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# PENNSYLVANIA BULLETIN

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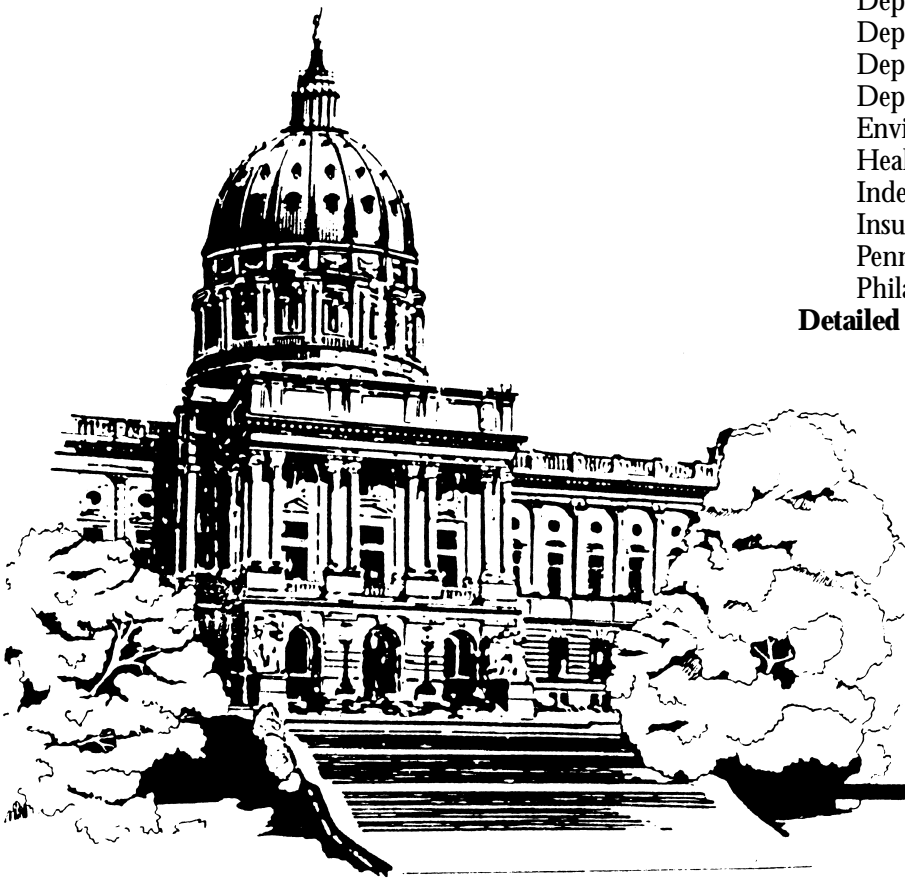
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the Subject Index for  
January—September 2001

## Part I

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Department of Environmental Protection  
Department of General Services  
Department of Health  
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Environmental Quality Board  
Health Care Cost Containment Council  
Independent Regulatory Review Commission  
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Philadelphia Regional Port Authority

**Detailed list of contents appears inside.**



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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 323, October 2001**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2001.

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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meeting Notice

The Commission on Sentencing (Commission) announces the following work session and meeting, to be held at the Radisson Penn Harris Hotel at Camp Hill, 1150 Camp Hill Bypass, PA:

Tuesday, October 23, 2001	Dinner/Work Session (work session begins at 7:30 p.m.)	
Wednesday, October 24, 2001	Quarterly Commission Meeting	9 a.m.- 11:30 a.m.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 01-1798. Filed for public inspection October 5, 2001, 9:00 a.m.]

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# THE COURTS

## Title 25—LOCAL COURT RULES

### CARBON COUNTY

#### ARD Program Costs for Placement Into Standard Track and Fast Track ARD (Accelerated Rehabilitative Disposition); No. 90 MI 01

##### Administrative Order 20-2001

And Now, this 20th day of September, 2001, it is hereby Ordered and Deceed that in addition to Court Costs and any Administrative Fees established, effective September 25, 2001, the Carbon County Court of Common Pleas hereby Adopts the following program costs for placement into standard track and fast track ARD (Accelerated Rehabilitative Disposition):

##### Standard Track:

- |   |         |
|---|---------|
| 1. CRN Report                               | \$45.00 |
| 2. Rescheduling missed appointments for CRN | 15.00   |
| 3. Safe Driving School (9-week course)      | 350.00  |
| 4. Safe Driving School (5-week course)      | 175.00  |

##### Fast Track:

- |   |         |
|---|---------|
| 1. CRN Report                               | \$45.00 |
| 2. Rescheduling missed appointments for CRN | 15.00   |
| 3. Safe Driving School (9-week course)      | 350.00  |
| 4. Safe Driving School (5-week course)      | 175.00  |

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,  
President Judge

[Pa.B. Doc. No. 01-1799. Filed for public inspection October 5, 2001, 9:00 a.m.]

### CARBON COUNTY

#### Revision of Local Rule of Civil Procedure L1915.4; Prompt Disposition of Custody Cases; Mandatory Education Program for Parents in Custody Matters; No. 01-1115

##### Administrative Order 21-2001

And Now, this 21st day of September, 2001, it is hereby Ordered and Deceed that effective thirty (30) days after

publication in the *Pennsylvania Bulletin*, the Court of Common Pleas of Carbon County Amends Local Rule of Civil Procedure L1915.4 governing prompt dispositions of custody cases including Mandatory Education Program for Parents.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,  
President Judge

#### Rule L1915.4. Prompt Disposition of Custody Cases. Mandatory Education Program for Parents in Custody Matters.

1. Upon the filing of any claim for custody, the moving party shall deposit with the Prothonotary the sum of \$300.00 unless excused by the Court.
2. All actions commenced under these rules shall be scheduled for a pre-hearing conference. The pre-hearing conference shall be held to focus on issues of fact and law and to explore the possibility of a negotiated settlement and consent order.
3. A continuance of the pre-hearing conference may be granted by the Court upon good cause shown.
4. If the parties agree on a custodial arrangement, two hundred dollars shall be refunded to the depositing party and a consent order shall be entered in substantially the same form as set forth in "Form A" following Carbon County Local Rule L1915.7.
5. If the parties are unable to agree, the hearing officer shall immediately contact Court Administration for a hearing date, insert this date on a Hearing Notice as set forth in "Form A", file the original with the Prothonotary, and deliver a copy of same forthwith to the parties, counsel, and Court Administration.
6. At the conclusion of the pre-hearing conference, the hearing officer shall prepare a recommended Interim Order which said officer believes is in the best interest of the child(ren) and forward it to the Court within 10 days of the pre-hearing conference. The Interim Order shall require the parties to file a Pre-Trial Memorandum with the Prothonotary's Office within five (5) days prior to hearing, and shall contain the following:
  - (A) A clear concise statement of the principal custody issues to be resolved by the Court;
  - (B) Principles of law to be applied;

- (C) List of witnesses to be called and exhibits;
- (D) Listing of any evidentiary disputes; and Legal Argument.
- (E) Proposed Findings of Fact
- (F) Proposed Custody Order.

7. In all custody proceedings where the interests of children under the age of eighteen (18) are involved, the parties shall attend and complete one 4-hour session entitled "Education Program for Divided Families", referred to in these local rules as "Program".

8. In all custody proceedings, each complaint or petition shall be in compliance with Local Rule L206.1 or Local Rule L205.3.

9. At the time of the filing of the Complaint/Petition, the Attorney or unrepresented party shall attach the Court Order requiring attendance at the Program as set forth in Form "B", a registration form, and Program description.

10. The parties shall register BY MAIL for the Program within fifteen (15) days after he or she is served with the Court Order.

11. Every party shall attend the Program within sixty (60) days from the date of the Order requiring attendance. Any request for an extension of time to complete the Program shall be made to the Court.

12. The fee for the Program is \$25.00 per party and must be submitted with the registration form. Certified check or money order will be accepted for payment. Checks and money orders shall be made payable to the Kathryn James. NOTE: NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

13. No final hearing shall be held or final order entered until all parties have attended and completed the Program, unless the Court waives the requirement upon petition filed for good cause shown. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court. Failure to comply with the Order may result in the dismissal of the action, striking of pleadings, or other appropriate action, including sanctions for contempt.

14. Upon filing of the Certificate of Completion, the Prothonotary shall provide a copy to Court Administration.

15. Copies of this Rule, Program Registration Form, and Program Description shall be available in the Prothonotary's Office of the Court of Common Pleas of Carbon County.

**"FORM A"**  
**IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA**  
**CIVIL ACTION—LAW**

Plaintiff	:	
vs.	:	NO. _____
Defendant	:	
	-	Attorney for Plaintiff
	-	Attorney for Defendant

**NOTICE OF HEARING**

You, \_\_\_\_\_, Defendant, have been sued in court to obtain custody of the child(ren):

\_\_\_\_\_

\_\_\_\_\_

You are ordered to appear in person at Courtroom No. \_\_\_\_\_, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ A.M./P.M., prevailing time, for a hearing. If you fail to appear as provided by this order, an order for custody may be entered against you or the court may issue a warrant for your arrest.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

LEGAL SERVICES OF NORTHEASTERN  
 PENNSYLVANIA, INC.  
 122 IRON STREET  
 LEHIGHTON, PA 18235  
 (610-377-5400)

COUNSEL IS ATTACHED FOR THESE PROCEEDINGS.

Dated: \_\_\_\_\_, 20\_\_ \_\_\_\_\_ Esquire - Hearing Officer

I/We hereby acknowledge receipt of the Notice of Hearing.

Plaintiff	Defendant
Attorney for Plaintiff	Attorney for Defendant

**"FORM B"**  
**IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA**  
**CIVIL ACTION—LAW**

	:	
vs.	:	NO.
	:	CUSTODY ACTION

**ORDER OF COURT**

You are ORDERED to attend a program entitled "Education Program for Divided Families" in connection with the above-captioned custody action. You must register for the Program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the Program within sixty (60) days from the date of this Order.

**FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.**

No final hearing shall be held or final order entered where there are children under the age of eighteen (18) until all parties have attended the Program or by leave of Court.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Legal Services of Northeastern Pennsylvania, Inc.  
 122 Iron Street  
 Lehighton, PA 18235  
 (610) 377-5400

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Carbon County is required by law to comply with the Americans with

Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator's Office at (570) 325-8556. All arrangements must be made at least seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled Program.

BY THE COURT:

DATED: \_\_\_\_\_

J.

### EDUCATION PROGRAM FOR DIVIDED FAMILIES

In cases involving custody of minor children, mandatory attendance at one 4-hour session entitled "Education Program for Divided Families" is required. MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM.

#### PROGRAM CONTENT

The Program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

A. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

B. Identifying and dealing with feelings such as anger toward your children, from your children, and toward your ex-spouse, as well as the healing process.

C. Open Discussion: explaining divorce, visitation problems, new relationships, parents at war with co-parent, etc.

#### WHO

Kathryn M. James  
Masters In Education  
Family Living Educator  
P. O. Box 184  
Brodheads ville, PA 18322  
Telephone: (570) 992-2027

#### WHEN

The Program is offered every month on one (1) Saturday from 9:00 A.M. until 1:00 P.M.

#### WHERE

The Program will be presented at the Carbon County Conservation District building located at 5664 Interchange Road, Lehigh ton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North - building is between Gensis Day Care and the PA State Police Barracks). Directions: From the south (Palmerton, Lehigh ton), take 209 North (about 5 miles past the Turnpike entrance); From the northwest (Jim Thorpe, Lansford, Summit Hill) take 209 North; and from the north (Weatherly, Beaver Meadows) take 93 South to 209 North.

#### ATTENDANCE

Attendance at the Program is required of parties in a custody case where the interests of children under the age of eighteen (18) years are involved and is ordered by the Court. Additional interested persons may attend the seminar upon prior approval of the provider with the payment of ten (\$10.00) dollars.

### PRESENTERS

A qualified counselor selected by the Court of Common Pleas of Carbon County will present the program.

### NOTIFICATION

A copy of the Order requiring the parties to attend the Program, a Registration Form, and Program Description will be provided to the parties by the Attorney or unrepresented party upon filing of a custody action.

### FEES

A fee of \$25.00 per party is required and will be used to cover all program costs. The fee must be submitted with the registration form directly to the Provider. Certified check or money order will be accepted as payment. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

### REGISTRATION

Register by MAIL, only. The provider must receive the registration form and program fee at least seven (7) days prior to the selected date. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through the provider.

### VERIFICATION OF ATTENDANCE

Upon presentation of photo identification, the provider will record the party as "present" and shall provide to the Prothonotary of Carbon County a Certificate of Completion, which shall be filed of record. The Provider will give a Certificate of Attendance to each person who successfully completes the Program.

### EVALUATION

Each participant shall complete a written evaluation of the Program upon the conclusion of the session. Said evaluation forms shall be presented to the Court upon request.

Kathryn M. James  
Masters In Education  
Family Living Educator  
P. O. Box 184  
Brodheads ville, PA 18322  
Telephone: (570) 992-2027

REGISTER BY MAIL, ONLY: Choose the date you want to attend, complete the attached form, and send it with your certified check or bank money order payable to Kathryn James to:

Kathryn M. James  
P. O. Box 184  
Brodheads ville, PA 18322

If you have any questions regarding the program or scheduling, call: (570) 992-2027.

### 2001 Registration Form—Education Program for Divided Families Carbon County, Pennsylvania

The Program is held at the Carbon County Conservation District building located at 5664 Interchange Road, Lehigh ton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North - building is between Gensis Day Care and the PA State Police Barracks).

You are required to attend one 4-hour Saturday session. The cost of the Program is \$25.00 per party.

Other guests can attend for an additional \$10.00 fee. Photo identification is required.

Parking is available on site.

Register at least seven (7) days prior to the date you want. IF TEN (10) PARTICIPANTS ARE NOT REGISTERED, THE CLASS WILL BE CANCELLED AND YOU WILL NEED TO RE-SCHEDULE. CONFIRMATIONS ARE NOT SENT. Come to the program you choose, unless notified that the class is full. Class may be cancelled due to snow. You will be informed of this cancellation by telephone.

If you cannot attend the class you registered and paid for, you must call Kathryn James at (570) 992-2027 to let her know of the change in plans. If the cancellation is made a week prior to the scheduled date, you may attend the next scheduled class at no additional charge. IF NO NOTICE OF CANCELLATION IS GIVEN OR IT IS NOT MADE ONE WEEK PRIOR TO CLASS, YOU MUST PAY AN ADDITIONAL \$10.00 TO TAKE THE NEXT CLASS.

Children SHALL NOT be brought to the Program.

Please be prompt. Latecomers are not admitted and must reschedule.

In case of a snowstorm, listen to the radio and/or television for cancellations - WYNS 11.60 A.M., WLSH 14.10 A.M., or TV WYOU- News 22. Call (570) 992-2027 to reschedule.

Docket Number: of custody case \_\_\_\_\_  
Docket Number MUST be filled in for attendance credit.  
Please indicate County of jurisdiction: \_\_\_\_\_

Your Name: \_\_\_\_\_

Guest: \_\_\_\_\_  
(Name and Relationship to Child)

Your Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ (Home) \_\_\_\_\_ (Work)

**SATURDAYS—9:00 A.M. TO 1:00 P.M.**

- Jan. 5, 2002 \_\_\_\_\_
- Feb. 2, 2002 \_\_\_\_\_
- March 2, 2002 \_\_\_\_\_
- April 13, 2002 \_\_\_\_\_
- May 4, 2002 \_\_\_\_\_
- June 2, 2001 \_\_\_\_\_
- July 6, 2002 \_\_\_\_\_
- August 3, 2002 \_\_\_\_\_
- Sept. 7, 2002 \_\_\_\_\_
- Oct. 5, 2002 \_\_\_\_\_
- Nov. 2, 2002 \_\_\_\_\_
- Dec. 7, 2002 \_\_\_\_\_

Send completed registration form and fee by certified check or money order payable to Kathryn James to:

Kathryn M. James  
P. O. Box 184  
Brodheads ville, PA 18322  
Telephone: (570) 992-2027

NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED. NO REFUNDS GIVEN.

[Pa.B. Doc. No. 01-1800. Filed for public inspection October 5, 2001, 9:00 a.m.]

**WASHINGTON COUNTY**

**Central Court Local Criminal Rule 22; No. 2001-1**

**Order**

And Now, this 19th day of September, 2001; *It Is Hereby Ordered* that Washington County Local Criminal Rule 22—Central Court be suspended effective November 29, 2001, until further Order of Court.

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

THOMAS D. GLADDEN,  
*President Judge*

[Pa.B. Doc. No. 01-1801. Filed for public inspection October 5, 2001, 9:00 a.m.]

**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that on September 24, 2001, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Maria Del Sol Morell, who resides outside the Commonwealth of Pennsylvania, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 01-1802. Filed for public inspection October 5, 2001, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTIONS

### ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 261a, 271, 272 AND 283]

#### Household Hazardous Waste

The Environmental Quality Board (Board) by this order amends Chapters 261a, 271, 272 and 283.

The amendments include regulations governing household hazardous waste collection events, grants, and transportation and management. The changes clarify the regulations to make them consistent with the Small Business and Household Pollution Prevention Program Act (35 P. S. §§ 6029.201—6029.209) (Act 190), which was passed after most of the existing household hazardous waste regulations were written. The changes to Article VII (relating to hazardous waste management) correct the inadvertent 1999 incorporation by reference in Article VII of the Environmental Protection Agency's (EPA) regulatory exemption of household hazardous waste from regulation as hazardous waste. The changes to Article VIII (relating to municipal waste) are designed to ensure that waste collected as part of an organized household hazardous waste collection continues to be properly transported and managed as hazardous waste rather than as part of the municipal waste stream. This is true for household hazardous waste collected as part of an organized household hazardous waste collection in another state, once the waste enters this Commonwealth, if the waste is to be managed in this Commonwealth, and for household hazardous waste collected as part of a collection event in this Commonwealth. Household hazardous waste not collected as part of an organized collection will continue to be managed as municipal waste in this Commonwealth.

This order was adopted by the Board at its meeting of July 17, 2001.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information contact Tom Hyatt, Division of Waste Minimization and Planning, P. O. Box 8472, Rachel Carson State Office Building, Harrisburg, PA 17105-8472, (717) 787-7382, or Kristen Campfield, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's website (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

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

Section 207(a) of Act 190 (35 P. S. § 6029.207(a)), which grants the Board the authority to promulgate regulations as needed to implement the act.

The Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.101—6018.1003), which in section 105(a) of the

SWMA (35 P. S. § 6018.105(a)) grants the Board the power and the duty to adopt the rules and regulations of the Department to carry out the provisions of the SWMA.

The Household Hazardous Waste Funding Act (HHWFA) (35 P. S. §§ 6025.1—6025.5), which in section 4(a) of the HHWFA (35 P. S. § 6025.4(a)) created a restricted revenue account in the Recycling Fund to be used to fund household hazardous waste collection programs.

The Clean Streams Law (CSL) (35 P. S. §§ 691.1—691.1001), which in section 5(b) of the CSL (35 P. S. § 691.5(b)) grants the Board the authority to formulate, adopt, promulgate and repeal the rules and regulations as are necessary to implement the provisions of the act. In section 304 of the CSL (35 P. S. § 691.304), the Board is granted the authority to adopt, prescribe and enforce rules and regulations consistent with the act as may be deemed necessary for the protection of the purity of the waters of this Commonwealth, or parts thereof, and to purify those now polluted. In section 402 of the CSL (35 P. S. § 691.402) the Board is granted the authority to adopt rules and regulations establishing conditions under which an activity shall be conducted for any activity that creates a danger of pollution of the waters of this Commonwealth or that regulation of the activity is necessary to avoid this pollution.

The Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904), which in section 302 of Act 101 (53 P. S. § 4000.302) gives the Board the power and duty to adopt the regulations of the Department to accomplish the purposes and carry out the provisions of Act 101.

The Administrative Code of 1929 (Administrative Code) (71 P. S. §§ 510-17 and 510-20) which in section 1917-A of the Administrative Code (71 P. S. § 510-17) authorizes and requires the Department to protect the people of this Commonwealth from unsanitary conditions and other nuisances; and in section 1920-A of the Administrative Code (71 P. S. § 510-20) grants the Board the power and the duty to formulate, adopt and promulgate the rules and regulations as may be determined by the Board for the proper performance of the work of the Department.

#### D. *Background of the Amendments*

The Commonwealth has operated a household hazardous waste program since 1992. Under this program, grants have been and continue to be available to eligible municipalities and other legal entities that register to conduct a household hazardous waste collection event. While household hazardous waste generated by an individual household and sent directly to a processing or disposal facility along with the household's municipal waste has not been regulated as hazardous waste, household hazardous waste collected at household hazardous waste collection events has been and continues to be managed as hazardous waste once it is collected. This ensures the proper level of environmental protection and is consistent with the EPA recommendations. Until 1996, the Commonwealth's program was operated largely under the authority of section 1512 of Act 101 and the HHWFA; relevant regulations were found in the hazardous and municipal waste regulations. However, in 1996, Act 190 repealed section 1512 of Act 101 and portions of the HHWFA and replaced them with newer provisions jointly addressing small business and household hazardous waste collection events. This rulemaking is designed to



update the hazardous and municipal waste regulations according to Act 190 as they apply to household hazardous waste collections.

The regulatory amendments cover the registration, review and approval of collection programs, the operation of collection programs and the requirements of collection contractors and transporters of household hazardous waste. The regulations specify entities that are eligible to bring waste to collection events. The regulations also cover grant requirements that apply to eligible collection sponsors.

The regulatory amendments serve a number of purposes. They will make it easier for collection sponsors, collection contractors and transporters to understand the requirements that apply to their activities, without making major changes to the existing regulations. The amendments also make the language in the regulations consistent with Act 190 and the way the household hazardous waste program is currently implemented. The amendments correct the inadvertent incorporation by reference of the EPA's regulatory exemption of household hazardous waste from regulation as hazardous waste. The Federal regulations exempt hazardous waste derived from households from being regulated as hazardous waste, even when collected as part of a household hazardous waste collection. The 1999 amendments to the hazardous waste regulations inadvertently incorporated this provision by reference in § 261a.1 (relating to incorporation by reference, purpose and scope). The changes clarify that once household hazardous waste is collected as part of a household hazardous waste collection, it must be managed as a hazardous waste. Finally, the amendments are intended to dispel confusion expressed by some contractors as to how household hazardous waste is to be managed after it is collected. The amendments will ensure that all household hazardous waste that is collected as part of a household hazardous waste collection, no matter in which state the waste originates, is to be managed as hazardous waste if managed in this Commonwealth.

Because the amendments clarify existing regulations and make the regulations consistent with the way the household hazardous waste program is currently implemented under Act 190, no controversy was expected over the proposed rulemaking. The Board provided a 30-day public comment period on the proposed rulemaking. No public comments were received. Comments were received, however, from the Independent Regulatory Review Commission (IRRC). A summary of IRRC's comments and the Board's responses and the changes made in the final rulemaking follow in Section E of this preamble.

The final-form regulations were reviewed and unanimously approved by the Solid Waste Advisory Committee (Committee) on May 10, 2001, for submittal to the Board.

#### E. *Summary of Comments and Responses and Changes Made in the Final-Form Rulemaking*

The following changes were made to the proposed rulemaking:

As a result of a comment concerning § 261a.4(1) (relating to exclusions), the word "of" was changed to "in" to clarify that the exclusions are contained in that section. To further clarify the exclusion, the phrase "if the waste is" was added to the exclusion and the word "and" was substituted for the term "which is."

As a result of a comment on § 271.1 (relating to definitions), the terms "collection contractor," "collection event," "eligible entity" and "sponsor" were added to the

definitions, and subparagraphs (i) and (ii) under the proposed definition of "household hazardous waste" were moved to § 272.501 (relating to scope) to better explain when household hazardous waste is to be managed as hazardous waste.

The term "and disposal" was replaced by the term "events" in the descriptive heading prior to § 272.381 (relating to scope of grant) to be consistent with the language in Act 190.

The term "household hazardous" was added to § 272.512(b)(4) (relating to general application requirements) and the term "management" substituted for "treatment or disposal" to clarify that the Department would prefer to have household hazardous waste recycled rather than disposed.

The term "management" was substituted for "treatment or disposal" in § 272.513(1) (relating to contract) to clarify that the Department would prefer to have household hazardous waste recycled rather than disposed.

The last sentence of proposed § 272.533(b) (relating to fees) was deleted. This sentence was redundant with respect to § 272.382(c) (relating to eligible costs). In addition, the word "event" was substituted for "program" in § 272.533 to be consistent with the language in Act 190.

The phrase "collected at the collection event" was added to § 272.541(a)(2) (relating to collection contractor) to clarify that the requirement applies to waste collected at a household hazardous waste collection event.

The term "event" was substituted for "program" in § 272.541(b) to be consistent with the language in Act 190. Language in § 272.541(b) was changed from "manage, transport and dispose of the waste" to "ensure that transportation and management of the waste, including treatment, storage and disposal, are" to clarify that waste collected at household hazardous waste collections does not have to be disposed. Subsection (b) was also expanded to clarify that household hazardous waste is required to be removed from a collection site within 48 hours, unless a longer time has been authorized by the Department under § 272.535 (relating to cleanup of site).

In § 272.541(c)(1), the phrase "manage, transport and dispose" was replaced with "transport and manage" to clarify that waste collected at a household hazardous waste collection does not have to be disposed and because the definition of "management" in § 271.1 encompasses disposal.

The proposed new language in § 272.541(d) was deleted because it is repetitive of § 272.541(b). This change resulted in the deletion of subsection (d) in its entirety.

Section 283.123(a)(1) (relating to plan for removal of hazardous materials) was updated to reflect a reference to a title that was changed in Chapter 272, Subchapter F (relating to household hazardous waste collection, transportation and management).

#### F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulations.

##### *Benefits*

The final-form regulations clarify the registration and operational requirements of conducting a household hazardous waste program. The final-form regulations also clarify that household hazardous waste collected as part of a household hazardous waste collection is to be managed under Article VII. No new requirements for house-

hold hazardous waste collection sponsors, collection contractors or transporters are added to the regulations.

*Compliance Costs*

Household hazardous waste program sponsors and collection sponsors are required to comply with the regulations. The Commonwealth has always regulated household hazardous waste that is collected as part of a household hazardous waste collection program as hazardous waste. However, because the final-form regulations clarify existing regulations, they should not have any impact on direct or indirect costs.

*Compliance Assistance Plan*

The final-form regulations should not require any educational, technical or compliance assistance efforts. The Department has and will continue to provide manuals, instructions, forms and website information consistent with the proposed amendments. In the event that assistance is required, central office staff will be able to provide it.

*Paperwork Requirements*

The final-form regulations do not create any new paperwork requirements. All paperwork requirements are presently consistent with the proposed rulemaking.

