as scissors
X6680	40	01, 44	Discission of lens, needling of secondary membrane, complicated, as scissors
Y0704	54	01, 08, 10, 11, 12	Arthrography, lumbar facet joint
Y0704	57	01	Arthrography, lumbar facet joint
Y0704	RD	08, 10, 11, 12	Arthrography, lumbar facet joint
Y2600	10	01	HIP arthroscopy
Y2600	20	01	HIP arthroscopy
Y2600	27	06, 08	HIP arthroscopy
Y2600	40	01, 44	HIP arthroscopy
Y7033	54	01, 10, 11, 12	Magnetic resonance (eg, proton) imaging, temporomandibular joint; with contrast material
Y7033	57	01	Magnetic resonance (eg, proton) imaging, temporomandibular joint; with contrast material
Y7033	RD	08, 10, 11, 12	Magnetic resonance (eg, proton) imaging, temporomandibular joint; with contrast material
Y7034	54	01, 10, 11, 12	Magnetic resonance (eg, proton) imaging, temporomandibular joint; without contrast material, followed by contrast material
Y7034	57	01	Magnetic resonance (eg, proton) imaging, temporomandibular joint; without contrast material, followed by contrast material
Y7034	RD	08, 10, 11, 12	Magnetic resonance (eg, proton) imaging, temporomandibular joint; without contrast material, followed by contrast material
Y7210	54	01, 10, 11, 12	Radiology diagnostic, lumbar spine and pelvis; limited anteroposterior and lateral views of spine with anteroposterior view of pelvis
Y7210	57	01	Radiology diagnostic, lumbar spine and pelvis; limited anteroposterior and lateral views of spine with anteroposterior view of pelvis
Y7210	RD	08, 10, 11, 12	Radiology diagnostic, lumbar spine and pelvis; limited anteroposterior and lateral views of spine with anteroposterior view of pelvis
Y7427	54	01, 10, 11, 12	Radiologic examination, colon; air contrast barium enema-asymptomatic patient
Y7427	57	01	Radiologic examination, colon; air contrast barium enema-asymptomatic patient
Y7427	RD	10, 11, 12	Radiologic examination, colon; air contrast barium enema-asymptomatic patient
Y7540	54	01, 08, 10, 11, 12	Angiography, digital subtraction; simple (maximum 2 runs)

<i>Procedure Code</i>	<i>Type of Service</i>	<i>Provider Type</i>	<i>Description</i>
Y7540	57	01	Angiography, digital subtraction; simple (maximum 2 runs)
Y7540	RD	08, 10, 11, 12	Angiography, digital subtraction; simple (maximum 2 runs)
Y7541	54	01, 08, 10, 11, 12	Angiography, digital, subtraction; intermediate (maximum 4 runs)
Y7541	57	01	Angiography, digital, subtraction; intermediate (maximum 4 runs)
Y7541	RD	08, 10, 11, 12	Angiography, digital, subtraction; intermediate (maximum 4 runs)
Y7542	54	01, 08, 10, 11, 12	Angiography, digital subtraction; complex (more than 4 runs)
Y7542	57	01	Angiography, digital subtraction; complex (more than 4 runs)
Y7542	RD	08, 10, 11, 12	Angiography, digital subtraction; complex (more than 4 runs)
Y7556	54	01, 10, 11, 12	Magnetic resonance (eg, proton) imaging, myocardium; without contrast material, followed by contrast material
Y7556	57	01	Magnetic resonance (eg, proton) imaging, myocardium; without contrast material, followed by contrast material
Y7556	RD	10, 11, 12	Magnetic resonance (eg, proton) imaging, myocardium; without contrast material, followed by contrast material
Y7640	54	01, 10, 11, 12	Magnetic resonance (eg, proton) imaging, bone marrow blood supply; with contrast material
Y7640	57	01	Magnetic resonance (eg, proton) imaging, bone marrow blood supply; with contrast material
Y7640	RD	10, 11, 12	Magnetic resonance (eg, proton) imaging, bone marrow blood supply; with contrast material
Y7641	54	01, 10, 11, 12	Magnetic resonance (eg, proton) imaging, bone marrow blood supply; without contrast material, followed by contrast material
Y7641	57	01	Magnetic resonance (eg, proton) imaging, bone marrow blood supply; without contrast material, followed by contrast material
Y7641	RD	10, 11, 12	Magnetic resonance (eg, proton) imaging, bone marrow blood supply; without contrast material, followed by contrast material
Y7694	57	01	Ultrasonic guidance for percutaneous umbilical blood sampling (PUBS); supervision and interpretation only
Y7695	54	01, 08, 10, 11, 12	Ultrasonic guidance for percutaneous umbilical blood sampling (PUBS); complete procedure
Y7770	50	01, 11	Radioisotope dosimetry and interpretation of application
Y7770	51	01	Radioisotope dosimetry and interpretation of application
Y7770	RT	11	Radioisotope dosimetry and interpretation of application
Y9653	AE	05, 19	Central venous catheter repair kit
Y9936	AE	05, 19	Airway pressure manometer
Z0042	9R	05, 19	Stationary compressed gas system rental, includes contents (per unit), regulator with flow gauge, humidifier, nebulizer, cannula or mask and tubing, 1 unit=50 cubic feet (less than 1 lpm)
Z0131	9P	05, 19	Walk aid-rigid with balance ring
Z0131	9R	05, 19	Walk aid-rigid with balance ring
Z0132	9P	05, 19	Walk aid-Walkamatic (reciprocal)
Z0462	9P	05, 19	Regulator (replacement)
Z0519	9P	05, 19	Jar and lid (replacement accessory-volume ventilator portable)
Z0542	9P	05, 19	Supporting grid (accessory-negative pressure)
Z0543	9P	05, 19	Backplate (accessory-negative pressure)
Z0545	9P	05, 19	Hose for chest shell or pullover (accessory-negative pressure)
Z0546	9P	05, 19	Pneumobelt (accessory-volume ventilator)
Z0547	9P	05, 19	Bladder (accessory-volume ventilator)
Z0548	9P	05, 19	Pneumobelt hose to ventilator (accessory-volume ventilator)
Z0882	9P	05, 19	Buck's extension with weights
Z0883	9P	05, 19	Weights for traction set-up to 25 lbs (water)

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<i>Procedure Code</i>	<i>Type of Service</i>	<i>Provider Type</i>	<i>Description</i>
Z0937	9P	05, 19	Wrist device (dynamaplast)
Z0937	9R	05, 19	Wrist device (dynamaplast)
Z1000	9P	05, 19	Semi-pneumatic caster and wheel assembly, each
Z1405	9R	05, 19	Oxygen concentrator, manufacturer specified maximum flow greater than 5 liters per minute, at 85% or greater concentration (less than 1 lpm)
Z1407	9P	05, 19	Transtracheal catheter with cleaning rod
Z1409	9P	05, 19	Transtracheal cleaning rods (replacement)
Z1410	9P	05, 19	Transtracheal catheter wire guide
Z1411	9P	05, 19	Transtracheal bead chain necklace
Z1412	9R	05, 19	Oxygen and water vapor enriching system with heated delivery (less than 1 lpm)
Z1413	9R	05, 19	Oxygen and water vapor enriching system with heated delivery (more than 4 lpm)
Z1414	9R	05, 19	Oxygen and water vapor enriching system without heated delivery (less than 1 lpm)
Z1415	9R	05, 19	Oxygen and water vapor enriching system without heated delivery (more than 4 lpm)
Z1605	AM	05, 19	Hip orthosis, ponssetta bar, knee pad
Z1640	AM	05, 19	Hip orthosis, unilateral, pelvic band and belt, hip joint trochanter bar, thigh band and cuff for abduction
Z2121	AM	05, 19	Ankle foot orthosis, tibial (Sarmiento, removable orthoplast)
Z3061	AM	05, 19	Arch support, metal, each
Z3987	AM	05, 19	Humeral orthosis, forearm and humeral orthoplast free motion elbow joints (removable)
Z3988	AM	05, 19	Humeral orthosis, forearm and humeral orthoplast free motion elbow joints (removable)
Z5231	9S	05, 19	Above knee prosthesis, modular quadrilateral plastic total contact with hip joint, single axis
Z5241	9S	05, 19	Patellar tendon bearing prosthesis, modular plastic socket, soft closed end insert socket liner, each foot, cuff suspension, foam cover
Z5243	9S	05, 19	Supracondylar patellar tendon bearing prosthesis, plastic socket, soft closed end insert socket liner or condylar wedge, each foot
Z5244	9S	05, 19	Supracondylar patellar tendon bearing prosthesis, modular plastic socket, soft insert or hard socket or condylar wedge, foam cover and each foot
Z6003	9B	05, 11	Factor-VIII, dry heat; per 100 international units
Z6005	9B	05, 11	Cryoprecipitate, double bag
Z6101	9S	05, 19	Below elbow prosthesis, wrist disarticulation, plastic socket, friction manual wrist unit
Z6102	9S	05, 19	Below elbow prosthesis, plastic double wall socket, single pivot joints, friction manual wrist unit, below elbow figure-eight or ring single control flexible hinges and triceps pad
Z6866	9S	05, 19	Cosmetic partial hand appliance with glove (zipper or no zipper)
Z7606	9S	05, 19	Above elbow ring harness (including fitting)
Z9009	AE	05, 19, 23	Pediatric tracheostomy metal swivel
Z9888	ES	50	Medical case management

[Pa.B. Doc. No. 02-2105. Filed for public inspection November 22, 2002, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Robert Shuey, et al. v. DEP and Quality Aggregates, Permittee; EHB Doc. No. 2002-269-R

Robert Shuey, et al. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Quality Aggregates, Inc. for a facility in Slippery Rock, Lawrence County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 02-2106. Filed for public inspection November 22, 2002, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Considered by the Historic Preservation Board

The Historic Preservation Board (Board) meeting will be held at 9:45 a.m. in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA. Persons with a disability and who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

Southwestern Pennsylvania

1. *Saxonburg Historic District*, portions of East and West Main, North and South Rebecca, North and South Isabella, Pittsburgh, Butler and State Streets, Saxonburg, Butler County.

2. *Butler Historic District*, roughly bounded by West Wayne Street, North and South Jackson Streets, West Birch Street, North Church Street, North Washington Street, West North Street, East Brady Street, West Walnut Street, East and West Locust Streets, North and South Cliff Streets, Franklin Street, South McKean Street and East Diamond Street, Butler, Butler County.

3. *Uniontown Downtown Historic District (Boundary Increase)*, 18 S. Beeson Boulevard and 9 E. Peter Street, Uniontown, Fayette County.

Ridge and Valley

4. *Israel and Samuel Lupfer Tannery Site and House*, Black Hollow Road, Toboyné Township, Perry County.

Great Valley and Piedmont Region

5. *Pennsylvania Railroad Office Building*, 3175 John F. Kennedy Blvd., Philadelphia.

6. *Hajoca Corporation Headquarters and Showroom*, 3025 Walnut Street, Philadelphia.

7. *Boekel Building*, 505-515 Vine Street, Philadelphia.

8. *Larkin Building*, 2200-2218 Arch Street, Philadelphia.

9. *John J. Tyler Arboretum*, 515 Painter Road, Lima, Middletown Township, Delaware County.

10. *Crosley-Garrett Mill Workers' Housing, Store and Mill Site*, Paper Mill Road and St. David's Road, Newtown Township, Delaware County.

11. *Garrett Farmstead*, 808 and 816 Warren Avenue, Newtown Square, Willistown Township, Chester County.

12. *Quarries of the Hummelstown Brownstone Company*, roughly bounded by Brookline Drive, Amber Drive and Bradley Road, Derry Township, Dauphin County.

Allegheny Plateau; Anthracite Region and Poconos

No nominations.

BRENT D. GLASS,
Executive Director

[Pa.B. Doc. No. 02-2107. Filed for public inspection November 22, 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, November 7, 2002, and took the following actions:

Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective October 29, 2002

Environmental Quality Board #7-375: Water Quality Standards Implementation—Chloride and Sulfate (amends 25 Pa. Code Chapter 96)

Regulations Approved

Professional Standards and Practices Commission #6-274: Definitions of Statutory Terms (amends 22 Pa. Code Chapter 237)

Environmental Quality Board #7-364: Hazardous Waste Management (amends 25 Pa. Code Chapters 260a—265a and 270a)

Environmental Quality Board #7-374: Great Lakes Initiative (amends 25 Pa. Code § 93.8a)

Approval Order

Public Meeting held
November 7, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Professional Standards and Practices Commission—Definitions of Statutory Terms; Regulation No. 6-274

On June 11, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Professional Standards and Practices Commission (PSPC). This rulemaking amends 22 Pa. Code Chapter 237. The proposed regulation was published in the June 22, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 2002.

This regulation modifies and establishes definitions of terms set forth in the Professional Educator Discipline Act (Act). The regulation: reflects amendments to the Act which expand the scope of the PSPC's jurisdiction to include discipline of charter school staff members; amends the definition of "immorality" referring to "morals of the Commonwealth" instead of the existing reference to "morals of a community"; and adds a definition for the term "surrender in lieu of discipline" which is now considered public under the amendments to the Act.

We have determined this regulation is consistent with the statutory authority of the PSPC (24 P. S. § 2070.5(a)(11)) 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.

Approval Order

Public Meeting held
November 7, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Environmental Quality Board—Hazardous Waste Management; Regulation No. 7-364

On November 29, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 260a—265a and 270a. The proposed regulation was published in the December 15, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 8, 2002.

This regulation addresses issues that have emerged since the implementation of major amendments in May of 1999 under the Regulatory Basics Initiative. Specifically, this regulation reinstates provisions that were inadvertently deleted, clarifies ambiguous requirements, fixes minor typographical errors and inaccurate cross-references, and deletes redundant provisions.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P. S. § 6018.105) 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.

Approval Order

Public Meeting held
November 7, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

Environmental Quality Board—Great Lakes Initiative; Regulation No. 7-374

On January 11, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code § 93.8a. The proposed regulation was published in the January 26, 2002, *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on October 8, 2002.

This regulation will incorporate Federal requirements for the discharge of bioaccumulative chemicals of concern (BCCs). Specifically, the regulation will phase out the use of mixing areas in the calculation of allowable discharge limits for BCCs. A BCC is a chemical that enters surface waters, accumulates in aquatic organisms and poses a threat to human health.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P. S. §§ 691.5(b)(1) and 691.402) 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. 02-2108. Filed for public inspection November 22, 2002. 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-146	Insurance Department Public Adjuster Contracts and Licensing	11/7/02
35-28	Deputy Sheriffs' Education and Training Board Deputy Sheriffs' Education and Training Board	11/7/02

<i>Final-Form</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
15-416	Department of Revenue Master Settlement Agreement	11/13/02
JOHN R. MCGINLEY, Jr., <i>Chairperson</i>		

[Pa.B. Doc. No. 02-2109. Filed for public inspection November 22, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Merger

An application has been received requesting approval of the merger of Industrial Valley Title Insurance Company, a stock title insurance company organized under the laws of the Commonwealth, with and into Commonwealth Land Title Insurance Company, a stock title insurance company organized under the laws of the Commonwealth. The initial filing was received on November 13, 2002, and was made under 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 14 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements 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 or email cbybee@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-2110. Filed for public inspection November 22, 2002, 9:00 a.m.]

Application for Voluntary Surrender of Pennsylvania Certificate of Authority

One Health Plan of Pennsylvania, Inc., a domestic health maintenance organization, has submitted an application for approval to surrender its Pennsylvania Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Room 1311, Strawberry Square, Har-

risburg, PA 17120, fax (717) 787-8557 or e-mail rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-2111. Filed for public inspection November 22, 2002, 9:00 a.m.]

Farmers New Century Insurance Company; Private Passenger Automobile Insurance; Rate Filing

On November 4, 2002, the Insurance Department (Department) received from Farmers New Century Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 8.0% increase amounting to \$4.787 million annually, to be effective March 1, 2003.

Unless formal administrative action is taken prior to January 3, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-2112. Filed for public inspection November 22, 2002, 9:00 a.m.]

Pioneer Life Insurance Company; Individual Standardized Medicare Supplement Plans A—E; Rate Filing

Pioneer Life Insurance Company has filed for approval increased rates for its individual standardized Medicare supplement plans A—E. The filing requests the following increases by plan:

<i>Policy</i>	<i>Increase %</i>
IMP-9500-APA	35.0%
IMP-9500-BPA	32.3%
IMP-9500-CPA	16.2%
IMP-9500-DPA	34.5%
IMP-9500-EPA	33.8%

The rate increase will impact about 13,456 policyholders and will produce additional annual Pennsylvania premium income of approximately \$6.9 million. The filing requests that these revised rates take effect as soon as contractually and administratively possible following approval.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-2113. Filed for public inspection November 22, 2002, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearings will be held in accordance with the requirements of the act, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Jan A. Leal and Mark B. DeFusco; file no. 02-280-05670; Erie Insurance Exchange; doc. no. PH02-10-030; January 29, 2003, at 2:30 p.m.

Appeal of Mary McGinnis; file no. 02-215-04972; Prudential Property & Casualty Insurance Company; doc. no. PH02-10-029; January 30, 2003, at 9 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-2114. Filed for public inspection November 22, 2002, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for all Milk Marketing Areas; Container Costs

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on January 8, 2003, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the cost of containers in each of the Milk Marketing Areas 1—6. Evidence in each of the areas shall be based on the audited costs of the cross-section of dealers used in the most recent cost replacement hearing for that area, and further shall be based on September 2002 invoices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons that may be affected by the Board orders fixing prices in Areas 1—6 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on December 9, 2002, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on December 9, 2002, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on December 30, 2002, each party shall file with the Board seven copies and serve on all other parties one copy of:

- a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

- b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on January 3, 2003, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on December 13, 2002.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Relay Service for TDD users).

LYNDA J. BOWMAN,
Executive Secretary

[Pa.B. Doc. No. 02-2115. Filed for public inspection November 22, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Final Order

Public Meeting held
November 7, 2002

Commissioners Present: Glen R. Thomas, Chairperson;
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;
Terrance J. Fitzpatrick; Kim Pizzingrilli

*Petition for Relief; Alexa Cab Co. and Pars Transport,
Inc.; Doc. No. P-00021959*

*Issuance of Additional Certificates of Public Convenience
and Medallions; Doc. No. M-00991301*

Final Order

By the Commission:

On August 8, 2002, we adopted a Tentative Order which granted the Petition for Relief filed by Alexa Cab Co. (Alexa) and Pars Transport, Inc. (Pars). The Tentative Order eliminated the A-title vehicle requirement attendant to certificates and medallions issued pursuant to a 1999 Order authorizing the sale of additional medallions. See *Issuance of Additional Certificates of Public Convenience and Medallions*, Docket No. M-00991301. In our Tentative Order, we found that the A-title requirement established by the 1999 Order was not a perpetual titling requirement. We based this determination on several factors, including (1) the purpose of the issuance of the additional medallions, to create an immediate influx of new vehicles into the Philadelphia market, had been achieved; (2) a perpetual A-title requirement created a two-tiered regulatory environment which posed enforcement problems; (3) the 1999 Order may have been

interpreted as not mandating a perpetual A-title requirement; and (4) the continuation of the A-title requirement was unnecessary to ensure the quality of the vehicles operated as medallion taxicabs, given the ongoing regulatory oversight of the industry. On September 7, 2002, the Tentative Order was published in the *Pennsylvania Bulletin* for comment. 32 Pa.B. 4415.

Two joint comments to the Tentative Order were filed.¹ These joint comments both allege that the perpetual A-title requirement was a condition known to all prior to the bidding process and was "part of the deal." Contrary to the commentator's position, we believe that a reasonable interpretation of the 1999 Order is that it does not mandate a perpetual A-title requirement. We discussed this issue in our Tentative Order (p. 3) and are not persuaded to change our position. Further, in the Tentative Order we set forth additional reasons, cited herein, why the perpetual A-title requirement should be eliminated. None of those reasons are challenged by the commentators.

While we appreciate the commentator's concerns, we are not persuaded that our Tentative Order was erroneous. Therefore, we will make that Order final.