*G. Pollution Prevention*

Pollution prevention efforts will not be required by the Department as a result of this regulatory change. The Department already provides pollution prevention educational material as part of its household hazardous waste program. In addition, Act 190, which provides the basis for the regulations, requires collection events to include an education program as part of the collection event and requires that waste materials collected from households as part of a household hazardous waste collection event be reclaimed to the greatest extent possible.

*H. Sunset Review*

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

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 29, 2001, the Department submitted a copy of the notice of proposed rulemaking, published at 31 Pa. B. 796 (February 10, 2001), to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

There were no public comments to submit to IRRC and the Committees under section 5(c) of the Regulatory Review Act.

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

*J. Findings of the Board*

The Board finds that:

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

(2) A public comment period was provided as required by law. No public comments were received, although comments were received from IRRC.

(3) These final-form regulations do not enlarge the purpose of the proposal published at 31 Pa. B. 796.

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

*K. Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 261a, 271, 272 and 283, are amended by amending §§ 272.301, 272.313, 272.314, 272.317, 272.381—272.383, 272.514, 272.531, 272.532, 272.535, 272.537 and 272.542; deleting §§ 272.523 and 272.543 and adding §§ 272.384 and 272.551 to read as set forth at 31 Pa.B. 769; and by amending §§ 261a.4, 271.1, 272.501, 272.512, 272.513, 272.533, 272.541 and 283.123 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations. (*Editor's Note:* The amendment of § 283.123 was not included in the proposal at 31 Pa.B. 796.)

(b) The Chairperson of the Board shall submit this order, 31 Pa.B. 769 and Annex A to the Office of General Counsel and the Office of the Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson shall submit this order, 31 Pa.B. 769 and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order, 31 Pa.B. 769 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DAVID E. HESS,  
*Chairperson*

(*Editor's Note:* For the text of the order of the Regulatory Review Commission, relating to this document, see 31 Pa.B. 5622 (October 6, 2001).)

**Fiscal Note:** 7-361. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart D. ENVIRONMENTAL HEALTH AND  
SAFETY**

**ARTICLE VII. HAZARDOUS WASTE  
MANAGEMENT**

**CHAPTER 261a. IDENTIFICATION AND LISTING  
OF HAZARDOUS WASTE**

**Subchapter A. GENERAL**

**§ 261a.4. Exclusions.**

In addition to the requirements incorporated by reference:

(1) The exclusion in 40 CFR 261.4(b)(1) (relating to exclusions) does not apply to household hazardous waste as defined in § 271.1 (relating to definitions) if the waste is collected as part of a collection event or collected at an

out-of-State household hazardous waste collection and brought into this Commonwealth for processing, treatment, storage or disposal.

(2) A copy of the written State agreement required by 40 CFR 261.4(b)(11)(ii) that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed for free phase hydrocarbon recovery operations shall be submitted to: Pennsylvania Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, Post Office Box 8471, Harrisburg, Pennsylvania 17105-8471.

**ARTICLE VIII. MUNICIPAL WASTE  
CHAPTER 271. MUNICIPAL WASTE  
MANAGEMENT—GENERAL PROVISIONS  
Subchapter A. GENERAL**

**§ 271.1. Definitions.**

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

\* \* \* \* \*

*Collection contractor*—The definition from section 203 of the Small Business and Household Pollution Prevention Program Act (35 P. S. § 6029.203) is incorporated by reference.

*Collection event*—The definition from section 203 of the Small Business and Household Pollution Prevention Program Act is incorporated by reference.

\* \* \* \* \*

*Eligible entity*—The definition from section 203 of the Small Business and Household Pollution Prevention Program Act is incorporated by reference.

\* \* \* \* \*

*Household hazardous waste*—

(i) Waste generated by a household that could be chemically or physically classified as a hazardous waste under the standards of Article VII (relating to hazardous waste management).

(ii) For the purpose of this definition, the term “household” includes those places described as “households” in 40 CFR 261.4(b)(1) (relating to exclusions).

\* \* \* \* \*

*Sponsor*—The definition from section 203 of the Small Business and Household Pollution Prevention Program Act is incorporated by reference.

\* \* \* \* \*

**CHAPTER 272. MUNICIPAL WASTE PLANNING,  
RECYCLING AND WASTE REDUCTION**

**Subchapter F. HOUSEHOLD HAZARDOUS WASTE  
COLLECTION, TRANSPORTATION AND  
MANAGEMENT**

**SCOPE**

**§ 272.501. Scope.**

This subchapter sets forth provisions for the registration, approval and operation of household hazardous waste collection programs and for the management and transportation of household hazardous waste collected as part of an organized collection for the purpose of separating the hazardous waste component from the nonhazardous waste component.

(1) Household hazardous waste that is collected as part of a collection event or that originates at an out-of-State household hazardous waste collection and is brought into this Commonwealth for processing, treatment, storage or disposal is regulated under Article VII (relating to hazardous waste management) and the household hazardous waste provisions of this chapter.

(2) Household hazardous waste that is not collected at a collection event or does not originate at an out-of-State household hazardous waste collection is solid waste which is excluded as hazardous waste under 40 CFR 261.4(b)(1) (relating to exclusions), as incorporated by reference in § 261a.1 (relating to incorporation by reference, purpose and scope).

**REGISTRATION AND APPROVAL OF PROGRAMS**

**§ 272.512. General application requirements.**

(a) Registration applications shall be submitted to the Department on a form provided by the Department, and shall contain information the Department deems necessary to properly develop and implement a household hazardous waste collection program. The application shall be submitted by the potential sponsor. An application shall be submitted to the Department at least 60 days before the collection event.

(b) A registration application shall contain the following information:

(1) The location of the proposed site for the collection event. The site may be on public or private property, including, but not limited to, property owned, leased or controlled by the Commonwealth, its agencies or political subdivisions. If the sponsor of the collection program is not the owner of the site, the sponsor shall include as part of the registration application, written permission from the owner of the site to use the property for the collection event.

(2) The expected sources, types and quantities of household hazardous waste that will be deposited at the collection site during the collection event.

(3) The name, address and license number of the collection contractor who will provide collection and transportation services for the collection program.

(4) The location, permit number and permit expiration date of the facilities to which the household hazardous waste deposited at the collection event will be sent for management. The collection contractor for the program shall provide confirmation, on a form provided by the Department, from those facilities, that wastes deposited at the collection event will be accepted by a permitted facility for management.

**§ 272.513. Contract.**

The application shall include a negotiated contract between the sponsor and the collection contractor. A signed contract shall be submitted to the Department prior to the collection event. The contract shall meet the following requirements:

(1) The contract shall establish the responsibilities of each party for the safe collection, transportation and management of household hazardous waste that is deposited at the collection event in accordance with the statutes and regulations of the Commonwealth and the United States.

(2) The contract shall require that the collection contractor will provide the sponsor with a statement that lists the names and qualifications of personnel accepting waste at the collection event.

(3) The contract shall provide for the cleanup of the collection site and certification of the cleanup of the site by both parties.

**OPERATION OF PROGRAMS**

**§ 272.533. Fees.**

To help defray the costs of operating a collection event, a sponsor may require eligible entities to pay a reasonable fee to deposit waste with the collection event.

**COLLECTION CONTRACTORS**

**§ 272.541. Collection contractor.**

(a) A collection contractor shall comply with the following requirements:

(1) The collection contractor shall have an EPA hazardous waste identification number under 40 CFR 262.12 (relating to EPA identification numbers), incorporated by reference in § 262a.10 (relating to incorporation by reference, purpose, scope and applicability) and modified in § 262.a12 (relating to EPA identification numbers).

(2) The collection contractor shall have a hazardous waste transporter's license under § 263a.13 (relating to licensing). In the event that the collection contractor will not transport the household hazardous waste collected at the collection event, the collection contractor shall demonstrate to the Department that the person or municipality that will transport the household hazardous waste has a valid hazardous waste transporter's license under § 263a.13.

(b) The collection contractor shall be deemed to be the generator of hazardous waste for household hazardous wastes accepted during the collection event and shall ensure that transportation and management of the waste, including treatment, storage and disposal, are in accordance with this chapter and the applicable provisions of Article VII (relating to hazardous waste management) except Chapter 262a, Subchapter I (relating to source reduction strategy) and 40 CFR 262.34 (relating to accumulation time), incorporated by reference in § 262a.10. The waste shall be manifested to a permitted or interim status hazardous waste treatment, storage or disposal facility, and shipped to that facility within 48 hours of the end of the collection event, unless a longer time has been authorized by the Department under § 272.535 (relating to cleanup of site).

(c) The collection contractor shall comply with the following requirements:

(1) The collection contractor shall transport and manage the waste in accordance with conditions the Department may attach to the approval of the collection event.

(2) The collection contractor shall deliver a copy of the generator copy of the manifests to the sponsor to maintain in accordance with § 272.537 (relating to sponsor recordkeeping).

(3) The collection contractor shall provide a copy of the record of operations to the sponsor.

(4) The collection contractor shall provide for the recycling, reuse or use of the collected materials to the greatest extent feasible.

**CHAPTER 283. RESOURCE RECOVERY AND OTHER PROCESSING FACILITIES**

**Subchapter B. APPLICATION REQUIREMENTS**

**RECYCLING**

**§ 283.123. Plan for removal of hazardous materials.**

(a) An application for a facility that will be receiving waste after September 26, 1990, including the expansion of an existing facility, shall include a plan consistent with § 283.283 (relating to removal of hazardous materials). The plan shall include a screening and inspection program at the facility and one or more of the following methods of removing hazardous materials from the waste to be processed:

(1) Sponsorship by the operator of the household hazardous waste collection programs under Chapter 272, Subchapter F (relating to household hazardous waste collection, transportation and management).

(2) Municipal sponsorship of household hazardous waste collection programs under Chapter 272, Subchapter F.

(b) For purposes of this section, hazardous materials include plastics if appropriate, corrosive materials, batteries, pressurized cans and household hazardous waste.

[Pa.B. Doc. No. 01-1803. Filed for public inspection October 5, 2001, 9:00 a.m.]

# PROPOSED RULEMAKING

## INSURANCE DEPARTMENT

[31 PA. CODE CH. 65]

### Charter Amendments; Financial Requirements

The Insurance Department (Department) proposes to delete Chapter 65, Subchapter C (relating to charter amendments; financial requirements) to read as set forth in Annex A. This rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); sections 202, 206 and 601 of The Insurance Company Law of 1921 (40 P. S. §§ 382, 386 and 721) (act); and 15 Pa.C.S. §§ 21201—21208 (relating to GAA Amendments Act of 1990). The chapter applies to property and casualty insurers authorized to write automobile insurance coverages under section 202(c)(11) of the act. The subchapter provided for the automatic amendment of existing charters and established minimum capital and surplus requirements for domestic insurers affected by the act of November 27, 1968 (P. L. 118, No. 349) (Act 349).

#### Purpose

The purpose of this rulemaking is to delete §§ 65.21—65.26 to eliminate obsolete, unnecessary regulations. Section 202 of the act delineates the underwriting authorities of various types of insurers. Act 349 consolidated the underwriting authority to write automobile bodily injury liability and automobile property damage liability insurance coverages. The regulations were adopted May 16, 1969, to implement the provisions of Act 349 with respect to insurers writing automobile insurance coverages in this Commonwealth.

Section 65.23 (relating to charters automatically amended) provides for the automatic amendment of the existing charters of insurers that were authorized to write both of the consolidated coverages and delineated the effect of Act 349 on the authority of insurers that had one of the two consolidated underwriting powers. The GAA Amendments Act of 1990 updated the Commonwealth's business corporation laws relating to insurance companies. The updates included the repeal of provisions in the act requiring the Department's approval of charters for the creation of insurers. As a result of these updates, insurer charters are no longer required to specify underwriting authority. Therefore, the provisions in §§ 65.21—65.23 (relating to definition of act; authority for writing certain policies; and charters automatically amended) are outdated and no longer needed.

Sections 65.24—65.26 (relating to minimum paid-up capital for stock insurers; minimum surplus for mutual insurers; and determining compliance) establish minimum capital and surplus requirements for mutual insurers with the authority to write automobile liability insurance. The current minimum capital and surplus requirements for these insurers are now found in sections 206 and 601 of the act. Therefore, §§ 65.24—65.26 also are outdated and no longer needed.

#### Affected Parties

The deletion of the subchapter affects property and casualty insurers authorized to write automobile insurance coverages in this Commonwealth.

#### Fiscal Impact

There is no fiscal impact as a result of the deletion of the subchapter.

#### Paperwork

The deletion of the subchapter would impose no additional paperwork requirements on the Department or insurers.

#### Effectiveness/Sunset Date

This proposed rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to delete the subchapter, no sunset date has been assigned.

#### Contact Person

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429 within 30 days following the publication of this notice in the *Pennsylvania Bulletin*. Questions or comments also may be e-mailed to psalvatorestate.pa.us or faxed to (717) 772-1969.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 26, 2001, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Banking and Insurance Committee and the House Committee on Insurance. In addition to submitting this proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-211. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 31. INSURANCE

#### PART II. AUTOMOBILE INSURANCE

#### CHAPTER 65. [ MISCELLANEOUS PROVISIONS ] (Reserved)

#### Subchapter C. [ CHARTER AMENDMENTS; FINANCIAL REQUIREMENTS ] (Reserved)

#### § 65.21. [ Definition of act ] (Reserved).

**[ When used in this subchapter, the term act shall mean the Insurance Company Law of 1921 (40 P. S. §§ 361—488.5), unless the context clearly indicates otherwise. ]**

§ 65.22. [ Authority for writing certain policies ] (Reserved).

[ Prior to November 27, 1968, the authority to write automobile bodily injury liability coverage was found in section 202(c)(4) of The Insurance Company Law (40 P. S. § 382(c)(4)), and the authority to write automobile property damage liability coverage was found in section 202(c)(11) of such act (40 P. S. § 382(c)(11)). The act has combined the authority for these two coverages in section 202(c)(11) (40 P. S. § 382(c)(11)). ]

§ 65.23. [ Charters automatically amended ] (Reserved).

[ (a) It shall be the position of the Insurance Department that the act has automatically amended all affected existing charters of insurance companies to reflect the change indicated in § 65.22 (relating to authority for writing certain policies). Therefore, no insurer need formally amend its charter in order to retain the same authority which it had prior to the enactment of the act.

(b) An insurer licensed for section 202(c)(4) powers under the Insurance Company Law (40 P. S. § 382(c)(4)) but not section 202(c)(11) powers prior to the act (40 P. S. § 382(c)(11)) shall hold full section 202(c)(4) powers plus a limited section 202(c)(11) power permitting the writing of automobile bodily injury liability coverage but none of the other coverages authorized by section 202(c)(11).

(c) An insurer licensed for section 202(c)(11) powers but not section 202(c)(4) powers prior to the act does not, by virtue of the act, automatically obtain the authority to write automobile bodily injury liability coverage; such additional authority may be obtained only by a formal amendment to the charter. ]

§ 65.24. [ Minimum paid-up capital for stock insurers ] (Reserved).

[ Domestic or foreign stock insurers which were authorized prior to November 27, 1968 to write policies of automobile liability insurance (whether bodily injury or property damage liability or both) in this Commonwealth shall, by November 27, 1973, have a minimum paid-up capital stock of \$500,000. ]

§ 65.25. [ Minimum surplus for mutual insurers ] (Reserved).

[ (a) *Nonassessable policies.* Domestic mutual insurance companies which were authorized prior to November 27, 1968, to write nonassessable policies of automobile liability insurance, whether bodily injury or property damage liability, or both, in this Commonwealth shall, by November 27, 1973, have and thereafter maintain unimpaired a minimum surplus of \$500,000 for this class of insurance.

(b) *Only assessable policies.* Domestic mutual insurance companies which were authorized prior to November 27, 1968, to write only assessable policies of automobile liability insurance, whether bodily injury or property damage liability, or both, in this Commonwealth shall, by November 27, 1973, have and thereafter maintain unimpaired a minimum surplus of \$100,000 for this class of insurance.

(c) *Foreign insurers.* Foreign mutual insurers which were licensed prior to November 27, 1968, to write such policies, whether assessable or nonassessable, in this Commonwealth shall meet the same respective minimum surplus requirement by November 27, 1973. ]

§ 65.26. [ Determining compliance ] (Reserved).

[ The Insurance Department will contact each insurer not presently in compliance with the minimum financial requirement provisions of this subchapter in order to determine what course of action such insurer proposes to follow to meet the November 27, 1973, deadline. ]

[Pa.B. Doc. No. 01-1804. Filed for public inspection October 5, 2001, 9:00 a.m.]

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

#### Long-Term Care Insurance Form and Rate Filings

The Insurance Department (Department) proposes to delete §§ 89.901—89.921 and to establish Chapter 89a (relating to long-term care insurance model regulation) and Appendices A—F to read as set forth in Annex A. Chapter 89a sets forth the requirements for the content and filing of long-term care insurance form and rate filings.

#### *Statutory Authority*

The rulemaking is proposed under the authority contained in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and sections 1101—1115 of The Insurance Company Law of 1921 (act) (40 P. S. §§ 991.1101—991.1115).

#### *Purpose*

Sections 89.901—89.921 (relating to long-term care insurance) was adopted in 1994. The purpose of the subchapter was to implement sections 1101—1115 of the act, to promote the public interest, to promote the availability of long-term care insurance coverage, to protect applicants for long-term care insurance from unfair or deceptive sales or enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages and to facilitate flexibility and innovation in the development of long-term care insurance. This section provided filing and content requirements for long-term care insurance form and rate filings in this Commonwealth.

The Department is proposing to establish Chapter 89a and Appendices A—F to replace Chapter 89, Subchapter M to address the purposes of the act, to reflect changes in the long-term care insurance marketplace and to enhance consumer protection through revised rate filing requirements and required disclosure notices. However, certain sections have not been substantially changed from the current regulations.

The long-term care insurance market has grown and evolved dramatically since Chapter 89, Subchapter M was originally adopted in 1994. By its nature, long-term care insurance policies are generally purchased well in advance of their potential use. This type of advance purchase increases the need for rate stability and adequate consumer disclosure of policy coverages and past rate increases by an insurer. Concerns have been raised both in this Commonwealth and Nationally about the impact

of frequent rate hikes on consumers, especially those on a fixed income, and adequate disclosure to consumers of the terms and conditions of their long-term care insurance policies as well as premium rate increase histories of insurance carriers.

The amendments are based on the National Association of Insurance Commissioner's Long-Term Care Insurance Model Regulation (model regulation) adopted in August 2000. The Department is proposing to adopt these amendments to address these consumer protection and rating issues and to follow consistent National standards, when possible, to provide insurance carriers who market long-term care insurance policies in multiple states with consistent requirements within the scope of Commonwealth statutes and regulations.

#### *Explanation of Regulatory Requirements*

##### *Substantive Modifications*

The following sections contain substantive changes from the existing long-term care regulations found in Subchapter M.

Section 89a.103 (relating to definitions) is based on § 89.903 with additional definitions that are necessary for the revisions of the subchapter. The additional definitions include "exceptional increase," "incidental" "qualified actuary," and "qualified long-term care insurance contract or Federally tax-qualified long-term care insurance contract."

Section 89a.104 (relating to policy definitions) is based on § 89.904 with additional definitions that are necessary for the revisions of the subchapter and are based on the model regulation.

Section 89a.105 (relating to policy practices and provisions) is based on § 89.905 with additional language to define "level premium" and to address renewability for tax qualified long-term care policies. Additional language that was added under § 89a.105(b) is based on the model regulation and 75 Pa.C.S. §§ 1701—1798 (relating to Motor Vehicle Financial Responsibility Law). Additional language that was added under § 89a.105(f) is necessary for the revisions of the subchapter and § 89a.105(g) is based on the model regulation.

Section 89a.107 (relating to required disclosure provisions) is based on § 89.907 with additional language to address disclosure requirements regarding renewability and premium changes. Additional language was added under § 89a.107(f), (g) and (h). Changes are based on the model regulation.

Section 89a.108 (relating to required disclosure of rating practices to consumer) is new and contains all new language reflecting the consumer disclosure requirements on history of rate increases based on the model regulation.

Section 89a.109 (relating to initial filing requirements) is new and contains all new language reflecting the revised rate filing requirements based on the model regulation.

Section 89a.112 (relating to the requirement to offer inflation protection) is based on § 89.910 with additional language reflecting the required offer and disclosure of inflation protection based on the model regulation.

Section 89a.114 (relating to reporting requirements) is based on § 89.912 with additional language to require reporting of claims denied, definition of "denied," and reference to the sample claims denial format (Appendix E).

Section 89a.115 (relating to licensing) is new and contains all new language based on the model regulation.

Section 89a.116 (relating to reserve standards) is based on § 89.913 with additional language to reference the minimum reserve standards for individual and group health and accident contracts regulation.

Section 89a.117 (relating to loss ratio) is based on § 89.914 with additional language to reference revised rate filing requirements based on the model regulation.

Section 89a.118 (relating to premium rate schedule increases) is new and contains all new language based on the revised rate filing requirements consistent with the model regulation.

Section 89a.120 (relating to standards for marketing) is based on § 89.916 with additional language to reference consumer disclosure forms (Appendices B and F) and other references based on the model regulation.

Section 89a.121 (relating to suitability) is based on § 89.917 with additional language relating to consumer disclosure including the personal worksheet (Appendix B) for consistency with the model regulation.

Section 89a.123 (relating to nonforfeiture benefit requirement) is new and contains all new language. This section was added to be consistent with the model regulation.

Section 89a.124 (relating to standards for benefit triggers) is new and contains all new language. This section was added to be consistent with the model regulation.

Section 89a.125 (relating to additional standards for benefit triggers for qualified long-term care insurance contracts) is new and contains all new language. This section was added to be consistent with the model regulation.

Section 89a.126 (relating to standard format outline of coverage) is based on § 89.919 with additional disclosure language referencing Federal tax consequences, premium change and the Commonwealth Senior Health Insurance Assistance Program. Changes were made to be consistent with the model regulation.

Section 89a.128 (relating to penalties) is new and contains all new language. This section was added to be consistent with the model regulation.

Appendices A—F contain all new language based on the model regulation.

##### *Minor Modifications*

The following sections contain only minor changes from the existing long-term care regulations found in Subchapter M.

Section 89a.102 (relating to applicability and scope) is based on § 89.902 with revisions to address the concept of tax qualified long-term care policies which were created by the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191, 110 Stat. 1936).

Section 89a.106 (relating to unintentional lapse) is based on § 89.906 with revisions based on the model regulation and to clarify the reinstatement provision.

Section 89a.110 (relating to prohibition against post-claims underwriting) is based on § 89.908 with revisions consistent with the model regulation.

Section 89a.111 (relating to minimum standards for home health and community care benefits in long-term care insurance policies) is based on § 89.909 with revisions consistent with the model regulation.

Section 89a.113 (relating to requirements for application forms and replacement coverage) is based on § 89.911 with revisions consistent with the model regulation.

Section 89a.119 (relating to filing requirement) is based on § 89.915 with revisions consistent with the model regulation.

*No Change*

The following information represents sections that have been renumbered. No change has been made to the content of these sections. The Department therefore is not soliciting comments on these sections at this time.

<i>Proposed Section Number and Title</i>	<i>Current Section Number</i>
§ 89a.101. Purpose.	§ 89.901
§ 89a.122. Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates.	§ 89.918
§ 89a.127. Requirement to Deliver Shopper's Guide.	§ 89.920
§ 89a.129. Permitted Compensation Arrangements.	§ 89.921

*Affected Parties*

All companies who must follow the Department's form and content requirements of form and rate filings and doing the business of long-term care insurance in this Commonwealth.

*Fiscal Impact*

*State Government*

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

*Political Subdivisions*

The proposed rulemaking has no impact on costs to political subdivisions.

*Private Sector*

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

*Paperwork*

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

*Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final-form adoption and publication in the *Pennsylvania Bulletin* as a final-form rulemaking. No sunset date has been assigned.

*Contact Person*

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry

Square, Harrisburg, PA 17120, within 30 days following publication of this notice in the *Pennsylvania Bulletin*.

Questions or comments may also be sent by e-mail to psalvatore@state.pa.us or faxed to (717) 772-1969.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 25, 2001, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-208. 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 M. (Reserved)**

**§§ 89.901—89.921. (Reserved).**

**Chapter 89a. LONG-TERM CARE INSURANCE MODEL REGULATION**

<i>Sec.</i>	
89a.101.	Purpose.
89a.102.	Applicability and scope.
89a.103.	Definitions.
89a.104.	Policy definitions.
89a.105.	Policy practices and provisions.
89a.106.	Unintentional lapse.
89a.107.	Required disclosure provisions.
89a.108.	Required disclosure of rating practices to consumer.
89a.109.	Initial filing requirements.
89a.110.	Prohibition against postclaims underwriting.
89a.111.	Minimum standards for home health and community care benefits in long-term care insurance policies.
89a.112.	Requirement to offer inflation protection.
89a.113.	Requirements for application forms and replacement coverage.
89a.114.	Reporting requirements.
89a.115.	Licensing.
89a.116.	Reserve standards.
89a.117.	Loss ratio.
89a.118.	Premium rate schedule increases.
89a.119.	Filing requirement.
89a.120.	Standards for marketing.
89a.121.	Suitability.
89a.122.	Prohibition against preexisting conditions and probationary periods in replacement policies or certificates.
89a.123.	Nonforfeiture benefit requirement.
89a.124.	Standards for benefit triggers.
89a.125.	Additional standards for benefit triggers for qualified long-term care insurance contracts.
89a.126.	Standard format outline of coverage.
89a.127.	Requirement to deliver shopper's guide.



89a.128. Penalties.

89a.129. Permitted compensation arrangements.

**§ 89a.101. Purpose.**

The purpose of this chapter is to implement sections 1101—1115 of the act (40 P. S. §§ 991.1101—991.1115), to promote the public interest, to promote the availability of long-term care insurance coverage, to protect applicants for long-term care insurance, as defined, from unfair or deceptive sales or enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages and to facilitate flexibility and innovation in the development of long-term care insurance.

**§ 89a.102. Applicability and scope.**

Except as otherwise specifically provided, this chapter applies to all long-term care insurance policies, including qualified long-term care contracts delivered or issued for delivery in this Commonwealth on or after \_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) by insurers, fraternal benefit societies, nonprofit hospital plan and professional health services plan corporations, prepaid health plans, health maintenance organizations and all similar organizations. Certain provisions of this chapter apply only to qualified long-term care insurance contracts as noted.

**§ 89a.103. 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—991.2361)

*Applicant*—The term as defined in section 1103 of the act (40 P. S. § 991.1103).

*Certificate*—The term as defined in section 1103 of the act.

*Commissioner*—The Insurance Commissioner of the Commonwealth.

*Department*—The Insurance Department of the Commonwealth.

*Exceptional increase*—Only those increases filed by an insurer as exceptional for which the Commissioner determines the need for the premium rate increase is justified.