Therefore, It Is Ordered:

1. The Tentative Order, adopted August 8, 2002, is made Final.

2. In accordance with 66 Pa.C.S. § 703(g), the Commission's Opinion and Order entered on October 18, 1999 at Docket No. M-00991301 is amended to eliminate the following words from the partial sentence at the top of page four: "... or which is not an A-titled vehicle, or the equivalent."

3. The perpetual A-title requirement upon medallions and certificates issued pursuant to the Commission's Opinion and Order entered on October 18, 1999 at Docket No. M-00991301 is eliminated.

4. A copy of this Order shall be served on all parties and commentators and published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-2116. Filed for public inspection November 22, 2002, 9:00 a.m.]

Gas Service

A-120700F2008. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc., for approval of the abandonment of natural gas service to two residential units located at 31 Greenleaf Street, Pittsburgh, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 2, 2002. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours

¹ The joint comments were filed by Wowo Trans. Inc., Movo. Inc., Zari Cab Co., Bethran Mbagwu, B.H. Mariko, Inc., Shawn Limo, Inc., Ali Sajad, Inc., and Bala Cab Co.. Of these commentators, only B.H. Mariko, Inc. and Shawn Limo, Inc. (by its president) signed the comments. The remaining "commentators" are simply listed on the comment.

of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Kenneth W. Christman, Esquire, Mark R. Kempic, Esquire, 650 Washington Road, Pittsburgh, PA 15228-2703.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-2117. Filed for public inspection November 22, 2002, 9:00 a.m.]

Gas Service

A-121850F2028. National Fuel Gas Distribution Corporation. Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas service to two natural gas service customers located in Irwin and Mineral Townships, Venango County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 2, 2002. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: National Fuel Gas Distribution Corporation

Through and By Counsel: Christopher M. Trejchel, 1100 State Street, Erie, PA 16501.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-2118. Filed for public inspection November 22, 2002, 9:00 a.m.]

Railroad With Hearing

A-00111630. County of Allegheny. Application of the County of Allegheny for approval of the alteration of the crossings by the rehabilitation of the Glenwood Bridge which carries State Route 0885 over CSX Transportation, Inc., Monongahela River, Consolidated Rail Corporation (now Norfolk Southern Railway Company) and Carson Street in the City of Pittsburgh, Allegheny County (AAR 504 642 H).

An initial hearing on this matter will be held on Tuesday, February 11, 2003, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-2119. Filed for public inspection November 22, 2002, 9:00 a.m.]

Railroad With Hearing

A-00118320. Norfolk Southern Corporation. A combined application of Norfolk Southern Corporation for approval of the construction of four separate areas: 1) crossing where T-304 crosses, at grade, the tracks of Norfolk Southern Railroad located in Conemaugh Township; 2) grade separation structure where Norfolk Southern Railroad overpasses State Route 3007 located in Conemaugh Township; 3) grade separation structure where Norfolk Southern Railroad overpasses State Route 286 located in Young Township; and 4) crossing where State Route . 3039 crosses, at grade, the tracks of Norfolk Southern Railroad located in Armstrong Township; all of which are located in Indiana County.

An initial hearing on this matter will be held Wednesday, January 15, 2003, in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-2120. Filed for public inspection November 22, 2002, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Santoro Enterprises, Inc., t/a Thomas Gerrity, Jr., Moving and Storage; Doc. No. A-00113019C02

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Santoro Enterprises, Inc., t/a Thomas Gerrity, Jr. Moving and Storage, respondent, maintains a principal place of business at 5 South Keyser Avenue, Taylor, PA 18517.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00113019.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.
5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff

requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Santoro Enterprises, Inc., t/a Thomas Gerrity, Jr. Moving and Storage at Docket No. A-00113019, for failure to maintain evidence of current insurance on file with the Commission.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

NOTICE TO PLEAD

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 PA Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-2121. Filed for public inspection November 22, 2002, 9:00 a.m.]

Telecommunications

A-310213F7001. Verizon North Inc. and Teleport Communications Group, Inc./TCG Pittsburgh and TCG Delaware Valley, Inc. Joint petition of Verizon North Inc. and Teleport Communications Group, Inc./TCG Pittsburgh and TCG Delaware Valley, Inc. for approval of Amendment No. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Teleport Communications Group, Inc./TCG Pittsburgh and TCG Delaware Valley, Inc., by its counsel, filed on October 22, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of Amendment No. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Teleport Communications Group, Inc./TCG Pittsburgh and TCG Delaware Valley, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-2122. Filed for public inspection November 22, 2002, 9:00 a.m.]

Tentative Order Requesting Comments on Revising the Abbreviated Dispute Resolution Process

Public Meeting held
November 7, 2002

Commissioners Present: Glen R. Thomas, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Terrance J. Fitzpatrick; Kim Pizzingrilli

Interim Guidelines for Abbreviated Dispute Resolution Process; Doc. No. M-00021685

By the Commission:

In our Global Order proceeding at Docket Nos. P-00991648 and P-00991649, both sets of petitioners proposed, inter alia, the establishment of an abbreviated dispute resolution process (ADRP) mechanism that would address, in an expedited fashion, those disputes arising between interconnecting carriers that would have an adverse impact on customers. The Commission agreed that an effective ADRP mechanism would be of substantial benefit to all carriers as it would provide for the prompt resolution of carrier disputes and would help to

facilitate the Commission's mission to create a pro-competitive market for the provision of local telephone services in this Commonwealth.

Therefore, in Appendix E to the Global Order¹ entered September 30, 1999, at Docket Nos. P-00991648 and P-00991649, an ADRP was established in order to address certain disputes between competing telecommunications carriers that threatened to impede the development of local telephone competition in this Commonwealth.

By Order entered April 1, 2000, Appendix E to the Global Order, which set forth the ADRP, was published as Interim Guidelines at 30 Pa.B. 1764 (April 1, 2000) so that interested parties could comment on the effectiveness of the ADRP mechanism. Only Bell Atlantic-Pennsylvania, Inc. (hereinafter referred to as Verizon Pennsylvania, Inc. or Verizon PA) and the Association for Local Telecommunications Services (ALTS) submitted comments to the Commission on the ADRP mechanism.

After due consideration of these comments, as well as its own internal review of its procedures and existing rules and regulations, the Commission determined that certain revisions to the Interim Guidelines establishing the ADRP mechanism were appropriate to make the ADRP more efficient and to better fulfill its purpose. Subsequently, by Order entered July 13, 2000, the Commission revised the Interim Guidelines. The revised Interim Guidelines were published in the Pennsylvania Bulletin at 30 Pa.B. 3808 (July 29, 2000), which are attached hereto as Annex "A."

The Commission, however, understood that its ADRP mechanism was an experimental process and stated that within a year's time, it would again review the Interim Guidelines to evaluate the effectiveness of the ADRP in addressing and resolving inter-carrier disputes. Since the Interim Guidelines were last reviewed in July of 2000, which is almost 2 years ago, it is now time for the Commission to initiate a comprehensive review of the current Interim Guidelines. In particular, the Commission first seeks comment on whether the ADRP is still a necessary mechanism to ensure the success of the local telecommunications market in this Commonwealth. Additionally, the Commission seeks comment on whether the current ADRP mechanism is efficient and fulfills its purpose of providing prompt resolution for disputes between competing carriers. Essentially, the Commission is concerned about the need for and the overall effectiveness of its ADRP mechanism.

The Commission requests that all interested parties which advocated for the establishment of an Abbreviated Dispute Resolution mechanism and have utilized this procedure or might utilize this procedure if changes were made to provide comments so as to assist the Commission in making the appropriate determination; *Therefore,*

It Is Ordered That:

1. This Tentative Order, together with Annex A, shall be published in the *Pennsylvania Bulletin*.

2. All interested parties file comments on the following issues: (1) the need for the Interim Guidelines which established the ADRP in this Commonwealth; and (2) on the effectiveness of the ADRP mechanism in addressing and resolving inter-carrier disputes in an expedited manner.

3. All filed comments shall reference Docket No. M-00021685 and shall be submitted within 30 days of the

¹ *Joint Petition of Nextlink, et al. and Joint Petition of Bell Atlantic, et al.,* Docket Nos. P-00991648 and P-00991649 (September 30, 1999) (Global Order).

date of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission. The filing address is Attn.: James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

4. The contact person regarding this matter is David E. Screven, Assistant Counsel, Law Bureau, (717) 787-2126.

5. A copy of this Tentative Order and Annex A shall be served upon the Pennsylvania Telephone Association, the Telecommunications Resellers Association, ALTS, all jurisdictional telecommunication utilities, the Office of Trial Staff, the Office of Consumer Advocate and the Small Business Advocate.

JAMES J. MCNULTY,
Secretary

Annex A

Interim Guidelines for Abbreviated Dispute Resolution Process

Preamble

The success of local competition in Pennsylvania is dependent on the efficiency and effectiveness of carrier interconnection. Given the fact that in addition to interconnecting with each other, carriers are also competing with each other, disputes will arise which require expedited resolution by the Commission to prevent an adverse impact on telecommunications carriers' ability to serve their customers and to provide customers with uninterrupted service in a competitive environment. Recognizing that our current mediation, arbitration, and emergency relief regulations may not address the need for prompt resolution of disputes between competing telecommunications carriers, competitive, incumbent or otherwise, we are persuaded by the request of both sets of petitioners in the Global proceedings to implement an Abbreviated Dispute Resolution Process (ADRP). The ADRP is expected to be beneficial to both carriers and the public in that it addresses the need for telecommunications carriers to be heard promptly with regard to certain issues that impact on the development of local telephone competition.

1. *Scope of ADRP.* The ADRP is limited to disputes between telecommunications carriers which involve action or inaction of a telecommunications entity that: (1) allegedly compromises the ability of a party to provide uninterrupted service, (2) unreasonably precludes the provisioning of scheduled service, (3) allegedly violates a provision of an existing interconnection agreement, (4) contains allegations of predatory pricing, or (5) involves collocation space limitation disputes.

For purposes of the ADRP process, scheduled service includes scheduled appointment intervals for coordinated cut-over loop orders ("hot cuts"); scheduled connections, disconnections, and repairs of lines which one carrier sells, leases, or provides to another carrier, and the scheduled provisioning of products. A carrier unreasonably precludes the provisioning of a scheduled service when the carrier misses commitment dates for the provisioning of products (special access services, trunks, enhanced extended links, unbundled network elements platforms, etc.) or of scheduled service (hot cuts, maintenance and repair, etc.) without good cause.

ADRP is not designed to be a substitute for any dispute resolution procedures that may be specified in the parties' interconnection agreements; nor is the process designed to handle disputes that involve generic policy issues, consumer complaints against the carriers, or requests for damages.

2. *Good faith negotiations.* Before a petition is referred to ADRP, the petitioning party must engage in good faith negotiations with the answering party with respect to the dispute in question for at least 30 calendar days. However, if good faith negotiations nevertheless reach an impasse in less than 30 days, the party may demonstrate that such an impasse has occurred to qualify for ADRP. The parties may also stipulate that at least 30 days of good faith negotiations have occurred to qualify for ADRP.

3. *Collocation disputes.* Collocation space limitation disputes must first be analyzed by appropriate Commission technical staff prior to any request for ADRP. The aggrieved party in the collocation dispute shall first submit written notice to the Bureau of Fixed Utility Services (FUS) explaining the collocation dispute. The aggrieved party shall have had a tour of the carrier facility involved in the dispute prior to filing the notice with the Commission. The Commission technical staff will then tour the facility, with representatives of the parties, and listen to the arguments while viewing the evidence. Staff will then submit written findings of fact and conclusions to the parties. If the staff determination does not resolve the collocation dispute, the aggrieved party may then bring the collocation dispute before the OALJ by filing a Dispute Resolution Petition. The staff report may be introduced as evidence by either party if properly introduced and authenticated.

4. *Petition for Resolution of Disputed Issues.* A party directly involved in a dispute subject to ADRP that cannot be resolved through good faith negotiations may file a Dispute Resolution Petition with the Commission. If possible, such petitions should be submitted jointly by both parties.

Each petition shall include specifics of the action and/or inaction alleged to have violated one or more of the five standards identified in Section 1, above. The petition shall also include copies of all documents within the petitioner's possession that are likely to bear significantly on the issues raised in the petition. The petition shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Office of Trial Staff (the "Public Advocates"), and, if it is not a joint petition, upon the opposing party. As part of the Dispute Resolution Petition, the petitioning party must demonstrate either that it has engaged in good faith negotiations with the other entity for at least 30 days, or that the parties have reached an impasse in negotiations in less than 30 days. Petitions specifying collocation disputes must state that the PUC technical staff has previously rendered a determination pursuant to Section 3, above.

Finally, in order to ensure proper handling by Commission staff and to provide notice to the opposing party of the expedited schedule for processing these disputes, each ADRP petition should be clearly so identified by bold typeface above the normal caption on the first page as follows: "Dispute Resolution Petition: Answer Due Within 7 Days."

5. *Serving copies and docketing.* An original and two copies of the Dispute Resolution Petition shall be filed with the Secretary of the Commission. Each Dispute Resolution Petition will be assigned a separate docket number. Copies must also be served on the Respondent, Chief Administrative Law Judge of the Commission and upon the Public Advocates on the same date.

6. *Assignment of an ALJ.* Within four (4) calendar days of the filing and service of a Dispute Resolution Petition, an Administrative Law Judge shall be assigned to the

matter. The Administrative Law Judge shall schedule a prehearing conference at the earliest possible date to determine whether the petition qualifies for ADRP and, if so, to determine the schedule for the proceeding and other matters relevant to management and resolution of the dispute. The presiding ALJ is authorized to reject any petition for dispute resolution that does not fall within the scope of these interim guidelines.

7. *Answer.* Within seven (7) calendar days of the filing of the Dispute Resolution Petition, the respondent shall file an answer with the Secretary. The answer shall include copies of all documents in the respondent's possession that are likely to bear significantly on the issues raised in the petition. Copies must also be served on the Petitioner, the Chief Administrative Law Judge and Public Advocates on the same date.

8. *Public Advocates.* The parties will be the primary participants in the Abbreviated Dispute Resolution Process. The Public Advocates may participate in the proceeding but may not conduct formal discovery and are precluded from opposing the voluntary withdrawal of a Dispute Resolution Petition due to consummation of a settlement between the parties.

9. *Evidentiary Hearing.* The presiding ALJ will conduct an evidentiary hearing including sworn witnesses, reasonable cross examination and a transcription of the record. The parties will also have the opportunity to file briefs prior to the adjudication. The ALJ shall issue an Initial Decision resolving the dispute within 30 calendar days of the filing of the Dispute Resolution Petition, unless the ALJ extends the time frame for good cause shown recognizing that an expeditious result is in the public interest.

10. *Discovery.* The parties are encouraged to exchange information informally. The parties will also be permitted to seek leave to conduct such limited formal discovery as deemed reasonable and necessary by the presiding ALJ to resolve the contested issues. Whether and the extent to which leave to conduct limited formal discovery should be granted is a matter within the discretion of the presiding ALJ.

11. *Exceptions.* Participating parties may file exceptions to the Initial Decision of the ALJ within seven (7) calendar days of issuance. Reply exceptions must be filed within five (5) calendar days after exceptions are filed. If no exceptions are filed and if two Commissioners do not request review within 15 days of issuance, the Initial Decision of the ALJ will become a final order by operation of law. If exceptions are filed or if Commission review is requested, the matter will be assigned to the Office of Special Assistants for preparation of a recommendation for Commission consideration at the earliest possible Public Meeting.

12. *Mediation.* The parties may, at any time during the ADRP proceeding, request the services of a Commission mediator consistent with the Commission's mediation policy statement at 52 Pa. Code §§ 69.391—69.394. The request shall act as a 30-day stay of the proceedings pending mediation. The parties may, by mutual agreement, further extend this period for an additional 30 days. No further extensions shall be permitted. If no settlement is reached, the stay will be terminated and the case referred back to the assigned Administrative Law Judge. Any time lost to unsuccessful mediation shall not count against the ALJ's time to issue an Initial Decision. If a settlement is reached, the assigned mediator will immediately issue a mediation report with the attached

proposed settlement agreement to the assigned Administrative Law Judge for review and disposition by Initial Decision.

13. *Other remedies.* The ADRP is not intended to replace or preclude any other procedures or remedies otherwise available to any of the parties under law, and a party's participation in this dispute resolution process shall not be considered a waiver of any available substantive or procedural rights.

[Pa.B. Doc. No. 02-2123. Filed for public inspection November 22, 2002, 9:00 a.m.]

Transfer by Sale

A-111250F0094. West Penn Power Company. Application of West Penn Power Company for approval of the transfer by sale of certain facilities to Allegheny Communications Connect, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 2, 2002. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: West Penn Power Company

Through and By Counsel: John L. Munsch, Esquire, 800 Cabin Hill Drive, Greensburg, PA 15601-1689.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-2124. Filed for public inspection November 22, 2002, 9:00 a.m.]

Transfer by Sale

A-111250F0095. West Penn Power Company. Application of West Penn Power Company for approval of the transfer by sale of certain electrical facilities to the Washington Hospital located in Washington County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 2, 2002. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: West Penn Power Company

Through and By Counsel: John L. Munsch, Esquire, 800 Cabin Hill Drive, Greensburg, PA 15601-1689.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-2125. Filed for public inspection November 22, 2002, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

December 11, 2002 Kerie Nichole Noll 1 p.m.
(Class T-D)

Wayne Walton 2:30 p.m.
(Purchase of Service)

Persons with a disability who wish to attend the previously listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 02-2126. Filed for public inspection November 22, 2002, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

Mon/Fayette Expressway Project State Route 51 to Pittsburgh

Section 53C—Homeville Road to the Monongahela River Bridge Allegheny County

Reference No. E-028

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for the development of a section of limited access highway on new alignment between State Route 51 and I-376.

This section is located in the municipalities of West Mifflin and Duquesne and includes an interchange with a new road connecting Commonwealth Avenue and State Route 837. Toll plazas are located on two of the interchange ramps. A park-n-ride lot will be designed adjacent

to the interchange. A mainline structure will cross the Union Railroad and another will cross over State Route 837, Union Railroad, Norfolk Southern Railroad and Duquesne City Centre. Another structure will cross over the mainline within the interchange and structures on two of the ramps over Union Railroad are also included. The existing bridge carrying State Route 837 over Union Railroad will be replaced. A new access road with a structure over Union Railroad to the Duquesne City Centre is also included in this section. Coordination with Union Railroad will be required for aerial crossings and structure pier placements. This section is rural with some residential areas. The length of this section is approximately 8,100 feet.

Tasks required include, but are not limited to: project management; scheduling; project status, design review and special purpose meetings; coordination with consultants involved in other design sections; public involvement; coordination with various agencies and special interest groups; mapping; field surveys; preparation of type, size and location plans; seismic analysis, structural foundation reports; interchange schematics; service roads; soils and geological investigations and engineering; signing; E&S/stormwater management; environmental tracking; defining environmental impacts; preparation of permit applications; development of environmental impact mitigation plans; roadway design; line and grade; typical sections; interchange geometrics; cross sections; drainage—hydraulic computations; contour grading and drainage plan; pavement design; pavement marking and delineator plans; roadside development plan; structural design; utility coordination; utility relocation design; lighting; noise barrier analysis; noise barrier design; traffic signal plans; traffic control plan; right-of-way plans; value engineering; assemble final bridge plans and roadway plans and final drafting; quantities; tabulations; construction cost estimates; special provisions; contract document preparation; and permits.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate experience and competence on design of large-scale public works projects.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on design projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Depart-

ment shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of "DBE." The goal of DBE participation in this contract will be 12%. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department at the following address or call (717) 939-9551, Ext. 4241.

Direct inquiries about this advertisement to Gerald H. Rollman, (717) 939-9551, Ext. 5780, grollman@paturnpike.com. Direct contractual questions to George M. Hatalowich, (717) 986-8737, ghatalow@paturnpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. A three page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team's has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel need to be included. Do not include resumes of all employees.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m. on Friday, December 13, 2002. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement (reference number). Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-2127. Filed for public inspection November 22, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Mon/Fayette Expressway Project State Route 51 to Pittsburgh

Section 53J—Rankin Bridge to Swissvale-Pittsburgh Line Allegheny County

Reference No. E-029

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for the development of a section of limited access

highway on new alignment between State Route 51 and I-376.