(i) Increases due to changes in laws or regulations applicable to long-term care coverage in this Commonwealth or due to increased and unexpected utilization that affects the majority of insurers of similar products.

(ii) Except as provided in § 89a.118 (relating to premium rate schedule increases), exceptional increases are subject to the same requirements as other premium rate schedule increases.

(iii) The Commissioner may request a review by an independent actuary or a professional actuarial body of the basis for a request that an increase be considered an exceptional increase.

(iv) The Commissioner, in determining that the necessary basis for an exceptional increase exists, will also determine potential offsets to higher claims costs.

*Functionally necessary*—The term as defined in section 1103 of the act.

*Group long-term care insurance*—The term as defined in section 1103 of the act.

*Incidental*—As used in § 89a.118(j), means that the value of the long-term care benefits provided is less than

10% of the total value of the benefits provided over the life of the policy. These values shall be measured as of the date of issue.

*Long-term care insurance*—The term as defined in section 1103 of the act.

*Medically necessary*—The term as defined in section 1103 of the act.

*Policy*—The term as defined in section 1103 of the act.

*Producer*—An agent as defined in section 601 of the act (40 P. S. § 231), or a broker as defined in section 621 of the act (40 P. S. § 251).

*Qualified actuary*—A member in good standing of the American Academy of Actuaries.

*Qualified long-term care insurance contract or Federally tax-qualified long-term care insurance contract*—

(i) An individual or group insurance contract that meets all of the following requirements of section 7702B(b) of the Internal Revenue Code of 1986 (IRC) (26 U.S.C.A. § 7702B(b)):

(A) The only insurance protection provided under the contract is coverage of qualified long-term care services. A contract may not fail to satisfy the requirements of this subparagraph by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate.

(B) The contract does not pay or reimburse expenses incurred for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act (42 U.S.C.A. §§ 1395—1395ggg) or would be so reimbursable but for the application of a deductible or coinsurance amount. The requirements of this subparagraph do not apply to expenses that are reimbursable under Title XVIII of the Social Security Act only as a secondary payor. A contract may not fail to satisfy the requirements of this subparagraph by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate.

(C) The contract is guaranteed renewable, within the meaning of section 7702B(b)(1)(C) of the IRC.

(D) The contract does not provide for a cash surrender value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed.

(E) All refunds of premiums and all policyholder dividends or similar amounts, under the contract are to be applied as a reduction in future premiums or to increase future benefits, except that a refund on the event of death of the insured or a complete surrender or cancellation of the contract cannot exceed the aggregate premiums paid under the contract.

(F) The contract meets the consumer protection provisions in section 7702B(g) of the IRC.

(ii) The term also means the portion of a life insurance contract that provides long-term care insurance coverage by rider or as part of the contract and that satisfies the requirements of section 7702B(b) and (e) of the IRC.

*Similar policy forms*—All of the long-term care insurance policies and certificates issued by an insurer in the same long-term care benefit classification as the policy form being considered. Certificates of groups that meet the definition in section 1103 of the act (40 P. S. § 991.1103) are not considered similar to certificates or policies otherwise issued as long-term care insurance, but

are similar to other comparable certificates with the same long-term care benefit classifications. For purposes of determining similar policy forms, long-term care benefit classifications are defined as follows:

- (i) Institutional long-term care benefits only.
- (ii) Noninstitutional long-term care benefits only.
- (iii) Comprehensive long-term care benefits.

**§ 89a.104. Policy definitions.**

(a) A long-term care insurance policy delivered or issued for delivery in this Commonwealth may not use the terms set forth as follows, unless the terms are defined in the policy and the definitions satisfy the following requirements:

*Activities of daily living*—Bathing, continence, dressing, eating, toileting and transferring.

*Acute condition*—The term means that the individual is medically unstable. This individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, to maintain the individual's health status.

*Adult day care*—A program for 6 or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the home.

*Bathing*—Washing oneself by sponge bath, or in either a tub or shower, including the task of getting into or out of the tub or shower or drawing the water for a sponge bath and getting the equipment to the person or the person to the equipment.

*Cognitive impairment*—A deficiency in a person's short or long-term memory, orientation as to person, place and time, deductive or abstract reasoning, or judgment as it relates to safety awareness.

*Continence*—The ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

*Dressing*—Putting on and taking off all items of clothing and necessary braces, fasteners or artificial limbs.

*Eating*—Feeding oneself by getting food into the body from a receptacle (such as a plate, cup or table) or by a feeding tube or intravenously.

*Hands-on assistance*—Physical assistance (minimal, moderate or maximal) without which the individual would not be able to perform the activity of daily living.

*Home health care services*—Medical and nonmedical services, provided to ill, disabled or infirm persons in their residences. The services may include homemaker services, assistance with activities of daily living and respite care services.

*Medicare*—The program under the Health Insurance for the Aged Act in Title XVIII of the Social Security Amendments of 1965 (42 U.S.C.A. §§ 1395—1395ggg).

*Mental or nervous disorder*—The term may not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder.

*Personal care*—The provision of supervisory or hands-on services to assist an individual with activities of daily living.

*Skilled nursing care, intermediate care, personal care, home care and other services*—These terms shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.

*Toileting*—Getting to and from the toilet, getting on and off the toilet and performing associated personal hygiene.

*Transferring*—Moving into or out of a bed, chair or wheelchair.

(b) All providers of services, including, but not limited to, skilled nursing facility, extended care facility, intermediate care facility, convalescent nursing home, personal care facility and home care agency shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified when the licensure or certification of the provider is required by the Commonwealth.

**§ 89a.105. Policy practices and provisions.**

(a) *Renewability*. The terms "guaranteed renewable" and "noncancellable" may not be used in an individual long-term care insurance policy without further explanatory language in accordance with the disclosure requirements of § 89a.108 (relating to required disclosure of rating practices to consumers).

(1) A policy issued to an individual may not contain renewal provisions other than "guaranteed renewable" or "noncancellable."

(2) The term "guaranteed renewable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make a change in a provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

(3) The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to unilaterally make a change in a provision of the insurance or in the premium rate.

(4) The term "level premium" may only be used when the insurer does not have the right to change the premium.

(5) In addition to the requirements of this subsection, a qualified long-term care insurance contract shall be guaranteed renewable, within the meaning of section 7702B(b)(1)(C) of the Internal Revenue Code of 1986 (26 U.S.C.A. §7702B(b)(1)(C)).

(b) *Limitations and exclusions.*

(1) A policy may not be delivered or issued for delivery in this Commonwealth as long-term care insurance if the policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

(i) Preexisting conditions or diseases.

(ii) Mental or nervous disorders; however, this may not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease or other related degenerative or dementing illnesses.

(iii) Alcoholism and drug addiction.

(iv) Illness, treatment or medical condition arising out of any of the following:

- (A) War or act of war (whether declared or undeclared).
- (B) Participation in a felony, riot or insurrection.
- (C) Service in the armed forces or units auxiliary thereto.
- (D) Suicide (sane or insane), attempted suicide or intentionally self-inflicted injury.
- (E) Aviation (this exclusion applies only to nonfare-paying passengers).

(v) Treatment provided in a government facility (unless a charge is made and the insured is legally obligated to pay), services for which benefits are available under Medicare or other governmental program except Medicaid, a state or Federal workers' compensation, employer's liability or occupational disease law or services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

(vi) Expenses for services or items available or paid under another long-term care insurance or health insurance policy.

(vii) In the case of a qualified long-term care insurance contract, expenses for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act (Medicare) (42 U.S.C.A. §§ 1395—1395ggg) or would be so reimbursable but for the application of a deductible or coinsurance amount.

(2) This subsection is not intended to prohibit exclusions and limitations by type of provider or territorial limitations.

(3) Benefits otherwise payable under a long-term care policy shall be payable in excess of and not in duplication of valid and collectable first party benefits under a state motor vehicle responsibility law. See 75 Pa.C.S. §§ 1701—1798 (relating to Motor Vehicle Financial Responsibility Law).

(c) *Extension of benefits.* Termination of long-term care insurance shall be without prejudice to benefits payable for institutionalization if the institutionalization began while the long-term care insurance was in force and continues without interruption after termination. The extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period or to payment of the maximum benefits and may be subject to a policy waiting period and other applicable provisions of the policy.

(d) *Continuation or conversion.*

(1) Group long-term care insurance issued in this Commonwealth on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) shall provide covered individuals with a basis for continuation or conversion of coverage.

(2) For the purposes of this section, "a basis for continuation of coverage" means a policy provision that maintains coverage under the existing group policy when the coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. Group policies that restrict provision of benefits and services to, or contain incentives to use certain providers or facilities may provide continuation benefits that are substantially equivalent to the benefits of the existing group policy. The Commissioner will make a determination as to the substantial equivalency of ben-

efits, and in doing so, will take into consideration the differences between managed care and nonmanaged care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

(3) For the purposes of this section, "a basis for conversion of coverage" means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for a reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and a group policy which it replaced), for at least 6 months immediately prior to termination, will be entitled to the issuance of a converted policy by the insurer under whose group policy the individual is covered, without evidence of insurability.

(4) For the purposes of this section, "converted policy" means an individual policy of long-term care insurance providing benefits identical to or benefits determined by the Commissioner to be substantially equivalent to or in excess of those provided under the group policy from which conversion is made. When the group policy from which conversion is made restricts provision of benefits and services to, or contains incentives to use certain providers or facilities, the Commissioner, in making a determination as to the substantial equivalency of benefits, will take into consideration the differences between managed care and nonmanaged care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

(5) Written application for the converted policy shall be made and the first premium due, if applicable, shall be paid as directed by the insurer not later than 31 days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be renewable annually.

(6) When an insured converts from a group policy with rates based on the issue age of the insured to a conversion policy, the premium for the conversion policy shall be calculated on the basis of the insured's age at inception of continuous coverage on the original group policy and any other group policy which replaced the original group policy. When an insured converts from a group policy with rates based on the attained age of the insured, the premium for the conversion policy shall be calculated on the insured's age as of the date of conversion.

(7) Continuation of coverage or issuance of a converted policy shall be mandatory, except when:

(i) Termination of group coverage resulted from an individual's failure to make the required payment of premium or contribution when due.

(ii) The terminating coverage is replaced not later than 31 days after termination, by group coverage effective on the day following the termination of coverage. Both of the following provisions apply:

(A) Providing benefits identical to or benefits determined by the Commissioner to be substantially equivalent to or in excess of those provided by the terminating coverage.

(B) The premium for which is calculated in a manner consistent with paragraph (6).

(8) Notwithstanding this section, a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy that

provides benefits on the basis of incurred expenses, may contain a provision that results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100% of incurred expenses. The provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

(9) The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, may not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

(10) Notwithstanding this section, an insured individual whose eligibility for group long-term care coverage is based upon the individual's relationship to another person shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

(11) For the purposes of this section a "managed-care plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

(e) *Discontinuance and replacement.* If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy may not result in an exclusion for preexisting conditions that would have been covered under the group policy being replaced and may not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.

(f) *Premium rate increase.*

(1) The premium charged to an insured may not increase due to either of the following:

(i) The increasing age of the insured at ages beyond 65.

(ii) The duration the insured has been covered under the policy.

(2) The purchase of additional coverage may not be considered a premium rate increase, but for purposes of the calculation required under § 89a.123 (relating to nonforfeiture benefit requirement), the portion of the premium attributable to the additional coverage shall be added to and considered part of the initial annual premium.

(3) A reduction in benefits may not be considered a premium change, but for purpose of the calculation required under § 89a.123, the initial annual premium shall be based on the reduced benefits.

(g) *Electronic enrollment for group policies.*

(1) In the case of a group defined in section 1103 of the act (40 P. S. § 991.1103), a requirement that a signature of an insured be obtained by an agent or insurer shall be deemed satisfied if the following conditions are met:

(i) The consent is obtained by telephonic or electronic enrollment by the group policyholder or insurer. A verification of enrollment information shall be provided to the enrollee.

(ii) The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure the accuracy, retention and prompt retrieval of records.

(iii) The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure that the confidentiality of individually identifiable information is maintained.

(2) The insurer shall make available, upon request of the Commissioner, records that will demonstrate the insurer's ability to confirm enrollment and coverage amounts.

#### § 89a.106. Unintentional lapse.

(a) Each insurer offering long-term care insurance shall, as a protection against unintentional lapse, comply with the following conditions:

(1) *Notice before lapse or termination.* An individual long-term care policy or certificate may not be issued until the insurer has received from the applicant either a written designation of at least one person, in addition to the applicant, who is to receive notice of lapse or termination of the policy or certificate for nonpayment of premium, or a written waiver dated and signed by the applicant electing not to designate additional persons to receive notice. The applicant has the right to designate at least one person who is to receive the notice of termination, in addition to the insured. Designation may not constitute acceptance of liability on the third party for services provided to the insured. The form used for the written designation must provide space clearly designated for listing at least one person. The designation shall include each person's full name and home address. In the case of an applicant who elects not to designate an additional person, the waiver shall state: "Protection against unintended lapse. I understand that I have the right to designate at least one person other than myself to receive notice of lapse or termination of this long-term care insurance policy for nonpayment of premium. I understand that notice will not be given until 30 days after a premium is due and unpaid. I elect NOT to designate a person to receive this notice." The insured shall be able to change the written designation at any time. The insurer shall notify the insured of the right to change this written designation, at least once every 2 years.

(2) *Deduction plans.* When the policyholder or certificateholder pays premium for a long-term care insurance policy or certificate through a payroll or pension deduction plan, the requirements contained in paragraph (1) need not be met until 60 days after the policyholder or certificateholder is no longer on the payment plan. The application or enrollment form for those policies or certificates shall clearly indicate the payment plan selected by the applicant.

(3) *Lapse or termination for nonpayment of premium.* No individual long-term care policy or certificate may lapse or be terminated for nonpayment of premium unless the insurer, at least 30 days before the effective date of the lapse or termination, has given notice to the insured and to those persons designated under paragraph (1), at the address provided by the insured for purposes of receiving notice of lapse or termination. Notice shall be given by first class United States mail, postage prepaid; and notice may not be given until 30 days after a premium is due and unpaid. Notice shall be deemed to have been given as of 5 days after the date of mailing.

(b) *Reinstatement.* In addition to the requirement in subsection (a), a long-term care insurance policy or

certificate shall include a provision that provides for reinstatement of coverage, in the event of lapse if the insurer is provided proof that the policyholder or certificateholder was cognitively impaired or had a loss of functional capacity before the grace period contained in the policy expired. This option shall be available to the insured if requested within 5 months after termination and shall allow for the collection of a past due premium, when appropriate. The standard of proof of cognitive impairment or loss of functional capacity may not be more stringent than the benefit eligibility criteria on cognitive impairment or the loss of functional capacity contained in the policy and certificate.

**§ 89a.107 Required disclosure provisions.**

(a) *Renewability.* Individual long-term care insurance policies shall contain a renewability provision.

(1) The provision shall be appropriately captioned, shall appear on the first page of the policy and shall clearly state that the coverage is guaranteed renewable or noncancellable. This provision does not apply to policies that do not contain a renewability provision, and under which the right to nonrenew is reserved solely to the policyholder.

(2) A long-term care insurance policy or certificate, other than one in which the insurer does not have the right to change the premium, shall include a statement that premium rates may change.

(b) *Riders and endorsements.* Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal that reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, a rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. When a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy, rider or endorsement.

(c) *Payment of benefits.* A long-term care insurance policy that provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of these terms and an explanation of the terms in its accompanying outline of coverage.

(d) *Limitations.* If a long-term care insurance policy or certificate contains limitations with respect to preexisting conditions, the limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations."

(e) *Other limitations or conditions on eligibility for benefits.* A long-term care insurance policy or certificate containing limitations or conditions for eligibility other than those prohibited in sections 1105 and 1108 of the act (40 P. S. §§ 991.1105 and 991.1108) shall set forth a description of the limitations or conditions, including the required number of days of confinement, in a separate paragraph of the policy or certificate and shall label this paragraph "Limitations or Conditions on Eligibility for Benefits."

(f) *Benefit triggers.* Activities of daily living and cognitive impairment shall be used to measure an insured's

need for long term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits." Additional benefit triggers shall also be explained in this section. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

(g) *Disclosure statement—qualified.* A qualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in § 89a.126(e)(3) (relating to standard format outline of coverage) that the policy is intended to be a qualified long-term care insurance contract under section 7702B(b) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 7702B(b)).

(h) *Disclosure statement—nonqualified.* A nonqualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in § 89a.126(e)(3) that the policy is not intended to be a qualified long-term care insurance contract.

**§ 89a.108. Required disclosure of rating practices to consumers.**

(a) This section shall apply as follows:

(1) Except as provided in paragraph (2), this section applies to a long-term care policy or certificate issued in this Commonwealth on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 6 months after the effective date of adoption of this proposal.).

(2) For certificates issued on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) under a group long-term care insurance policy as defined in section 1103 of the act (40 P. S. § 991.1103), which policy was in force on \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) this section shall apply on the policy anniversary following \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 12 months after the effective date of adoption of this proposal.).

(b) Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide all of the information listed in this subsection to the applicant at the time of application or enrollment, unless the method of application does not allow for delivery at that time. In such a case, an insurer shall provide all of the information listed in this section to the applicant no later than at the time of delivery of the policy or certificate.

(1) A statement that the policy may be subject to rate increases in the future.

(2) An explanation of potential future premium rate revisions, and the policyholder's or certificateholder's option in the event of a premium rate revision.

(3) The premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase.

(4) A general explanation for applying premium rate or rate schedule adjustments that shall include both of the following:

(i) A description of when premium rate or rate schedule adjustments will be effective (for example, next anniversary date, next billing date).

(ii) The right to a revised premium rate or rate schedule as provided in paragraph (2) if the premium rate or rate schedule is changed.

(5) The following information:

(i) Information regarding each premium rate increase on this policy form or similar policy forms over the past 10 years for this Commonwealth or any other state that, at a minimum, identifies all of the following:

(A) The policy forms for which premium rates have been increased.

(B) The calendar years when the form was available for purchase.

(C) The amount or percent of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase, and may also be expressed as minimum and maximum percentages if the rate increase is variable by rating characteristics.

(ii) The insurer may, in a fair manner, provide additional explanatory information related to the rate increases.

(iii) An insurer shall have the right to exclude from the disclosure premium rate increases that only apply to blocks of business acquired from nonaffiliated insurers or the long-term care policies acquired from nonaffiliated insurers when those increases occurred prior to the acquisition.

(iv) If an acquiring insurer files for a rate increase on a long-term care policy form acquired from nonaffiliated insurers or a block of policy forms acquired from nonaffiliated insurers on or before the later of \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) or the end of a 24-month period following the acquisition of the block or policies, the acquiring insurer may exclude that rate increase from the disclosure. However, the nonaffiliated selling company shall include the disclosure of that rate increase in accordance with subparagraph (i).

(v) If the acquiring insurer in subparagraph (iv) files for a subsequent rate increase, even within the 24-month period, on the same policy form acquired from nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers referenced in subparagraph (iv), the acquiring insurer shall make all disclosures required by this paragraph, including disclosure of the earlier rate increase referenced in subparagraph (iv).

(c) An applicant shall sign an acknowledgement at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under subsection (b)(1) and (5). If due to the method of application the applicant cannot sign an acknowledgement at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate.

(d) An insurer shall use the forms in Appendices B and F (relating to long term care insurance personal worksheet; and rate information) to comply with the requirements of subsections (a) and (b).

(e) An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificateholders, if applicable, at least 45 days prior to the implementation of the premium rate schedule increase by the insurer for the policyholder or certificateholder. The notice shall include the information required by subsection (b) when the rate increase is implemented.

### § 89a.109. Initial filing requirements.

(a) This section applies to a long-term care policy issued in this Commonwealth on or after \_\_\_\_\_ (*Editor's Note: The blank refers to a date 6 months after the effective date of adoption of this proposal.*).

(b) An insurer shall provide the information listed in this subsection to the Commissioner prior to making a long-term care insurance form available for sale subject to the Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815).

(1) A copy of the disclosure documents required in § 89a.108 (relating to required disclosure of rating practices to consumer).

(2) An actuarial certification consisting of at least the following:

(i) A statement that the initial premium rate schedule is sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated.

(ii) A statement that the policy design and coverage provided have been reviewed and taken into consideration.

(iii) A statement that the underwriting and claims adjudication processes have been reviewed and taken into consideration.

(iv) A complete description of the basis for contract reserves that are anticipated to be held under the form, to include the following:

(A) Sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held.

(B) A statement that the assumptions used for reserves contain reasonable margins for adverse experience.

(C) A statement that the net valuation premium for renewal years does not increase (except for attained-age rating where permitted).

(D) A statement that the difference between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses; or if this statement cannot be made, a complete description of the situations where this does not occur.

(I) An aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship.

(II) If the gross premiums for certain age groups appear to be inconsistent with this requirement, the Commissioner may request a demonstration under subsection (c) based on a standard age distribution.

(v) A statement that the premium rate schedule is not less than the premium rate schedule for existing similar policy forms also available from the insurer except for reasonable differences attributable to benefits and a comparison of the premium schedules for similar policy forms that are currently available from the insurer with an explanation of the differences.

(c) The Commissioner may request an actuarial demonstration that benefits are reasonable in relation to premiums. The actuarial demonstration shall include either premium and claim experience on similar policy forms, adjusted for premium or benefit differences; relevant and credible data from other studies, or both. In the event the Commissioner asks for additional information under this

provision, the period in subsection (a) does not include the period during which the insurer is preparing the requested information.

**§ 89a.110. Prohibition against postclaims underwriting.**

(a) Applications for long-term care insurance policies or certificates except those that are guaranteed issue shall contain clear and unambiguous questions designed to ascertain the health condition of the applicant.

(b) If an application for long-term care insurance contains a question that asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list the medication that has been prescribed. If the medications listed in the application were known by the insurer, or should have been known at the time of application, to be directly related to a medical condition for which coverage would otherwise be denied, the policy or certificate may not be rescinded for that condition.

(c) Except for policies or certificates which are guaranteed issue:

(1) The following language shall be set out conspicuously and in close conjunction with the applicant's signature block on an application for a long-term care insurance policy or certificate:

Caution: If your answers on this application are incorrect or untrue, [company] has the right to deny benefits or rescind your policy.

(2) The following language, or language substantially similar to the following, shall be set out conspicuously on the long-term care insurance policy or certificate at the time of delivery:

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up questions is now, before a claim arises! If, for any reason, your answers are incorrect, contact the company at this address: [insert address]

(3) Prior to issuance of a long-term care policy or certificate to an applicant 80 years of age or older, the insurer shall obtain one of the following:

- (i) A report of a physical examination.
- (ii) An assessment of functional capacity.
- (iii) An attending physician's statement.
- (iv) Copies of medical records.

(d) A copy of the completed application or enrollment form (whichever is applicable) shall be delivered to the insured no later than at the time of delivery of the policy or certificate unless it was retained by the applicant at the time of application.

(e) Every insurer or other entity selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both State and countrywide, except those that the insured voluntarily effectuated and shall annually furnish this information to the Insurance Commissioner in the format prescribed by the National Association of Insurance Commissioners in Appendix A (relating to rescission reporting form for long-term care policies).

**§ 89a.111. Minimum standards for home health and community care benefits in long-term care insurance policies.**

(a) A long-term care insurance policy or certificate may not, if it provides benefits for home health care or community care services, limit or exclude benefits by requiring any of the following:

(1) That the insured or claimant would need care in a skilled nursing facility if home health or community care services were not provided.

(2) That the insured or claimant first or simultaneously receive nursing or therapeutic services, or both, in a home, community or institutional setting before home health care services are covered.

(3) Limiting eligible services to services provided by registered nurses or licensed practical nurses.

(4) Requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or licensed or certified home care worker acting within the scope of the person licensure or certification.

(5) Excluding coverage for personal care services provided by a home health aide.

(6) Requiring that the provision of home health or community care services be at a level of certification or licensure greater than that required by the eligible service.

(7) Requiring that the insured or claimant have an acute condition before home health or community care services are covered.

(8) Limiting benefits to services provided by Medicare-certified agencies or providers.

(9) Excluding coverage for adult day care services.

(b) A long-term care insurance policy or certificate, if it provides for home health or community care services, shall provide total home health or community care coverage that is a dollar amount equivalent to at least one-half of 1 year's coverage available for nursing home benefits under the policy or certificate, at the time covered home health or community care services are being received. This requirement does not apply to policies or certificates issued to residents of continuing care retirement communities.

(c) Home health or community care coverage may be applied to the nonhome health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate.

**§ 89a.112. Requirement to offer inflation protection.**

(a) No insurer may offer a long-term care insurance policy unless the insurer also offers to the policyholder in addition to other inflation protection the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the policy. Insurers shall offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature no less favorable than one of the following:

(1) Increases benefit levels annually in a manner so that the increases are compounded annually at a rate of at least 5%.

(2) Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined. The amount of the additional benefit may not be less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least 5% for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made.

(3) Covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.

(b) When the policy is issued to a group, the required offer in subsection (a) shall be made to the group policyholder; except, if the policy is issued to a group defined in section 1103 of the act (40 P. S. § 991.1103) other than to a continuing care retirement community, the offering shall be made to each proposed certificateholder.

(c) The offer in subsection (a) is not required of life insurance policies or riders containing accelerated long-term care benefits.

(d) Insurers shall include all of the information listed in this subsection or with the outline of coverage. An insurer may use a reasonable hypothetical, or a graphic demonstration, for the purposes of this disclosure. The information is as follows:

(1) A graphic comparison of the benefit levels of a policy that increases benefits over the policy period with a policy that does not increase benefits. The graphic comparison shall show benefit levels over at least a 20 year period.

(2) Expected premium increases or additional premiums to pay for automatic or optional benefit increases.

(e) Inflation protection benefit increases under a policy which contains these benefits shall continue without regard to an insured's age, claim status or claim history, or the length of time the person has been insured under the policy.

(f) An offer of inflation protection that provides for automatic benefit increases shall include an offer of a premium which the insurer expects to remain constant. The offer shall disclose in a conspicuous manner that the premium may change in the future unless the premium is guaranteed to remain constant.

(g) Inflation protection as provided in subsection (a)(1) shall be included in a long-term care insurance policy unless an insurer obtains a rejection of inflation protection signed by the policyholder as required in this subsection. The rejection may be either in the application or on a separate form. The rejection shall be considered a part of the application and shall state:

I have reviewed the outline of coverage and the graphs that compare the benefits and premiums of this policy with and without inflation protection. Specifically, I have reviewed policy(ies), and I reject inflation protection.

**§ 89a.113. Requirements for application forms and replacement coverage.**

(a) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended

to replace another accident and sickness or long-term care policy or certificate presently in force. A supplementary application or form to be signed by the applicant and agent, except when the coverage is sold without an agent, containing the questions may be used. With regard to a replacement policy issued to a group defined by section 1103 of the act (40 P. S. § 991.1103), the following questions may be modified only to the extent necessary to elicit information about health or long-term care insurance policies other than the group policy being replaced, provided that the certificateholder has been notified of the replacement.

(1) Do you have another long-term care insurance policy or certificate in force (including health care service contract or health maintenance organization contract)?

(2) Did you have another long-term care insurance policy or certificate in force during the last 12 months?

(i) If so, with which company?

(ii) If that policy lapsed, when did it lapse?

(3) Are you covered by Medicaid? If you are eligible or covered by Medicaid, you may not need to purchase the policy since it may provide duplicate benefits.

(4) Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?

(b) Agents shall list health insurance policies they have sold to the applicant.

(1) List policies sold that are still in force.

(2) List policies sold in the past 5 years that are no longer in force.

(c) Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent, shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of the notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be provided in the following manner:

NOTICE TO APPLICANT REGARDING  
REPLACEMENT OF INDIVIDUAL ACCIDENT AND  
SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU  
IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by [ insurance company name]. Your new policy provides 30 days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.



STATEMENT TO APPLICANT BY AGENT [BROKER OR OTHER REPRESENTATIVE]:

(Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

1. Health conditions that you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. Commonwealth law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

(Signature of Agent, Broker or Other Representative)

[Typed Name and Address of Agent or Broker]

The above "Notice to Applicant" was delivered to me on:

\_\_\_\_\_  
(Applicant's Signature) (Date)

(d) Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be provided in the following manner:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the long-term care insurance policy delivered herewith issued by [insurance company name]. Your new policy provides 30 days within which you may decide, without cost, whether you desire to keep

the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. Commonwealth law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. If you are replacing existing long-term care insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. [To be included only if the application is attached to the policy.] If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to [company name and address] within 30 days if any information is not correct and complete, or if any past medical history has been left out of the application.

[Company Name]

(e) Where replacement is intended, the replacing insurer shall notify, in writing, the existing insurer of the proposed replacement. The existing policy shall be identified by the insurer, the name of the insured and policy number or address including zip code. Notice shall be made within 5 working days from the date the application is received by the insurer or the date the policy is issued, whichever is sooner.

(f) The insurer shall maintain records demonstrating delivery date of policies so that this date can be used to determine the commencement of the 30-day policy examination period. Delivery date shall be deemed the date the policy is received by the policyholder.

§ 89a.114. Reporting requirements.

(a) Every insurer shall maintain records for each agent of that agent's amount of replacement sales as a percent of the agent's total annual sales and the amount of lapses of long-term care insurance policies sold by the agent as a percent of the agent's total annual sales.

(b) Every insurer shall report annually to the Department by June 30 the 10% of its agents with the greatest percentages of lapses and replacements as measured by subsection (a).

(c) Reported replacement and lapse rates do not alone constitute a violation of insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance.

(d) Every insurer shall report annually to the Department by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.

(e) Every insurer shall report annually to the Department by June 30 the number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year.

(f) Every insurer shall report annually to the Department by June 30, for qualified long-term care insurance contracts, the number of claims denied for each class of business, expressed as a percentage of claims denied. (Appendix E) (relating to claims denial reporting form long term care insurance).

(g) For purposes of this section:

(1) "Policy" means only long-term care insurance.

(2) Subject to paragraph (3), "claim" means a request for payment of benefits under an in force policy regardless of whether the benefit claimed is covered under the policy or terms or conditions of the policy have been met.

(3) "Denied" means the insurer refuses to pay a claim for reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition.

(4) "Report" means on a Statewide basis.

(h) Reports required under this section shall be filed with the Commissioner.

#### § 89a.115. Licensing.

A producer is not authorized to sell, solicit or negotiate with respect to long-term care insurance except as authorized by sections 601 and 621 of the act (40 P. S. §§ 231 and 251).

#### § 89a.116. Reserve standards.

When long-term care benefits are provided, reserves shall be determined in accordance with sections 301.1 and 311.1 of the act (40 P. S. §§ 71.1 and 93) and Chapter 84a (relating to minimum reserve standards for individual and group health and accident insurance contracts).

#### § 89a.117. Loss ratio.

(a) This section shall apply to all long-term care insurance policies or certificates except those covered under §§ 89a.109 and 89.118 (relating to initial filing requirements; and premium rate schedule increases).

(b) Benefits under long-term care insurance policies shall be deemed reasonable in relation to premiums provided the expected loss ratio is at least 60%, calculated in a manner which provides for adequate reserving of the long-term care insurance risk. In evaluating the expected loss ratio, due consideration shall be given to all relevant factors, including the following:

(1) Statistical credibility of incurred claims experience and earned premiums.

(2) The period for which rates are computed to provide coverage.

(3) Experienced and projected trends.

(4) Concentration of experience within early policy duration.

(5) Expected claim fluctuation.

(6) Experience refunds, adjustments or dividends.

(7) Renewability features.

(8) All appropriate expense factors.

(9) Interest.

(10) Experimental nature of the coverage.

(11) Policy reserves.

(12) Mix of business by risk classification.

(13) Product features such as long elimination periods, high deductibles and high maximum limits.

#### § 89a.118. Premium rate schedule increases.

(a) This section shall apply as follows:

(1) Except as provided in paragraph (2), this section applies to a long-term care policy or certificate issued in this Commonwealth on or after \_\_\_\_\_ (*Editor's Note: The blank refers to a date 6 months from the effective date of adoption of this proposal.*)

(2) For certificates issued on or after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) under a group long-term care insurance policy as defined in section 1103 of the act (40 P. S. § 991.1103), which policy was in force on \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), this section shall apply on the policy anniversary following \_\_\_\_\_ (*Editor's Note: The blank refers to a date 12 months after the effective date of adoption of this proposal.*)

(b) An insurer shall provide notice of a pending premium rate schedule increase, including an exceptional increase, to the Commissioner subject to the requirements of The Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815) prior to the notice to the policyholders and shall include all of the following:

(1) Information required by § 89a.108 (relating to required disclosure of rating practices to consumers).

(2) Certification by a qualified actuary that:

(i) If the requested premium rate schedule increase is implemented and the underlying assumptions, which reflect moderately adverse conditions, are realized, no further premium rate schedule increases are anticipated.

(ii) The premium rate filing is in compliance with the provisions of this section.

(3) An actuarial memorandum justifying the rate schedule change request that includes the following:

(i) Lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase; and the method and assumptions used in determining the projected values, including reflection of assumptions that deviate from those used for pricing other forms currently available for sale.

(A) Annual values for the 5 years preceding and the 3 years following the valuation date shall be provided separately.

(B) The projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase.

(C) The projections shall demonstrate compliance with subsection (c).

(D) For exceptional increases, the projected experience should be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase. If the Commissioner determines as provided in § 89a.103 (relating to definitions) that offsets may exist, the insurer shall use appropriate net projected experience.

(ii) Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse.

(iii) Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the company have been relied on by the actuary.

(iv) A statement that policy design, underwriting and claims adjudication practices have been taken into consideration.

(v) In the event that it is necessary to maintain consistent premium rates for new certificates and certificates receiving a rate increase, the insurer will need to file composite rates reflecting projections of new certificates.

(4) A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the Commissioner.

(5) Sufficient information for review subject to The Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815) of the premium rate schedule increase by the Commissioner.

(c) Premium rate schedule increases shall be determined in accordance with the following requirements:

(1) Exceptional increases shall provide that 70% of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits.

(2) Premium rate schedule increases shall be calculated so that the sum of the accumulated value of incurred claims, without the inclusion of active life reserves, and the present value of future projected incurred claims, without the inclusion of active life reserves, will not be less than the sum of the following:

(i) The accumulated value of the initial earned premium times 58%.

(ii) Eighty-five percent of the accumulated value of prior premium rate schedule increases on an earned basis.

(iii) The present value of future projected initial earned premiums times 58%.

(iv) Eighty-five percent of the present value of future projected premiums not in this subsection on an earned basis.

(3) If a policy form has both exceptional and other increases, the values in paragraph (2)(ii) and (iv) will also include 70% for exceptional rate increase amounts.

(4) The present and accumulated values used to determine rate increases shall use the maximum valuation interest rate for contract reserves as specified in Chapter 84a (relating to minimum reserve standards for individual and group health and accident insurance contracts). The actuary shall disclose as part of the actuarial memorandum the use of appropriate averages.

(d) For each rate increase that is implemented, the insurer shall file for review subject to The Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815) by the

Commissioner, updated projections, as defined in subsection (b)(3)(i), annually for the next 3 years and include a comparison of actual results to projected values. The Commissioner may extend the period to greater than 3 years if actual results are not consistent with projected values from prior projections. For group insurance policies that meet the conditions in subsection (k), the projections required by this subsection shall be provided to the policyholder in lieu of filing with the Commissioner.

(e) If a premium rate in the revised premium rate schedule is greater than 200% of the comparable rate in the initial premium schedule, lifetime projections, as defined in subsection (b)(3)(i), shall be filed for review subject to The Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815) by the Commissioner every 5 years following the end of the required period in subsection (d). For group insurance policies that meet the conditions in subsection (k), the projections required by this subsection shall be provided to the policyholder in lieu of filing with the Commissioner.

(f) If the Commissioner has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in subsection (c), the Commissioner may require the insurer to implement premium rate schedule adjustments, or other measures to reduce the difference between the projected and actual experience. In determining whether the actual experience adequately matches the projected experience, consideration should be given to subsection (b)(3)(v), if applicable.

(g) If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file the following:

(1) A plan, subject to Commissioner approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases, or both, or to demonstrate that appropriate administration and claims processing have been implemented or are in effect; otherwise the Commissioner may impose the condition in subsection (h).

(2) The original anticipated lifetime loss ratio, and the premium rate schedule increase that would have been calculated according to subsection (c) had the greater of the original anticipated lifetime loss ratio or 58% been used in the calculations described in subsection (c)(1)(i) and (iii)

(h) For a rate increase filing that meets the following criteria, the Commissioner will review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

(1) The rate increase is not the first rate increase requested for the specific policy form.

(2) The rate increase is not an exceptional increase.

(3) The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

(i) If significant adverse lapsation has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the Commissioner may determine that a rate spiral exists.

Following the determination that a rate spiral exists, the Commissioner may require the insurer to offer, without underwriting, to all in force insureds subject to the rate increase the option to replace existing coverage with one or more reasonably comparable products being offered by the insurer or its affiliates.

- (1) The offer shall:
  - (i) Be subject to the approval of the Commissioner.
  - (ii) Be based on actuarially sound principles, but not be based on attained age.
  - (iii) Provide that maximum benefits under a new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.
- (2) The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:
  - (i) The maximum rate increase determined based on the combined experience.
  - (ii) The maximum rate increase determined based only on the experience of the insureds originally issued the form plus 10%.
- (j) If the Commissioner determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the Commissioner may, in addition to the provisions of subsection (h), prohibit the insurer from either of the following:
  - (1) Filing and marketing comparable coverage for up to 5 years.
  - (2) Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.
- (k) Subsections (a)—(j) do not apply to policies for which the long-term care benefits provided by the policy are incidental, as defined in § 89a.103 (relating to definitions), if the policy complies with the following conditions:
  - (1) The interest credited internally to determine cash value accumulations, including long-term care are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy.
  - (2) An actuarial memorandum is filed with the Department that includes the following:
    - (i) A description of the basis on which the long-term care rates were determined.
    - (ii) A description of the basis for the reserves.
    - (iii) A summary of the type of policy, benefits, renewability, general marketing method and limits on ages of issuance.
    - (iv) A description and a table of each actuarial assumption used. For expenses, an insurer shall include percent of premium dollars per policy and dollars per unit of benefits.
    - (v) A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives.
    - (vi) The estimated average annual premium per policy and the average issue age.
    - (vii) A statement as to whether underwriting is performed at the time of application. The statement shall

indicate whether underwriting is used and, if used, the statement shall include a description of the types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or a dependent will be underwritten and when underwriting occurs.

(viii) A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in long-term care claim status.

(l) Subsections (f) and (h) do not apply to group insurance policies as defined in section 1103 of the act (40 P. S. § 991.1103) when either:

(1) The policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer.

(2) The policyholder, and not the certificateholders, pays a material portion of the premium, which may not be less than 20% of the total premium for the group in the calendar year prior to the year a rate increase is filed.

#### § 89a.119. Filing requirement.

Prior to an insurer or similar organization offering group long-term care insurance to a resident of this Commonwealth under section 621.2 of the act (40 P. S. § 756.2), it shall file with the Commissioner evidence that the group policy or certificate thereunder has been approved by a state having statutory or regulatory long-term care insurance requirements substantially similar to those adopted in this Commonwealth.

#### § 89a.120. Standards for marketing.

(a) Every insurer, health care service plan or other entity marketing long-term care insurance coverage in this Commonwealth, directly or through its producers, shall:

(1) Establish marketing procedures and agent training requirements to assure that marketing activities, including a comparison of policies, by its agents or producers will be fair and accurate and excessive insurance is not sold or issued.

(2) Display prominently by type, stamp or other appropriate means, on the first page of the outline of coverage and policy the following:

“Notice to buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations.”

(3) Provide copies of the disclosure forms required in § 89a.108(c) (Appendices B and F) (relating to long term care insurance personal worksheet; and rate information) to the applicant.

(4) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for long-term care insurance already has accident and sickness or long-term care insurance and the types and amounts of insurance, except that in the case of qualified long-term care insurance contracts, an inquiry into whether a prospective applicant or enrollee for long-term care insurance has accident and sickness insurance is not required.

(5) Every insurer or entity marketing long-term care insurance shall establish auditable procedures for verifying compliance with this subsection.

(6) Provide written notice to the prospective policyholder or certificateholder at solicitation that a senior insurance counseling program approved by the Commonwealth is available and the name, address and telephone number of the program.

(7) For long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to § 89a.105(a)(3) (relating to policy practices and provisions).

(8) Provide an explanation of contingent benefit upon lapse provided for in § 89a.123(d)(3) (relating to nonforfeiture benefit requirement).

(b) The following acts and practices are prohibited:

(1) *Twisting.* Knowingly making misleading representation or fraudulent comparison of insurance policies or insurers for the purpose of inducing, or tending to induce, a person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert an insurance policy or to take out a policy of insurance with another insurer.

(2) *High pressure tactics.* Employing a method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

(3) *Cold lead advertising.* Making use directly or indirectly of a method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

(4) *Misrepresentation.* Misrepresenting a material fact in selling or offering to sell a long-term care insurance policy.

(5) *Other prohibited practices.* Other practices prohibited by The Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15).

(c) With respect to the obligations in this subsection, the primary responsibility of an association, as defined in paragraph (2) of the "group long-term care insurance" definition in section 1103 of the act (40 P. S. § 991.1103), when endorsing or selling long-term care insurance shall be to educate its members concerning long-term care issues in general so that its members can make informed decisions.

(1) Associations shall provide objective information regarding long-term care insurance policies or certificates endorsed or sold by the associations to ensure that members of the associations receive a balanced and complete explanation of the features in the policies or certificates that are being endorsed or sold.

(2) The insurer shall file with the Department the following material:

(i) The policy and certificate.

(ii) A corresponding outline of coverage.

(iii) Advertisements requested by the Department.

(3) The association shall disclose the following in a long-term care insurance solicitation:

(i) The specific nature and amount of the compensation arrangements (including the fees, commissions, administrative fees and other forms of financial support) that the association receives from endorsement or sale of the policy or certificate to its members.

(ii) A brief description of the process under which the policies and the insurer issuing the policies were selected.

(4) If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose that fact to its members.

(5) The board of directors of associations selling or endorsing long-term care insurance policies or certificates shall review and approve the insurance policies as well as the compensation arrangements made with the insurer.

(6) The association shall do the following except that this does not apply to qualified long-term care insurance contracts:

(i) At the time of the association's decision to endorse, engage the services of a person with expertise in long-term care insurance not affiliated with the insurer to conduct an examination of the policies, including its benefits, features, and rates and update the examination thereafter in the event of material change.

(ii) Actively monitor the marketing efforts of the insurer and its agents.

(iii) Review and approve all marketing materials or insurance communications used to promote sales or sent to members regarding the policies or certificates.

(7) Group long-term care insurance policies or certificates may not be issued to an association unless the insurer files with the Department the information required in this subsection.

(8) The insurer may not issue a long-term care policy or certificate to an association or continue to market that policy or certificate unless the insurer certifies annually that the association has complied with this subsection.

(9) Failure to comply with the filing and certification requirements of this section constitutes an unfair trade practice in violation of The Unfair Insurance Practices Act.

#### § 89a.121. Suitability.

(a) Every insurer, nonprofit hospital plan and professional health services plan corporation or other entity marketing long-term care insurance (the issuer) shall meet the following conditions:

(1) Develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the applicant.

(2) Train its agents in the use of its suitability standards.

(3) Maintain a copy of its suitability standards and make them available for inspection upon request by the Commissioner.

(b) To determine whether the applicant meets the standards developed by the issuer, the agent and issuer shall develop procedures that take the items in paragraph (1) into consideration.

(1) The agent and issuer shall take the following into consideration:

(i) The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage.

(ii) The applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs.

(iii) The values, benefits and costs of the applicant's existing insurance when compared to the values, benefits and costs of the recommended purchase or replacement.

(2) The issuer, and when an agent is involved, the agent shall make reasonable efforts to obtain the information in paragraph (1). The efforts shall include presentation to the applicant, at or prior to application of the "Long-Term Care Insurance Personal Worksheet." The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in Appendix B (relating to long-term care insurance personal worksheet), in at least 12 point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer's personal worksheet shall be filed with the Commissioner.

(3) A completed personal worksheet shall be returned to the issuer prior to the issuer's consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer group long-term care insurance to employees and their spouses.

(4) The sale or dissemination outside the company or agency by the issuer or agent of information obtained through the personal worksheet in Appendix B is prohibited.

(c) The issuer shall use the suitability standards it has developed under this section in determining whether issuing long-term care insurance coverage to an applicant is appropriate.

(d) Agents shall use the suitability standards developed by the issuer in marketing long-term care insurance.

(e) At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled "Things You Should Know Before You Buy Long-Term Care Insurance" shall be provided. The form shall be in the format contained in Appendix C (relating to things you should know before you buy long-term care insurance), in at least 12 point type.

(f) If the issuer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the issuer may reject the application. In the alternative, the issuer shall send the applicant a letter similar to the one presented in Appendix D (relating to long-term care insurance suitability letter). If the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant's intent. Either the applicant's returned letter or a record of the alternative method of verification shall be made part of the applicant's file.

(g) The issuer shall report annually to the Commissioner the total number of applications received from residents of this Commonwealth, the number of those who declined to provide information on the personal worksheet, the number of applicants who did not meet the suitability standards and the number of those who chose to confirm after receiving a suitability letter.

**§ 89a.122. Prohibition against preexisting conditions and probationary periods in replacement policies or certificates.**

If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive time periods applicable to preexisting conditions and probationary periods in the new long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

**§ 89a.123. Nonforfeiture benefit requirement.**

(a) Nonforfeiture benefits shall be offered under the following:

(1) A policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in subsection (e).

(2) The offer shall be in writing if the nonforfeiture benefit is not otherwise described in the outline of coverage or other materials given to the prospective policyholder.

(b) If the offer made for nonforfeiture benefits is rejected, the insurer shall provide the contingent benefit upon lapse described in this section.

(c) After rejection of the offer for nonforfeiture benefits for individual and group policies without nonforfeiture benefits issued after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.), the insurer shall provide a contingent benefit upon lapse.

(1) If a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.

(2) The contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level which results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium in this paragraph based on the insured's issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least 30 days prior to the due date of the premium reflecting the rate increase.

*Triggers for a Substantial Premium Increase*

<i>Issue Age</i>	<i>Percent Increase Over Initial Premium</i>
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%

*Triggers for a Substantial Premium Increase*

<i>Issue Age</i>	<i>Percent Increase Over Initial Premium</i>
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

(3) On or before the effective date of a substantial premium increase as defined in paragraph (2), the insurer shall meet the following conditions:

(i) Offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased.

(ii) Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of subsection (e). This option may be elected during the 120-day period referenced in subsection (d)(3).

(iii) Notify the policyholder or certificateholder that a default or lapse during the 120-day period referenced in subsection (d)(3) shall be deemed to be the election of the offer to convert in subsection (d)(4).

(d) Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse, are described in this subsection as follows:

(1) For purposes of this subsection, attained age rating is defined as a schedule of premiums starting from the issue date which increases age at least 1% per year prior to age 50, and at least 3% per year beyond age 50.

(2) For purposes of this subsection, the nonforfeiture benefit shall be of a shortened benefit period providing paid-up long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in paragraph (3).

(3) The standard nonforfeiture credit will be equal to 100% of the sum of all premiums paid, including the premiums paid prior to changes in benefits. The insurer may offer additional shortened benefit period options, as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However,

the minimum nonforfeiture credit shall be at least 30 times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of subsection (f).

(4) The nonforfeiture benefit shall begin by the end of the 3rd year following the policy or certificate issue date. The contingent benefit upon lapse shall be effective during the first 3 years as well as thereafter. For a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of either the end of the 10th year following the policy or certificate issue date or the end of the 2nd year following the date the policy or certificate is no longer subject to attained age rating.

(5) Nonforfeiture credits may be used for the care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

(e) The benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid up status will not exceed the maximum benefits which would be payable if the policy or certificate had remained in premium paying status.

(f) There may not be a difference in the minimum nonforfeiture benefits as required under this section for group and individual policies.

(g) The requirements in this section are effective \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 12 months after the effective date of adoption of this proposal.) and apply as follows:

(1) Except as provided in paragraph (2), this section applies to a long-term care policy issued in this Commonwealth on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.).

(2) For certificates issued on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) under a group long-term care insurance policy as defined in section 1103 of the act (40 P. S. § 991.1103), which policy was in force on \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.), this section does not apply.

(h) Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of § 89a.117 (relating to loss ratio) treating the policy as a whole.

(i) To determine whether contingent nonforfeiture upon lapse provisions are triggered under subsection (d)(3), a replacing insurer that purchased or otherwise assumed blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

(j) A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets all of the following requirements:

(1) The nonforfeiture provision shall be appropriately captioned.

(2) The nonforfeiture provision shall provide a benefit available in the event of a default in the payment of premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency

and interest as reflected in changes in rates for premium paying contracts approved by the Commissioner for the same contract form.

(3) The nonforfeiture provision shall provide at least one of the following:

- (i) Reduced paid-up insurance.
- (ii) Extended term insurance.
- (iii) Shortened benefit period.

(iv) Other similar offerings approved by the Commissioner.

**§ 89a.124. Standards for benefit triggers.**

(a) A long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits may not be more restrictive than requiring either a deficiency in the ability to perform not more than three of the activities of daily living or the presence of cognitive impairment.

(b) Insurers may use activities of daily living to trigger covered benefits in addition to those contained in paragraphs (1)—(6) as long as they are defined in the policy. Activities of daily living shall include at least the following as defined in § 89a.104 (relating to policy definitions) and in the policy:

- (1) Bathing.
- (2) Continence.
- (3) Dressing.
- (4) Eating.
- (5) Toileting.
- (6) Transferring.

(c) An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate. The provisions may not restrict, and are not in lieu of, the requirements in subsections (a) and (b).

(d) For purposes of this section, the determination of a deficiency may not be more restrictive than either of the following:

(1) Requiring the supervisory or hands-on assistance of another person to perform the prescribed activities of daily living.

(2) If the deficiency is due to the presence of a cognitive impairment, supervision or verbal cueing by another person is needed to protect the insured or others.

(e) Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses or social workers.

(f) Long term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.

(g) The requirements in this section become effective \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 12 months from the effective date of adoption of this proposal.) and apply as follows:

(1) Except as provided in paragraph (2), this section applies to a long-term care policy issued in this Commonwealth on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.).

(2) For certificates issued on or after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.), under a group long-term care insurance policy as defined in section 1103 of the act (40. P. S. § 991.1103) that was in force on \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) this section does not apply.

**§ 89a.125. Additional standards for benefit triggers for qualified long-term care insurance contracts.**

(a) For purposes of this section the following definitions apply:

*Qualified long-term care services*—Means services that meet the requirements of section 7702(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 7702(c)(1)) as follows: necessary diagnostic, preventive, therapeutic, curative, treatment, mitigation and rehabilitative services, and maintenance or personal care services which are required by a chronically ill individual, and are provided under a plan of care prescribed by a licensed health care practitioner.

*Chronically ill individual*—Has the meaning prescribed for this term by section 7702B(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 7702B(c)(2)).

(i) Under this provision, a chronically ill individual means an individual who has been certified by a licensed health care practitioner as either of the following:

(A) Being unable to perform (without substantial assistance from another individual) at least two activities of daily living for at least 90 days due to a loss of functional capacity.

(B) Requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

(ii) The term does not include an individual otherwise meeting these requirements unless within the preceding 12-month period a licensed health care practitioner has certified that the individual meets these requirements.

*Licensed health care practitioner*—A physician, as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C.A. § 1395x(r)(1)), a registered professional nurse, licensed social worker or other individual who meets requirements prescribed by the Secretary of the United States Treasury.

(4) *Maintenance or personal care services*—Any care the primary purpose of which is the provision of needed assistance with any of the disabilities as a result of which the individual is a chronically ill individual (including the protection from threats to health and safety due to severe cognitive impairment).

(b) A qualified long-term care insurance contract shall pay only for qualified long-term care services received by a chronically ill individual provided under a plan of care prescribed by a licensed health care practitioner.

(c) A qualified long-term care insurance contract shall condition the payment of benefits on a determination of the insured's inability to perform activities of daily living for an expected period of at least 90 days due to a loss of functional capacity or to severe cognitive impairment.

(d) Certifications regarding activities of daily living and cognitive impairment required under subsection (c) shall be performed by the following licensed or certified professionals: physicians, registered professional nurses, licensed social workers, or other individuals who meet requirements prescribed by the Secretary of the United States Treasury.



(e) Certifications required under subsection (c) may be performed by a licensed health care professional at the direction of the carrier as is reasonably necessary with respect to a specific claim, except that when a licensed health care practitioner has certified that an insured is unable to perform activities of daily living for an expected period of at least 90 days due to a loss of functional capacity and the insured is in claim status, the certification may not be rescinded and additional certifications may not be performed until after the expiration of the 90-day period.

(f) Qualified long-term care insurance contracts shall include a clear description of the process for appealing and resolving disputes with respect to benefit determinations.

**§ 89a.126. Standard format outline of coverage.**

(a) This section implements, interprets and makes specific section 1111 of the act (40 P.S. § 911.1111) in prescribing a standard format and the content of an outline of coverage.

(b) The outline of coverage shall:

(1) Be a free-standing document, using no smaller than 10-point type.

(2) Contain no material of an advertising nature.