This section is located in the municipalities of Rankin and Swissvale and includes a mainline toll plaza (to be designed by others). There will be retaining walls along one side of the toll plaza area. Minor relocation of four CSX Railroad tracks, each approximately 6,800 feet long, will be required in this section. A new access road with a structure over CSX Railroad to the Carrie Furnace Site is included. Participation on a Braddock, Rankin and Swissvale Design Advisory Team will be required. The total length of this section is approximately 7,300 feet.

Tasks required include, but are not limited to: project management; scheduling; project status, design review and special purpose meetings; coordination with consultants involved in other design sections; public involvement; coordination with various agencies and special interest groups; mapping; field surveys; preparation of type, size and location plans; seismic analysis, structural foundation reports; interchange schematics; service roads; soils and geological investigations and engineering; signing; E&S/stormwater management; environmental tracking; defining environmental impacts; preparation of permit applications; development of environmental impact mitigation plans; roadway design; line and grade; typical sections; interchange geometrics; cross sections; drainage—hydraulic computations; contour grading and drainage plan; pavement design; pavement marking and delineator plans; roadside development plan; structural design; utility coordination; utility relocation design; lighting; noise barrier analysis; noise barrier design; traffic signal plans; traffic control plan; right-of-way plans; value engineering; assemble final bridge plans and roadway plans and final drafting; quantities; tabulations; construction cost estimates; special provisions; contract document preparation; and permits.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate experience and competence on design of large-scale public works projects.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on large-scale bridge projects. The consultant should identify similar bridge projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate

in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of "DBE." The goal of DBE participation in this contract will be 12%. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department at the following address or call (717) 939-9551, Ext. 4241.

Direct inquiries about this advertisement to Gerald H. Rollman, (717) 939-9551, Ext. 5780, grollman@paturnpike.com. Direct contractual questions to George M. Hatalowich, (717) 986-8737, ghatalow@paturnpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. A three page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team's has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel need to be included. Do not include resumes of all employees.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-state headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676. The statement of interest and required information must be received by 12 p.m. on Friday, December 13, 2002. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement (reference number). Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-2128. Filed for public inspection November 22, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Mon/Fayette Expressway Project State Route 51 to Pittsburgh

Section 53L—Hays Interchange Allegheny County

Reference No. E-030

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for the development of a section of limited access highway on new alignment between State Route 51 and I-376.

This section is located within the City of Pittsburgh, in Hays, and includes the reconfiguration of the Hays Interchange on State Route 885. A structure over Glass Run Road and a new culvert on Streets Run are included in this section. This section is urban and will require complex construction phasing to maintain traffic movements during construction. Other alternatives may be investigated within the FEIS right-of-way. The total length of this section is approximately 3,200 feet.

Tasks required include, but are not limited to: project management; scheduling; project status, design review and special purpose meetings; coordination with consultants involved in other design sections; public involvement; coordination with various agencies and special interest groups; mapping; field surveys; preparation of type, size and location plans; seismic analysis, structural foundation reports; interchange schematics; service roads; soils and geological investigations and engineering; signing; E&S/stormwater management; environmental tracking; defining environmental impacts; preparation of permit applications; development of environmental impact mitigation plans; roadway design; line and grade; typical sections; interchange geometrics; cross sections; drainage—hydraulic computations; contour grading and drainage plan; pavement design; pavement marking and delineator plans; roadside development plan; structural design; utility coordination; utility relocation design; lighting; noise barrier analysis; noise barrier design; traffic signal plans; traffic control plan; right-of-way plans; value engineering; assemble final bridge plans and roadway plans and final drafting; quantities; tabulations; construction cost estimates; special provisions; contract document preparation; and permits.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate experience and competence on design of large-scale public works projects and multi-span, high-level bridge projects.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on design projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs)

be included, as a presumptive group, within the definition of "DBE". The goal of DBE participation in this contract will be 12%. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department at the following address or call (717) 939-9551, Ext. 4241.

Direct inquiries about this advertisement to P. Gregory Bednar, (724) 755-5182, gbednar@paturnpike.com. Direct contractual questions to George M. Hatalowich, (717) 986-8737, ghatalow@paturnpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. A three page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team's has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person).

Only resumes of key personnel need to be included. Do not include resumes of all employees.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m. on Friday, December 13, 2002. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement (reference number). Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-2129. Filed for public inspection November 22, 2002. 9:00 a.m.]

Retention of an Engineering Firm

Mon/Fayette Expressway Project State Route 51 to Pittsburgh

Section 53N—Mobile Street to I-376 (Pittsburgh) Allegheny County

Reference No. E-031

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for the development of a section of limited access highway on new alignment between State Route 51 and I-376.

This section is located within the City of Pittsburgh in Hazelwood and South Oakland and includes an interchange with Second Avenue and an interchange with I-376 and Bates Street. A park-n-ride lot will be adjacent to the Second Avenue interchange. Ramp structures totaling approximately 10,000 feet will be constructed within the I-376 and Bates Street interchange. Many retaining walls will also be necessary. A structure on I-376 eastbound over Swineburne Street will be widened. Second Avenue will be reconstructed for approximately 3,700 feet. Bates Street will be reconstructed for approximately 2,000 feet. Sections of the Eliza Furnace Trail will be relocated within the interchange areas. Also new bike/hike trails will be included. Participation on the Glenwood to Bates Street Design Advisory Team will be required. This section is urban and will require complex construction phasing to maintain traffic movements during construction. Railroad relocations required for this section will be designed by others. The total length of this section is approximately 6,700 feet.

Tasks required include, but are not limited to: project management; scheduling; project status, design review and special purpose meetings; coordination with consultants involved in other design sections; public involvement; coordination with various agencies and special interest groups; mapping; field surveys; preparation of type, size and location plans; seismic analysis, structural foundation reports; interchange schematics; service roads; soils and geological investigations and engineering; signing; E&S/stormwater management; environmental tracking; defining environmental impacts; preparation of permit applications; development of environmental impact mitigation plans; roadway design; line and grade; typical sections; interchange geometrics; cross sections; drainage—hydraulic computations; contour grading and drainage plan; pavement design; pavement marking and delineator plans; roadside development plan; structural design; utility coordination; utility relocation design; lighting; noise barrier analysis; noise barrier design; traffic signal plans; traffic control plan; right-of-way plans; value engineering; assemble final bridge plans and roadway plans and final drafting; quantities; tabulations; construction cost estimates; special provisions; contract document preparation; and permits.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate experience and competence on design of large-scale public works projects.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on design projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of "DBE." The goal of DBE participation in this contract will be 12%. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department at the following address or call (717) 939-9551, Ext. 4241.

Direct inquiries about this advertisement to P. Gregory Bednar, (724) 755-5182, gbednar@paturndike.com. Direct contractual questions to George M. Hatalowich, (717) 986-8737, ghatalow@paturndike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.

2. A three page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team's has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime

consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel need to be included. Do not include resumes of all employees.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m. on Friday, December 13, 2002. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement (reference number). Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-2130. Filed for public inspection November 22, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Open-End Construction Inspection Milepost 0.00 to Milepost 247.0

**Allegheny, Beaver, Bedford, Butler, Cumberland,
Dauphin, Franklin, Fulton, Huntingdon, Lawrence,
Somerset, Westmoreland and York Counties**

Reference No. 2-063

The Turnpike Commission (Commission) will retain an engineering or construction management firm to provide open-end construction inspection services for various projects in the Pennsylvania Turnpike's Western Region (Milepost 0.00 to Milepost 246.0). The types of projects to be inspected under this agreement may include, but are not limited to, bituminous overlays, bridge rehabilitation and replacements, service plaza parking lot expansions, building modifications and other similar projects.

The contract will be for a maximum cost of \$750,000 or for a 24-month period, with projects assigned on an as-needed basis. The number of required inspectors is contingent upon the workload and has been historically in the average range of zero to seven inspectors at any given time.

The main service to be provided under this agreement will be to supply construction inspectors on an as-needed basis as a supplement to our existing inspection staff. On limited occasions, the selected firm may be required to provide a full-time onsite construction inspection staff, with sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. The selected firm may be required to attend the prebid meeting and preconstruction conference, write project correspondence and review and approve contractor's submissions. In addition, the selected firm may be required to keep records utilizing the Turnpike's Construction Documentation System to document the construction progress, prepare current and final estimates for payment to contractors, prepare change orders, conduct monthly job conferences, monitor monthly progress, provide liaison with affected utilities and communities, conduct semifinal and final inspections, determine the final quantities for each contract item and perform other duties as required.

Eighty percent of the inspection staff assigned to this Commission construction project must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies as a Transportation Engineering Technician—Construction Level 2 or higher.
2. Be registered as a Professional Engineer by the Commonwealth with 1 year of highway inspection experience acceptable to the Commission.
3. Be certified as an Engineer-in-Training by the Commonwealth with 2 years of highway inspection experience acceptable to the Commission.
4. Hold a bachelor of science degree in civil engineering or civil engineering technology with 2 years of highway inspection experience acceptable to the Commission.
5. Hold an associate degree in civil engineering technology with 3 years of highway inspection experience acceptable to the Commission.

The remaining 20% assigned to this project shall meet the following education and experience requirements:

Education—Graduation from high school or equivalent certification or formal training. Completion of a training program in construction inspection approved by the Commission may be substituted for high school graduation.

Experience—One year of experience in construction inspection or workmanship which required reading and interpreting construction plans and specifications or 1 year of experience in a variety of assignments involving the testing of materials used in highway or similar construction projects. A 2 to 4 year engineering college degree may be substituted for 1 of experience.

Questions and inquires concerning this project should be directed to Matthew J. Wagner, P. E., (717) 939-9551, Ext. 5210, mwagner@paturnipke.com. Contractual questions should be directed to George M. Hatalowich, (717) 986-8737, ghatalow@paturnipke.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information. The statements of interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. If the firm has multiple offices, the location of the office performing the work must be identified.
2. A three page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.
3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.
4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department of Transportation (Department) and Commission projects. Do not graphically represent the firm's workload.
5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel should be included.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Small firms, DBE firms and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m. on Friday, December 6, 2002. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, one firm will be selected for each contract. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical Proposals will not be requested prior to the establishment of the final ranking.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-2131. Filed for public inspection November 22, 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		③ Contract Information
Location:	Harrisburg, Pa.		
Duration:	12/1/93-12/30/93		
Contact:	Procurement Division		④ Department
	787-0000		

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

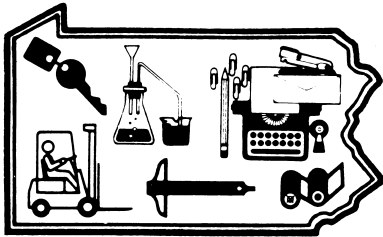
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

SP20877006 Contractor to supply all labor, materials, scaffolding, ladders, tools, equipment and appurtenances to remove the remaining portions of the original roofing material from the Keystone Building, No. 7, and install new roofing membrane over new roof insulation to match the roofing material installed over the center section of the building.

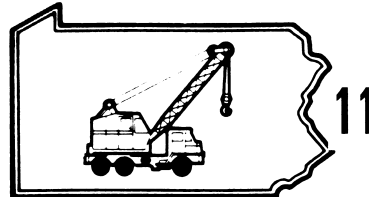
Department: Public Welfare
Location: Ebensburg Center, Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931
Duration: 150 days from effective date of contract
Contact: Cora M. Davis, (814) 472-0288

401-BL-657 Northumberland Hall Windows Replacement - Provide all labor, material and equipment necessary to replace approximately 100 windows, work includes the removal of existing windows and replacement of new windows provided by the contractor, there will be some minor electrical work included in the project. There will be one general contractor for this project. To obtain a copy of the bid documents at no charge, Fax your request to Joe Quinn, Bloomsburg University at Fax number (570) 389-2017 prior to November 25, 2002. All information required to bid this package will be included in the package - documents should be released in late November 2002.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: 25 Calendar Days
Contact: Joseph Quinn, (570) 389-4311

SU-2001/24 INVITATION TO BID - SHIPPENSBURG UNIVERSITY: SU-2001/24.4: Historic Area Walkway Lighting. Shippensburg University of the State System of Higher Education invites Electrical Contractors to request bid documents for this project. Work includes installing historic area walkway lighting luminaries. Prospective Bidders may obtain project plans for a nonrefundable fee of \$50.00 by contacting Entech Engineering, Inc., 4 South Fourth Street, P. O. Box 32, Reading, PA 19603-0032. Phone: (610) 373-6667 Fax: (610) 373-7537. Pre-Bid Meeting with site visit immediately to follow will be held on December 5, 2002 at 10 a.m. in Reed Operations Center Conference Room. Bids Due: December 18, 2002 at 4 p.m. Old Main Room 300. Public Bid Opening: December 19, 2002 at 2 p.m., Old Main Room 203B. Contracts, MBE/WBE and Prevailing Wages apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: Contract completion within 90 days after receipt of Notice to Proceed
Contact: Deborah K. Martin, (717) 477-1121



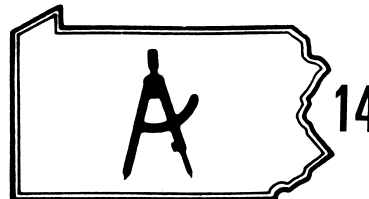
Demolition—Structural Only

064065 Demolition and removal of structure(s) on one parcel.

Department: Transportation
Location: 1736 Gwynedd View Road, North Wales, PA
Duration: OPEN
Contact: Linda Bunt, (610) 205-6784

064068 Demolition and/or removal of structure(s) on one parcel.

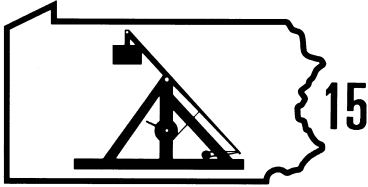
Department: Transportation
Location: 932 Bethlehem Pike, Montgomeryville, PA
Duration: OPEN
Contact: Linda Bunt, (610) 205-6784



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

SP3525402002 PADEP-BAMR. The Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, is seeking bids for rotary drilling services on potential abandoned mine reclamation projects located in Carbon, Columbia, Lackawanna, Luzerne, Northumberland and Schuylkill Counties in the Commonwealth of Pennsylvania. The professional shall furnish all transportation, equipment, supplies and labor necessary to perform the work.

Department: Environmental Protection
Location: Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790
Duration: One year with option for renewal of up to four (4) additional, consecutive annual terms.
Contact: Ted Fisher, (570) 826-2371



Financial and Insurance Consulting

PSERS/SERS 2002-2 The Public School Employees' Retirement System (PSERS) and the State Employees' Retirement System (SERS) are jointly issuing a Request for Proposal (RFP) to obtain services for an Investment Fiduciary Audit. The respective Boards of the two retirement funds are responsible for the direction of approximately \$65 billion of combined investment assets. The vendor will be expected to review each fund, and provide separate comments on its organizational structure and resources, investment policies, asset allocations, investment performance, performance benchmarks, due diligence, etc. Agencies are anticipating a preproposal conference for the Investment Fiduciary Audit to be held on December 10, 2002. Responses for the RFP must be received by January 10, 2003. To request a copy of the Request for Proposal, contact Rebecca A. Snead at the Public School Employees' Retirement System, (717) 720-4607, with the names of contact person, vendor name, address, telephone number and email address.

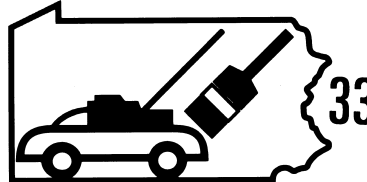
Department: Public School Employees' Retirement System
Location: 5 North 5th Street, Harrisburg, PA 17101
Duration: One Year
Contact: Rebecca A. Snead, (717) 720-4607



Medical Services

20974019 Contractor to provide, on grounds at Warren State Hospital, Dentistry Service for Warren State Hospital patients in accordance with specifications set forth in bid document. To consist of, but not limited to, responsible professional dental work in the examination, treatment & complete dental care of patients.

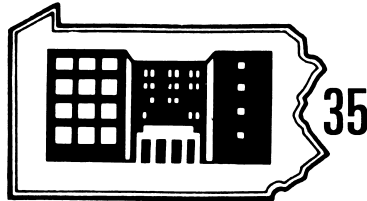
Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 01/01/03—06/30/04
Contact: Bobbie Muntz, PA III, (814) 726-4496



Property Maintenance

20776018 Remove and replace two roofs on Admission Building. Replace with Hypalon single ply roof membrane. Contractor shall supply all labor, materials, ladders, tools, and any other appurtenances. Further details and bid packet can be obtained by contacting the Purchasing Office at the Allentown State Hospital (610) 740-3425 or FAX (610) 740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498
Duration: 6/30/02
Contact: Robert Mitchell, (610) 740-3425



Real Estate Services

93528 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 16,954 useable square feet of office space with a minimum parking for 97 vehicles, in Clearfield, Clearfield County, PA. Downtown locations will be considered. For more information on SFP #93528 which is due on January 6, 2003 visit www.dgs.state.pa.us to download an SFP package or call (717) 787-4394.

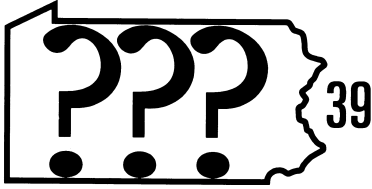
Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Cynthia T. Lentz, (717) 787-0952

93519 LEASE STORAGE AND OFFICE/WORK AREA SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA Historical and Museum Commission with 46,500 useable square feet of storage and office/work area space with a minimum parking for 15 vehicles, within a ten (10) mile radius of the State Museum Bldg., situated at the corner of North and Third Streets, Harrisburg, Dauphin County, PA. Downtown locations will be considered. For more information on SFP #93519 which is due on December 9, 2002 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Historical and Museum Commission
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Cynthia Lentz, (717) 787-0952

93515 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Revenue with 2,800 useable square feet of office space in Lawrence County, PA. with a minimum parking for 15 vehicles, within the City limits of New Castle. Downtown locations will be considered. For more information on SFP #93515 which is due on January 6, 2003 visit www.dgs.state.pa.us to download an SFP package or call (717) 787-4394.

Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396



Miscellaneous

SP 20777019 Cut & remove six (6) trees per detailed instructions at time of bid. Proof of visit is required. Please send your company letterhead with your name, address, telephone and fax numbers, and Federal ID Number to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: January 1, 2003—June 30, 2003
Contact: Stanley Rygelski, PA (570) 587-7291

SU-02-10 SU-02-10 Shippensburg University is seeking vendors interested in submitting bids to supply Shippensburg University Food Service department with the following kitchen and dining room items to include but not limited to china, knives, forks, spoons, steak knives, Irish coffee mugs, banquet card, salt shakers, cloth napkins, etc. Please FAX your request to (717) 477-1350 to be added to bidders list no later than November 25, 2002. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257
Duration: 30 days from date of contract approval
Contact: Pamela A. King, (717) 477-1386

08720203 Remove existing slate and furnish and install a replacement shingle roof.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: Completion within 200 days of executed contract
Contact: Doris Cavallini, (570) 271-4579

OVR-RFP 2002-13 This is a grant to provide Job Creation Assistance on behalf of persons with disabilities in Bucks, Chester, Delaware, Montgomery, and Philadelphia counties. A single award will be made to a qualified applicant in order for that contractor to facilitate business/industry expansion in the targeted region through provision of equipment awards to qualifying employers. Participating employers will be required to hire OVR customers with significant, or most significant, disabilities as the primary operators of awarded equipment. The contractor selected to provide services as a result of this grant competition will work closely with, and as agent for, the PA Office of Vocational Rehabilitation. A Pre-proposal Conference to discuss this grant competition and address technical questions will be held for interested parties on Friday, November 15, 2002, beginning at 10 a.m. at the Philadelphia OVR District Office, 444 North 3rd Street, 5th Floor, Philadelphia, PA.

Department: Labor and Industry
Location: PA Office of Vocational Rehabilitation, 1521 North Sixth Street, Harrisburg, PA 17102
Duration: One year grant contract, beginning February 1, 2003, with option for two renewal years thereafter.
Contact: Joyce K. Wilson, (717) 783-2314 (Voice)

[Pa.B. Doc. No. 02-2132. Filed for public inspection November 22, 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

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1068182-02	11/12/02	Frank Parsons	\$22,420.00
1077182-01	11/12/02	Gateway Press Inc.	348,182.00
1283381-01	11/12/02	Pitts Enterprises Inc. d/b/a Pitts Trailers	23,289.00
8153780-01	11/12/02	Park Plastic Products	17,355.00
8153780-02	11/12/02	Varitech Industries Inc.	7,500.00
8171650-01	11/12/02	Top Roc Newcrete Products Co. A Div. of New Enterprise Stone and Lime Co. Inc.	99,500.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
8254210-01	11/12/02	L B Smith Inc.	27,980.00
8254320-01	11/12/02	Stephenson Equipment Inc.	107,840.00
8506500-01	11/12/02	Component Technology Division of Certified Power KELLY POWELL LOGAN, <i>Secretary</i>	52,479.00

[Pa.B. Doc. No. 02-2133. Filed for public inspection November 22, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 17—CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 11]

State Parks; General Provisions

The Department of Conservation and Natural Resources (Department), Bureau of State Parks (Bureau), adopts amendments to Chapter 11 (relating to general provisions). The final-form rulemaking updates Chapter 11 to improve the protection of State park resources, safety of visitors and recreational opportunities of park visitors.

The final-form rulemaking also reorganizes Chapter 11 and eliminates unnecessary provisions. The previous sections of Chapter 11 are deleted and replaced with §§ 11.201—11.224.

A. *Effective Date*

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

B. *Contact Person*

For further information, contact Gary Smith, Chief, Park Operations and Maintenance Division, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551, fax (717) 783-5017 or e-mail garyksmith@state.pa.us. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department's website: www.dcnr.state.pa.us.

C. *Statutory Authority*

This final-form rulemaking is being made under the authority in sections 303, 313 and 314 of the Conservation and Natural Resources Act (act) (71 P. S. §§ 1340.303, 1340.313 and 1340.314) and 18 Pa.C.S. §§ 7505 and 7506 (relating to violation of governmental rules regarding traffic; and violation of rules regarding conduct on Commonwealth property).

D. *Background and Purpose*

Under Executive Order 1996-1, "Regulatory Review and Promulgation," the Department reviewed Chapter 11 and determined that it needed to be updated, reorganized and streamlined. This final-form rulemaking is intended to accomplish these objectives, as well as to incorporate the flexibility to expand recreational opportunities of the public in State parks. The provisions that formerly comprised Chapter 11 have been eliminated and replaced by new provisions to which new section numbers have been assigned.

The substance of most former provisions of Chapter 11 is retained in the amended chapter, but many of these provisions appear in a different arrangement. In addition, unnecessary provisions have been eliminated. These include provisions that would more appropriately be in the form of permit conditions rather than regulations; provisions that are matters of internal Department policy

rather than rules governing conduct of the public in State parks; and provisions that merely restate Fish and Boat Commission (Commission) regulations in 58 Pa. Code (relating to recreation).

In the previous provisions of Chapter 11, many rules of conduct carried criminal penalties—the offender could be cited with a summary offense—while others did not. The only means of enforcing the latter was to order the offender to leave a State park. An offender who refused to leave could be charged with criminal trespass, a misdemeanor. In amended Chapter 11, the rules of conduct carry a criminal penalty. Therefore, the amended chapter gives officers more flexibility in enforcing the regulations—if a regulation needs to be enforced against a park visitor, the officer may either cite the offender for violating the regulation or order the offender to leave the park.

Finally, as a result of several successful pilot programs, the amended chapter liberalizes some provisions to expand recreational opportunities in State parks.

E. *Summary of Comments and Responses and Changes Made in Final-Form Rulemaking*

This final-form rulemaking was published as proposed on March 23, 2002 (32 Pa.B. 1611), with a 60-day public comment period. As a result of the comments received from the public and from the Independent Regulatory Review Commission (IRRC), the Department made a number of changes to the proposed rulemaking. The comments and changes are discussed.

Comment

Section 11.203 (relating to State park waters) identifies areas of water that are under the jurisdiction of the Department. If this jurisdiction is established from statute, this section may be unnecessary. What new rules or procedures does this section establish that apply to members of the public? The Department should cite the specific statutory citations that provide for the jurisdiction described in paragraph (1) and for the specific bodies of water in paragraphs (2) and (3).

Response

The purpose of this section is to inform the public what bodies of water the Department has jurisdiction over, and therefore, what bodies of water are covered by this chapter. The information, some of which is derived from statutes and some from deeds, is not readily available anywhere else. In the final-form rulemaking, statutory cites have been added to paragraphs (2) and (3) (regarding Presque Isle State Park; and Pymatuning State Park).

Comment

State parks should not be open for hunting and trapping 24 hours a day because of excessive disturbance to animals and nonhunting visitors to the parks. The Department should explain why these activities should be allowed 24 hours a day.

Response

The Department recognizes that the proposed rulemaking could be misleading. It appears to allow all hunting and trapping 24 hours a day. Hunting and trapping are regulated by the Game Commission, not the Department. Therefore, the Department does not have the authority to expand hours for these activities beyond the hours permitted by the Game Commission. The

final-form rulemaking clarifies that hunting and trapping are permitted during hours permitted for these activities under the Game Commission regulations.

Comment

State parks should not be open for fishing 24 hours a day. It would be difficult to enforce this provision against persons who might use the park during the night for purposes other than fishing.

Response

The provision allowing fishing and boating 24 hours a day is not a change from the previous regulation, which was successfully implemented and enforced for many years.

Comment

Allowing snowmobiling 24 hours a day will result in excessive noise, which could adversely impact wildlife and overnight park visitors. Are snowmobiles limited to certain areas or designated trails? The Department should explain why this activity should be allowed 24 hours a day.

Response

Snowmobiling has been permitted 24 hours a day in State parks for many years. This policy has been implemented successfully and is now being incorporated in the Department's regulations. Snowmobiling, which is subject to noise level requirements under § 51.91 (relating to snowmobile noise level requirements), is restricted to specifically designated snowmobile trails. The number of persons who engage in snowmobiling during overnight hours and the number of persons who engage in overnight camping in the winter are relatively low and therefore the opportunity for conflict is minimal.

Comment

Should § 11.208 (relating to schedule; closure) include camping or use of overnight facilities as a 24-hour activity and reference § 11.218 (relating to camping; overnight facilities)?

Response

The final-form rulemaking has a provision referencing camping and overnight facilities in § 11.218.

Comment

Motor vehicles and motorboats should not be allowed in State parks because of the noise, disturbance and environmental damage they cause.

Response

Motor vehicles were permitted in all State parks and motorboats were permitted in selected State parks under previous regulations. This permission is continued under the final-form rulemaking. Pleasure driving is one of the most popular activities in State parks. Motorboating is also a popular form of recreation for which the Department wishes to continue to provide opportunities. Depending on the size and characteristics of the particular body of water, the Department restricts the type and size of boat motors. The Department does not permit motorboating on some lakes.

Comment

The format of certain sections of the proposed rulemaking is confusing because the sections are written in the negative as lists of prohibitions. This negative format becomes even more complicated when an allowed activity is stipulated as an exception to the prohibition. Chapter 8

of the *Pennsylvania Code & Bulletin Style Manual* recommends "directness" and the use of "positive ideas" rather than "exceptions" in drafting regulations.

Response

The Department reviewed the proposed rulemaking and made changes in several sections to improve clarity. These sections are noted elsewhere in the Preamble. Although some of the sections could be stated as "positive ideas" many cannot be phrased this way without sounding awkward and confusing. Since engaging in an activity that is prohibited in the regulations is a summary offense, the Department chose to maintain a generally consistent format of listing prohibitions.

Comment

Section 11.207(b)(3) (relating to traffic and parking) states, "The following activities are prohibited: . . . Parking a bus in an area that is posted as being closed for buses." This could mean that every area in the park not intended for bus parking would need to be posted.

Response

The Department changed this provision in the final-form rulemaking. The final-form rulemaking states that parking a bus in an area that is not designated for buses is prohibited.

Comment

Section 11.207 should include a specific reference to the definition of "motor vehicle" in 75 Pa.C.S. (relating to the Vehicle Code) (code).

Response

This change has been made in the final-form rulemaking by defining "motor vehicle" in § 11.201 (relating to definitions). The definition includes references to specific sections of the code.

Comment

Section 11.211 (relating to natural resources) is confusing because paragraph (1) is a prohibition that contains exceptions to the prohibition. The exceptions in paragraph (1) (i) and (ii) could stand alone as positive statements.

Response

The Department changed this section in the final-form rulemaking to improve clarity. As suggested in the comment, the exceptions that appeared under paragraph (1) in the proposed rulemaking now stand alone as permitted activities in a new subsection (b).

Comment

A number of provisions in the rulemaking include phrases such as "permission of the Department" or "approved by the Department." Also, references are made to permits. The final-form rulemaking should inform the reader how to apply for approval or a permit.

Response

Persons who wish to engage in an activity which requires Department permission under this chapter may request permission from the park manager. Definitions of "permission of the Department" and "permit" have been added to § 11.201 in the final-form rulemaking. "Permission of the Department" is defined to mean approval obtained from a park manager. "Permit" is defined to mean written approval obtained from a park manager on a form prescribed by the Department.

Comment

Section 11.207, which refers to traffic-control devices, should include a specific reference to the code definition of “official traffic-control devices.”

Response

This change has been made in the final-form rulemaking by defining “official traffic-control devices” in § 11.201. The definition includes a specific reference to 75 Pa.C.S. § 102 (relating to definitions).

Comment

Proposed § 11.207(b)(1) uses the terms “a person with a disability” or “severely disabled veteran.” Paragraph (1)(i) and (ii) should be combined into one paragraph or subsection. The new subsection need only refer to a valid plate or placard issued in accordance with sections 1338 and 1342(a) and (b) of the code (relating to person with disability plate and placard; and veteran plate and placard).

Response

This change has been made in the final-form rulemaking. See § 11.207(b)(1)(ii).

Comment

Section 11.207(b)(1)(i) and (ii) contains the phrase “or a substantially equivalent issuance from another state.” We have two concerns with this phrase. First, how would a person with an out-of-State plate know whether it is “substantially equivalent” to a Pennsylvania plate? Since other jurisdictions issue plates and placards, any valid plate or placard from another jurisdiction should be allowed. Our second concern is that the rulemaking should be expanded beyond “another state” to include jurisdictions such as Canadian provinces and the District of Columbia.

Response

The final-form rulemaking addresses these concerns. See § 11.207(b)(1)(ii). It states that a valid plate or valid placard issued by another state, the District of Columbia or a Canadian province for a person with a disability is deemed to be in compliance with the plate and placard requirements.

Comment

Section 11.207(b)(1)(iii) is confusing because it refers to a “placard . . . indicating issuance of authorization to operate the vehicle on State park land” with no reference to parking or people with disabilities. The paragraph does not include the word “disability.” It is our understanding that it is referring to a placard that is part of the Department’s policy for fostering greater access to State parks for persons with disabilities. People with disabilities who use a motor vehicle for personal mobility may obtain a placard from the Department to use their vehicle on pathways where other motor vehicles are prohibited. There are two concerns.

First, the Department should consider formalizing this policy by adding a new subsection to § 11.207 indicating that persons with disabilities who use this type of personal vehicle may apply to the Bureau for this placard.

Second, § 11.207(b)(1)(iii) should be amended to explain that paragraph (1)(iii) is limited to people with disabilities who use a motor vehicle for personal mobility.

Response

The final-form rulemaking addresses these concerns. Subsection (c) states the process for persons with disabilities to request permission to use a motorized vehicle on State park land. Subsection (b) states that a person who has received this permission may park in an area designated for persons with disabilities. In addition, § 11.216(c) and (d) (relating to general recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes) has been modified to specify that permission for persons with disabilities to use a snowmobile or an all-terrain vehicle (ATV) in areas not otherwise open for this use may be given in accordance with § 11.207(c).

Comment

Section 11.207(e)(2) and (3) of the proposed rulemaking includes citations to 234 Pa. Code (relating to rules of criminal procedure). These should cite the specific rules in 234 Pa. Code that apply.

Response

The final-form rulemaking addresses this concern. The provisions that were in § 11.207(e) of the proposed rulemaking are in § 11.207(d)(2)(ii) and (iii) of the final-form rulemaking. The citations to 234 Pa. Code include the citation to the applicable rule (Rule 401).

Comment

Proposed § 11.207(f) specifies that the fine for a parking ticket is \$15 and references sections 3351—3354 of the code. However, the minimum fine for parking in spaces reserved for a person with a disability is \$50 and fines may be greater under section 3354(f) and (g) of the code (relating to additional parking regulations). The rulemaking should directly specify or reference the fines for violations of parking provisions of the code.

Response

The final-form rulemaking addresses this concern in subsection (d)(2)(i). For violations of sections 3351 and 3353 of the code (relating to stopping, standing and parking outside business and residence districts; and prohibitions in specified places) and 3354(a), (b) or (d)(1) of the code, the amount charged by a parking ticket will be in the amount of the maximum fine as provided in the code. The code currently establishes a fine of \$25 for violation of section 3351 of the code and \$15 for violation of section 3353 or 3354(a), (b) or (d)(1) of the code.

Parking tickets will not be issued for violations of section 3354(d)(2), (3) or (e) of the code. These violations will be handled solely by issuance of summary citations. The reason tickets will not be issued for these violations is that under section 3354(f) of the code, fines for these violations can range from \$50 to \$200 and section 3354(g) of the code imposes an additional fine of \$50 for violations of section 3354(d)(2) or (3) of the code. Rather than establishing a parking ticket charge for these violations, the Department will defer to the courts’ authority to set the fine.

Comment

In proposed § 11.207, violations provisions are located separately in subsections (d) and (f). These violations provisions should be combined into one subsection that lists all violations provisions.

Response

The final-form rulemaking addresses this concern. Section 11.207(d) contains all violations provisions.

Comment

Mountain biking should not be permitted in State parks because of the environmental impact.

Response

Mountain biking is permitted on 18 designated trails in the State parks system. The new rulemaking does not expand opportunities for mountain biking; in fact it specifically restricts trail riding to trails posted for mountain biking. In considering whether to designate a trail for mountain biking, the Department applies certain guidelines. The possibility and impact of erosion and other environmental degradation are factors that the Department considers. Many parks do not have designated mountain biking trails because the Department has determined that these parks exhibit sensitive environmental conditions and are therefore not suitable for mountain biking. For the parks that do have designated trails, mountain biking clubs have been active in maintaining the trails.

Comment

With regard to the two provisions prohibiting causing noise that "would likely annoy or disturb a reasonable person of normal sensitivities," how will the Department interpret the phrase a "reasonable person of normal sensitivities"?

Response

In the proposed rulemaking, these provisions appeared in § 11.207 and § 11.209 (relating to miscellaneous activities). In the final-form rulemaking, the provision in the traffic and parking section is deleted because it is redundant with the same provision appearing in the miscellaneous activities section.

The noise provision incorporates the objective "reasonable person" standard, which the Commonwealth Court of Pennsylvania recently upheld in a constitutional challenge. In the case of *Commonwealth v. Ebaugh*, 783 A.2d 846 (2001), the court stated that the phrase "annoy or disturb a reasonable person of normal sensitivities" is an objective standard that looks to the impact of noise upon a reasonable person under the particular circumstances of the incident, and that a person of ordinary intelligence would understand what conduct violates this standard.

Comment

What is the intent of § 11.208(h), which states that the Department may prohibit certain uses or activities in a State park, portion of a State park or State park facility? What types of activities may be prohibited? What notice will be provided to the public?

Response

The intent of subsection (h) is to put the public on notice that the Department may exercise its authority to prohibit certain activities in certain locations under certain circumstances. For example, a swimming area might be closed temporarily if testing reveals that the water is unsafe. Lake Erie at Presque Isle State Park might be closed temporarily for swimming during periods of high waves or strong undertow. Day use areas that have been flooded might be closed. A pavilion that has been struck by a falling tree might be determined to be unsafe and closed temporarily. A water main break might necessitate the closing of a restroom. The Department advises the public of these closures and restrictions by posting. Depending on the circumstances, the Department may also issue a press release.

Comment

In § 11.210 (relating to fires), the phrase "without written permission of the Department" is duplicative of the Department's discretion stated in paragraphs (1) and (3). The phrase is also misleading because it implies the possibility the Department would grant written permission to leave a fire unattended.

Response

It should initially be noted that in the proposed rulemaking three fire-related activities were listed as being prohibited without written permission of the Department. In the final-form rulemaking, one of these activities (disposing hot charcoal except in designated facility) is prohibited absolutely (that is, it is not conditioned on receiving written permission).

Other than that modification, the Department has retained the language of the proposed rulemaking. It disagrees with the comment that the regulation contains duplications and is misleading. Section 11.210 lists two activities that are prohibited without written permission of the Department. One of these activities is starting or maintaining a fire except in a facility designated for fires. An example of a situation in which the Department has given written permission to have a fire in an area other than a designated facility is at Presque Isle State Park where the Department has permitted bonfires on the beaches during Discover Presque Isle Days. The other activity that is prohibited without written permission of the Department is leaving a fire unattended. An example of a situation in which the Department has given written permission to leave a fire unattended is when a charcoal-making demonstration is being conducted. Because this process takes several days to complete, there are periods when the fire will be unattended.

Comment

A State park may need to restrict fires in dry periods or drought to prevent forest fires. Although there is a general provision in § 11.208 prohibiting activities, § 11.210 should include notice that fires may be further restricted by a State park due to drought or dry forest conditions.

Response

As pointed out in the comment, in § 11.208, the Department advises the public of its authority to restrict activities in particular areas when circumstances dictate. The Department acknowledges that there are times when it bans fires in particular parks due to the level of forest fire danger. During these times, signs are posted at the location informing the public of the fire ban. The Department prefers to rely on § 11.208 and this posting rather than stating in § 11.210 that it may post restrictions during times of forest fire danger. It prefers not to single out the fires section of the rulemaking in which to advise of the possibility of further restrictions by posting, because this possibility applies to all activities in State parks.

Comment

A "pet" is defined in the proposed rulemaking as "a dog, cat or other domestic animal." It is unclear what other types of animals would qualify as domestic animals.

Response

To clarify the meaning of "pet," § 11.201(i) of the final-form rulemaking defines "pet" as "A dog, cat or other animal that has been domesticated. This term does not include bovine or equine animals or poultry."

Comment

It is not reasonable to allow pets in recreation areas but not in camping areas. Having pets in camping areas is safer and more sanitary than in recreation areas because owners keep their pets inside their trailers, recreational vehicles or tents and almost all are trained to relieve themselves only where their owners permit and most owners pick up after them. A two pet limit and \$1 per night charge per pet in overnight areas is suggested. Cats should be permitted in camping areas.

Response

Under both the previous regulation and the final-form rulemaking, pets are allowed in State parks, but they are not allowed in swimming areas and they are not allowed in overnight areas unless the overnight area has been designated for pets.

The Department has tried to be responsive to both those who desire the opportunity to have their pets with them in overnight areas and those who object to allowing pets in overnight areas. It has tried to balance these concerns by instituting a pilot program in 2001. Under the pilot program, pets are permitted in campgrounds in ten State parks. There is a two pet limit for noncaged pets and a \$2 per night charge for each pet. The pilot program has been generally well received by the public. The final-form rulemaking does not affect this pilot program. The Department has announced an expansion of the pilot program to additional parks in 2003.

Comment

Pets should not be allowed in overnight areas because of the smell of dog urine and the failure of owners to dispose of droppings.

Response

The Department has tried to be responsive to both those who desire the opportunity to have their pets with them in overnight areas and those who object to allowing pets in overnight areas. It has tried to balance these concerns by instituting a pilot program in which it has permitted pets in some but not all overnight areas. The final-form rulemaking adds a requirement that pet droppings be disposed of properly.