(c) Text that is capitalized or underscored in the standard format outline of coverage may be emphasized by other means that provide prominence equivalent to the capitalization or underscoring.

(d) Use of the text and sequence of text of the standard format outline of coverage is mandatory, unless otherwise specifically indicated.

(e) The standard format for outline of coverage is as follows:

[COMPANY NAME]  
[ADDRESS—CITY & STATE]  
[TELEPHONE NUMBER]  
LONG-TERM CARE INSURANCE  
OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate  
Number]

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which group policy was issued]).

2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance con-

tract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!

3. FEDERAL TAX CONSEQUENCES.

This [POLICY] [CERTIFICATE] is intended to be a federally tax-qualified long-term care insurance contract under section 7702B(b) of the Internal Revenue Code of 1986, as amended.

OR

Federal Tax Implications of this [POLICY] [CERTIFICATE]. This [POLICY] [CERTIFICATE] is not intended to be a federally tax-qualified long-term care insurance contract under section 7702B(b) of the Internal Revenue Code of 1986 as amended. Benefits received under the [POLICY] [CERTIFICATE] may be taxable as income.

4. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE CONTINUED IN FORCE OR DISCONTINUED.

(a) [For long-term care health insurance policies or certificates describe one of the following permissible policy renewability provisions:

(1) Policies and certificates that are guaranteed renewable shall contain the following statement:] RENEWABILITY: THIS POLICY [CERTIFICATE] IS GUARANTEED RENEWABLE. This means you have the right, subject to the terms of your policy, [certificate] to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own, except that, in the future, IT MAY INCREASE THE PREMIUM YOU PAY.

(2) [Policies and certificates that are noncancellable shall contain the following statement:] RENEWABILITY: THIS POLICY [CERTIFICATE] IS NONCANCELLABLE. This means that you have the right, subject to the terms of your policy, to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own and cannot change the premium you currently pay. However, if your policy contains an inflation protection feature where you choose to increase your benefits, [Company Name] may increase your premium at that time for those additional benefits.

(b) [For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy.]

(c) [Describe waiver of premium provisions or state that there are not such provisions.]

5. TERMS UNDER WHICH THE COMPANY MAY CHANGE PREMIUMS.

[In bold type larger than the maximum type required to be used for the other provisions of the outline of coverage, state whether or not the company has a right to change the premium, and if a right exists, describe clearly and concisely each circumstance under which the premium may change.]

6. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

(a) [Provide a brief description of the right to return-  
"free look" provision of the policy.]

(b) [Include a statement that the policy either does or  
does not contain provisions providing for a refund or  
partial refund of premium upon the death of an insured  
or surrender of the policy or certificate. If the policy  
contains such provisions, include a description of them.]

7. THIS IS NOT MEDICARE SUPPLEMENT COVER-  
AGE. If you are eligible for Medicare, review the Medi-  
care Supplement Buyer's Guide available from the insur-  
ance company.

(a) [For agents] Neither [insert company name] nor its  
agents represent Medicare, the federal government or any  
state government.

(b) [For direct response] [insert company name] is not  
representing Medicare, the federal government or any  
state government.

8. LONG-TERM CARE COVERAGE. Policies of this  
category are designed to provide coverage for one or more  
necessary or medically necessary diagnostic, preventive,  
therapeutic, rehabilitative, maintenance, or personal care  
services, provided in a setting other than an acute care  
unit of a hospital, such as in a nursing home, in the  
community or in the home. This policy provides coverage  
in the form of a fixed dollar indemnity benefit for covered  
long-term care expenses, subject to policy [limitations]  
[waiting periods] and [coinsurance] requirements. [Modify  
this paragraph if the policy is not an indemnity policy.]

9. BENEFITS PROVIDED BY THIS POLICY.

(a) [Covered services, related deductibles, waiting peri-  
ods, elimination periods and benefit maximums.]

(b) [Institutional benefits, by skill level.]

(c) [Non-institutional benefits, by skill level.]

(d) Eligibility for Payment of Benefits

[Activities of daily living and cognitive impairment  
shall be used to measure an insured's need for long-term  
care and must be defined and described as part of the  
outline of coverage.]

[Any additional benefit triggers must also be explained.  
If these triggers differ for different benefits, explanation  
of the triggers should accompany each benefit description.  
If an attending physician or other specified person must  
certify a certain level of functional dependency in order to  
be eligible for benefits, this too must be specified.]

10. LIMITATIONS AND EXCLUSIONS.

[Describe:

(a) Preexisting conditions.

(b) Non-eligible facilities and provider.

(c) Non-eligible levels of care (for example, unlicensed  
providers, care or treatment provided by a family mem-  
ber, and the like).

(d) Exclusions and exceptions.

(e) Limitations.]

[This section should provide a brief specific description  
of any policy provisions which limit, exclude, restrict,  
reduce, delay, or in any other manner operate to qualify  
payment of the benefits described in Number 9 above.]

THIS POLICY MAY NOT COVER ALL THE EX-  
PENSES ASSOCIATED WITH YOUR LONG-TERM  
CARE NEEDS.

11. RELATIONSHIP OF COST OF CARE AND BEN-  
EFITS. Because the costs of long-term care services will  
likely increase over time, you should consider whether  
and how the benefits of this plan may be adjusted. [As  
applicable, indicate the following:

(a) That the benefit level will not increase over time.

(b) Any automatic benefit adjustment provisions.

(c) Whether the insured will be guaranteed the option  
to buy additional benefits and the basis upon which  
benefits will be increased over time if not by a specified  
amount or percentage.

(d) If there is such a guarantee, include whether  
additional underwriting or health screening will be re-  
quired, the frequency and amounts of the upgrade op-  
tions, and any significant restrictions or limitations.

(e) And finally, describe whether there will be any  
additional premium charge imposed, and how that is to  
be calculated.]

12. ALZHEIMER'S DISEASE AND OTHER ORGANIC  
BRAIN DISORDERS.

[State that the policy provides coverage for insureds  
clinically diagnosed as having Alzheimer's disease or  
related degenerative and dementing illnesses. Specifically  
describe each benefit screen or other policy provision  
which provides preconditions to the availability of policy  
benefits for such an insured.]

13. PREMIUM.

[(a) State the total annual premium for the policy.

(b) If the premium varies with an applicant's choice  
among benefit options, indicate the portion of annual  
premium which corresponds to each benefit option.]

14. ADDITIONAL FEATURES.

[(a) Indicate if medical underwriting is used.

(b) Describe other important features.]

15. CONTACT THE COMMONWEALTH HEALTH IN-  
SURANCE ASSISTANCE PROGRAM (APPRISE-1-800-  
783-7067) IF YOU HAVE GENERAL QUESTIONS RE-  
GARDING LONG-TERM CARE INSURANCE. CONTACT  
THE INSURANCE COMPANY (INSERT INSURANCE  
COMPANY NAME AND PHONE NUMBER) IF YOU  
HAVE SPECIFIC QUESTIONS REGARDING YOUR  
LONG-TERM CARE INSURANCE POLICY OR CER-  
TIFICATE.

**§ 89a.127. Requirement to deliver shopper's guide.**

A long-term care insurance shopper's guide in the  
format developed by the National Association of Insur-  
ance Commissioners, or a guide developed or approved by  
the Commissioner, shall be provided to all prospective  
applicants of a long-term care insurance policy or certi-  
ficate.

(1) In the case of agent solicitations, an agent shall  
deliver the shopper's guide prior to the presentation of an  
application or enrollment form.

(2) In the case of direct response solicitations, the  
shopper's guide shall be presented in conjunction with an  
application or enrollment form.

**§ 89a.128. Penalties.**

In addition to other penalties provided by the laws of  
this Commonwealth, an insurer or producer found to have  
violated requirements relating to the regulations of long-  
term care insurance or the marketing of long-term care

insurance shall be subject to penalties under section 1114 of the act (40 P. S. § 991.1114).

§ 89a.129. Permitted compensation arrangements.

(a) An insurer or other entity may provide commission or other compensation to an agent or broker for the sale of a long-term care insurance policy or certificate only if the first year commission or other compensation is not greater than 50% of the first year premium.

(b) The commission or other compensation provided for a minimum of 5 subsequent (renewal) years may not exceed 10% of the renewal premium.

(c) When there is a replacement of an existing policy or duplication of coverage, an entity may not provide compensation to its agents or brokers and an agent or broker may not receive compensation greater than the renewal compensation payable by the replacing or duplicative insurer.

(d) For purposes of this section, "compensation" includes pecuniary or nonpecuniary remuneration relating to the sale or renewal of the policy or certificate, including bonuses, gifts, prizes, awards and finders fees.

(e) Subsections (a) and (b) apply solely to agents and brokers who directly solicit applicants and insureds and who effect the sale of a policy or certificate and not to general agents or other entities who contract with or are otherwise employed by insurers.

APPENDIX A

RESCISSION REPORTING FORM FOR LONG-TERM CARE POLICIES FOR THE STATE OF \_\_\_\_\_ FOR THE REPORTING YEAR 20[ ]

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Due: March 1 annually

Instructions:

The purpose of this form is to report all rescissions of long-term care insurance policies or certificates. Those rescissions voluntarily effectuated by an insured are not required to be included in this report. Please furnish one form per rescission.

Table with 6 columns: Policy Form #, Policy and Certificate #, Name of Insured, Date of Policy Issuance, Date/s Claim/s Submitted, Date of Rescission

Detailed reason for rescission:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature

Name and Title (please type)

Date

APPENDIX B

LONG TERM CARE INSURANCE PERSONAL WORKSHEET

People buy long-term care insurance for many reasons. Some don't want to use their own assets to pay for long-term care. Some buy insurance to make sure they can choose the type of care they get. Others don't want their family to have to pay for care or don't want to go on Medicaid. But long term care insurance may be expensive, and may not be right for everyone.

By Pennsylvania law, the insurance company must fill out part of the information on this worksheet and ask you to fill out the rest to help you and the company decide if you should buy this policy.

Premium Information

Policy Form Numbers \_\_\_\_\_

The premium for the coverage you are considering will be [\$ \_\_\_\_\_ per month, or \$ \_\_\_\_\_ per year,] [a one-time single premium of \$ \_\_\_\_\_.]

Type of Policy (noncancellable/guaranteed renewable): \_\_\_\_\_

The Company's Right to Increase Premiums: \_\_\_\_\_

[The company cannot raise your rates on this policy.] [The company has a right to increase premiums on this policy form in the future, provided it raises rates for all policies in the same class in this Commonwealth.] [Insurers shall use appropriate bracketed statement. Rate guarantees may not be shown on this form.]

Rate Increase History

The company has sold long-term care insurance since [year] and has sold this policy since [year]. [The company has never raised its rates for a long-term care policy it has sold in this Commonwealth or another state.] [The company has not raised its rates for this policy form or similar policy forms in this Commonwealth or another state in the last 10 years.] [The company has raised its premium rates on this policy form or similar policy forms in the last 10 years. Following is a summary of the rate increases.]

Questions Related to Your Income

How will you pay each year's premium?

- From my Income From my Savings/Investments My Family will Pay

[Have you considered whether you could afford to keep this policy if the premiums went up, for example, by 20%?]

What is your annual income? (check one) Under \$10,000 \$[10-20,000] \$[20-30,000] \$[30-50,000] Over \$50,000

How do you expect your income to change over the next 10 years? (check one) No change Increase Decrease

If you will be paying premiums with money received only from your own income, a rule of thumb is that you may not be able to afford this policy if the premiums will be more than 7% of your income.

Will you buy inflation protection? (check one)

- Yes No

If not, have you considered how you will pay for the difference between future costs and your daily benefit amount?

- From my Income     From my Savings/Investments
- My Family will Pay

The national average annual cost of care in [insert year] was [insert \$ amount], but this figure varies across the country. In ten years the national average annual cost would be about [insert \$ amount] if costs increase 5% annually. Contact your area Agency on Aging for information on the range of costs for Long Term Care Services in your area. The Area Agency on Aging phone number can be found in the blue pages of the phone book or on the Pennsylvania Department of Aging web site at [www.aging.state.pa.us](http://www.aging.state.pa.us).

**What elimination period are you considering?** Number of days \_\_\_\_\_ Approximate cost \$ \_\_\_\_\_ for that period of care.

**How are you planning to pay for your care during the elimination period?** (check one)

- From my Income     From my Savings/Investments
- My Family will Pay

**Questions Related to Your Savings and Investments**

Not counting your home, about how much are all of your assets (your savings and investments) worth? (check one)

- Under \$20,000     \$20,000-\$30,000
- \$30,000-\$50,000     Over \$50,000

How do you expect your assets to change over the next ten years? (check one)

- Stay about the same     Increase     Decrease

If you are buying this policy to protect your assets and your assets are less than \$30,000, you may wish to consider other options for financing your long-term care.

**Disclosure Statement**

<input type="checkbox"/> The answers to the questions above describe my financial situation. <p style="text-align: center;"><b>Or</b></p> <input type="checkbox"/> I choose not to complete this information. <p style="text-align: center;">(Check one.)</p>
<input type="checkbox"/> I acknowledge that the carrier and/or its agent (below) has reviewed this form with me including the premium, premium rate increase history and potential for premium increases in the future. [For direct mail situations, use the following: I acknowledge that I have reviewed this form including the premium, premium rate increase history and potential for premium increases in the future.] I understand the above disclosures. <b>I understand that the rates for this policy may increase in the future.</b> (This box must be checked).

Signed: \_\_\_\_\_ (Applicant) (Date)

I explained to the applicant the importance of completing this information.

Signed: \_\_\_\_\_ (Agent) (Date)

Agent's Printed Name: \_\_\_\_\_ ]

[In order for us to process your application, please return this signed statement to [name of company], along with your application.]

[My agent has advised me that this policy does not seem to be suitable for me. However, I still want the company to consider my application.

Signed: \_\_\_\_\_ ]  
(Applicant) (Date)

The company may contact you to verify your answers.

**APPENDIX C**

**THINGS YOU SHOULD KNOW BEFORE YOU BUY LONG-TERM CARE INSURANCE**

**Long-Term Care Insurance**

- A long-term care insurance policy may pay most of the costs for your care in a nursing home. Many policies also pay for care at home or other community settings. Since policies can vary in coverage, you should read this policy and make sure you understand what it covers before you buy it.
- [You should **not** buy this insurance policy unless you can afford to pay the premiums every year.] [Remember that the company can increase premiums in the future.]
- The personal worksheet includes questions designed to help you and the company determine whether this policy is suitable for your needs.

**Medicare**

- Medicare does not pay for most long-term care.

**Medicaid**

- Medicaid will generally pay for long-term care if you have very little income and few assets. You probably should **not** buy this policy if you are now eligible for Medicaid.
- Many people become eligible for Medicaid after they have used up their own financial resources by paying for long-term care services.
- When Medicaid pays your spouse's healthcare service bills, you are allowed to keep your house and furniture, a living allowance, and some of your joint assets.
- Your choice of long-term care services may be limited if you are receiving Medicaid. To learn more about Medicaid, contact your local or state Medicaid agency.

**Shopper's Guide**

- Make sure the insurance company or agent gives you a copy of a book called the National Association of Insurance Commissioners' "Shopper's Guide to Long-Term Care Insurance." Read it carefully. If you have decided to apply for long-term care insurance, you have the right to return the policy within 30 days and get back premium you have paid if you are dissatisfied for a reason or choose not to purchase the policy.

- Counseling** • Free counseling and additional information about long-term care insurance are available through your state's insurance counseling program. Contact your state insurance department or department on aging for more information about the senior health insurance counseling program in your state.

Company Address:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Company NAIC Number:

\_\_\_\_\_  
 \_\_\_\_\_

**APPENDIX D**

**LONG-TERM CARE INSURANCE SUITABILITY LETTER**

Dear [Applicant]:

Your recent application for long-term care insurance included a "personal worksheet," which asked questions about your finances and your reasons for buying long-term care insurance. For your protection, Commonwealth law requires us to consider this information when we review your application, to avoid selling a policy to those who may not need coverage.

[Your answers indicate that long-term care insurance may not meet your financial needs. We suggest that you review the information provided along with your application, including the booklet "Shopper's Guide to Long-Term Care Insurance" and the page titled "Things You Should Know Before Buying Long-Term Care Insurance." Your state insurance department also has information about long-term care insurance and may be able to refer you to a counselor free of charge who can help you decide whether to buy this policy.]

[You chose not to provide financial information for us to review.]

We have suspended our final review of your application. If, after careful consideration, you still believe this policy is what you want, check the appropriate box below and return this letter to us within the next 60 days. We will then continue reviewing your application and issue a policy if you meet our medical standards.

If we do not hear from you within the next 60 days, we will close your file and not issue you a policy. You should understand that you will not have coverage until we hear back from you, approve your application and issue you a policy.

*Please check one box and return in the enclosed envelope.*

**Yes**, [although my worksheet indicates that long-term care insurance may not be a suitable purchase,] I wish to purchase this coverage. Please resume review of my application.

**No**. I have decided not to buy a policy at this time.

\_\_\_\_\_  
 APPLICANT'S SIGNATURE DATE

*Please return to [issuer] at [address] by [date].*

**APPENDIX E**

**CLAIMS DENIAL REPORTING FORM LONG-TERM CARE INSURANCE**

**For the State of** \_\_\_\_\_

**For the Reporting Year of** \_\_\_\_\_

Company Name: \_\_\_\_\_  
 Due: June 30 annually

Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Line of Business:            Individual            Group

*Instructions*

The purpose of this form is to report all long-term care claim denials under in force long-term care insurance policies. "Denied" means a claim that is not paid for a reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition.

		<i>State Data</i>	<i>Nationwide Data<sup>1</sup></i>
1	Total Number of Long-Term Care Claims Reported		
2	Total Number of Long-Term Care Claims Denied/Not Paid		
3	Number of Claims Not Paid due to Preexisting Condition Exclusion		
4	Number of Claims Not Paid due to Waiting (Elimination) Period Not Met		
5	Net Number of Long-Term Care Claims Denied for Reporting Purposes (Line 2 Minus Line 3 Minus Line 4)		
6	Percentage of Long-Term Care Claims Denied of Those Reported (Line 5 Divided By Line 1)		
7	Number of Long-Term Care Claim Denied due to:		
8	• Long-Term Care Services Not Covered under the Policy <sup>2</sup>		
9	• Provider/Facility Not Qualified under the Policy <sup>3</sup>		
10	• Benefit Eligibility Criteria Not Met <sup>4</sup>		
11	• Other		

1. The nationwide data may be viewed as a more representative and credible indicator where the data for claims reported and denied for your state are small in number.

2. Example—home health care claim filed under a nursing home only policy.

3. Example—a facility that does not meet the minimum level of care requirements or the licensing requirements as outlined in the policy.

4. Examples—a benefit trigger not met, certification by a licensed health care practitioner not provided, no plan of care.

**APPENDIX F  
RATE INFORMATION**

**Instructions:**

This form provides information to the applicant regarding premium rate schedules, rate schedule adjustments, potential rate revisions, and policyholder options in the event of a rate increase.

**Insurers shall provide all of the following information to the applicant:**

**Long Term Care Insurance**

**Potential Rate Increase Disclosure Form**

1. **[ Premium Rate ] [ Premium Rate Schedules]:** [Premium rate] [Premium rate schedules] that [is] [are] applicable to you and that will be in effect until a request is made and [filed] [approved] for an increase [is] [are] [on the application] [§ \_\_\_\_\_]

2. **The [ premium ] [ premium rate schedule ] for this policy [ will be shown on the schedule page of ] [ will be attached to ] your policy.**

**3. Rate Schedule Adjustments:**

The company will provide a description of when premium rate or rate schedule adjustments will be effective (for example, next anniversary date, next billing date, and the like) (fill in the blank): \_\_\_\_\_.

**4. Potential Rate Revisions:**

**This policy is Guaranteed Renewable.** This means that the rates for this product may be increased in the future. Your rates can NOT be increased due to your increasing age or declining health, but your rates may go up based on the experience of all policyholders with a policy similar to yours.

**If you receive a premium rate or premium rate schedule increase in the future, you will be notified of the new premium amount and you will be able to exercise at least one of the following options:**

- Pay the increased premium and continue your policy in force as is.
- Reduce your policy benefits to a level such that your premiums will not increase. (Subject to state law minimum standards.)
- Exercise your nonforfeiture option if purchased. (This option is available for purchase for an additional premium.)
- Exercise your contingent nonforfeiture rights.\* (This option may be available if you do not purchase a separate nonforfeiture option.)

*Turn the Page*

**\* Contingent Nonforfeiture**

If the premium rate for your policy goes up in the future and you didn't buy a nonforfeiture option, you may be eligible for contingent nonforfeiture. Here's how to tell if you are eligible:

If the premium rate for your policy goes up in the future and you didn't buy a nonforfeiture option, you may be eligible for contingent nonforfeiture. Here's how to tell if you are eligible:

You will keep some long-term care insurance coverage, if:

- Your premium after the increase exceeds your original premium by the percentage shown (or more) in the following table and
- You lapse (not pay more premiums) within 120 days of the increase.

The amount of coverage (that is, new lifetime maximum benefit amount) you will keep will equal the total amount of premiums you've paid since your policy was first issued. If you have already received benefits under the policy, so that the remaining maximum benefit amount is less than the total amount of premiums you've paid, the amount of coverage will be that remaining amount.

Except for this reduced lifetime maximum benefit amount, all other policy benefits will remain at the levels attained at the time of the lapse and will not increase thereafter.

Should you choose this Contingent Nonforfeiture option, your policy, with this reduced maximum benefit amount, will be considered "paid-up" with no further premiums due.

**Example:**

- You bought the policy at age 65 and paid the \$1,000 annual premium for 10 years, so you have paid a total of \$10,000 in premium.
- In the eleventh year, you receive a rate increase of 50%, or \$500 for a new annual premium of \$1,500, and you decide to lapse the policy (not pay more premiums).
- Your "paid-up" policy benefits are \$10,000 (provided you have a least \$10,000 of benefits remaining under your policy.)

<b>Contingent Nonforfeiture Cumulative Premium Increase over Initial Premium That qualifies for Contingent Nonforfeiture (Percentage increase is cumulative from date of original issue. It does NOT represent a one-time increase.)</b>	
Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%

<b>Contingent Nonforfeiture</b>	
<b>Cumulative Premium Increase over Initial Premium</b>	
<b>That qualifies for Contingent Nonforfeiture</b>	
(Percentage increase is cumulative from date of original issue. It does NOT represent a one-time increase.)	
Issue Age	Percent Increase Over Initial Premium
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

[Pa.B. Doc. No. 01-1805. Filed for public inspection October 5, 2001, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, 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 September 25, 2001.

#### BANKING INSTITUTIONS

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-24-01	Susquehanna Bancshares, Inc. Lititz Lancaster County	Lititz	Approved

Applications filed on behalf of four National banking associations, all wholly-owned subsidiaries of Susquehanna Bancshares, Inc., to convert to Pennsylvania State-chartered bank and trust companies as follows:

Citizens National Bank of Southern Pennsylvania Greencastle Franklin County <i>To:</i> Citizens Bank of Southern Pennsylvania Greencastle Franklin County	First American National Bank of Pennsylvania Everett Bedford County <i>To:</i> First American Bank of Pennsylvania Everett Bedford County
First National Trust Bank Sunbury Northumberland County <i>To:</i> First Susquehanna Bank & Trust Sunbury Northumberland County	Williamsport National Bank Williamsport Lycoming County <i>To:</i> WNB Bank Williamsport Lycoming County

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-19-01	Northwest Savings Bank Warren Warren County	Warren	Filed
	Purchase of assets/assumption of liabilities of one branch office of Reliance Bank, Altoona Located at: 873 Lovell Avenue Ebensburg Cambria County		

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-25-01	Keystone Savings Bank Bethlehem Northampton County	Route 412 and Meadows Road Lower Saucon Township Northampton County	Approved



## NOTICES

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-19-01	Farmers First Bank Lititz Lancaster County	Wal-Mart 2034 Lincoln Highway East Lancaster Lancaster County	Withdrawn

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1806. Filed for public inspection October 5, 2001, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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#### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. All Oil and Gas Related permit applications are listed under Section III. 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.

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#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0056731	Historic Salem Village Homeowners Association 2193 Yellow Springs Road Malvern, PA 19355	Chester County Tredyffrin	UNT of Valley Creek	Renewal
PA0050466	East Vincent Municipal Authority Veterans Center STP 262 Ridge Road Spring City, PA 19475	Chester County East Vincent Township	UNT to Schuylkill River	Renewal

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0061450 Minor Renewal	Elmhurst Township Municipal Authority P. O. Box 204 Elmhurst, PA 18416	Elmhurst Township Lackawanna County	Roaring Brook Creek (5A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085014	Conestoga Township P. O. Box 98 Conestoga Center Conestoga, PA 17516-9616	Lancaster County Conestoga Township	Pequea Creek/ WWF/7-K	Yes

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

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

**No. PA0058351**, Sewage, **Dave Clark**, P. O. Box 239, Concordville, PA 19331.

This application is for issuance of an NPDES permit to discharge treated sewage from Clark Property STP in Concord Township, **Delaware County**. This is a new discharge to an unnamed tributary to West Branch of Chester Creek.

The first downstream potable water supply intake from the point of discharge is the Media Borough auxiliary intake in Middletown Township.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

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

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

Other Conditions:

The EPA Waiver is in effect.

**No. PA0051284**, Industrial Waste, **Springfield Township**, 50 Powell Road, Springfield, PA 19064.

This application is for renewal of an NPDES permit to discharge treated leachate from Springfield Township Landfill in Springfield Township, **Delaware County**. This is an existing discharge to unnamed tributary to Crum Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.01 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>
Total Suspended Solids	30	60	75
Total Dissolved Solids	Monitor/Report		
pH	Within limits of 6.0—9.0 Standard Units at all times		
Iron, Total	2.0	4.0	5.0
Iron, Dissolved	0.6	1.2	1.5
Color			100
Manganese	2.0	4.0	6.0
Magnesium	Monitor/Report		

## Other Conditions:

The EPA Waiver is in effect.

Conditions for future permit modification.

**No. PA0058378**, Sewage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425.

This application is for issuance of an NPDES permit to discharge treated sewage from Saint Andrews Brae STP in Upper Uwchlan Township, **Chester County**. This is a new discharge to Black Horse Creek.

The first downstream potable water supply intake from this facility is Downingtown water filtration plant in Caln Township.

The receiving stream is classified for the following uses: high quality trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 3,600 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	10	15	20
Ammonia (as N)			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorus (as P)	1.0		2.0
Total Residual Chlorine	0.5		1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
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.*

**PA#0070386**, Sewage, **Shenandoah Municipal Sewer Authority**, 15 West Washington Street, Shenandoah, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Activity: The Department intends to renew an NPDES Permit. This is an existing discharge.