Comment

With regard to the provision concerning pets in overnight areas in § 11.212 (relating to pets), the Department should explain whether the rulemaking is a change in policy and what restrictions apply to pets in overnight areas. If there is no change in policy, the Department should consider amending the language in the rulemaking to state that pets are permitted in overnight areas subject to restrictions.

Response

Under both the previous regulations and final-form rulemaking, pets are allowed in State parks, but they are not allowed in swimming areas and they are not allowed in overnight areas unless the overnight area has been designated for pets. Both the previous regulation and the final-form rulemaking require that pets be attended and under control at all times.

The final-form rulemaking adds other restrictions that were not included in the previous regulations. It requires that pets do not behave in a manner that may reasonably be expected to disturb or intimidate another person or that may cause damage to property. Pet droppings must be disposed of in trash receptacles or outside the park. Pets must be licensed and vaccinated.

Additional restrictions are posted at overnight areas designated for pets: pets may be walked only in the woods behind the campsite or in a designated pet walking area; they may not be walked through the campground or through any site other than the owner's site; and they are allowed off their campsite only when on the way to or from a pet walking area or to a day use area. Pet food may not be left outside a camping unit or vehicle.

Concerning the suggestion that the Department consider amending the language in the final-form rulemaking to permit pets in overnight areas subject to restrictions, the Department has tried to be responsive to both those who wish to have their pets with them in overnight areas, and those who object—for reasons such as allergies, noise or other types of disturbances or annoyances—to allowing pets in overnight areas. It has tried to balance these concerns by instituting a pilot program in which it has permitted pets in some, but not all, overnight areas.

Comment

The leash requirement should not be relaxed because of the possibility of dog attacks.

Response

Under the previous regulations, the maximum leash length was 6 feet. The final-form rulemaking does not specify a leash length, but allows for establishment of leash length by posting. Removing the leash length requirement from the final-form rulemaking allows the Department to tailor leash requirements to specific areas in each park. The Department anticipates that the 6-foot maximum leash length will continue to be the rule on certain trails.

Comment

Why are hunting dogs exempt from two of the requirements that apply to other pets, namely the requirement that they not behave in a manner that may reasonably be expected to disturb or intimidate another person or may cause damage to property?

Response

By their very nature, hunting dogs engaged in hunting could violate these requirements that apply to pets. For example, hunting dogs could offend persons who object to hunting, engage in behavior such as barking that could disturb other persons or cause damage to flora and fauna. Therefore, unless they are exempted from the requirements that apply to pets, hunting dogs would effectively be prohibited in State parks.

Comment

Section 11.213 (relating to organized events; public assemblies; distribution of printed matter) requires that an application for permission to engage in an organized event be submitted on a form prescribed by the Department. The final-form rulemaking should include information on how to obtain the form.

Response

The final-form rulemaking states that the form may be obtained from a park manager.

Comment

Section 11.213 does not specify the minimum size of an event or group to which the restrictions apply. It should specify the minimum number of people that constitutes a group or event covered by this section. It should clearly state what specific activities require a permit. In subsec-

tion (c), which states that the Department will grant or deny a permit without “unreasonable delay,” what is “unreasonable delay”?

Response

Many factors—such as the size of the park, size of the event, facilities available, number of visitors, whether other events and activities are being held and if so the location, number of participants and facilities used—affect the impact of a particular group or event in a particular State park at a particular time. Examples of organized activities at State parks are Easter egg hunts, environmental fairs, fireworks displays, class field trips, graduation parties, kayak races, hot air ballooning, bicycle club activities, hang gliding, model airplane demonstrations, marathons, roller blade races, search and rescue training, volksmarches and wedding ceremonies. State parks regulations have always included an organized activity provision similar to this final-form rulemaking. It has been workable, the public has generally understood it and the parks have been able to work with the public in accommodating many kinds of activities. For these reasons, the Department has not added the specificity suggested by the comment.

Similarly, concerning the issue of “unreasonable delay,” it would be impossible to state in the final-form rulemaking the precise number of days it would take the Department to deny or grant permission to engage in an organized event. Depending on staff availability and the nature of the activity, some permissions can be granted when a visitor makes the request at a park office. Others, such as those requiring special activities agreements (which may require substantial study and evaluation and various levels of approval within the Department), might take from 6 to 8 weeks.

Comment

Section 11.215 (relating to weapons and hunting) refers generally to 34 Pa.C.S. (relating to the Game and Wildlife Code) (game code). The rulemaking should specifically reference the pertinent sections of the game code that apply.

Response

The game code and the Game Commission regulate the activity of hunting. The purpose of § 11.215(2) is to restrict hunting to areas of State parks designated for hunting and to generally advise the public that while engaged in hunting, they are subject to the game code. The game code would apply to the activity of hunting regardless of whether the Department’s regulation states that it does. The Department prefers not to attempt to single out specific provisions of the game code that might be applicable in particular situations. However, in § 11.215(2)(iv), which states that the device used for hunting must be lawful for hunting under the game code, the final-form rulemaking cites the applicable section of the game code.

Comment

The Department should consider allowing persons who have been issued a license under 18 Pa.C.S. § 6109 (relating to licenses) to carry a firearm in State parks for purposes besides hunting or target-shooting.

Response

For reasons of public safety, the Department does not permit the carrying of firearms in State parks for purposes other than hunting and target-shooting. The high attendance rates at many State parks in the summer

season can lead to confrontations between park visitors. A substantially increased level of vigilance and enforcement preparedness by park personnel would be needed if concealed weapons were permitted.

Comment

In § 11.216, greater clarity would be achieved by combining subsection (b)(1) and (4) rather than using the reference to paragraph (4) in paragraph (1).

Response

This change has been made in the final-form rulemaking.

Comment

Section 11.216(c) should specifically reference the pertinent sections of the code.

Response

Section 11.216(c) and (d) applies to the use of snowmobiles and ATVs. The subsections state that use of snowmobiles and ATVs shall be in accordance with Chapter 77 of the code (relating to snowmobiles and all-terrain vehicles). Since Chapter 77 of the code regulates the use of snowmobiles and ATVs, § 11.216 does not cite specific sections within Chapter 77 of the code. However, in the final-form rulemaking, definitions of the terms “snowmobile” and “all-terrain vehicle” have been added to § 11.201 and specific sections of the code are cited in these definitions.

Comment

Swimming should not be prohibited outside designated areas. Swimming should be permitted except where dangerous conditions exist that are not obvious.

Response

This prohibition was in the previous regulation and is simply being continued in the final-form rulemaking. Hazardous conditions could develop in a body of water at any time. It would be impossible for the Department to monitor all portions of all bodies of water in State parks for potential hazards.

Comment

In § 11.217 (relating to swimming), the Department may permit use of underwater breathing apparatus or snorkel by a diver who has been certified by an organization approved by the Department. Does the Department maintain a list of approved organizations that certify divers? If so, how can individuals obtain a copy?

Response

The final-form rulemaking states that a list of approved organizations may be obtained from the park manager.

Comment

In § 11.219 (relating to boating), subsection (b)(1) and (3) should be combined.

Response

In the proposed rulemaking, subsection (b)(1) prohibited operating watercraft on a body of water not posted as being open for boating; subsection (b)(3) prohibited operating watercraft in an impoundment not designated for boating. In the final-form rulemaking, subsection (b)(3) has been deleted because an impoundment is a type of body of water and is therefore covered in subsection (b)(1).

Comment

In § 11.219, in which specific types of watercraft are listed as prohibited, the term “novelty-type watercraft” is vague.

Response

In the final-form rulemaking, this term has been deleted, because of the difficulty of defining the term and because the prohibition against unseaworthy watercraft in § 11.219(e)(3)(v) adequately covers watercraft that are not suitable for boating.

Comment

In § 11.219, in which the construction requirements for inflatable watercraft are specified, why are these requirements different from the requirements for inflatable watercraft in the section on whitewater boating?

Response

In § 11.219 of the final-form rulemaking, specifications for the material with which inflatable watercraft must be constructed have been deleted. This deletion removes the inconsistency raised by this comment. The requirements for inflatable watercraft in the final regulation are the same as under the previous regulations.

Comment

The horsepower limit should not be increased in some State parks. Boats with higher horsepower will create increased noise and increased wake which will disturb other users of the park, such as kayakers, canoeists and nature watchers, as well as wildlife. The increased wake will adversely affect the shoreline.

Response

Section 11.219 of the final-form rulemaking affects the six State parks where the previous regulations established a 10 horsepower limit. The final-form rulemaking replaces the 10 horsepower limit with the requirement that motorboats in these lakes not exceed the horsepower limit as posted. Therefore, rather than specifying the horsepower limit, the final-form rulemaking allows for the limit to be established by posting. This change gives the Department the flexibility to adopt appropriate horsepower restrictions by means of posting to better fit limitations at individual lakes.

The Department is currently conducting a pilot program at lakes at the six State parks where previous regulations limited the horsepower to 10. Under the pilot program, posting at the lakes allows motorboats with a horsepower up to 18. Prior to the pilot program, it had been a common practice for boaters to attempt to circumvent the 10 horsepower limit at these lakes by modifying their motors from 9.9 to 15 horsepower or to display 10 horsepower covers on more powerful motors. Because a 15 horsepower motor is so similar in appearance—especially from a distance—to a 9.9 horsepower motor, the Department had difficulty enforcing the 10 horsepower limit at these lakes.

In general, motors that are above 18 horsepower are noticeably larger than those that are 18 horsepower or less and therefore are easy to spot by law enforcement officers. It is for this reason and because there is no discernible difference between 15 horsepower motorboats and 18 horsepower motorboats in the amount of noise and wake they produce, that the Department’s pilot program permits motors up to 18 horsepower. During the pilot program, park managers are closely monitoring the lakes for signs of increased shoreline erosion or other adverse effects.

Comment

The proposed rulemaking permits use of personal watercraft on bodies of water where unlimited horsepower boats are permitted. Based on studies of collision rates, personal watercraft threaten the safety of other waterway users. The Department should review these studies.

Response

The Fish and Boat Commission routinely reviews boating accidents and has taken regulatory measures to improve the safety record and boating knowledge of personal watercraft operators. Section 109.3 of 58 Pa. Code (relating to personal watercraft) now requires that personal watercraft operators must obtain a Boating Safety Education Certificate. Since this requirement became effective in January 2000, the number of accidents involving personal watercraft has significantly decreased. The Bureau meets regularly with officials from the Commission and will continue to keep apprised of boating accident statistics involving all boats, including personal watercraft.

Comment

Should a provision be added to § 11.219 to prohibit annoying others by causing loud noises similar to the provision in § 11.207?

Response

The noise provision that had been in § 11.207 in the proposed rulemaking has been deleted in the final-form rulemaking because it was redundant with the general noise provision in § 11.209. The noise provision in § 11.209 is applicable to any activity in a State park. It should also be noted that motorboat noise is regulated by 58 Pa. Code Chapter 119 (relating to motorboat noise control).

Comment

The language concerning personal watercraft in § 11.219 is unclear. The proposed rulemaking does not define or explain the phrase “personal watercraft, regardless of horsepower.”

Response

To eliminate confusion, the phrase “regardless of horsepower” has been deleted from the reference to personal watercraft in § 11.219 of the final-form rulemaking. A definition of “personal watercraft” has been added to § 11.201. This definition uses the definition of the term in 58 Pa. Code § 109.3.

Comment

The Fish and Boat Commission lists safety requirements for personal watercraft in 58 Pa. Code § 109.3, including a requirement for a Boating Safety Education Certificate. The Department’s regulations should include or cross-reference the safety requirements at 58 Pa. Code § 109.3.

Response

As stated in § 11.204 (relating to application of Fish and Boat Commission rules and Game Commission rules), 58 Pa. Code applies in State parks. The Department has chosen not to restate or cross-reference 58 Pa. Code in Chapter 11.

Comment

In § 11.219(e), the proposed rulemaking stated that at Point State Park watercraft may be moored along the river wall “temporarily” during the day. The meaning of

“temporarily” is vague. The Department should indicate the maximum time limit for mooring watercraft along the river wall during the day.

Response

The final-form rulemaking clarifies this provision by stating that watercraft may be moored along the river wall during the hours the park is open to the public.

Comment

The best way to promote clean protected areas is to prevent fishing. Debris and damage along streams results from fishing activities.

Response

The final-form rulemaking merely carries forward the provision in the previous regulations that allowed fishing in State parks. The Department acknowledges the validity of the concern about debris and will continue to enforce the prohibition against littering. See § 11.214 (relating to waste)). However, fishing is a legitimate and very popular form of recreation for which the Commonwealth issues licenses. The Department believes it should not deny the public enjoyment of the many excellent opportunities for fishing in State parks.

Comment

ATVs should continue to be restricted to designated areas and horseback riding should continue to be permitted on designated trails.

Response

The comment is supportive of the proposed rulemaking, which simply continues the provisions of the previous regulations concerning ATVs and horseback riding. The proposed rulemaking has been adopted in this final-form rulemaking.

Comment

An exception should be allowed to the prohibition in § 11.209 against “removing or disturbing an historical or archeological artifact, relic or object.” The exception would be for collecting artifacts, such as arrowheads, from the ground surface. The exception would be justified because the ground surface is not a dateable area and artifacts not picked up could be broken.

Response

Surface collection of artifacts, such as arrowheads, in State parks is an archeological field investigation on Commonwealth land. Under 37 Pa.C.S. §§ 501—512 (relating to the Historic Preservation Act), the Commonwealth has the exclusive right to engage in an investigation, and the public is not permitted to remove the artifacts.

Comment

Logging and drilling for oil and gas should not be permitted on State park land. A provision should be added to the final-form rulemaking prohibiting these activities. Is the public given notice and an opportunity to comment before the Department allows removal of natural resources? What factors does the Department consider in deciding whether to grant permission?

Response

Section 11.211 of the final-form rulemaking prohibits “damaging, defacing, cutting or removing rock, shale, sand, clay, soil or other mineral product, natural object or material” without written permission of the Department. The same section prohibits “cutting, picking, digging,

damaging or removing, in whole or in part, a living or dead tree, shrub or plant” (with specific exceptions for gathering certain edible plants for one’s own consumption and dead and down wood for use within the park in a fireplace or grill). Therefore, the proposed rulemaking prohibits logging and gas and oil drilling without Department approval.

The Department has the power and duty under the act to enter into contracts or leases for oil or gas drilling when it determines that it would be in the best interests of the Commonwealth to do so. The Department does not own the oil or gas drilling rights in most State parks, and therefore has no control over the decision to drill. However, where drilling occurs in these parks, the Department does have influence over the surface use. In State parks where the Department does own mineral rights, it will grant nondevelopmental leases for the purpose of ensuring that it receives the value of oil or gas removed from park land by wells drilled on adjoining property. Very rarely, the Department has drilled where it owns oil and gas rights, usually for the purpose of preventing the loss of the value of its mineral rights by wells drilled on adjoining property.

The Department does not permit logging in State parks where the purpose of the logging is solely commercial. The logging must achieve a benefit for the park. For example, salvage cuts have been needed due to damage caused by windstorms or insects. In addition, logging is sometimes necessary for rights-of-way, roads and park facility construction.

Comment

In § 11.220 (relating to whitewater boating), the general requirements for inflatable watercraft—“tough durable construction intended for whitewater use, consists of a tough laminated material and is of commercial grade”—is vague.

Response

The Department consulted with organizations of users, commercial outfitters and industry in formulating this standard of material and construction for inflatable whitewater watercraft. On the basis of input from these groups, it believes that the standard is understandable to the regulated community and allows for necessary flexibility in application.

Comment

In § 11.220(c)(1)(iii)(C) (regarding Ohiopyle State Park), what is meant by “watercraft must be other than commercially rented watercraft”?

Response

This provision establishes requirements for watercraft used when river levels on the Lower Youghiogheny River are 4 feet and above. At these levels, the river is very rough and swift, and boating is dangerous for inexperienced boaters. The prohibition against commercially-rented watercraft is intended to screen out inexperienced boaters. In the experience of the Department, persons who rent watercraft tend to be less experienced than persons who use their own watercraft. In addition, boaters tend to be less likely to engage in higher risk whitewater boating if it is their own watercraft that is at risk rather than rented watercraft.

To clarify the meaning this provision, the final-form rulemaking states that watercraft rented from a boat rental business are not permitted at these river levels. Section 117.3 of 58 Pa. Code (relating to responsibilities)

requires that boats rented out by a boat rental business be clearly marked with the name of the business.

Comment

Section 11.220(c)(1)(iv)(A) and (2)(iii)(B) waives watercraft requirements for "State park-licensed concession watercraft." Assuming the watercraft requirements are for purposes of safety, why are "State park-licensed concession watercraft" exempt?

Response

State park-licensed concession watercraft are subject to the terms of the concession license agreement rather than the regulations to allow concessionaires the opportunity to use state-of-the-art watercraft as they are developed and become available. These new models might not match the specifications required in the regulations but could nonetheless meet necessary safety standards. Under the license agreement, the concessionaire is required to obtain Department approval before using any type of watercraft in its operations.

In the Lower Youghiogheny River, concessionaires provide guided trips but do not rent out unguided watercraft. In the Middle Youghiogheny River, concessionaires provide guided trips and also rent out unguided watercraft. Section 11.220(c)(2)(iii)(A) of the final-form rulemaking clarifies that on the Middle Youghiogheny, both guided and unguided concession watercraft are subject to the terms of the license agreement rather than the regulations.

Comment

There are three concerns with § 11.220(c)(1)(iv)(B). First, the intent of "other than commercially-rented watercraft" is unclear. Second, the final-form rulemaking should provide information on how watercraft operators or owners can obtain approval for high performance watercraft. Third, what are the size or performance standards that qualify as "high performance" and require Departmental approval?

Response

The purpose of this provision is to allow for waiver of the watercraft requirements in § 11.220(c)(1)(iii) for experienced boaters with high-performance watercraft. Waiver will not be allowed for commercially-rented watercraft, because in the experience of the Department, persons who rent watercraft tend to be less experienced than persons who use their own watercraft. To avoid confusion over the meaning of "other than commercially-rented watercraft," the final-form rulemaking refers to "watercraft rented from a boat rental business." Section 117.3 of 58 Pa. Code requires that boats rented out by a boat rental business be clearly marked with the name of the business.

In response to the comment concerning how a person may obtain approval of high performance watercraft, the final-form rulemaking states that a person may use watercraft that does not meet the requirements of the regulations with "permission of the Department." The phrase "permission of the Department" is defined in § 11.201 as "approval obtained from a park manager or designee."

To address the question concerning the size or performance standards that qualify as "high-performance," the final-form rulemaking removes the term "high-performance" and allows for the Department to make a determination whether the particular watercraft will be safe for use, taking into account durability, buoyancy and maneuverability.

Comment

In § 11.220(c)(3), prohibiting waterfall running at Ohiopyle State Park, the river segment to which it applies should be clearly identified.

Response

The final-form rulemaking identifies the section of the Youghiogheny River to which the waterfall provision applies. The section is identified as extending from Bike Trail Bridge to and including Ohiopyle Falls.

Comment

Section 11.220(c)(3) should be amended to identify the process and procedures for obtaining written permission to run Ohiopyle Falls. Can representatives of a group obtain approval or written permission for group members or must each individual apply separately?

Response

The final-form rulemaking allows waterfall running unless posting states otherwise. The posting which would inform the public that waterfall running is prohibited would also state that permission to run the falls may be granted under a special activities agreement obtainable through the park office. A person or organization who contacts the park office will be informed about the procedures for entering into a special activities agreement, including the fact that a group representative may sign the agreement on behalf of the group.

Comment

In § 11.220(d) (regarding Lehigh Gorge State Park), why are inflatable canoes and kayaks exempted from the requirements of subsection (d)(2), (3) and (4)? What are the minimal standards for these types of watercraft?

Response

The subsections addressed in the comment have been renumbered in the final-form rulemaking as subsection (d)(1), (2) and (3). These are requirements for inflatable watercraft at various flow rates ranging from 250 cubic feet per second to more than 5,000 cubic feet per second. The proposed rulemaking listed minimum requirements for three characteristics of inflatable watercraft. These characteristics were length, number of air chambers and outside tube diameter. The requirements prescribing the minimum number of air chambers have been eliminated in the final-form rulemaking. Therefore, inflatable watercraft used at Lehigh Gorge State Park are subject to the general requirement in subsection (a)(2)(ii) of "multiple" air chambers applicable to all inflatable watercraft, including canoes and kayaks, used at flow rates at and above 250 cubic feet per second.

The reason a minimum length requirement does not apply to inflatable canoes and inflatable kayaks is that these watercraft require maneuverability for effective performance in whitewater and maneuverability is not a function of length. The reason a minimum outside tube diameter does not apply to inflatable canoes and inflatable kayaks is that these watercraft are not constructed with tube diameters as wide as the diameters required for other whitewater watercraft (rafts). Canoes and kayaks are constructed to have enough buoyancy to carry one or two passengers without tube diameters of the width needed for rafts, which are built to carry heavier loads.

Inflatable canoes and inflatable kayaks are subject to the general requirements in § 11.220(a)(2)(ii) applicable at all the whitewater parks, including Lehigh Gorge. The general requirements are that they have multiple air chambers of a tough durable construction intended for

whitewater use, they consist of a tough laminated material and they are of commercial grade.

Comment

The quota allocations for whitewater boating in the Youghiogheny River at Ohiopyle State Park unfairly favor commercial outfitters.

Response

The whitewater quota allocations in the previous regulation have been eliminated in the final-form rulemaking. Although quotas still exist, they are established by Department policy and are not part of this regulation.

Comment

The comments support the elimination of the quota provisions applicable to whitewater boating in the Youghiogheny River at Ohiopyle State Park.

Response

As noted in response to the previous comment, even though the actual quota allocations have been eliminated from this final-form rulemaking, they still exist. They are established by Department policy rather than by regulation.

Comment

Waterfall running at Ohiopyle State Park should be permitted. Persons who commented included both in-State and out-of-State boaters, many of whom are experienced kayakers and canoeists. Reasons given for opening the falls for boating were varied, and included the following: it can be safely run by an intermediate boater; these falls are "easy" and "fairly benign"; waterfall running is a part of responsible, mainstream whitewater boating; inexperienced boaters will generally not attempt to run the falls; the annual race at Ohiopyle Falls demonstrates that thousands of runs over the falls can be made safely; waterfall running is permitted at other rivers managed by State and Federal agencies; the running of waterfalls is commonplace within the paddling community and the decision whether to run the falls should be left to the individual, not the government; running the falls could be permitted subject to certain restrictions, such as requiring that each group stations safety people during runs; whitewater boaters are generally safe, responsible, nonpolluting recreationalists who should not be denied this opportunity; opening the falls would bring additional visitors to the park, including nonboating spectators; promoting outdoor recreation, including "extreme sports," should be a key part of the Commonwealth's strategy to keep young people in the State; this Commonwealth needs more physically active people and should not discourage this kind of activity; waterfall running should be permitted during the off-season, when the number of inexperienced whitewater tourists is low and the cold water will not be tempting except to experienced boaters; waterfall running should be permitted early and late in the day to avoid attracting spectators; the falls should be open with some "common sense regulations" similar to those that link raft size to river level; if the Department is concerned about safety, it should prohibit boating on other stretches of the river where there are difficult rapids; all that is needed is a sign warning inexperienced or ill-equipped people against running the falls; running the falls would allow kayakers to become familiar with the rapids, which would better equip them to conduct rescues; and the Lower Youghiogheny could go from "an already superb kayaking destination to a world class run" if the falls were open under appropriate water conditions.

Response

Section 11.220(c)(3) of the proposed rulemaking prohibited waterfall running on the Youghiogheny River in Ohiopyle State Park without written permission of the Department. As a result of the comments it received, the Department has changed the proposed rulemaking. The final-form rulemaking permits waterfall running unless posted otherwise.

The final-form rulemaking reflects the current policy of the Department. Under its current policy, the Department informs the public by means of posting that Ohiopyle Falls is closed for boating. The Department does, however, grant permission under a special activities agreement with American Whitewater for an annual Ohiopyle Falls race. The final-form rulemaking allows for a continuation of this policy of posting the falls as being closed for boating, but allowing for opening of the falls for special events. The Department intends to continue to monitor activities at the falls and make decisions in the future as to whether opportunities for boating at that location should be expanded. Meanwhile, posting will inform the public that the falls are closed for boating, but that permission to run the falls may be granted with written permission of the Department.

Comment

Canoeing and kayaking should be permitted on waterways in State parks other than Ohiopyle, Lehigh Gorge and McConnells Mill State Parks during times of high water (white water) unless posting prohibits this activity.

Response

As a result of the comments received on the proposed rulemaking, which prohibited all boating on bodies of water not designated for boating, the Department has made a change in the final-form rulemaking to expand nonmotorized boating opportunities. Section 11.119 of the final-form rulemaking prohibits only motorized boating on bodies of water not designated for boating. It allows nonmotorized boating in rivers, creeks and streams unless posted otherwise.

Comment

The definition of "commercial activity" should be changed to allow nonprofit organizations to provide guided whitewater raft trips to members of their organization. Currently, the Department grants licenses to a limited number of commercial concessionaires under which they provide guided whitewater raft trips. Nonprofit organizations, such as certain summer camps, cannot successfully compete for licenses because they are not outfitters that offer guided trips to the general public.

Response

The comment relates to the Department's policy of granting licenses to a limited number of commercial outfitters to provide guided whitewater raft trips to the public on the Youghiogheny River in Ohiopyle State Park. The Department has the authority to do this under section 303(a)(4) of the act. The only connection between this policy and the definition of "commercial activity" in § 11.201 is that § 11.209 requires that written permission of the Department be obtained to engage in commercial activity.

"Commercial activity" is defined in § 11.201 as "an activity in which a person directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation." This definition is substantially the same as the definition in the

previous regulation. Under both the new and the old definition of commercial activity, a guided-raft trip provided by a nonprofit organization would be considered "commercial activity" and would therefore require written permission of the Department.

The Department has chosen to give written permission—in the form of license agreements—to a limited number of commercial outfitters to act as its concessionaires in providing to the public guided whitewater raft trips. However, it is the policy of the Department not to permit other organizations to provide trips because it has restricted the provision of trips to its licensed concessionaires. This is a policy decision by the Department, authorized by law, and is not addressed in the final-form rulemaking.

Comment

This comment addresses § 11.220 concerning the operation of commercial watercraft in particular sections of the Lehigh River at Lehigh Gorge State Park. Subsection (d)(6) should be amended to prohibit, in addition to commercial watercraft, "commercially-rented watercraft" and "inflatable watercraft." Subsection (d)(7) should be amended to prohibit, in addition to commercial watercraft, "commercially-rented watercraft." The comment does not explain why these changes should be made.

Response

These provisions are carried over from the previous regulations with no substantive changes. Section 11.220(d)(5) (renumbered from (d)(6) in the proposed rulemaking) prohibits commercial watercraft between the Francis E. Walter Dam and the White Haven launch area. Section 11.220(d)(6) (renumbered from (d)(7) in the proposed rulemaking) prohibits commercial watercraft between the White Haven launch area and the Rockport launch/take-out area during trout season. The purpose of prohibiting commercial watercraft in these areas is to allow persons to fish in these sections of the river without the disturbance caused by commercial watercraft traffic.

The final-form rulemaking clarifies the meaning of "commercial watercraft." It replaces this term with "guided and unguided watercraft trips provided by commercial outfitters."

These provisions have worked successfully in the past and the Department is aware of no problems or concerns that would require a change.

Comment

In § 11.224 (relating to prices), there is no instruction on how to apply for a waiver or reduction in prices.

Response

The final-form rulemaking indicates that a request for a waiver or reduction in prices may be made to a park manager.

Comment

In § 11.224, the final-form rulemaking should state that the schedule of prices will be posted on the Department's website and should include the website address.

Response

This change has been made in the final-form rulemaking.

Comment

In § 11.224, the final-form rulemaking should include a reference to section 314 of the act, which places limitations on the setting of fees by the Department including

the limitation that charges and fees "shall be used solely for the acquisition, maintenance, operation or administration of the State Park system . . ."

Response

This change has been made in the final-form rulemaking.

Comment

In § 11.24, which states that the Department will set reasonable prices for the sales of goods and services to the public, what is meant by the word "reasonable"? What factors will the Department consider in determining what is "reasonable"?

Response

The purpose of this provision is to assure the Legislature and the public that the Department does not intend to abuse its authority in establishing prices for the sales of goods and services. The "reasonable prices" standard is the standard recognized by the Legislature in the Public Facilities Concession Regulation Act (62 Pa.C.S. §§ 4301—4303), applicable to concessionaires in public facilities. It is an objective standard that allows for flexibility in application. It is the Department's intent to charge market prices unless specific circumstances dictate otherwise.

In addition to the changes made to the proposed rulemaking in response to the comments it received, the Department also made the following changes:

Section 11.207. Traffic and parking.

In § 11.207(a), the provision in the proposed rulemaking prohibiting operation of a motor vehicle for purposes of commercial activity without permission was deleted because it was redundant with § 11.209(a)(5), which prohibits engaging in commercial activity without written permission. "Commercial activity" is defined in § 11.201 as "an activity in which a person directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation."

In § 11.207(a), the provisions concerning speed limit and obedience to traffic-control devices are expanded in the final-form rulemaking to cover all vehicles, not just motor vehicles. In § 11.201, the Department has adopted the code's definition of "vehicle." Generally, vehicles are devices in, upon or by which a person is or may be transported upon a highway. The term includes bicycles. All vehicles are covered by the speed limit and traffic-control device provisions because of problems in heavily used parks, where people who are walking, bicycling or using roller blades, scooters, baby buggies or motor vehicles all share the same road. Bicyclists have been clocked at 35 miles per hour on these roads and when they weave through crowds of other users, dangerous conditions result. The regulation subjecting bicyclists and operators of other types of vehicles to the same rules of traffic that apply to motorists is needed too for the safety of park visitors.

In § 11.207(b), a provision was added requiring that parking placards issued under the code to persons with disabilities be displayed in their vehicles in the manner required by the code. This provision had been inadvertently omitted from the proposed rulemaking.

In § 11.207, the provision in the proposed rulemaking that addressed the removal and storage of vehicles illegally parked was removed from the traffic and parking section and added to § 11.206 (related to property left in a State park).

In the provision on parking tickets, the final-form rulemaking states that for parking tickets issued for violations of sections 3351, 3353 or 3354(a), (b) or (d)(1) of the code, the charge will be the maximum fine as provided in the code. The proposed rulemaking specified that the charge would be \$15. The reason for the change in the final-form rulemaking is to allow for the possibility of amendments to the code. Currently, the code provides that the fine for violation of section 3351 of the code is \$25 and the maximum fine for violation of section 3353 or 3354(a), (b) or (d)(1) of the code is \$15.

Section 11.208(b). Schedule; closure.

In § 11.208(b), the time in the morning when Point State Park is open to the public was changed from 8 a.m. in the proposed rulemaking (and the previous regulation) to sunrise in the final-form rulemaking. The reason for this change is to accommodate Pittsburgh commuters who park on the north shore and walk through the park before 8 a.m., as well as other persons who regularly walk in the park before 8 a.m. The park has staff coverage from 7 a.m. until 11 p.m. In addition, city police stationed near the park are on duty around the clock daily.

Section 11.209. Miscellaneous activities.

In § 11.209, the provision prohibiting storing or leaving food that could attract wildlife was moved from subsection (b) to subsection (a). The effect of this change is that under subsection (a), this activity will be allowed if written permission is given. The change was made to allow for permitting bird feeders at State park facilities.

A provision was added to § 11.209(b) prohibiting using drinking fountains, springs, lakes or waterways for washing purposes. This provision appeared in the previous regulation in the rules relating to camping areas. The provision was eliminated from the camping rules in the final-form rulemaking because these rules will be contained in camping permits. However, since the provision on washing applies to all park visitors, not just to campers, it was added to the final-form rulemaking.

Section 11.210. Fires.

In § 11.210, "without written permission of the Department" was deleted from the general statement and added to paragraphs (1) and (2) but not paragraph (3). The reason for this change is that there are no situations where permission would be given to dispose hot charcoal any place other than in a facility designated by the Department.

Section 11.212. Pets.

Section 11.212 was revised to permit guide dogs, signal dogs and other animals trained to provide assistance to persons with a disability, in areas of State parks where other pets may not be permitted, that is, swimming areas, overnight areas and buildings.

Section 11.213. Organized events; public assemblies; distribution of printed matter.

In § 11.213, the word "permit" was changed to "permission" so that the terminology would be internally consistent within this section. The requirement in subsection (b) that an application for permission be delivered to the park manager at least 24 hours in advance was deleted to allow for flexibility in handling requests for permission. Depending on the nature of the activity and other circumstances, some permissions can be granted on the spot. Others, particularly those requiring special activities agreements, might require 6 to 8 weeks for processing. The provision in subsection (c) that the Department

will grant or deny permission "without unreasonable delay" is sufficient to allow for processing requests for all the various types of activities and circumstances.

Section 11.219. Boating.

Section 11.219 has been revised in the final-form rulemaking to allow for the use of inner tubes, body boards, surfboards, air mattresses and other similar nonwatercraft devices in creeks, streams and rivers. Children 12 years of age and under must wear United States Coast Guard-approved personal flotation devices while engaged in this activity. This revision is consistent with a longstanding policy of the Department allowing this activity.

This section was also revised to allow use of body boards and surfboards in bodies of water designated for boating. Personal flotation devices must be worn. This provision does not apply to Presque Isle State Park, where body boards and surfboards are permitted only by posting. In addition, at Presque Isle personal flotation devices are not required.

In addition, a change was made in § 11.219 concerning the use of water skis. In the proposed rulemaking, only conventional water skis were permitted in lakes that are open to motorboats with unlimited horsepower. In the final-form rulemaking, all types of water skis (as defined in § 11.201) are permitted in these lakes. They are also permitted in other lakes if posting states that they are allowed. By allowing all types of water skis in these lakes, rather than just conventional water skis, devices such as aquaplanes, kneeboards, inner tubes, inflatable hot dogs and air mattresses may be towed behind boats. However, a provision was added prohibiting, without written permission of the Department, the towing of parasails, kite skis and other devices that are intended to lift off the surface of the water. These devices are included in the definition of "water ski" in 58 Pa. Code § 109.4 (relating to waterskiing, aquaplaning, kiteskiing and similar activities) but are not included in the Department's definition of "water ski" in this chapter.

Section 11.220. Whitewater boating.

Several changes were made in § 11.220. In Subsection (a)(1), the provision allowing participants in whitewater events to wear a "lifedeck" personal flotation device with permission of the Department and the Commission was deleted. Lifedeck personal flotation devices are generally no longer being recognized in the whitewater industry as being useful as an alternative to the Type I, III or V personal flotation devices. The previous regulation did not allow lifedeck devices, and the Department mistakenly included the lifedeck provision in the proposed rulemaking.

In subsection (a)(2)(ii), the final-form rulemaking clarifies that the requirement of multiple air chambers for inflatable whitewater watercraft applies to the outside tube.

In subsection (b)(3) of the proposed rulemaking, which prohibited boating before sunrise or after sunset, was deleted in the final-form rulemaking because it was redundant with § 11.208(a).

In subsection (b), the prohibition against using nonwatercraft devices, such as inner tubes and body boards, was revised in the final-form rulemaking. First, "without written permission of the Department" was deleted, because permission to use these devices will not be given under any circumstances (except at Lehigh Gorge, which is addressed next). Second, a provision was

added stating that nonwatercraft devices, such as inner tubes, surfboards, body boards and air mattresses, may be used at Lehigh Gorge State Park when the flow rate of the Lehigh River is less than 250 cubic feet per second. Children 12 years of age and under must wear a United States Coast Guard-approved personal flotation device when engaged in this activity. Allowing the use of these nonwatercraft devices at Lehigh Gorge during low flow rates is consistent with a longstanding policy of the Department.

Consistent with the provision in subsection (b) of the final-form rulemaking allowing use of nonwatercraft devices during low flow rates on the Lehigh River, subsection (d)(1) (regarding Lehigh Gorge State Park) in the proposed rulemaking was deleted in the final-form rulemaking. This paragraph required that at flow rates less than 250 cubic feet on the Lehigh River, inflatable watercraft must be at least 7 feet long and have at least two air chambers.

In subsection (c)(1)(iii), the final-form rulemaking states that inflatable canoes and inflatable kayaks are not permitted on the Lower Youghiogheny at river levels 3 feet and above. This is not a change from the proposed rulemaking, but rather a clarification. The rulemaking (proposed and final-form) requires that at these river levels inflatable watercraft must be of a specific minimum length and have a specific minimum outside tube diameter. Inflatable canoes and kayaks are not constructed in a way as to be able to meet these specifications. Therefore, the final-form rulemaking clarifies that these watercraft are prohibited.

In subsection (c)(2)(ii), the final-form rulemaking prohibits inflatable canoes and inflatable kayaks on the Middle Youghiogheny at river levels 3 feet and above. Under the proposed rulemaking, this prohibition was inadvertently omitted. The corrected provision in the final-form rulemaking is consistent with the parallel provision applicable at river levels 3 feet and above on the Lower Youghiogheny (subsection (c)(1)(iii)(B)).

In subsection (c)(2)(i), the final-form rulemaking identifies by name the launch and take-out areas on the Middle Youghiogheny River.

In subsection (d) (regarding Lehigh Gorge State Park), the requirement of at least three air chambers for inflatable watercraft at flow rates from 250 cubic feet and above has been deleted in the final-form rulemaking. The Department has concluded that the general requirement in subsection (a)(2)(ii) of "multiple air chambers" is sufficient to satisfy safety considerations. The final-form rulemaking is consistent with the requirements for watercraft at Ohioypyle State Park.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the final-form rulemaking.

Benefits

This final-form rulemaking benefits the public by expanding recreational opportunities in State parks. One of the ways it accomplishes this is by placing greater reliance on posting than did the previous regulation. For example, the previous regulation specified that the leash length for pets could not exceed 6 feet. The final-form rulemaking does not mandate a maximum leash length. Instead, it states that if posting specifies a maximum length, the leash may not exceed this length. Similarly, the previous regulation prohibited buoyant devices in swimming areas. The final-form rulemaking allows them

if permission is given by posting or by an on-duty lifeguard. Other examples of reliance on posting include horsepower limits for motorboats, the use of body boards and surfboards at Presque Isle State Park and the use of bicycles and other recreational equipment at Point State Park.

This final-form rulemaking expands recreational opportunities in other ways as well. It allows nonwatercraft devices (inner tubes, air mattresses, body boards and the like) in creeks, streams and rivers. It allows body boards and surfboards in boating areas. It allows nonmotorized boats, such as canoes and kayaks, in creeks, streams and rivers unless posted otherwise. It allows water skiing in lakes where motorboats with unlimited horsepower are permitted and in lakes where water skiing is permitted by posting. It allows nonwatercraft devices (inner tubes and the like) on the Lehigh River at Lehigh Gorge State Park during low flow rates.

Another benefit of this final-form rulemaking is that it defines the violation of any rule in Chapter 11 as a summary offense. Under the previous regulation, the violation of some rules was a summary offense and the violation of others was not. Not only was this inconsistency confusing, but the only means of enforcing the noncriminal rules was for the offender to be ordered to leave the park; a refusal to leave the park could then lead to a misdemeanor charge of criminal trespass. The final-form rulemaking clearly defines the violation of any rule in Chapter 11 as a summary offense. Therefore, for any violation, a summary citation may be issued or the offender may be ordered to leave the park, or both of these enforcement actions may be taken.

Compliance Costs and Paperwork Requirements

The revision of Chapter 11 will result in no additional costs or paperwork requirements for the general public, local governments or the private sector. The costs for the Commonwealth will be minimal. They will consist of the Department's costs in revising rules and regulations booklets, summaries of rules and regulations for posting in State parks, websites and permits to include conditions that are being eliminated from Chapter 11, posting horsepower limits for motorboats and posting length limits for pet leashes.