The receiving stream, Shenandoah Creek, is in the State Water Plan watershed #6B and is classified for: Cold water, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Dauphin Consolidated Water Company is located on Susquehanna River is 72 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.0 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Total Residual Chlorine	1.0		2.0
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0 to 9.0 standard units at all times.		
pH			

Point Sources 002 through 014 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department's EPA approved CSO strategy, a special permit requirement is included in Part C of this permit. The permittee shall develop and submit a plan of action and implementation schedule as provided for in the permit.

Other conditions: Sludge disposal and combined sewer overflows.

The EPA waiver is not in effect.

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

**PA0088986**, CAFO, **Hostetter Management Company**, Owl Creek Farm, 120 Lake Street, P. O. Box 526, Ephrata, PA 17522-0526. This proposed facility is located in Heidelberg Township, **Lebanon County**.

Description of Proposed Activity: Owl Creek Farms is an existing 2,872 head swine operation with a total AEU of 392. Approximately 1.3 million gallons of manure is produced a year and stored in a lined impoundment. There are no tillable acres associated with this property. All of the manure produced by this swine operation is exported to neighboring farmers.

The receiving stream, Mill Creek, is in the State Water Plan watershed 3-C and is classified for: CWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PA0246344**, CAFO, **Hostetter Management Company**, Penn Valley Pork, Inc., 120 Lake Street, P. O. Box 526, Ephrata, PA 17522-0526. This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Activity: Penn Valley Pork, Inc. is an existing swine operation with total AEU of 776. Approximately 3.2 million gallons of manure is produced a year and stored in a 2 million gallon impoundment storage facility and then land applied. 1.7 million gallons is applied on the farm with the remaining 1.5 million gallons exported to three different importers.

The receiving stream, Leshner Run, is in the State Water Plan watershed 3-B and is classified for: WWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PA 0088901**, Concentrated Animal Feeding Operation (CAFO), **Franklin Family Farms (Mountain View #1 and #2 Farms)**, 419 West High Street, Elizabethtown, PA 17022-2189.

Franklin Family Farms has submitted an application for an Individual NPDES permit for an expanding CAFO known as Mountain View Farms (#1 Farm existing, #2 Farm proposed), located on Frystown Road in Bethel Township, **Berks County**.

The CAFO is situated near an unnamed tributary of Little Swatara Creek in Watershed 7-D, which is classified for cold water fishery. The CAFO will be designed to maintain an animal population of approximately 1,796 animal equivalent units (AEUs) consisting of 14,300 swine (7,700 swine existing; 6,600 swine proposed). The animals will be housed in a total of seven barns (six barns containing 2,200 swine and one barn containing 1,100 swine). Manure from the existing Mountain View #1 operation is stored in a two-stage HDPE-lined holding pond system with a design storage capacity of approximately 2.2 million gallons. Manure from the proposed Mountain View #2 operation would be stored in a similar facility as the #1 operation, with a design storage capacity of approximately 2.4 million gallons. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate Pennsylvania Technical Guide Standards. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.*

**PA0023434**, Sewage, **Borough of Koppel**, P. O. Box 1, Arthur Street and Third Avenue, Koppel, PA 16136.

This application is for amendment of an NPDES permit to discharge treated sewage from the Koppel Borough Wastewater Treatment Facility in the Borough of Koppel, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Beaver River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Beaver Falls Municipal Authority located on the Beaver River.

*Outfall 001*: existing discharge, design flow of 0.22 mgd. The following effluent limitations will apply when the plant is expanded to a flow of 0.24 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0026417**, Sewage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235.

This application is for Renewal of an NPDES permit to discharge treated sewage from Plum Creek Sewage Treatment Plant in the Municipality of Penn Hills, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Fox Chapel Water Authority.

*Outfall 001*: existing discharge, design flow of 3.9 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	45,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0095346**, Sewage, **William Fiore, Owner, Rolling Hills Village Mobile Home Park**, 1 Oak Drive, Buena Vista, PA 15018.

This application is for renewal of an NPDES permit to discharge treated sewage from Rolling Hills Village Mobile Home Park STP in Elizabeth Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Westmoreland County Municipal Authority McKeesport Plant, on the Youghiogheny River.

*Outfall 001*: existing discharge, design flow of 0.035 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205737**, Sewage, **Dominion Transmission**, 175 Sheffield Drive, Suite 100, Delmont, PA 15626.

This application is for renewal of an NPDES permit to discharge treated sewage from South Oakford Station Sewage Treatment Plant in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Brush Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Western Pennsylvania Water Company on the Monongahela River.

*Outfall 001*: existing discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor & Report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217514**, Sewage, **The Alta Group**, 195 Hartzell School Road, Fombell, PA 16123-9518.

This application is for renewal of an NPDES permit to discharge treated sewage from Alta Sewage Treatment Plant in Marion Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Connoquenessing Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Beaver Falls Municipal Authority located on the Beaver River.

*Outfall 001*: existing discharge, design flow of 0.015 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Phosphorus	2			4
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions*: This permit renewal also authorizes discharge of uncontaminated stormwater runoff from areas in and around the facility from outfalls SW1, SW2 and SW3. There are no specific effluent limitations on the stormwater outfalls.

The EPA waiver is in effect.

**PA0218995**, Sewage, **John McClatchey**, 107 Osage Path, Stoystown, PA 15563.

This application is for issuance of an NPDES permit to discharge treated sewage from the McClatchey single residence STP in Indian Lake Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Lake, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Hooversville Municipal Authority.

*Outfall 001*: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	20			40
Fecal Coliform	200/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219011**, Sewage, **Paul and Claudia Price**, 1323 Trim Tree Road, Indiana, PA 15701.

This application is for issuance of an NPDES permit to discharge treated sewage from the Price Single Residence STP in Armstrong Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Curry Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Buffalo Township Municipal Authority.

*Outfall 001*: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	20			40
Fecal Coliform	200/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

## WATER QUALITY MANAGEMENT PERMITS CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER APPLICATIONS UNDER THE CLEAN STREAMS LAW PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department). The applications are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permit applications.

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

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

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

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

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

**WQM Permit No. 5401405**, Sewerage, **Branch Township Municipal Authority**, P. O. Box 295, Llewellyn, PA 17944. This proposed facility is located in Branch Township, **Schuylkill County**.

Description of Proposed Action/Activity: To construct a 0.450 mgd wastewater treatment facility and associated collection system to treat domestic wastewater from Branch Township and Cass Township. The project serves 1492 EDU's of which Branch Township contributes 672 EDU's, collected via 64,000 linear feet of 8' PVC gravity sewer. The proposed treatment plant is a sequencing batch reactor (SBR) consisting of two 46.0' x 46.0' reactors, headworks building, aerobic digester, flow equalization basin, ultra-violet light disinfection, control building and sludge digesters. Effluent will be discharged to the West Branch Schuylkill River via a gravity outfall.

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

**Application No. 2601405**, Sewerage, **City of Uniontown**, 20 North Gallatin Avenue, Uniontown, PA 15401. Application for the replacement and operation of sewers and appurtenances to serve the Redstone Creek Interceptor located in the City of Uniontown, **Fayette County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania'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.

**WQM Permit No 4301422**, Sewerage, **Timothy P. Yesko**, 565 Fredonia Road, Greenville, PA 16125. This proposed facility is located in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**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 (BMPs) 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 DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, (610) 391-9583.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q228	Gateway Farms LLC 135 Bird Neck Rd. Barto, PA 19504	Lehigh County Weisenberg Township	Little Lehigh Creek HQ-CWF

*Northampton County Conservation District: Greystone Bldg., Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10U157	Henry Lubsen, President CTHL-1, Inc. 824 Eighth Ave. Bethlehem, PA 18018	Northampton County Palmer Township Tatamy Borough	Bushkill Creek HQ-CWF
PAS10U158	Thomas Fox 2601 Northwood Ave. Easton, PA 18045	Northampton County Plainfield Township	Little Bushkill HQ-CWF



*Pike County Conservation District: HC6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10V040	Phillip Rizzo 10 Kerby Lane Mendham, NJ 07945	Pike County Lehman Township	Saw Creek, HQ-CWF Little Bushkill Creek, EV

*Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10N033	Scranton Lackawanna Industrial Building Co. 222 Mulberry St. P. O. Box 431 Scranton, PA 18503-0431	Lackawanna County Jessup Borough	Grassy Island Creek (Lackawanna River) HQ-CWF

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

**NPDES Permit PAS104111**, Stormwater. **Catalyst Energy, Inc.**, 117 Radcliff Drive, Pittsburgh, PA 15237-3384 has applied to discharge stormwater associated with a construction activity located in Lafayette Township, **McKean County** to Libby Run (HQ-CWF) and Thunder-shower Run (HQ-CWF).

**PUBLIC WATER SUPPLY PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

<b>Permit No. 2801509</b> , Public Water Supply.	
Applicant	<b>DCNR Bureau of State Parks Caledonia</b>
Municipality	Green Township
County	<b>Franklin</b>
Responsible Official	Roger Fickes, Director P. O. Box 8551 Harrisburg, PA 17105-8551
Type of Facility	Public Water Supply
Consulting Engineer	David J Brenneman, P.E. DCNR Bureau of Facility Design and Construction P. O. Box 8451 Harrisburg, PA 17105-8451
Application Received Date	June 21, 2001
Description of Action	Installation of lead and copper corrosion control facilities. Revised facilities will include equipment to add soda ash and zinc orthophosphate.

<b>Permit No. 0601515</b> , Public Water Supply.	
Applicant	<b>Clover Farms Dairy Co.</b>
Municipality	Muhlenberg Township
County	<b>Berks</b>
Responsible Official	Craig Saul, Supervisor in charge P. O. Box 14627 Reading, PA 19612
Type of Facility	Public Water Supply
Consulting Engineer	Thomas J Motley, P.E. Motley Engineering Co. Inc. 1300 New Holland Rd. Kenhorst, PA 19607
Application Received Date	August 27, 2001
Description of Action	New bottled water system at the existing dairy bottling facility

<b>Permit No. 3601516</b> , Public Water Supply.	
Applicant	<b>The Jay Group</b>
Municipality	East Lampeter Township

County **Lancaster**  
 Responsible Official Larry L Miller, Water System Operator  
 2021 Horseshoe Road  
 Lancaster, PA 17602  
 Type of Facility Public Water Supply  
 Consulting Engineer Parley E Hess, Jr., P.E.  
 113 Liberty Street  
 Lancaster, PA 17602  
 Application Received Date September 7, 2001  
 Description of Action Inatallation of anion exchange for the removal of high nitrates in the source water. Project will also involve the use of UV light system for disinfection.

**Permit No. 2101504**, Public Water Supply.

Applicant **Regency Woods Mobile Home Park**  
 Municipality Middlesex Township  
 County **Cumberland**  
 Responsible Official James F McGraw, Group Manager  
 107 Texaco Road  
 Mechanicsburg, PA 17055  
 Type of Facility Public Water Supply  
 Consulting Engineer George W Ruby, P.E.  
 Ruby Engineering  
 P. O. Box 127  
 Rexmont, PA 17085-0127  
 Application Received Date September 19, 2001  
 Description of Action Installation of iron and manganese treatment system at an existing system well.

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

**Permit No. 0489509-A3**, Public Water Supply.

Applicant **Greater Johnstown Water Authority**  
 Township or Borough Johnstown  
 Responsible Official George Davidson  
 Greater Johnstown Water Authority  
 P. O. Box 1287  
 Vanport, PA 15009-1287  
 Type of Facility Water treatment plant  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 P. O. Box 853  
 Latrobe, PA 15650  
 Application Received Date September 5, 2001  
 Description of Action Saltlick Water Treatment Plant

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

**Permit No. 1601503**, Public Water Supply.  
 Applicant **PA-American Water Co.**  
 800 West Hershey Park Drive  
 Hershey, PA 17033  
 Township or Borough Clarion Township, **Clarion County**  
 Responsible Official Dave Swanson, Operations Superintendent  
 1073 E Main St.  
 Clarion, PA 16214.  
 Type of Facility PWS  
 Consulting Engineer Gene C. Koontz, P.E.  
 Gannett Fleming Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Application Received Date September 18, 2001  
 Description of Action Construct raw water pump station at the Clarion WTP.

**MINOR AMENDMENT**

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

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

**Application No. 2595501-MA2**, Minor Amendment.

Applicant **Erie City Water Authority**  
 340 West Bayfront Parkway  
 Erie, PA 16507-2004  
 Township or Borough Harborecreek Township, **Erie County**  
 Responsible Official Christopher J. Heberd, Director of Engineering  
 Type of Facility PWS  
 Consulting Engineer Craig J. Bauer, Vice President  
 KLH Engineers Inc.  
 5173 Campbells Run Rd.  
 Pittsburgh, PA 15205.  
 Application Received Date September 19, 2001  
 Description of Action Water storage tank at Depot Road pump station.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to

use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection 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 of Environmental Protection has received the following Notices of Intent to Remediate:

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

**Hao Van Nguyen Residence**, New Holland Borough, **Lancaster County**. RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603 (on behalf of Hao Van Nguyen, 35 North Kinzer Avenue, New Holland, PA 17557) has submitted a Notice of Intent to Remediate site soils contaminated with PHCs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**L M Stevenson Inc.**, Park and Monroe Streets, Grove City, PA, City of Grove City, **Mercer County** and Martin Knuth, P.G., CEC Inc., 333 Baldwin Road, Pittsburgh, PA 15205 has submitted a Notice of Intent to remediate soil and groundwater contaminated with Lead, Heavy Metals, PHCs and PAHs. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the

Notice of Intent to Remediate will be published in the Allied News on September 26, 2001.

#### **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. 400558. Montenay Montgomery LTD Partnership**, 1155 Conshohocken, PA 19428. This application was received for a Radiation Monitoring Plan. Facility located in Plymouth Township, **Montgomery County**. Application was received in the Southeast Regional Office on September 21, 2001.

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

**Permit Application No. 400556. Bridgeview, Inc.**, 1525 Chestnut Hill Road, Morgantown, PA 19543, Robeson Township, **Berks County**. The application has been determined to be administratively complete. The application was deemed administratively complete by Southcentral Region on September 17, 2001.

Comments concerning the application should be directed to Keith Kerns, 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 Southcentral Regional Office, (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.

### **AIR QUALITY**

#### **NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

##### **NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (DEP) 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 DEP, 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.

Notice is hereby given that DEP 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 DEP 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 DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP 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 DEP 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 through 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.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**31-03006A: The Mead Corp.** (P. O. Box 317, Alexandria, PA 16611-0317) for construction of a Maxson Sheeter, which tints paper stock with ink for colored posterboard, at their Blair Plant in Porter Township, **Huntingdon County**.

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

**25-025D: General Electric Transportation Systems—Erie Plant** (2901 East Lake Road, Erie, PA 16531) for maintenance activities scheduled over the next 4 years for three coal fired boilers in Erie, **Erie County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**23-0027: Dyneon LLC** (50 Milton Drive, Aston, PA 19014) for modification of operations of their thermal oxidizer, covered under Operating Permit 23-313-036, at their facility in Chester Township, **Delaware County**. The modification is the adoption of 1600°F as the combustion temperature, which was originally 1750°F. The ther-

mal oxidizer will continue to maintain a destruction efficiency of 96%, as permitted under Operating Permit 23-313-036. There will be no increase in potential emissions from the thermal oxidizer.

**23-0058: Haverford College** (370 Lancaster Avenue, Haverford, PA 19041) for installation of three 1000 kW peak shaving generators, located at Haverford's campus in Haverford Township, **Delaware County**. The three 1000 kW peak shaving generators will replace two 600 kW peak shaving generators. Haverford College is a non-Title V (synthetic minor) facility. The installation of the three 1000 kW peak shaving generators will result in emissions of 0.3 ton per year of particulate matter; 19.65 tons per year of nitrogen oxides; 0.15 ton per year of volatile organic compounds; and, 2.4 tons per year of carbon monoxide. The sulfur content of the fuel oil combusted will be limited to 0.2%, by weight, or less. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0124B: S.W.E.C., LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) to expand their plant in USX Industrial Park in Falls Township, **Bucks County**. This plan approval will authorize the applicant to construct and double the size of its combined-cycle electric power generation plant to 1190 MW. The plant will include two additional combined-cycle combustion turbines, two respective heat recovery steam generators and a single steam turbine. The emissions from the plant will be controlled by selective catalytic reduction and catalytic oxidizer. The sources and air pollution control devices are described in the applicant's application of January 4, 2001 and subsequent submissions.

Based on the information provided by the Applicant and DEP's own analysis, the operation of the completed facility will emit 488.7 tons per year of nitrogen oxides (NO<sub>x</sub>), 88.4 tons per year of volatile organic compounds (VOC), 360.5 tons per year of carbon monoxide (CO), 386.7 tons per year of particulate matter (PM/PM-10) and 96.3 tons per year of sulfur oxides (SO<sub>2</sub>). These emissions will consume the following the Prevention of Significant Deterioration air quality increments available in the area of the maximum impact of the facility:

Pollutant	Averaging Time	Maximum Modeled Impact $\mu\text{m}^3$
CO	1-hour	65.15
CO	8-hour	35.32
NO <sub>2</sub>	Annual	0.83
PM-10	24-hour	4.34
PM-10	Annual	0.50
SO <sub>2</sub>	3-hour	2.66
SO <sub>2</sub>	24-hour	0.81
SO <sub>2</sub>	Annual	0.09

In order to assure compliance with the applicable standards, DEP will place the following conditions on the plan approval:

#### General Requirements

A. This Plan Approval is issued to the owner and operator for the construction of a major modification to its combined cycle electric generating plant with a nominal electric output of 1190 megawatts. After completion of the major modification the plant will include the following sources and associated air pollution control devices:

i. Four GE PG7241-FA combined cycle combustion turbines, each equipped with a heat recovery steam genera-

tor with duct burners and two single steam turbines. The emissions from each turbine and associated duct burner shall be controlled by dry low NO<sub>x</sub> combustion, a selective catalytic reduction system and an oxidation catalyst system.

- ii. Two cooling towers equipped with mist eliminators.
- iii. Two auxiliary boilers, each rated at 45 million Btu heat input per hour.
- iv. Two emergency diesel generators, each rated at 750 kW.
- v. One diesel fired emergency pump rated at 140 kW output.

B. This Plan Approval authorizes temporary operation of the additional sources covered by this Plan Approval, provided the following conditions are met:

i. The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days, prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

ii. Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

iii. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the owner/operator pursuant to subpart i.

iv. The owner/operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted, in writing, at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

v. The notice submitted by the owner/operator under subpart i, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

vi. The emission reduction credit (ERC) use and transfer are approved by the Department for this major modification.

D. This approval to construct shall become invalid if:

i. Construction, as defined in 40 CFR 52.21(b)(8), has not commenced within 18 months from the issue date of this Plan Approval; or

ii. Construction is discontinued for a period of 18 months or more; or

iii. Construction is not complete within a reasonable time as defined in the Plan Approval Application.

E. If construction has commenced, but cannot be completed before the expiration of Plan Approval No. PA-09-0124B, an extension of the Plan Approval must be obtained to continue construction. To allow adequate time for Departmental action, a request for the extension must be postmarked at least 30 days prior to the expiration

date. The Department will not issue an extension after the Plan Approval expires. Requests for extension shall comply with 25 Pa. Code § 127.13. The request for an extension shall include the following:

- i. A justification for the extension and
- ii. A schedule for the completion of the construction.

*New Source Review (NSR) and ERC Requirements:*

A. The owner and operator shall comply with all the requirements of 25 Pa. Code § 127.208—ERC Use and Transfer Requirements prior to the initial startup of any of the sources specified in the condition previously listed.

B. The owner and operator provided ERC at a 1.3:1.0 ratio to offset the nitrogen oxides (NO<sub>x</sub>) emissions of 488.7 tons per year and volatile organic compounds (VOC) emissions of 88.4 tons per year. The required ERC of 635.3 tons of NO<sub>x</sub> and 114.9 tons of VOC have been provided per Plan Approval No. PA-09-0124C.

*New Source Performance Standards Requirements:*

The combustion turbines are subject to Subpart GG, the duct burners are subject to Subpart Da and the auxiliary boilers are subject to Subpart Dc of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of the Subparts. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to: Director, Air Protection Division, US EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

Any variations from the compliance monitoring, testing and reporting methods specified in the New Source Performance Standards shall be approved in advance by the EPA.

*Acid Rain Requirements:*

A. Upon start-up, the facility is subject to the applicable requirements contained in 40 CFR Parts 72—78. In addition, the facility is subject to the applicable requirements contained in 25 Pa. Code § 127.531, regarding special conditions related to acid rain.

B. The owners and operators of each affected source and each affected unit at the source shall:

i. Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and,

- ii. Have an Acid Rain permit.

*NO<sub>x</sub> Allowance Requirements*

A. The facility shall comply with the applicable regulations contained in 25 Pa. Code §§ 123.101—123.120.

B. The owner and operator shall establish a compliance account prior to the commencement of operations and shall be responsible to acquire any required NO<sub>x</sub> allowances from those available in the NATS (25 Pa. Code § 123.117(a)).

C. The owner and operator shall comply with 25 Pa. Code Chapter 145.

*Operating Requirements:*

A. Each unit and its associated air cleaning devices shall be installed, maintained and operated in accordance with manufacturers' specifications and good air pollution control practices.

B. All combustion turbines, duct burners, auxiliary boilers and natural gas preheaters located at this facility shall fire natural gas only.

C. The operation of each auxiliary boiler shall not exceed 3,500 hours per year in a 12-month rolling sum. Equipment (a timer or equivalent) shall be provided on the fire pump so that, at the request of the Department, the total operating hours of each boiler can be measured.

D. The operation of each emergency diesel generator shall not exceed 500 hours in a consecutive 12-month rolling sum. Equipment (a timer or equivalent) shall be provided on the fire pump so that, at the request of the Department, the total operating hours of each emergency generator can be measured.

E. The operation of the fire pump shall not exceed 500 hours in a consecutive 12-month rolling sum. Equipment (a timer or equivalent) shall be provided on the fire pump so that, at the request of the Department, the total operating hours of the fire pump can be measured.

F. The dissolved/suspended solids in the cooling tower blow down water shall not exceed 1,000 ppm by weight. Prior to commencing the combustion turbine operation,

the owner and operator shall submit to the Department for approval the methods to demonstrate compliance with this requirement.

G. The following condition applies to the start-up or shutdown of each combustion turbine:

i. A cold start-up shall be defined as an event that occurs after the combustion turbine has not been operating for at least 48 hours. A cold start-up shall not last longer than 5 hours after ignition.

ii. A warm start-up shall be defined as an event that occurs after the combustion turbine has not been operating for 8 to 48 hours. A warm start-up shall not last longer than 3 hours after ignition.

iii. A hot start-up shall be defined as an event that occurs after the combustion turbine has not been operating for less than 8 hours. A hot start-up shall not last longer than 2 hours after ignition.

iv. The emissions from a start-up or shutdown shall be included in the 12-month rolling sum.

v. A shut down commences with the termination of fuel injection into the combustion chambers.

*Emission Limitations*

A. The emissions from each combustion turbine shall not exceed the following limitations:

<i>Pollutants</i>	<i>Units</i>	<i>Emissions*</i>
Nitrogen Oxides (NO <sub>x</sub> )	ppmvd@15%O <sub>2</sub>	3.0
Volatile Organic Compounds (VOC)**	lb/MMBtu	0.002
Carbon Monoxide (CO)	ppmvd@15%O <sub>2</sub>	3.0
Particulate Matters (PM and PM-10)	lb/MMBtu	0.014
Sulfur Dioxide (SO <sub>2</sub> )	lb/MMBtu	0.002
Ammonia Slip Concentration	ppmvd@15%O <sub>2</sub>	10

\* The emission limit shall be calculated as a one-hour average.

\*\* The VOC emissions shall be reported as methane.

B. The short-term emission limitations contained in the previous condition do not apply during startup and shutdown of the combustion turbines. The combustion turbine startup and shutdown emissions shall be calculated using the following emission factors:

<i>Pollutants</i>	<i>Cold Startup</i> lb/startup	<i>Warm Startup</i> lb/startup	<i>Hot Startup</i> lb/startup	<i>Shutdown</i> lb/shutdown
NO <sub>x</sub>	321	223	219	48
VOC	181	70	23	8.5
CO	474	435	192	28.8
PM/PM <sub>10</sub>	43.2	43.2	43.2	43.2
SO <sub>2</sub>	10.9	10.9	10.9	10.9

C. The emissions from each auxiliary boiler shall not exceed the following limitations :

<i>Pollutants</i>	<i>lb/MMBtu</i>	<i>Emission Limits</i> <i>lb/hr/boiler</i>	<i>TPY(total)</i>
Nitrogen Oxides	0.035	1.60	5.6
Volatile Organic Compounds (VOC)	0.004	0.19	0.7
Carbon Monoxide (CO)	0.037	1.67	5.8
Particulate Matter (PM)	0.010	0.45	1.6
Sulfur Dioxide (SO <sub>2</sub> )	0.002	0.09	0.3

D. The emissions from all facility natural gas pre-heaters shall not exceed the following limitations:

<i>Pollutants</i>	<i>lb/MMBtu</i>	<i>Emission Limits</i> <i>lb/hr/boiler</i>	<i>TPY(total)</i>
Nitrogen Oxides	0.035	0.27	4.8
Volatile Organic Compounds (VOC)	0.003	0.02	0.4
Carbon Monoxide (CO)	0.082	0.64	11.3
Particulate Matter (PM)	0.010	0.08	1.4
Sulfur Dioxide (SO <sub>2</sub> )	0.002	0.02	0.28

E. The emissions from all facility emergency diesel generators shall not exceed the following limitations:

<i>Pollutants</i>	<i>Emission Limits</i>		
	<i>lb/MMBtu</i>	<i>lb/hr/boiler</i>	<i>TPY(total)</i>
Nitrogen Oxides	6.9	18	9.0
Volatile Organic Compounds (VOC)	0.17	0.4	0.2
Carbon Monoxide (CO)	8.5	22.1	11.1
Particulate Matter (PM)	3.28	1.0	0.5
Sulfur Dioxide (SO <sub>2</sub> )	1.0	2.6	1.3

F. The emissions from the fire pump shall not exceed the following limitations:

<i>Pollutants</i>	<i>Emission Limits</i>		
	<i>lb/MMBtu</i>	<i>lb/hr/boiler</i>	<i>TPY (total)</i>
Nitrogen Oxides	7.2	3.5	0.88
Volatile Organic Compounds (VOC)	0.17	0.1	0.02
Carbon Monoxide (CO)	1.2	0.6	0.15
Particulate Matter (PM)	0.22	0.1	0.03
Sulfur Dioxide (SO <sub>2</sub> )	0.47	0.2	0.06

G. The PM emissions from the cooling towers shall not exceed 0.53 pound per hour and 4.6 tons per year as a 12-month rolling sum.