G. *Sunset Review*

Chapter 11 will be monitored by the Department to determine whether the regulations effectively fulfill the goals which they were intended to accomplish.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 13, 2002, the Department submitted a copy of the notice of proposed rulemaking published at 32 Pa.B. 1611, to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 10, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regula-

tory Review Act, IRRC met on October 24, 2002, and approved the final-form rulemaking.

Order

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

(a) The regulations of the Department, 17 Pa. Code Chapter 11, are amended by deleting §§ 11.1—11.16, 11.21—11.27, 11.31—11.39, 11.41—11.52, 11.61—11.83, 11.91—11.96, 11.101, 11.102, 11.111—11.124 and 11.151—11.164 and by adding 11.201—1.224 to read as set forth in Annex A.

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

(c) The Department shall submit this order and Annex A to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

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

JOHN C. OLIVER,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5582 (November 9, 2002).)

Fiscal Note: Fiscal Note 7B-3 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart B. STATE PARKS

CHAPTER 11. GENERAL PROVISIONS

Sec.	
11.1—11.16.	(Reserved).
11.21—11.27.	(Reserved).
11.31—11.39.	(Reserved).
11.41—11.52.	(Reserved).
11.61—11.83.	(Reserved).
11.91—11.96.	(Reserved).
11.101—11.102.	(Reserved).
11.111—11.124.	(Reserved).
11.151—11.164.	(Reserved).
11.201.	Definitions.
11.202.	Scope.
11.203.	State park waters.
11.204.	Application of Fish and Boat Commission rules and Game Commission rules.
11.205.	Trespass.
11.206.	Property left in a State park.
11.207.	Traffic and parking.
11.208.	Schedule; closure.
11.209.	Miscellaneous activities.
11.210.	Fires.
11.211.	Natural resources.
11.212.	Pets.
11.213.	Organized events; public assemblies; distribution of printed matter.
11.214.	Waste.
11.215.	Weapons and hunting.
11.216.	General recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes.

11.217.	Swimming.
11.218.	Camping; overnight facilities.
11.219.	Boating.
11.220.	Whitewater boating.
11.221.	Special provisions for Point State Park.
11.222.	Special provisions for Presque Isle State Park.
11.223.	Violation of rules regarding conduct in State parks.
11.224.	Prices.

§§ 11.1—11.16. (Reserved).

§§ 11.21—11.27. (Reserved).

§§ 11.31—11.39. (Reserved).

§§ 11.41—11.52. (Reserved).

§§ 11.61—11.83. (Reserved).

§§ 11.91—11.96. (Reserved).

§ 11.101. (Reserved).

§ 11.102. (Reserved).

§§ 11.111—11.124. (Reserved).

§§ 11.151—11.164. (Reserved).

§ 11.201. Definitions.

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

Act—The Conservation and Natural Resources Act (71 P. S. §§ 1340.101—1340.1102).

All-terrain vehicle—An all-terrain vehicle as defined in section 7702 of the Vehicle Code (relating to definitions).

Commercial activity—An activity in which a person directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation.

Crimes Code—Title 18 *Pennsylvania Consolidated Statutes*.

Department—

(i) The Department of Conservation and Natural Resources of the Commonwealth.

(ii) The term includes authorized officials of the Department.

Designated swimming area—

(i) A swimming pool, wading pool or the area of a natural or artificially constructed pond, lake, stream, river, bay, tidal waters or other body of water, which is designated, developed, maintained and operated by a State park for swimming purposes.

(ii) The term includes the land, buildings, equipment and appurtenances used in connection with the body of water.

Fish and Boat Code—Title 30 *Pennsylvania Consolidated Statutes*.

Game and Wildlife Code—Title 34 *Pennsylvania Consolidated Statutes*.

Motor vehicle—

(i) As defined in section 102 of the Vehicle Code (relating to definitions).

(ii) The term does not include a snowmobile or all-terrain vehicle as defined in section 7702 of the Vehicle Code.

Official traffic-control devices—Official traffic-control devices as defined in section 102 of the Vehicle Code.

Permission of the Department or permitted by the Department—Approval obtained from a park manager or designee.

Person—A corporation, company, club, firm, association, society, partnership, joint stock company, governmental agency or individual.

Permit—Written approval obtained from a park manager or designee on a form prescribed by the Department.

Personal watercraft—As defined in 58 Pa. Code § 109.3 (relating to personal watercraft).

Pet—

(i) A dog, cat or other animal that has been domesticated.

(ii) The term does not include bovine or equine animals or poultry.

Snowmobile—As defined in section 7702 of the Vehicle Code.

State park—

(i) An area under the jurisdiction of the Department acquired or administered as a park under section 303 of the act (71 P. S. § 1340.303) or designated or administered as a park under section 302(a)(12) of the act (71 P. S. § 1340.302(a)(12)).

(ii) The term includes:

(A) A State park.

(B) A State park preserve.

(C) A parkway.

(D) A conservation area as defined in § 44.1 (relating to defined) that is administered and managed by the Department's Bureau of State Parks.

(E) A State Park Natural Area as defined in § 17.2 (relating to State Parks Natural Area definition).

(F) An environmental education center administered by the Department's Bureau of State Parks.

(G) State park waters under § 11.203 (relating to State park waters).

Summer season—The period beginning on the Saturday of Memorial Day weekend and continuing through Labor Day.

Vehicle—As defined in section 102 of the Vehicle Code.

Vehicle Code—Title 75 *Pennsylvania Consolidated Statutes*.

Watercraft—As defined in section 102 of the Fish and Boat Code (relating to definitions).

Water ski—

(i) A device used by a person to be towed through or on water behind a boat.

(ii) The term includes conventional water skis, aquaplanes, kneeboards, inner tubes, inflatable hot dogs and air mattresses.

(iii) The term does not include parasails, kite skis, and other devices intended to lift off the surface of the water.

§ 11.202. Scope.

(a) This chapter applies to State parks.

(b) The restrictions in this chapter do not apply to authorized Department employees, authorized volunteers and concessionaires acting within the scope of their duties

or concession agreement, or to Federal, State and municipal law enforcement officers performing their official duties.

§ 11.203. State park waters.

The Department has jurisdiction over the following bodies of water:

(1) *General.*

(i) Lakes, impoundments and other bodies of water that are wholly owned by the Department or completely surrounded by State park land.

(ii) Creeks, streams and nonnavigable rivers that run through or along State parks.

(iii) Water areas within a 100-foot safety zone around launching, swimming, docking, mooring and marina facilities at State parks.

(2) *Presque Isle State Park.* Misery Bay, Marina Lake, Thompson Bay, Horseshoe Pond, Duck Pond, lagoons and all the waters in Lake Erie and Presque Isle Bay within 500 feet of the low-water mark of the peninsula of Presque Isle, under section 9 of the act of May 27, 1921 (P. L. 1180, No. 436) (32 P. S. § 923), regarding dedication of lands, and section 5 of the act of May 27, 1921 (P. L. 1180, No. 436) (55 P. S. § 361), regarding entry upon dedicated lands; rules and regulations.

(3) *Pymatuning State Park.* Pymatuning Lake, under section 3 of the act of May 2, 1929 (P. L. 1530, No. 456) (32 P. S. § 763), regarding construction of dam; use of reservoir and surrounding lands for recreation and other purposes; and rules and regulations.

§ 11.204. Application of Fish and Boat Commission rules and Game Commission rules.

Title 58 Pa. Code Parts II and III (relating to Fish and Boat Commission; and Game Commission) applies in State parks to activities under the jurisdiction of the Fish and Boat Commission and the Game Commission. To the extent that this chapter is more restrictive than 58 Pa. Code Part II or III, this chapter applies.

§ 11.205. Trespass.

(a) A person who violates this chapter, disregards an instruction or warning given by a Department-commissioned officer or interferes in the performance of the duties of a Department-commissioned officer may be ordered to leave a State park.

(b) A person who refuses to leave a State park after receiving an order to leave from a Department-commissioned officer commits an act of criminal trespass under section 3503(b) of the Crimes Code (relating to criminal trespass).

§ 11.206. Property left in a State park.

(a) Property that has been left in a State park for more than 24 hours without written permission of the Department, property that impedes public access or navigation, or vehicles or other property parked in violation of § 11.207(b) (relating to traffic and parking) may be moved or removed by the Department and placed in storage at the State park. The property may be subject to disposal under Article XIII.1 of The Fiscal Code (72 P. S. §§ 1301.1—1301.29) or as otherwise provided by law or by agreement between the owner and the Department.

(b) Property that has been stored under this section will be released from storage only upon adequate proof of ownership and payment of the charges established under § 11.224 (relating to prices).

§ 11.207. Traffic and parking.

(a) *Traffic.* The following are prohibited:

(1) Operation of a vehicle on a State park road at a speed in excess of the posted limit or, where no speed limit is posted, in excess of 25 miles per hour.

(2) Operation of a motor vehicle on a State park road, lane, trail or area that is posted as closed to motor vehicles, except with permission of the Department.

(3) Operation of a motor vehicle off a road or outside a parking area, except on a trail or in an area posted as open to motor vehicles, or except with written permission of the Department.

(4) Operation of a vehicle not in obedience to official traffic-control devices.

(b) *Parking.* The following activities are prohibited:

(1) Parking a motor vehicle, boat trailer, camp trailer or other vehicle or equipment in an area designated by the Department for persons with a disability unless one of the following requirements is met:

(i) Permission has been given to a user of the vehicle under subsection (c) and the user is in compliance with the conditions of the permission.

(ii) A valid plate or valid placard has been issued to a user of the vehicle under section 1338 or section 1342(a) or (b) of the Vehicle Code (relating to person with disability plate and placard; and veteran plates and placard). A valid plate or valid placard issued by another state, the District of Columbia or a Canadian province for a person with a disability is deemed to be in compliance with the plate and placard requirements of this subparagraph. Placards shall be displayed in the manner required by section 1338(b) or 1342(b) of the Vehicle Code.

(2) Parking a vehicle in violation of section 1338, 1342 or 3354(d)(2), (d)(3) or (e) of the Vehicle Code.

(3) Parking a motor vehicle, boat trailer, camp trailer or other vehicle or equipment as follows without written permission of the Department:

(i) In an area other than an area designated by the Department for parking.

(ii) In a location that obstructs a gate, road, trail, footpath, bicycle path, access way, drinking fountain, entrance, exit or road turnaround.

(iii) In an area that is posted as closed.

(iv) At an overnight facility.

(v) When the park is closed under § 11.208 (relating to schedule; closure).

(4) Parking a bus in an area that is not designated for buses.

(c) *Persons with disabilities.*

(1) A person who, because of a disability, requires a motorized vehicle to gain access to a portion or portions of a State park may request written permission of the Department to use a motorized vehicle in areas of a State park not otherwise open for motorized vehicle use by the public.

(2) A person who has received permission under paragraph (1) shall comply with the written conditions of the permission.

(d) *Violations.*

(1) *Summary offense.*

(i) Except as provided in subparagraph (ii), a violation of this section constitutes a summary offense under section 7505 of the Crimes Code (relating to violation of governmental rules regarding traffic).

(ii) A violation of subsection (b)(2) constitutes a summary offense under the Vehicle Code.

(2) *Parking tickets.*

(i) For a violation of subsection (b)(1), (3) or (4) or for violation of section 3351, 3353 or 3354(a), (b) or (d)(1) of the Vehicle Code (relating to stopping, standing and parking outside business and residence districts; prohibitions in specified places; and additional parking regulations), Department may issue a parking ticket, as provided for in 234 Pa. Code Rule 401 (relating to means of instituting proceedings in summary cases charging parking violations), which will be handed to the violator or placed on the windshield of the violator's vehicle.

(ii) If it has issued a parking ticket, the Department will file a citation only if the violator fails to pay a charge to the Department in the amount provided in clause (A) or (B) within 5 days of the violation and in the manner specified on the ticket.

(A) For violations of subsection (b)(1), (3) or (4), the charge will be in the amount of the maximum fine as provided in section 7505 of the Crimes Code.

(B) For violations of section 3351, 3353 or 3354(a), (b) or (d)(1) of the Vehicle Code, the charge will be in the amount of the maximum fine for the offense as specified in the Vehicle Code.

(iii) If it has not issued a parking ticket, the Department may issue a citation as provided for in 234 Pa. Code Rule 401.

§ 11.208. Schedule; closure.

(a) *General.* Except as otherwise provided in subsections (b)—(g), as otherwise provided in this chapter, and as otherwise posted, State parks are open to the public daily only from sunrise until sunset.

(b) *Point State Park.* Point State Park is open to the public from sunrise to 11 p.m.

(c) *Presque Isle State Park.* Presque Isle State Park is open to the public from 5 a.m. until sunset. After sunset, it is open only to tenants, persons with visitor passes and persons engaged in evening driving. The closing hour for evening driving is as posted.

(d) *Fishing and boating.* Subject to § 11.219 (relating to boating), areas designated for fishing and nonwhitewater boating are open to the public for these purposes 24-hours per day. At Presque Isle State Park, fishing is permitted only during hours when the park is open to the public.

(e) *Hunting and trapping.* Subject to § 11.215 (relating to weapons and hunting), areas designated by the Department for hunting are open to the public for hunting and trapping during hours permitted for these activities under 58 Pa. Code Part III (relating to Game Commission).

(f) *Snowmobiling.* Subject to § 11.216 (relating to general recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes), snowmobiling is permitted 24-hours per day.

(g) *Camping and use of overnight facilities.* Camping and use of overnight facilities is permitted in accordance with permit conditions as provided in § 11.218 (relating to camping; overnight facilities).

(h) *Closings and restrictions.* Notwithstanding other provisions of this chapter, the Department may close a State park, portion of a State park, or State park facility or may restrict it to certain uses or activities.

(i) *Prohibited activities.* Notwithstanding other provisions of this chapter, the Department may prohibit certain uses or activities in a State park, portion of a State park or State park facility.

(j) *Informing the public.* The public will be informed of the closure, restriction or prohibition under subsection (h) or (i) by any form of communication, which may include this chapter or posting, or by fencing, barricade, gate or other structure or device manifestly designed to exclude intruders.

(k) *Prohibitions.*

(1) Entering, using or remaining in a State park, area or facility that is not open to the public or that has been closed under this section is prohibited, unless permitted by the Department.

(2) Using, or engaging in activities in, a State park, area or facility in violation of a restriction or prohibition under subsection (h) or (i) is prohibited, unless permitted by the Department.

§ 11.209. Miscellaneous activities.

(a) The following activities are prohibited without written permission of the Department:

- (1) Engaging in construction or excavation.
- (2) Moving, removing, damaging or defacing a Department sign, structure, facility or equipment.
- (3) Possessing, discharging or causing to be discharged a firecracker, explosive, torpedo, rocket or other pyrotechnical material.
- (4) Using a chain saw.
- (5) Engaging in commercial activity.
- (6) Posting or displaying a sign or printed matter.
- (7) Soliciting funds.
- (8) Removing or disturbing an historical or archeological artifact, relic or object.
- (9) Bringing an animal, other than a pet as provided in § 11.212 (relating to pets), and other than a horse as provided in § 11.216 (relating to general recreational activity; horses; snowmobiles; all terrain vehicles; mountain bikes), into a State park.
- (10) Storing or leaving food in a manner that is reasonably likely to attract wildlife.

(b) The following are prohibited:

- (1) Failing to comply with a condition of a permit issued by the Department.
- (2) Possessing, selling or consuming an alcoholic beverage except at specially designated facilities operated or leased by the Department.
- (3) Causing or creating a noise which would likely annoy or disturb a reasonable person of normal sensitivities.
- (4) Obstructing or impeding persons or vehicles.
- (5) Subjecting persons to unwanted physical contact or unwanted verbal behavior.
- (6) Failing to fully cover with opaque clothing one's genitals, pubic area, buttocks and female breast below the top of the nipple.

(7) Using drinking fountains, springs, lakes or waterways for washing purposes.

§ 11.210. Fires.

The following activities are prohibited:

- (1) Starting or maintaining a fire except in a fireplace, grill, stove or other facility designated by the Department for campfires or except with written permission of the Department.
- (2) Leaving a fire unattended except with written permission of the Department.
- (3) Disposing hot charcoal except in a facility designated by the Department for charcoal disposal.

§ 11.211. Natural resources.

(a) The following activities are prohibited except with written permission of the Department, or except as provided in subsection (b):

- (1) Cutting, picking, digging, damaging or removing, in whole or in part, a living or dead tree, shrub or plant.
- (2) Damaging, defacing, cutting or removing rock, shale, sand, clay, soil or other mineral product, natural object or material.
- (3) Planting a seed, tree, shrub or plant.
- (4) Feeding wildlife.
- (5) Releasing an animal that was brought into a State park.

(b) The following activities are permitted:

- (1) Gathering edible fruits, nuts, berries and fungi, in reasonable amounts, for one's own personal or family consumption. This permission does not apply to wild plants listed in Chapter 45 (relating to conservation of Pennsylvania native wild plants) as threatened, endangered, rare or vulnerable.
- (2) Gathering dead and down wood for use within the State park in a fireplace, grill, stove or other facility designated by the Department for campfires.

§ 11.212. Pets.

(a) Except as provided in subsections (e) and (f), an owner, keeper or handler of a pet may keep the pet in a State park only in accordance with subsections (b)—(d) and only under the following conditions:

- (1) It is on a leash or is in a cage or crate. If a maximum length of leash is specified by posting, the leash may not exceed the length specified.
- (2) It is attended and under physical control of an individual.
- (3) It does not behave in a manner that may reasonably be expected to disturb or intimidate another person.
- (4) It does not behave in a manner that may cause damage to property or resources.
- (5) Its droppings are disposed of in trash receptacles or outside the park.
- (6) It has been licensed and vaccinated as required by law.
- (b) A pet is not permitted in a designated swimming area.
- (c) A pet is not permitted in an overnight area unless the area is designated by the Department for pets.
- (d) A pet is not permitted in a building.

(e) Subsection (a)(1)—(5) does not apply to a dog being used by a person engaged in hunting or training as provided in § 11.215 (relating to weapons and hunting).

(f) Subsections (b), (c) and (d) do not apply to a guide dog, signal dog or other animal which has been trained to assist, and is accompanying, a person with a disability.

§ 11.213. Organized events; public assemblies; distribution of printed matter.

(a) *Activities.* Engaging or participating in any of the following activities is prohibited without written permission of the Department:

- (1) An exhibition, competition or organized event.
- (2) A public assembly, meeting, gathering, demonstration, parade or other public expression of views.
- (3) Distribution of printed matter.

(b) *Application.* An application for permission to engage in an activity listed in subsection (a), accompanied by a copy of any printed material to be distributed, shall be delivered to the park manager on a form that may be obtained from the park manager.

(c) *Departmental review.* The Department will grant or deny permission without unreasonable delay. A denial of permission will specify the grounds for denial.

(d) *Grounds for denial.* Any of the following will justify denial of permission:

- (1) A prior application for permission to engage in an activity at the same time and place has been or will be granted and the activities permitted do not reasonably allow multiple use of the particular area.
- (2) It reasonably appears that the activity will present a clear and present danger to public health or safety.
- (3) The activity is of a nature or duration that it cannot be accommodated without causing injury or damage to park resources.
- (4) The activity is of a nature or duration that it cannot be accommodated without unreasonably interfering with a protected area's peace and tranquility, the use of the State park by other visitors, program or administrative activities, the operation of public use facilities or the provision of services by State park concessionaires or contractors.

(e) *Conditions.* Permission granted under this section may contain conditions consistent with the considerations in subsection (d).

§ 11.214. Waste.

The following activities are prohibited:

- (1) Depositing, dumping or causing to be deposited or dumped, litter, trash, refuse, garbage, bottles, pollutants or any other substance, liquid or waste, including sewage, sink water or bath water, except in receptacles or facilities provided by the Department for this purpose and in accordance with any posted instructions.
- (2) Disposing material that was not accumulated during use of a State park.

§ 11.215. Weapons and hunting.

The following activities are prohibited without written permission of the Department:

- (1) Hunting, pursuing or intentionally disturbing woodchucks, also known as groundhogs. Paragraph (2) does not apply to this activity.

(2) Hunting, pursuing or intentionally disturbing wildlife unless:

(i) The person engaging in the activity is licensed by the Game Commission to hunt and is engaged in hunting in accordance with the Game and Wildlife Code.

(ii) The activity takes place in an area designated by the Department for hunting. At Presque Isle State Park, waterfowl hunting may take place only from a facility designated by the Department as a waterfowl blind, and shooting shall be directed away from State park land and over the adjacent waters.

(iii) The activity takes place during hunting season as established by the Game Commission.

(iv) The firearm, archery equipment or other device used for this activity is lawful for hunting under the Game and Wildlife Code. A device operated by air, chemical or gas cylinder by which a projectile can be discharged or propelled is not lawful for hunting under the Game and Wildlife Code.

(3) Using a device, including a firearm, archery equipment or slingshot, that is capable of discharging or propelling a projectile, except as provided in paragraph (2) or (7).

(4) Possessing an uncased device, or uncasing a device, including a firearm, archery equipment or slingshot, that is capable of discharging or propelling a projectile, except as provided in paragraph (2) or (7), or except in the owner's building on a leased campsite, in the owner's residence, or in the owner's vehicle or trailer.

(5) Failing to keep a device, including a firearm, archery equipment or slingshot, that is capable of discharging or propelling a projectile, in the owner's building on a leased campsite, in the owner's residence or in the owner's vehicle or trailer. This prohibition does not apply to either of the following:

(i) A person licensed by the Game Commission to hunt, and in possession of a device that is lawful for hunting under the Game and Wildlife Code, during hunting season as established by the Game Commission, in a State park open for hunting.

(ii) A person engaged in target-shooting under paragraph (7).

(6) The trapping of wildlife. This prohibition does not apply to a person licensed by the Game Commission to engage in trapping, during trapping season as established by the Game Commission, in an area designated by the Department for hunting.

(7) Target-shooting with a device, including a firearm, archery equipment or slingshot, capable of discharging or propelling a projectile, except in an area designated by the Department for this purpose and in accordance with posted requirements and restrictions.

(8) Dog training, except from the day following Labor Day through March 31, in an area designated by the Department for hunting.

§ 11.216. General recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes.

(a) *General recreational activity.* Outdoor recreational activity is restricted to locations at which physical improvement or posting designates the appropriate purpose and use and to the requirements in subsections (b)—(e).

(b) *Horses.*

(1) A horse is permitted only on the right side of a State park road open to motor vehicles or on a trail or area posted for horseback riding. At Presque Isle State Park, a horse is permitted only with written permission of the Department.

(2) Hitching or confining a horse in a manner that may cause damage to a tree, shrub, improvement or structure is prohibited.

(3) Droppings from hitched or confined horses shall be disposed of outside the State park.

(c) *Snowmobiles.* Use of a snowmobile is permitted only as follows:

(1) In accordance with Chapter 77 of the Vehicle Code (relating to snowmobiles and all-terrain vehicles).

(2) On an area, road or trail posted for snowmobiles, or with written permission of the Department under § 11.207(c) (relating to traffic and parking).

(3) During the period beginning the day following the last day of antlerless deer season as established by the Game Commission, through the following April 1, unless otherwise posted. For purposes of this paragraph, "antlerless deer season" means a regular season or an extended season. If more than one antlerless deer season in a calendar year is established by the Game Commission, then "the last day of antlerless deer season" as used in this paragraph means the antlerless deer season that is the latest in the calendar year but that ends prior to December 25.

(d) *All-terrain vehicles.* Use of an all-terrain vehicle is permitted only as follows:

(1) In accordance with Chapter 77 of the Vehicle Code.

(2) On an area, road or trail posted for all-terrain vehicles, or with written permission of the Department under § 11.207(c) (relating to traffic and parking).

(e) *Mountain bikes.* Use of a mountain bike on a trail is permitted only on a trail posted for mountain biking.

§ 11.217. Swimming.

The following are prohibited:

(1) Swimming outside a designated swimming area.

(2) Swimming at other than posted hours.

(3) Use of underwater breathing apparatus or a snorkel. With permission of the Department, this equipment may be used by an emergency or rescue unit conducting a rescue operation or training or by a diver certified by an organization approved by the Department. The list of organizations approved by the Department may be obtained from the park manager.

(4) Possessing or using a glass or breakable container or utensil in a designated swimming area.

(5) Wearing the following:

(i) In a designated swimming area that is a swimming pool, cut-off pants, clothing that may damage the filtration system or pool surface or clothing that may otherwise cause damage or endanger the facility or a visitor.

(ii) In a designated swimming area that is a swimming pool, clothing that is not leak-proof, on an infant or on a child who is not toilet-trained.

(iii) In a designated swimming area, clothing that displays lifeguard lettering or insignia.

(6) The presence of a child under 10 years of age in a designated swimming area unless accompanied and supervised competently and effectively by a person at least 14 years of age. There may be no more than five children under the supervision of one person.

(7) Diving as follows in a designated swimming area:

(i) Running-entry diving.

(ii) Diving from the shoulders of another person.

(iii) Head-first diving from poolside where the water depth is 5 feet or less.

(8) Engaging in the following activities in a designated swimming area unless permitted by posting or by an on-duty lifeguard:

(i) Using or possessing a buoyant device. Personal flotation devices approved by the United States Coast Guard may be worn.

(ii) Engaging in sports activities, including water polo, volleyball, disc throwing and catch.

§ 11.218. Camping; overnight facilities.

(a) *Camping.* Placing a tent, shelter, lean-to, sleeping bag, bedding material or mobile camping unit in an area without a valid camping permit for use of that area is prohibited.

(b) *Overnight facilities.* Placing personal property in, or otherwise using, a cabin, yurt, walled tent, camping cottage or other overnight facility without possession of a valid permit for use of that facility is prohibited.

§ 11.219. Boating.

(a) *Applicability.* This section applies to activities at State parks other than State parks covered by § 11.220 (relating to whitewater boating).

(b) The use of inner tubes, body boards, surfboards, air mattresses and other similar nonwatercraft devices is permitted in creeks, streams and rivers. Children 12 years of age and under shall wear United States Coast Guard-approved personal flotation devices while engaged in this activity.

(c) Except as provided in subsection (d), the use of body boards and surfboards is permitted in bodies of water designated for boating. Persons shall wear United States Coast Guard-approved personal flotation devices while engaged in this activity.

(d) At Presque Isle State Park, the use of body boards and surfboards is permitted only at locations where posting states that this activity is permitted. Personal flotation devices are not required.

(e) The following activities are prohibited without written permission of the Department:

(1) Operating watercraft on a body of water not designated for boating. The use of nonmotorized watercraft is permitted on creeks, streams and rivers unless posted otherwise.

(2) Operating, using or anchoring watercraft within 100 feet of either a designated swimming area or an area marked by buoys.

(3) Operating, towing or using any of the following:

(i) Watercraft propelled by air propellers.

(ii) Seaplanes. Seaplanes may be taxied at a slow minimum-height-swell speed in the waters of Presque Isle State Park for the purpose of access to and egress from the park.

(iii) Water skis. The use of water skis is permitted in lakes where motorboats with unlimited horsepower are permitted and in lakes where posting states that water skiing is permitted.

(iv) Parasails, kite skis and other devices towed behind a boat and intended to lift off the surface of the water.

(v) Unseaworthy watercraft.

(vi) Inflatable devices except as provided in subsection (b) and except devices which are at least 7 feet long and have more than one separate buoyancy chamber.

(vii) Equipment or devices not constructed or sold primarily for transportation on water, except as provided in subsections (b)—(d).

(f) *Motorboats.* This subsection does not apply to boats used for purposes of State park administration, law enforcement, search and rescue, safety patrol or concessionaire excursions. The following activities are prohibited without written permission of the Department:

(1) Operating a boat powered by one or more internal combustion engines totaling more than the posted maximum horsepower.

(2) Operating a boat powered by an internal combustion engine in waters that are posted as being restricted to electric motor use.

(3) Operating personal watercraft unless the body of water is posted as being open to motorboats without a limit on horsepower.

(g) *Endangerment.* Operating or using watercraft or a nonwatercraft device in a manner that endangers a person or property is prohibited.

(h) *Mooring, anchoring and storing.* The following activities are prohibited:

(1) Mooring watercraft at any location without possession of a valid watercraft mooring permit issued by the Department for that location. This prohibition does not apply as provided in subparagraph (ii).

(i) A decal issued by the Department evidencing issuance of the permit shall be affixed aft of amidship on the starboard (right) side of the watercraft.

(ii) At Point State Park, watercraft may be moored along the river wall during the hours the park is open to the public. Watercraft may be moored along the river wall overnight only with permission of the Department.

(2) Leaving watercraft in an area designated by the Department for storage without possession of a valid storage permit issued by the Department.

(3) Leaving unoccupied watercraft anywhere in a State park between sunset and 8 a.m., except in accordance with paragraph (1) or (2).

(i) *Launching.* The following activities are prohibited:

(1) Launching or removing motorized watercraft at a location that is not designated by the Department as a launching site, without written permission of the Department.

(2) Launching or removing nonmotorized watercraft at a location where posting prohibits this activity.

(3) Except as provided in paragraph (4), launching watercraft without one of the following:

(i) A valid watercraft launching or mooring permit issued by the Department. If a decal evidencing the issuance of a permit has been provided by the Department, the decal shall be affixed to the watercraft aft of

amidship on the starboard (right) side. If another form of evidence of the issuance of a permit has been provided by the Department in lieu of a decal, this evidence shall be carried on the watercraft.

(ii) A valid registration number and validation decal, or a valid use permit, issued and displayed in accordance with 58 Pa. Code Part II (relating to Fish and Boat Commission).

(4) Paragraph (3) does not apply as follows:

(i) *Presque Isle State Park.* To an operator of watercraft at Presque Isle State Park, unless registration or a use permit is required under 58 Pa. Code Part II. If registration or a use permit is required under 58 Pa. Code Part II, launching watercraft without complying with the regulations is prohibited.

(ii) *Pymatuning State Park.* To an operator of watercraft at Pymatuning State Park if a valid launching permit has been issued for the watercraft by the State of Ohio.

§ 11.220. Whitewater boating.

(a) *General requirements.* The following rules apply to persons using watercraft at Ohiopyle State Park, Lehigh Gorge State Park or McConnells Mill State Park. These requirements do not apply at Lehigh Gorge State Park when the flow rate of the Lehigh River is less than 250 cubic feet per second.

(1) Wear an appropriate-sized United States Coast Guard-approved personal flotation device, Type I, III or V.

(2) Use one of the following types of watercraft in addition to complying with specific watercraft requirements in subsections (c)—(e):

(i) Noninflatable watercraft that is designed by the manufacturer for whitewater use. Noninflatable canoes and noninflatable kayaks shall have sufficient flotation to ensure that they will float when they are completely full of water.

(ii) Inflatable watercraft that has multiple air chambers of a tough durable construction intended for whitewater use, consists of a tough laminated material, and is of commercial grade. The multiple air chambers shall be in the outside tube.

(iii) Other nonmotorized watercraft approved by the Department.

(b) *General prohibitions.* The following are prohibited at Ohiopyle State Park, Lehigh Gorge State Park and McConnells Mill State Park:

(1) Using motorized watercraft.

(2) Using watercraft in a manner that endangers a person or property.

(3) Using a nonwatercraft device, such as an inner tube, body board, surfboard or air mattress. These devices may be used at Lehigh Gorge State Park when the flow rate of the Lehigh River is less than 250 cubic feet per second. Children 12 years of age and under shall wear a United States Coast Guard-approved personal flotation device when engaged in this activity.

(4) Possessing or using a glass container.

(c) *Ohiopyle State Park.* The following rules apply on the Youghiogheny River at Ohiopyle State Park. River levels are measured at the State park's river gauge at the Lower Youghiogheny River launch area.

(1) *Lower Youghiogheny River.* The Lower Youghiogheny River is the section of the Youghiogheny River between the base of Ohiopyle Falls and the northern most point of the river that lies within the State park. The following rules apply to persons using watercraft on the Lower Youghiogheny River:

(i) *Guided tour or permit.* They shall either be part of a guided tour provided by a State park-licensed concession or have a valid whitewater launch permit issued by the Department. Permits may not be transferred, assigned, altered or used to subvert their original intent. During periods when a launch area is not staffed, boaters shall sign the sign-on sheet at the contact station in lieu of obtaining a permit.

(ii) *Launch and take-out.* Except as provided in clauses (A) and (B), launch of watercraft shall occur only at the launch area designated by the Department and take-out shall occur only at take-out areas designated by the Department.

(A) Watercraft may be launched on tributaries entering the Youghiogheny River downstream from Ohiopyle Falls, with permission of the Department.

(B) Watercraft may be launched at Bruner's Run take-out area for the purpose of boating downstream from Bruner's Run take-out area.

(iii) *Watercraft requirements.* Except as provided in subparagraph (iv), the following requirements apply to watercraft used on the Lower Youghiogheny River:

(A) At river levels below 3 feet, inflatable watercraft shall be at least 8 feet long and have an outside tube diameter of at least 14 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(B) At river levels 3 feet and above but less than 4 feet, inflatable watercraft shall be at least 12 feet long and have an outside tube diameter of at least 16 inches. Inflatable canoes and inflatable kayaks are not permitted.

(C) At river levels 4 feet and above:

(I) Inflatable watercraft shall be at least 15 feet long and have an outside tube diameter of at least 18 inches. Inflatable canoes and inflatable kayaks are not permitted.

(II) Watercraft rented from a boat rental business are not permitted.

(iv) *Exceptions to watercraft requirements.*

(A) State park-licensed concession watercraft are not subject to the watercraft requirements in subparagraph (iii), but are subject to the terms of the license agreement.

(B) With permission of the Department, a person may use watercraft that does not meet the requirements in subparagraph (iii) if the Department deems it safe for use, taking into account durability, buoyancy and maneuverability. This permission will not be given for watercraft rented from a boat rental business.

(2) *Middle Youghiogheny River.* The Middle Youghiogheny River is the section of the Youghiogheny River between the Ramcat launch area and the Middle Youghiogheny take-out area upstream of Bike Trail Bridge in Ohiopyle Borough. The following rules apply to persons using watercraft on the Middle Youghiogheny River:

(i) *Launch and take-out.* Launch of watercraft shall occur only at the Ramcat launch area, and take-out shall occur only at the Middle Youghiogheny take-out area upstream of Bike Trail Bridge in Ohiopyle Borough.

(ii) *Watercraft requirements.* Except as provided in subparagraph (iii), the following requirements apply to watercraft used on the Middle Youghiogheny River:

(A) At river levels below 3 feet, inflatable watercraft shall be at least 8 feet long and have an outside tube diameter of at least 14 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(B) At river levels 3 feet and above, inflatable watercraft shall be at least 12 feet long and have an outside tube diameter of at least 16 inches. Inflatable canoes and inflatable kayaks are not permitted.

(iii) *Exceptions to watercraft requirements.*

(A) Guided and unguided State park-licensed concession watercraft are not subject to subparagraph (ii), but are subject to the terms of the license agreement.

(B) With permission of the Department, a person may use watercraft that does not meet the requirements in subparagraph (ii) if the Department deems it safe for use, taking into account durability, buoyancy and maneuverability. This permission will not be given for watercraft rented from a boat rental business, including a State park-licensed concession business.

(3) *Waterfall running.* Boating from Bike Trail Bridge to and including Ohiopyle Falls is permitted unless posted otherwise.

(d) *Lehigh Gorge State Park.* The following rules apply on the Lehigh River at Lehigh Gorge State Park. Flow rates are measured at the State park river gauges at the launch area designated by the Department at White Haven and the launch and take-out areas designated by the Department at Rockport and Glen Onoko.

(1) At flow rates from 250 cubic feet per second through 1,000 cubic feet per second, inflatable watercraft shall be at least 8 feet long and have an outside tube diameter of at least 13 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(2) At flow rates above 1,000 cubic feet per second through 5,000 cubic feet per second, inflatable watercraft shall be at least 11 feet long and have an outside tube diameter of at least 15 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(3) At flow rates above 5,000 cubic feet per second, inflatable watercraft shall be at least 12-1/2 feet long and have an outside tube diameter of at least 17 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(4) Launch of watercraft shall occur only at launch areas designated by the Department and take-out shall occur only at take-out areas designated by the Department, except with written permission of the Department.

(5) Guided and unguided watercraft trips provided by commercial outfitters are not permitted between the Francis E. Walter Dam and the White Haven launch area.

(6) Guided and unguided watercraft trips provided by commercial outfitters are not permitted between the White Haven launch area and the Rockport launch and take-out area during the opening weekend of annual trout season, as established by the Fish and Boat Commission, and the following weekend.

(e) *McConnells Mill State Park.* Inflatable watercraft used on Slippery Rock Creek at McConnells Mill State Park shall be at least 8 feet long and have an outside

tube diameter of at least 14 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

§ 11.221. Special provisions for Point State Park.

The following provisions apply to Point State Park:

(1) *Memorials.* Memorials may be erected with written permission of the Department to honor those persons and events which symbolize the spirit of the American pioneer and the significance of frontier forts prior to the year 1800.

(2) *Portal Arch Bridge.* Congregating or loitering on the Portal Arch Bridge is prohibited.

(3) *Decorative pools.* Swimming, wading or fishing in the reflecting pool or the fountain pool is prohibited.

(4) *Recreational equipment.* Use of roller skates, skateboards, scooters, bicycles or other wheeled recreational equipment is prohibited, except where posted as being permitted or except with written permission of the Department.

§ 11.222. Special provisions for Presque Isle State Park.

The following provisions apply to Presque Isle State Park:

(1) *Visiting after closing.* A person who desires to enter the park during a period when the park is closed shall stop at the park ranger office and state his name, address, destination, reason for entering and planned time of departure. Permission to enter the park may be granted if the Department determines that good cause exists for entering the park. This provision does not apply to a park resident or tenant.

(2) *Transfer of night parking permit.* Lending or transferring a night parking permit is prohibited and will result in cancellation of the permit.

(3) *Seining for bait.* Seining for bait in designated swimming areas is prohibited.

§ 11.223. Violation of rules regarding conduct in State parks.

Engaging in activity prohibited under the following sections constitutes a summary offense under section 7506 of the Crimes Code (relating to violation of rules regarding conduct on Commonwealth property):

- (1) Section 11.208 (relating to schedule; closure).
- (2) Section 11.209 (relating to miscellaneous activities).

(3) Section 11.210 (relating to fires).

(4) Section 11.211 (relating to natural resources).

(5) Section 11.212 (relating to pets).

(6) Section 11.213 (relating to organized events; public assemblies; distribution of printed matter).

(7) Section 11.214 (relating to waste).

(8) Section 11.215 (relating to weapons and hunting).

(9) Section 11.216 (relating to general recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes).

(10) Section 11.217 (relating to swimming).

(11) Section 11.218 (relating to camping; overnight facilities).

(12) Section 11.219 (relating to boating).

(13) Section 11.220 (relating to whitewater boating).

(14) Section 11.221 (relating to special provisions for Point State Park).

(15) Section 11.222 (relating to special provisions for Presque Isle State Park).

§ 11.224. Prices.

(a) *Schedule of prices.* Under its authority in section 314 of the act (71 P. S. § 1340.314), regarding fees and charges, the Department will establish, by publication in the *Pennsylvania Bulletin*, a schedule of prices for activities, uses and privileges. This schedule will be posted on the Department's website, www.dcnr.state.pa.us.

(b) *Reduction or waiver of prices.* Upon request made to a park manager, the Department may reduce or waive prices established under subsection (a) as follows:

(1) For persons who provide a service deemed by the Department to be valuable to the public, the Department or the Commonwealth.

(2) In specific situations in which the Department determines that good customer service or a marketing or promotional benefit to the Department warrants a reduction or waiver.

(c) *Prices for goods and services.* The Department will set reasonable prices for the sale of goods and services to the public.

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