H. The combined emissions from the entire facility shall not exceed the following limitations:

<i>Pollutants</i>	<i>Facility Annual Emission Limits (TPY)*</i>
<i>Nitrogen Oxides</i>	488.7
Volatile Organic Compounds (VOC)	88.4
Carbon Monoxide (CO)	360.5
Particulate Matter (PM)	386.7
Sulfur Dioxide (SO <sub>2</sub> )	96.3
Sulfur Acid (H <sub>2</sub> SO <sub>4</sub> ) Mist	29.3

\* The facility annual emission limits are a 12-month rolling sum calculated monthly. The facility annual emission limits include the emissions during startups and shutdowns.

#### *Continuous Source Monitoring Requirements:*

A. Each combustion turbines shall be equipped with continuous monitoring systems to monitor and record nitrogen oxides (NO<sub>x</sub>) emissions, carbon monoxide (CO) emissions and oxygen (O<sub>2</sub>) content in the flue gas.

B. The continuous emission monitoring systems for NO<sub>x</sub>, CO and O<sub>2</sub> shall be approved by the Department and installed, calibrated, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139.

C. The continuous emission monitoring system for the parameters in the previous condition must be approved by the Department. The continuous emission monitoring system shall be installed, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139. Proposals containing the information as listed in Phase I section of the Department's Continuous Source Monitoring Manual for the continuous emission monitoring system must be submitted at least 180 days prior to the start-up of each combined cycle combustion turbine.

D. Testing as listed in the Phase II section of the Department's Continuous Source Monitoring Manual must be completed for the CEMs no later than 180 days after initial source start-up date and no later than 60 days after the source achieves normal process capacity.

E. The final report as listed in the Phase III section of the Department's Continuous Source Monitoring Manual must be submitted no later than 60 days after the completion of testing.

F. The continuous monitoring systems shall be installed, maintained and operated to achieve the following data availability requirements:

	<i>Monitored Pollutants or Parameters</i> <i>NO<sub>x</sub>, CO, O<sub>2</sub></i>
Data Availability	≥90% valid hours/calendar month
	≥95% valid hours/calendar quarter
Valid Hour	≥75% valid readings (45 minutes/hour)

G. Equipment shall be installed, operated and maintained to continuously monitor and record the ammonia solution injection rate and the pH or ammonia concentration of the solution to the SCR system.

H. Equipment shall be installed, operated and maintained to continuously monitor and record the amount of natural gas combusted in the combustion turbines and the duct burners.

#### *Recordkeeping Requirements*

A. The owner and operator shall maintain records on all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment, which is subject to this Plan Approval.

B. The owner and operator shall maintain a copy of the manufacturer's specifications for the combustion turbines, the duct burners, cooling towers and air cleaning devices on-site.

C. The owner and operator shall maintain a copy of the manufacturer's specifications for all CEMs that are required by this Plan Approval.

D. The owner and operator shall keep a record of all the stack tests that are required in this Plan Approval.

E. The owner and operator shall keep a monthly record of the fuel usage.

F. The owner and operator shall keep a record of the date of any malfunction, the time period of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

G. The owner and operator shall keep a record, on a monthly basis, of the facility's emissions in order to demonstrate compliance with the emission limits in emission limitations condition of this Plan Approval.

H. The owner and operator shall keep all records that are required under 40 CFR Part 60 Subparts Da, Dc and

GG and 40 CFR Parts 72–78, unless the permittee receives approval of an alternative method from the EPA.

I. The owner and operator shall keep a record of each startup and shutdown of the combustion turbines.

J. The owner and operator shall keep a record of the results of the testing for cooling tower blow down water total dissolved and suspended solids.

#### Testing Requirements

A. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but no later than 180 days after the initial startup of the facility, the owner or operator shall conduct performance tests as per section 60.8 and Subparts GG and Db of 40 CFR Part 60 and 25 Pa. Code Chapter 139.

B. The perform test shall be conducted on the gas turbines and the duct burners for nitrogen oxides, carbon monoxide, volatile organic compounds, sulfur dioxide, ammonia slip concentration and total particulate matter and PM<sub>10</sub>.

C. During the stack test, the ammonia solution flow rate in GPM and its pH shall be measured and recorded.

D. At least 60 days prior to the test, the company shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

E. At least 30 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

F. Within 30 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.*

**48-328-006: Conectiv Mid-Merit, Inc.** (P. O. Box 6066, Newark, DE 19714) for construction of six combined-cycle combustion turbines and two cooling towers in Lower Saucon Township and Bethlehem, **Northampton County**.

The following table summarizes the potential emissions from the maximum operation of the facility according to the application submitted for the Department's own analysis:

Pollutant	Emission Rate (tons/year)
Nitrogen Oxides (NO <sub>x</sub> )	460.2
Carbon Monoxide (CO)	439.3
Volatile Organic Compounds (VOCs)	46.0
Sulfur Dioxide (SO <sub>2</sub> )	301.0
Particulate Matter (TSP/PM <sub>10</sub> )	528.0
Sulfuric Acid Mist	46.1

The emissions will consume the following portion of the available Prevention of Significant Deterioration (PSD) air quality increments:

Pollutant	Averaging Time	Ambient Air Quality Impact • g/m <sup>3</sup>
PM <sub>10</sub>	24-Hour	14.4
SO <sub>2</sub>	3-Hour	50.6
	24-Hour	25.2

In order to show compliance with the applicable standards, the Department will place the following conditions in the Plan Approval:

1. The sources are to be constructed in accordance with the plans submitted with the application (as approved herein).

2. Nothing in this permit shall be construed to supersede, amend or authorize violation of the provisions of any valid and applicable local law, ordinance or regulation, provided that said local law, ordinance or regulation is not preempted by the Air Pollution Control Act (35 P. S. §§ 4001–4015).

3. The permittee shall comply with the Air Pollution Control Act and Title 25, Rules and Regulations, Article III, Air Resources promulgated thereunder.

4. In accordance with the provisions of the State and Federal New Source Performance Standards, (40 CFR 60.7) the permittee shall provide to the Department and the EPA notifications of:

a. The date that construction commenced for each simple cycle gas turbine (to be submitted within 30 days of commencement of construction).

b. The anticipated date of start up (first fires) for each simple cycle gas turbine (to be submitted not more than 60 days nor less than 30 days prior to the date).

c. The actual date of initial start up for each simple cycle gas turbine (to be submitted at least 15 days following the date).

5. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

a. In addition to the previous notification requirements specified, the Department must receive written notice from the Owner/Operator of the anticipated date of the completion of construction for each gas turbine and the Operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction is anticipated to be completed and when the Operator expects to commence operation.

b. Operation is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of all sources for a period of 180 days from the date of commencement of operation of the last combined cycle source coming on line, provided the Department receives notice from the Owner/Operator under subpart (a).

d. The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reason compliance has not been established.

e. The notice submitted by the Owner/Operator under subpart (a), prior to the expiration of this Plan Approval shall modify the plan approval expiration date. The new



plan approval expiration date shall be 180 days from the date of the written notice and may be re-extended for cause.

6. This Plan Approval is issued for the construction of a nominal 1100 MW combined cycle combustion turbine electric generating plant including the following:

a. Six natural gas/distillate fuel oil fired combustion turbines (Siemens-Westinghouse Model V84.2), each rated at a nominal 122 MW (gross) and controlled, when in simple cycle operation, by dry, low NO<sub>x</sub> combustors (when firing natural gas, in the premix mode of operation), water injection (when firing low sulfur distillate fuel oil and natural gas in the diffusion mode of operation). In addition, selective catalytic reduction (SCR) shall be used when in the combined cycle mode of operation

b. Six heat recovery steam generators (HRSGs)

c. Two steam turbine generators each rated at a nominal 200 MW

d. Two 10 cell cooling towers with drift eliminators.

e. One 4,000,000-gallon above ground low sulfur distillate fuel oil tank.

f. Two 12,000-gallon above ground anhydrous ammonia storage tank.

7. This approval to construct shall become invalid if:

a. Construction (as defined in 40 CFR 52.21 (b)(8)) has not commenced within 18 months of the issue date of the approval; or

b. Construction is discontinued for a period of 18 months or more.

8. The six Siemens-Westinghouse combustions turbines shall primarily fire natural gas with capability for low sulfur distillate fuel oil (liquid fuel) with sulfur content no greater than 0.05% by weight.

9. The total fuel consumption of liquid fuel in the six combustion turbines shall not exceed a total of 61,038,000 gallons during any consecutive rolling 12-month period.

10. The six combustion turbines at the site shall not operate more than a combined total of 108 unit operating hours on a daily (24 hour calendar day) basis while firing liquid fuel, in the combined cycle mode of operation. The units may operate on natural gas for the remaining 36 unit operating hours. Operation in simple cycle mode, while burning liquid fuel, shall not be limited on a daily basis.

11. Each Combustion Turbine shall not be operated more than 200 hours in Peak load and 200 hours in base load in the Diffusion Mode operation. Each combustion turbine shall not be operated more than 100 hours in peak load in the pre-mix mode operation.

12. The permittee shall construct, operate and maintain the six combustion turbines, six HRSGs, two steam turbine generators, two cooling towers and air pollution control equipment in accordance with manufacturer's recommendations, as well as good air pollution control practices to ensure compliance with all air quality emission limitations.

13. For any unit, the duration of operation in the simple cycle mode shall not exceed 12 months from the initial start-up of the unit. At anytime after start-up of any unit in combined cycle mode the unit shall not operate in simple cycle mode except during periods of unavailability of the combined cycle portion of the facility

due to forced or planned maintenance outages, during electrical testing, or as required for compliance testing.

14. The combustion turbines are subject to Subpart GG of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both EPA and the Department. The EPA copies shall be forwarded to Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

15. The one 4 million gallon low sulfur distillate fuel oil storage tank is subject to Subpart Kb of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both EPA and the Department. The EPA copies shall be forwarded to Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

16. The six combustion turbines are subject to the Title IV Acid Rain Program of the Clean Air Act Amendments of 1990 and shall comply with all applicable provisions of that Title, to include the following:

40 CFR Part 72	Permits Regulation
40 CFR Part 73	Sulfur Dioxide Allowance System
40 CFR Part 75	Continuous Emissions Monitoring
40 CFR Part 77	Excess Emissions

17. The six combustion turbines are subject to the NO<sub>x</sub> Budget Program established in 25 Pa. Code §§ 123.102—123.120 and shall comply with all of the following applicable requirements.

§ 123.112. Source operating permit requirements.

The permittee shall comply with the requirements of 25 Pa. Code §§ 123.101—123.120 (relating to NO<sub>x</sub> allowance requirements).

§ 123.102. Source NO<sub>x</sub> allowance requirements and NO<sub>x</sub> allowance control period.

For each NO<sub>x</sub> affected source identified in this permit, the permittee shall hold a quantity of NO<sub>x</sub> allowances meeting the requirements of § 123.110(a) (relating to source compliance requirements) in the source's current year NATS account by December 31 of each calendar year. The NO<sub>x</sub> allowances shall be equal to or greater than the total NO<sub>x</sub> emitted from the source during that year's NO<sub>x</sub> allowance control period.

#### *Monitoring Requirements*

§ 123.108. Source emissions monitoring requirements.

a. The NO<sub>x</sub> emissions from each NO<sub>x</sub> affected source at this facility shall be monitored as specified in 25 Pa. Code § 123.108 and in accordance with the procedures contained in the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program."

b. As referenced in 25 Pa. Code § 123.108(2), the permittee shall submit to the Department and the NO<sub>x</sub> Budget Administrator a monitoring plan in accordance with the procedures outlined in the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program."

c. New and existing unit emission monitoring systems, as required and specified by 25 Pa. Code § 123.108(4) and the NO<sub>x</sub> affected source's monitoring plan approved by

the Department, shall be installed and operational. The installed emission monitoring systems shall have met all of the certification testing requirements in accordance with the procedures and deadlines specified in the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program" in a manner consistent with 25 Pa. Code Chapter 139 (relating to sampling and testing).

d. Sources subject to 40 CFR Part 75 shall demonstrate compliance with 25 Pa. Code § 123.108 by using a certified Part 75 monitoring system.

e. During a period when valid data is not being recorded by devices approved for use to demonstrate compliance with the NO<sub>x</sub> Allowance Requirement subchapter, the permittee shall replace missing or invalid data with representative default data in accordance with 40 CFR Part 75 (relating to continuous emission monitoring) and the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program." For non-Part 75 sources that have Department approved NO<sub>x</sub> CEMS reporting of NO<sub>x</sub> emissions in pounds of NO<sub>x</sub> per hour as required under 25 Pa. Code § 139.101, the data shall be reported to the NETS. The permittee shall continue to report submissions as required under 25 Pa. Code Chapter 139 to the Department.

#### *Testing Requirements*

§ 123.108. Source emissions monitoring requirements.

Monitoring systems for each NO<sub>x</sub> affected source shall comply with the initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program."

#### *Reporting Requirements*

§ 123.109. Source emissions reporting requirements.

The authorized account representative shall submit to the NO<sub>x</sub> Budget Administrator, electronically, emissions and operations information for each calendar quarter of each year in accordance with the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program." The emissions and operations information shall be submitted in a format, which meets the requirements of EPA's Electronic Data Reporting convention.

#### *Compliance Requirements*

§ 123.110. Source compliance requirements.

a. Each year from November 1 through December 31, inclusive, the authorized account representative shall request the NO<sub>x</sub> Budget Administrator to deduct, consistent with 25 Pa. Code § 123.107 (relating to NO<sub>x</sub> allowance transfer procedures), a designated amount of NO<sub>x</sub> allowances by serial number from the NO<sub>x</sub> affected source's compliance account in an amount equivalent to the NO<sub>x</sub> emitted from the NO<sub>x</sub> affected source during that year's NO<sub>x</sub> allowance control period. The designated NO<sub>x</sub> allowances shall be used in accordance with the requirements specified in 25 Pa. Code § 123.110.

b. For each NO<sub>x</sub> allowance control period, the authorized account representative for the NO<sub>x</sub> affected source shall submit an annual compliance certification to the Department no later than the NO<sub>x</sub> allowance transfer deadline (December 31) of each year.

c. At a minimum, the compliance certification shall contain the information and statement required under 25 Pa. Code § 123.110(e)(1)–(6).

#### *Recordkeeping Requirements*

§ 123.113. Source recordkeeping requirements.

The owner or operator shall maintain for each NO<sub>x</sub> affected source at this facility, the measurements, data, reports and other information required by 25 Pa. Code §§ 123.101–123.120. The records shall be maintained for 5 years or any other period consistent with the terms of the NO<sub>x</sub> affected source's operating permit.

16. § 123.121 NO<sub>x</sub> Allowance Program Transition

The emission limitations and monitoring requirements established in 25 Pa. Code §§ 123.101–123.120 (relating to NO<sub>x</sub> allowance requirements) are replaced by the requirements in Chapter 145 beginning with the May 1, 2003, control period. If a source has failed to demonstrate compliance with 25 Pa. Code § 123.111 (relating to failure to meet source compliance requirements), the provisions in 25 Pa. Code § 145.54(d) (relating to compliance) shall be used to withhold NO<sub>x</sub> allowances in calendar year 2003 and beyond. If no NO<sub>x</sub> allowances are provided to the source under 25 Pa. Code § 145.52 (relating to NO<sub>x</sub> allowance allocations), the source will be obligated to acquire and retire a number of NO<sub>x</sub> allowances as specified in 25 Pa. Code § 145.54.

§§ 145.1–145.90 NO<sub>x</sub> Budget Trading Program Incorporation.

The emissions limitations, monitoring and all other requirements of the NO<sub>x</sub> Budget Trading Program established in 25 Pa. Code §§ 145.1–145.90 are hereby incorporated by reference.

§ 145.10 Authorization and responsibilities of the NO<sub>x</sub> authorized account representative.

a. [§ 145.10(a)] Except as provided under 25 Pa. Code § 145.11 (relating to alternate NO<sub>x</sub> authorized account representative), each NO<sub>x</sub> budget source, including all NO<sub>x</sub> budget units at the source, shall have one and only one, NO<sub>x</sub> authorized account representative, with regard to all matters under the NO<sub>x</sub> Budget Trading Program concerning the source or any NO<sub>x</sub> budget unit at the source.

b. [§ 145.10(e)] Each submission under the NO<sub>x</sub> Budget Trading Program shall be submitted, signed and certified by the NO<sub>x</sub> authorized account representative for each NO<sub>x</sub> budget source on behalf of which the submission is made.

§ 145.6(a) Standard requirements—Monitoring requirements.

a. The owners and operators and the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall comply with the monitoring requirements of 25 Pa. Code §§ 145.70–145.76 (relating to recordkeeping and recording requirements) by May 1, 2002.

b. The emissions measurements recorded and reported in accordance with 25 Pa. Code §§ 145.70–145.76 shall be used to determine compliance by the unit with the NO<sub>x</sub> budget emissions limitation under 25 Pa. Code § 145.6(c)

§ 145.6(b) Standard requirements—NO<sub>x</sub> requirements.

a. The owners and operators of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 25 Pa. Code § 145.54 (relating to compliance), as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount

not less than the total NO<sub>x</sub> emissions for the control period from the unit, as determined in accordance with 25 Pa. Code §§ 145.70—145.76 (relating to recordkeeping and reporting requirements) plus any amount necessary to account for actual heat input under § 145.42(e) (relating to NO<sub>x</sub> allowance allocation) for the control period or to account for excess emissions for a prior control period under 25 Pa. Code § 145.54(d) or to account for withdrawal from the NO<sub>x</sub> budget trading program, or a change in regulatory status, of a NO<sub>x</sub> budget opt-in unit under 25 Pa. Code §§ 145.86 and 145.87 (relating to withdrawal from NO<sub>x</sub> Budget Trading Program; and opt-in source change in regulatory status).

b. A NO<sub>x</sub> budget unit shall be subject to the requirements under paragraph (a) starting on May 1, 2003, or the date on which the unit commences operation, whichever is later.

§ 145.6(c) Standard requirements—Excess emissions.

The owners and operators of a NO<sub>x</sub> budget unit that has excess emissions in any control period shall do the following:

Surrender the NO<sub>x</sub> allowances required for deduction under 25 Pa. Code § 145.54(d)(1) (relating to compliance).

§ 145.6(d) Standard requirements-Recordkeeping and reporting requirements

Unless otherwise provided, the owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall maintain at a central location and provided upon request by the Department of the NO<sub>x</sub> budget administrator all documents required under 25 Pa. Code § 145.6(d) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of the 5 years, in writing by the Department or the Administrator.

§ 145.74(b) Standard requirements—Monitoring plans.

a. The owner or operator of a unit subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62 (relating to monitoring plans), except that the monitoring plan shall also include all of the information required by 40 CFR Part 75, Subpart H.

b. The owner or operator of a unit that is not subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan is only required to include the information required by 40 CFR Part 75, Subpart H.

§ 145.74(c) Certification applications.

The NO<sub>x</sub> authorized account representative shall submit an application to the Department within 45 days after completing all initial certification or recertification tests required under 25 Pa. Code § 145.71 (relating to initial certification and recertification procedures) including the information required under 40 CFR Part 75, Subpart H.

§ 145.74 Source emission reporting requirements.

a. The authorized account representative shall submit to the Department and to the NO<sub>x</sub> Budget Administrator a quarterly emissions report in accordance with the requirements of 25 Pa. Code § 145.74(d).

b. The NO<sub>x</sub> authorized account representative shall submit to the Department and the NO<sub>x</sub> Budget Administrator a compliance certification in support of each quarterly report required under 25 Pa. Code § 145.74(d) based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the units emissions are correctly and fully monitored.

§ 145.30 Compliance certification report.

For each control period in which one or more NO<sub>x</sub> budget units at a source are subject to the NO<sub>x</sub> budget emissions limitation, the NO<sub>x</sub> authorized account representative of the source shall submit to the Department and the NO<sub>x</sub> Budget Administrator by November 30 of that year, a compliance certification report for the source covering all of the units.

§ 145.90 Emission reduction credit provisions.

NO<sub>x</sub> budget units may create, transfer and use ERCs in accordance with 25 Pa. Code Chapter 127 and § 145.90. ERCs may not be used to satisfy NO<sub>x</sub> allowance requirements.

17. Under the provisions of 25 Pa. Code Chapter 127, Subchapter E, New Source Review, the permittee shall secure Department-approved nitrogen oxides (NO<sub>x</sub>) Emission Reduction Credits (ERCs) in the amount of 529.2 tons per year prior to the commencement of operation of the combustion turbines.

18. Under the Lowest Achievable Emission Rate (LAER) provisions of 25 Pa. Code § 127.205, the permittee shall limit the NO<sub>x</sub> emissions (corrected to 15% O<sub>2</sub>) from each combustion turbine to the following:

1 hour NO<sub>x</sub> averages calculated from a 3-hour rolling block average

Mode (At 15% Oxygen)	Natural Gas (Premix)		Natural Gas (Diffusion)		Liquid Fuel (Diffusion)	
	Base	Peak	Base	Peak	Base	Peak
Simple Cycle	9 ppmvd	25ppmvd	42ppmvd	42ppmvd	42ppmvd	42ppmvd
Combined Cycle	2.5ppmvd	7ppmvd	9ppmvd	9ppmvd	9ppmvd	9ppmvd

19. Under the Best Available Control Technology (BACT) provisions of 25 Pa. Code § 127.83, carbon monoxide (CO) emissions from the combustion turbines when firing natural gas or liquid fuel shall not exceed 6.0 ppmvd 15% oxygen on an hourly basis (3 hour rolling average) when operating in either simple cycle or combined cycle modes.

20. Under the BACT provisions of 25 Pa. Code § 127.83, sulfur dioxide (SO<sub>2</sub>) emissions from the combustion turbines operating in either simple or combined cycle modes shall not exceed:

a. 0.003 pound per million BTU (HHV) on an hourly basis when firing natural gas; and

b. 0.051 pound per million BTU (HHV) on an hourly basis when firing liquid fuel.

21. Under the BACT provisions of 25 Pa. Code § 127.83, PM/PM<sub>10</sub> emissions from the combustion turbines shall not exceed:

a. 0.0135 pound per million BTU (HHV) on an hourly basis when firing natural gas for the simple cycle mode of operation; and

b. 0.0184 pound per million BTU (HHV) on an hourly basis when firing liquid fuel for the simple cycle mode of operation; and

c. 0.0141 pound per million BTU (HHV) on an hourly basis when firing natural gas for the combined cycle mode of operation; and

d. 0.0288 pound per million BTU (HHV) on an hourly basis when firing liquid fuel for the combined cycle mode of operation.

22. Under the BACT provisions of 25 Pa. Code § 127.83, Sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) mist emissions from the combustion turbines shall not exceed:

a. 0.00023 pound per million BTU (HHV) on an hourly basis when firing natural gas for the simple cycle mode of operation; and

b. 0.00390 pound per million BTU (HHV) on an hourly basis when firing liquid fuel for the simple cycle mode of operation; and

c. 0.00046 pound per million BTU (HHV) on an hourly basis when firing natural gas for the combined cycle mode of operation; and

d. 0.00780 pound per million BTU (HHV) on an hourly basis when firing liquid fuel for the combined cycle mode of operation.

23. Section 127.83, volatile organic compound (VOC) emissions (corrected to 15% oxygen) from the combustion turbines shall not exceed:

a. 1.2 ppmvd on an hourly basis when operating in either simple or combined cycle operation while firing natural gas in the premix configuration; and

b. 1.3 ppmvd on an hourly basis when operating in either simple or combined cycle operation while firing

either natural gas in the diffusion configuration or while burning liquid fuel.

24. Under the Best Available Technology (BAT) provisions of 25 Pa. Code § 127.1, the permittee shall limit the emission of ammonia for each selective catalytic reduction (SCR) system exhaust to 10 ppmvd, measured dry volume corrected to 15% oxygen, under normal operation.

25. The emission limitations specified in Conditions 20, 21, 22, 23, 24, 25, 26 and 29 shall not be applied to the periods of start-up and shutdown, defined and limited as follows:

*Startup:* Commences with the initiation of fuel injection into the combustion chambers and ends when the combustion turbine reaches 50% load

*Cold Startup:* Refers to restarts made more than 24 hours after shutdown. When operating in the simple cycle mode, a cold startup shall not exceed 20 minutes. When operating in the combined cycle mode, a cold startup shall not exceed 60 minutes.

*Hot Startup:* Refers to restarts made less than 24 hours after shutdown. When operating in the simple cycle mode, a hot startup shall not exceed 20 minutes. When operating in the combined cycle mode, a hot startup shall not exceed 30 minutes.

*Shutdown:* Commences when the combustion turbine load falls below 50% and ends when the fuel injection into the combustion chambers is terminated. Shutdown shall not exceed 20 minutes.

26. Total emissions from respective sources at the facility shall not exceed, during any consecutive 12 month rolling period, the following limits:

*Facility Emission Limits, tons  
Pollutant*

<i>Pollutant</i>	<i>Gas Turbines (All)</i>	<i>Cooling Tower</i>	<i>Fuel Oil Storage</i>	<i>Ancillary Equipment</i>	<i>Facility Total</i>
NO <sub>x</sub>	460.2				460.2
CO	439.3				439.3
VOC	45.0		0.4	0.6	46.0
PM <sub>10</sub>	520.6	7.4			528.0
SO <sub>2</sub>	50.2				301.0
Ammonia	444.5				444.5
Sulfuric Acid Mist	46.1				46.1

27. Hazardous Air Pollutant (HAP) emissions from the combustion turbines shall be less than 10 tons for any single HAP and 25 tons aggregate for any combination of HAPs during any consecutive rolling 12-month period.

28. Under the provisions of 25 Pa. Code § 123.31, there shall be no malodorous emissions from any operation related to any source covered under this Plan Approval.

29. Under the provisions of 25 Pa. Code § 123.41, the visible air contaminants from each combustion turbine exhaust stack shall not be emitted in a manner that the opacity of the emission is equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any one hour; or equal to or greater than 60% at any time.

30. Within 60 days after achieving the maximum firing rate for each gas turbine source, but not later than 180 days after start-up, the permittee shall demonstrate compliance with each emission limit established in Conditions 20, 21, 22, 23, 24, 25, 26, 29 and opacity as per

Section 60.8 and 40 CFR Part 60 Subpart GG and Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

31. At least 60 days prior to the test, the permittee shall submit to the Department for approval the procedures for a test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

32. At least 30 days prior to the test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

33. Within 60 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager for approval.

34. Continuous emission monitoring system for nitrogen oxides (as NO<sub>x</sub>), carbon monoxide (CO) and diluent

gas (O<sub>2</sub> or CO<sub>2</sub>) must be approved by the Department and installed, operated and maintained in accordance with the requirements of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. Proposals containing information as listed in the Phase I section of the Department's *Continuous Source Monitoring Manual* for CEMs must be submitted at least 3 months prior to the start-up of the combustion turbines.

35. Phase I Department approval must be obtained for the monitors described in Condition 33 prior to initial start-up of the combustion turbines. Phase III Department approval must be obtained within 60 days of achieving the maximum production rate at which the turbines will be operated, but not later than 180 days after initial start-up of the turbines. Department review time for the Phase III report (time between postmark of the permittee's Phase III report and the postmark of the Department's response letter) will not be charged against the turbines in determining compliance with this condition. Information on obtaining Department approval is included in the Department's *Continuous Source Monitoring Manual*.

36. The permittee shall install and maintain fuel flow monitors that meet the requirements of 40 CFR Part 75.

37. The permittee shall monitor the sulfur and nitrogen content of the fuel being fired in the combustion turbines as per 40 CFR 60.334(b), unless the permittee receives approval from the EPA to use an alternative method as per 40 CFR 60.13. In addition, the permittee shall monitor water to fuel ratios as required under 40 CFR 60 GG, unless the permittee receives approval from the EPA to use NO<sub>x</sub> continuous emission monitoring system to maintain conformance with the applicable NO<sub>x</sub> emissions permit limits.

38. In order to ensure the proper operation of the SCR system, the permittee shall measure outlet NO<sub>x</sub> emissions and ammonia flow control valve position (an indicator of the proper ammonia flow rate)

39. The permittee shall record each start-up and shut-down, including date and times of each event, for the combustion turbines.

40. The permittee shall, at a minimum, record the following:

- a. Monthly fuel consumption for each combustion turbine
- b. 12-month rolling total fuel consumption
- c. Monthly emissions of TSP/PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO, H<sub>2</sub>SO<sub>4</sub> and VOC
- d. 12-month rolling total of the emissions identified in Condition (41)(c)
- e. Results of fuel sampling
- f. SCR performance

41. All emissions shall be determined by the methods found in 40 CFR Part 60 Subpart GG, the Plan Approval Application and supplemental materials and *Continuous Source Monitoring Manual*.

42. The Facility shall limit the particulate emissions from the cooling tower to 7.4 tons per year in a 12-month rolling period. The solids concentration in the blowdown for each cooling tower shall not exceed 1160 mg/L (averaged over 12-month rolling period).

43. The Facility shall keep a record of the results of the testing for the cooling tower blowdown water total solids content.

44. Records required under this Plan Approval, 40 CFR Part 60 Subpart GG and 40 CFR Parts 72 and 75 shall be kept for a period of 5 years and shall be made available to the Department upon request.

a. The permittee shall maintain records on all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment, which is subject to this plan approval.

b. The permittee shall maintain a copy of the manufacturer's recommendation for the six combustion turbines, two cooling towers and air pollution control equipment on-site.

c. The permittee shall maintain a copy of the manufacturer's recommendations for all CEMs that are required by this Plan Approval.

d. The permittee shall keep a record of the date of malfunction, the time of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

e. The permittee shall keep a record monitoring or testing associated with any cooling tower sampling for calculation of particulate emissions from this source.

45. The Department reserves the right to use the CEM data, stack test results and the operating parameters determined during optimization of the turbines and their associated air cleaning devices to verify emission rates, to establish emission factors and to develop compliance assurance measures in the Operating Permit.

46. The permittee shall conduct post-construction monitoring of PM-10 in order to ascertain attainment with National Ambient Air Quality Standards.

47. A post-construction PM-10 monitoring protocol shall be submitted to the Department within 3 months of issuance of the plan approval.

48. The monitoring of PM-10 shall commence at the start of simple cycle operation and shall be conducted in accordance with the "Ambient Monitoring Guidelines for Prevention of Significant Deterioration (EPA-450/4-87-007)."

As an alternative to EPA Guideline Models, AERMOD, was used in the air quality analysis. Specific approval for the use of AERMOD in this analysis was granted by the EPA Region III Administrator and was consistent with the recommendations under section 3.2 of Appendix W to 40 CFR Part 51.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval and the appropriateness of using the alternate air model AERMOD for air quality purposes. The hearing will be held on November 1, 2001, at 7 p.m. at City Hall, 10 East Church Street, Bethlehem, PA, 18018. Persons interested in commenting are invited to appear at the public hearing. Persons unable to attend the hearing can submit written testimony to the Department through November 11, 2001.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**07-05001E: Appleton Papers Inc.—Spring Mill** (100 Paper Mill Road, Roaring Spring, PA 16673) for installation of the High Volume Low Concentration (HVLC) Non-Condensable Gas (NCG) collection system in Roaring Spring Borough, **Blair County**. The NCG from the kraft pulping system vents will be collected and transported to

the facility's No. 3 Power Boiler for combustion. The HVLC NCG will be collected and combusted as required by 40 CFR Part 63 Subpart S, section 63.443. The No. 3 Power Boiler is expected to provide efficient control of hazardous air pollutants from the burning of the HVLC NCG. No net increase of nitrogen oxides or sulfur dioxide is expected from this project at the No. 3 Power Boiler. Appleton Papers Inc. is a kraft pulp and paper mill located in Roaring Spring Borough, Blair County. The facility currently has a Title V Permit No. 07-05001. 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. The Plan Approval will contain additional record-keeping and operating restrictions designed to keep the facility operating within the requirements of 40 CFR Part 63, Subpart S. The Title V Operating Permit will be modified to include the use of the No. 3 Power Boiler as a control device.

**38-03035: V & S Lebanon Galvanizing, LLC** (1000 Buckeye Park Road, Columbus, OH 43207) for construction of a hot dip galvanizing operation controlled by a fabric collector at its Lebanon Plant in Union Township, **Lebanon County**. The plant is a non-Title V (State only) facility. The operation will have the potential to emit about 1.1 TPY of CO, 0.6 TPY of NO<sub>x</sub> and 0.2 TPY of PM-10. The plant will have an annual steel throughput limit of 36,000 tons during any consecutive 12-month period. The plan approval will also contain additional work practice and emission standards, as well as testing, monitoring, record keeping and reporting requirements.

**38-05019A: AES Ironwood, L.L.C.** (305 Prescott Road, Lebanon, PA 17042) for the transfer of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC) emission reduction credits (ERC). The 509 tons per year of NO<sub>x</sub> and 179 tons per year of VOC ERCs are required to offset potential emissions from the facility in South Lebanon Township, **Lebanon County** in accordance with 25 Pa. Code, Section 127, Chapter E, New Source Review. The ERC transfer language will be included in the facility's eventual Title V operating permit.

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

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Leif Ericson, Program Manager, (717) 705-4702.*

**67-03089: John W. Keffer Funeral Home, Inc.** (902 Mt. Rose Avenue, York, PA 17403-2938) for operation of its human crematory in York City, **York County**. The crematory has the potential to emit 3 tons of NO<sub>x</sub> per year. The Natural Minor operating permit will include monitoring and record keeping requirements, emission restrictions and work practice standards designed to keep the site operating within all applicable air quality requirements.

**MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the appli-

cable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

*Coal Applications Received*

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

**30940102. Shafer Brothers Construction, Inc.** (668 Lower Hildebrand Road, Morgantown, WV 26501). Received renewal application for reclamation only of a bituminous surface mine located in Greene Township, **Greene County** affecting 25.5 acres. Receiving streams: unnamed tributary of Whitely Creek. Renewal application received: September 11, 2001.

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

**32910105. GLR Mining, Inc.** (P. O. Box 105, Clymer, PA 15728). Permit Renewal for continued restoration of a bituminous surface mine in Canoe Township, **Indiana County**, affecting 52.8 acres. Receiving streams: unnamed tributary to Brewer Run. Application received: September 17, 2001.

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

**37840106. Kerry Coal Company** (R. R. 2, Box 2139, Wampum, PA 16157). Renewal of an existing bituminous surface strip, auger and tippel refuse disposal operation in Perry Township, **Lawrence County** affecting 278.0 acres. Receiving streams: Camp Run, classified for the following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. Application for reclamation only. Application received: September 17, 2001.

#### *Noncoal Applications Received*

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

**6075SM3C5. Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034), NPDES Permit #PA0069744 Renewal Application on existing noncoal permit in Union Township, **Union County**, affecting 415 acres. Receiving streams: unnamed tributary to Winfield Creek and Winfield Creek. No additional or increased discharges are proposed. Application received: September 17, 2001.

#### *Noncoal Applications Returned*

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

**7774SM3A1C. Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), correction to an existing quarry operation in Maxatawny Township, **Berks County** affecting 205.0 acres, receiving stream—Maiden and Saucony Creeks. Application received: September 21, 1994. Application returned: September 20, 2001.

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

comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**EA23-004SE. Milrow Development Corporation**, 533 Glendale Road, Havertown, PA 19083, Concord Township, **Delaware County**, ACOE Philadelphia District.

A request for an Environmental Assessment for impacts associated with the construction of a nonjurisdictional dam across Webb Creek (TSF), (West Branch Chester Creek) and a section of wetlands (PFO1). This project will provide stormwater management for the proposed Milrow Development Site. The dam and associated components will impact about 0.276 acres of wetlands (PFO1). The project is situated approximately 2000 feet northeast of the intersection of Route 491 and Garnet Mine Road (Wilmington-North, Quadrangle N: 17.80 inches; W: 2.30 inches).

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

**E45-418. Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397, in Coolbaugh Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing sanitary sewer line and to construct and maintain 90 feet of 15-inch diameter P.V.C. sanitary sewer line in PEM wetlands for the purpose of correcting a negative slope condition while reducing exfiltration of the sewer line. The project is located in Pocono Country Place, Section G-14, between North Country Place Drive and Fawn Lane. (Tobyhanna, PA Quadrangle N: 12.8 inches; W: 0.7 inch).

**E35-346. Jefferson Township Sewer Authority**, R. R. 3, Box 394A, Lake Ariel, PA 18436, in Jefferson Township and Boroughs of Dunmore, Throop, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To place fill in a de minimis area of wetlands less than or equal to 0.05 acre within the West Branch Wal-lenpaupack Creek Watershed (HQ-CWF); to construct and

maintain numerous sanitary sewer line stream crossings of Eddy Creek (CWF), unnamed tributaries Eddy Creek and unnamed tributaries to West Branch Wallenpaupack Creek; and to construct and maintain numerous wetland crossings within the Eddy Creek and West Branch Wallenpaupack Creek Watersheds for the purpose of constructing the Jefferson Township Wastewater Collection System Project. The project consists of approximately 31 miles of collection system and five pumping stations. The project begins (Olyphant, PA Quadrangle N: 10.3 inches; W: 15.2 inches) in the Borough of Dunmore and extends west along S.R. 0247 to various locations (Lake Ariel, PA Quadrangle N: 10.5 inches; W: 10.4 inches) in Jefferson Township.

**E48-314. Department of Conservation and Natural Resources**, Jacobsburg State Park, 836 Jacobsburg Road, Windgap, PA 18091, in Bushkill Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream restoration project consisting of structural and soil bioengineering stabilization measures and fish enhancement structures in and along a 680 L.F. section of Bushkill Creek (HQ-CWF). The project is located in Jacobsburg State Park, approximately 0.5 mile west of the Belfast Exit of S.R. 0033. (Windgap, PA Quadrangle N: 4.5 inches; W: 4.1 inches).

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

**E06-553. Jeffrey Smallman**, PennDOT 5-0, 1713 Lehigh Street, Allentown, PA 18103 in Brecknock, Camru and Spring Townships, **Berks County**.

To (1) construct and maintain a bridge (60 feet by 105 feet); (2) construct and maintain two culverts (18 feet by 66 feet and 18 feet by 78 feet) and a stream enclosure (18 feet by 318) feet across Little Muddy Creek; (3) a bridge (54 feet by 60 feet) and a culvert (36 inches by 50 feet) across unnamed tributaries of Little Muddy Creek and two stream enclosures (7.2 feet by 240 feet and 8.1 feet by 240 feet) and a 918-foot stream relocation across Klines Creek; and (4) fill in the floodway of Little Muddy Creek and Klines Creek and fill in the floodplain of Little Muddy Creek. Proposed activity for overall project will impact 4.14 acres of wetland and 0.03 acre of temporary wetland impact. 8.24 acres of wetland creation and 7.57 acres of wetland enhancement are designed for wetland compensation. The project is located in Brecknock, Camru and Spring Townships, Berks County (Sinking Springs, PA Quadrangle N: 4.3 inches; W: 3.3 inches).

**E07-351. Martin Marasco**, Altoona-Blair County Development Corporation, 4500 Sixth Avenue, Altoona, PA 16602 in Antis Township, **Blair County**, ACOE Baltimore District.

To impact 0.38 acre of wetlands adjacent to a tributary to the Little Juniata River (WWF) at a point on the east side of SR 1001 (Old US Route 220) for the purpose of creating an industrial park (Bellwood, PA Quadrangle N: 22.2 inches; W: 6.7 inches) in Antis Township, Blair County. The applicant proposes to create 0.38 acre of replacement wetlands.

**E67-706. Jason Shamberger**, 14445 Laurel Road, Felton, PA 17322 in Chanceford Township, **York County**, ACOE Baltimore District.

To construct and maintain a stone masonry bridge with a span of 8 feet, 6 inches across the Bear Branch (CWF) (Stewartstown, PA Quadrangle N: 5.5 inches; W: 1.75 inches) in Chanceford Township, York County.

**E67-708. Steve Rogers**, Texas Eastern Products Pipeline Company, 71—73 Denison Parkway, P. O. Box 99, Corning, NY 14830 in Fairview Township, **York County**, ACOE Baltimore District.

To construct a remediation project for an exposed TEPPCO A-3 Products Pipeline (L.P.G.) which requires the placement of about 1.5 feet of R-3 size riprap cover over the pipeline in the unnamed tributary to Marsh Run (WWF) about 100 feet south of the eastbound lane of Marsh Run Road at a point about 1.1 miles east along Marsh Run Road of its intersection with the Susquehanna Trail (Steelton, PA Quadrangle N: 12.9 inches; W: 11.2 inches) in Fairview Township, York County.

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

**E26-288. Consolidated Rail Corporation**, 1000 Howard Boulevard, 4th Floor, Mt. Laurel, NJ 08054. Brownsville Borough and Brownsville Township, **Fayette County**, ACOE Pittsburgh District.

To remove an abandoned existing four span stone arch railroad bridge across Dunlap Creek (WWF) due to excessive deterioration and a court order issued by the Public Utility Commission. The project is located off of TR 652, approximately 0.75 mile south of its intersection with S.R. 4003 (California, PA Quadrangle N: 2.82 inches; W: 1.52 inches).

**E63-515. Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Independence and Jefferson Boroughs, **Washington County**. ACOE Pittsburgh District.

To remove the existing Meadowcroft Bridge and to construct and maintain a new bridge having a span of 25.75m (91.04 feet) with an underclearance of 3.34m (10.96 feet) across the channel of Cross Creek (WWF) for the purpose of improving highway safety. The bridge is located on S.R. 4018, Section B10. The applicant also proposes to construct and maintain a temporary road crossing consisting of three 600m (2.0 feet) diameter culverts (Avella, PA Quadrangle N: 6.5 inches; W: 16.3 inches).

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## ACTIONS

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### FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT— NPDES AND WQM PART II PERMITS INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

Persons aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service at



(800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**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.*

**NPDES Permit No. PA0054780**, Sewage, **Stone Mill Estates, L.P.**, 3103 Philmont Avenue, Huntingdon Valley, PA 18966. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal and transfer of NPDES Permit to discharge into Green Creek—3G Watershed.

**NPDES Permit No. PA0052507**, Sewage, **George W. Sharp**, 876 Shavertown Road, Boothwyn, PA 19061. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge into an UNT to West Branch of Chester Creek.

**WQM Permit No. 1500430**, Sewerage, **Edward and Elizabeth West**, 201 Chandler Mill Road, Kennett Square, PA 19348. This proposed facility is located in Kennett Township, **Chester County**.

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

**WQM Permit No. 4601405**, Sewerage, **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936. This proposed facility is located in Montgomeryville Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction to expand the Eureka wastewater treatment plant.

**WQM Permit No. 4601409**, Sewerage, **Upper Gwynedd Township**, P. O. Box 1, Parkside Place, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: Installation of dechlorination facility.

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

**NPDES Permit No. PA0087190 and WQM Permit No. 2801402**, Sewage, **St. Thomas Township Municipal Authority**, 6442 Lincoln Way West, St. Thomas, PA 17252. This proposed facility is located in St. Thomas Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Wilson Run in Watershed 13-C and Construction/Operation of Sewage Treatment Facilities/Sewers & Appurtenances.

**NPDES Permit No. PA0085707 and WQM Permit No. 3601204**, Sewage, **Cocalico Valley Poultry Farms**, 1095 Mt. Airy Road, Stevens, PA 17578. This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT to Indian Run in Watershed 7-J and Construction/Operation of Sewage Treatment Facilities.

**WQM Permit No. PA0070149 and WQM Permit No. 0601402**, Sewerage, **Leesport Borough Authority**, 10 East Wall Street, P. O. Box 201, Leesport, PA 19533. This proposed facility is located in Leesport Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3-C and Construction/Operation of Sewage Treatment Facilities.

**WQM Permit No. PA0020664**, Sewerage, **Middletown Borough Authority**, 60 West Emmaus Street, Middletown, PA 17057-1499. This proposed facility is located in Middletown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-C.

**NPDES Permit No. PA0046221**, Sewage, **Newville Borough Water & Sewer Authority**, 99 Cove Valley Road, Newville, PA 17241. This proposed facility is located in Newville Borough, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Big Spring Creek in Watershed 7-B.

**NPDES Permit No. PA0084417**, Sewage, **Robert L. Brunner**, P. O. Box 310, Shermans Dale, PA 17090. This proposed facility is located in Carroll Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to UT Sherman Creek in Watershed 7-A.

**WQM Permit No. PA0080080**, Sewerage, **Conewago Valley Mobile Home Park, Inc.**, 800 York Road, Dover, PA 17315. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Conewago Creek in Watershed 7-F.

**NPDES Permit No. PA0084581**, Industrial Waste, **New Holland Borough Authority**, 436 East Main Street, New Holland, PA 17557. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Mill Creek in Watershed 7-J

**NPDES Permit No. PA0088561**, CAFO, **Evergreen Farms, Inc.**, HCR-1, Box 113, Spruce Creek, PA 16683. This proposed facility is located in Franklin Township, **Huntingdon County**.

Description of Size and Scope of Proposed Operation/Activity: Operation of a 3,744-AEU Dairy Concentrated Animal Feeding Operation located in Watershed 11-A.

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

**NPDES Permit No. PA0093611**, Sewage, **ST Development Company, LLC**, 2241 Industrial Drive, Conneville, PA 15425 is authorized to discharge from a facility located at ST Development Company STP, Bullsken Township, **Fayette County** to receiving waters named Drainage Swale to Irish Run.

**NPDES Permit No. PA0110469-A1.** Sewage. **Borough of Patton**, P. O. Box 175, Patton, PA 16668 is authorized to discharge from a facility located at Borough of Patton Wastewater Treatment Plant, Borough of Patton, **Cambria County** to receiving waters named Chest Creek.

**Permit No. 0401403.** Sewerage. **Municipal Authority of the Borough of Conway**, 1208 Third Avenue, Conway, PA 15027. Construction of pump station located in Conway Borough, **Beaver County** to serve Catherine Drive Pump Station.

**Permit No. 2601401.** Sewerage. **Ohiopyle Borough**, P. O. Box 83, Ohiopyle, PA 15470. Construction of pump

station, force main and collector sewer system located in Ohiopyle Borough, **Fayette County** to serve Garrette Avenue and Falls City Bar-Restaurant.

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

**WQM Permit No. 2501413**, Sewerage, **Rodney S. Curtis**, 20923 Lindsey Hollow Road, Corry, PA 16407. This proposed facility is located in Concord Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

**NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)**

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

<i>NPDES No. Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101322	Jim Thorpe Area School District 140 W. 10th St. Jim Thorpe, PA 18229	Carbon	Kidder Township	Dilldown Creek HQ-CWF
PAS10N028	Valley View School District Columbus Drive Archbald, PA 18403	Lackawanna	Archbald Borough	Lackawanna River HQ-CWF
PAS10Q214	Home Properties 610 Freedom Business Center Suite 110 King of Prussia, PA 19406	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF
PAS10Q128-1	Orefield Cold Storage Distribution Center 3424 Route 309 Orefield, PA 18069	Lehigh	N. Whitehall Township	Unnamed tributary to Jordan Creek HQ-CWF
PAS10U145	Kemmerer Corp. 3220 Valley View Drive Bath, PA 18014	Northampton	Moore Township	Monocacy Creek HQ-CWF

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

<i>NPDES No. Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10P027	Arborsgate, LTD 950 E. Kercher Ave. Myerstown, PA 17067-2191	Lebanon	Jackson Township	UNT to Tulpehocken Creek (TSF)

**APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

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**List of NPDES and/or Other General Permit Types**


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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 Non-Exceptional 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 Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Carbon County Mahoning Township	PAR101329	Pencor Services, Inc. P. O. Box 215 Palmerton, PA 18071	Mahoning Creek (CWF)	Carbon County Conservation District (610) 377-4894
Lehigh County Upper Saucon Township	PAR10Q161	JET Properties Rt. 222 Breiningsville, PA 18031	Saucon Creek (CWF)	Lehigh County Conservation District (610) 391-9583
Lehigh County Upper Saucon Township	PAR10Q162	Career Education Corp. 2895 Green Point Parkway Hoffman Estates, IL 60195	Saucon Creek (CWF)	Lehigh County Conservation District (610) 391-9583
Carlisle Borough Cumberland County	PAR 10H269	S & A Custom Built Homes Chesterfield Development 501 Rolling Ridge Drive State College, PA 16801	UNT to Conodoguinet Creek (WWF)	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
South Middleton Township Cumberland County	PAR10H262	Exel Royer Tract 501 West Schrock Rd. Westerville, OH 43081	UNT to Conodoguinet Creek (WWF)	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Lower Allen Township Upper Allen Township Cumberland County	PAR10H267	Wesley Affiliated Ser- vices, Inc. Bethany Village West 325 Wesley Drive Suite 100 Mechanicsburg, PA 17011	Cedar Run (CWF)	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Manheim Township Lancaster County	PAR10O514	Brighton Land Company 2131 Marietta Avenue Lancaster, PA 17603	UNT Buchman Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lower Paxton Township Susquehanna Township Dauphin County	PAR10I231	Ronald A. Burkholder Jr. Woodvale Development 524 Shippen Street Middletown, PA 17057	Paxton Creek	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Hummelstown Borough Derry Township Dauphin County	PAR10I278	Lower Dauphin School District 291 E. Main Street Hummelstown, PA 17036-1799	UNT Swatara Creek	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Hummelstown Borough Derry Township Dauphin County	PAR10I279	Lower Dauphin School District 291 E. Main Street Hummelstown, PA 17036-1799	2 UNT Swatara Creek	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Beaver County Aliquippa City	PAR100287	James Palmer Beaver County Corporation for Economic Development 250 Insurance Street Suite 300 Beaver, PA 15009	Ohio River (WWF)	Beaver County Conservation District (724) 774-7090
Beaver County North Sewickley Township	PAR100289	Thomas Smith, Copartner Salvage Auto Auctions 2000 River Road Elwood City, PA 16117	UNT Connoquenessing Creek (WWF)	Beaver County Conservation District (724) 774-7090
Washington County California Borough	PAR10W191	California University of Pennsylvania, SAI 250 University Avenue California, PA 15419	UNT Lilly Run (WWF)	Washington County Conservation District (724) 228-6774
Butler County Franklin Township	PAR10E149	Franklin Mobile Home Village Park Expansion Carol Kaufman 423 Dogwood Drive Butler, PA 16001	UNT Mulligan Run (CWF)	Butler Conservation District (724) 284-5270
Erie County Franklin Township	PAR10K183	McKean VFW 10613 Route 98 Edinboro, PA 16412	UNT Little Elk Creek (CWF)	Erie Conservation District (814) 796-6760 Ext. 5

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Montgomery Township Montgomery County	PAR230021	ITW Philadelphia Resins 130 Commerce Dr Montgomeryville, PA 18936	UNT to Little Neshaminy Creek—2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bensalem Township Bucks County	PAR800059	Yellow Freight System, Inc. 10990 Roe Ave. Mail Stop A605 Overland Park, KS 66211	Delaware River—2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lackawanna County Dunmore Borough	PAR802205	New Penn Motor Express, Inc. 625 South Fifth Avenue P. O. Box 630 Lebanon, PA 17042	Eddy Creek WWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711
<i>General Permit Type—PAG-4</i>				
Concord Township Erie County	PAG048745	Rodney S. Curtis 20923 Lindsey Hollow Road Corry, PA 16407	Unnamed tributary of Winton Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-12</i>				
Huntingdon County Cromwell Township	PAG123519	M & M Farms R. R. 1 Box 42 Shirleysburg, PA 17260	Old Woman's Run/CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection (Department) has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service at (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days from the date of issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

### 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. 0901513, Minor Amendment, Public Water Supply.**

Applicant	<b>Richlandtown Borough</b> 125 S. Main Street Richlandtown, PA 18955
Borough	Richlandtown
County	<b>Bucks</b>
Type of Facility	Public Water Supply System
Consulting Engineer	Philip W. Bear Engineering Company 834 Keystone Avenue Emmaus, PA 18049
Permit to Construct Issued	September 17, 2001

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

#### **Permit No. 4501504, Public Water Supply.**

Applicant	<b>Great Spring Waters of America, Inc.</b>
Borough or Township	Stroud Township
County	<b>Monroe</b>
Type of Facility	Bulk Water Hauling
Consulting Engineer	Edward E. Davis, P.E.
Permit to Construct Issued	September 17, 2001

#### **Permit No. 4801502, Public Water Supply.**

Applicant	<b>Green Waltz Water Company</b> 2521 Delabole Road Bangor, PA 18013
Borough or Township	Washington Township
County	<b>Northampton County</b>
Type of Facility	Bulk Water Hauling System

Consulting Engineer Edward E. Davis, P.E.  
WJP Engineers  
1406 Laurel Boulevard  
Pottsville, PA 17901

Permit to Construct September 20, 2001  
Issued

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

**Permit No. 2900501**, Public Water Supply.

Applicant **Lee Mummau**  
Municipality Licking Creek Township  
County **Fulton**  
Type of Facility A new community water system serving 22 modular homes. The water system consists of two wells, hypochlorite disinfection, greensand filtration, finished water pumps, storage and distribution. Average projected demand is 0.0055 million gallons per day.

Consulting Engineer Robert Schemmerling  
Civil Design & Management, Inc.  
41 S. Antrim Way  
Greencastle, PA 17225

Permit to Operate September 11, 2001  
Issued:

**Permit No. 2201501 MA, Minor Amendment**, Public Water Supply.

Applicant **United Water Pennsylvania**  
Municipality Middle Paxton Township  
County **Dauphin**  
Type of Facility Operation of the Forrest Hills Storage Tank after repainting.

Consulting Engineer R. Michael Gephart, P.E.  
United Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111

Permit to Operate September 11, 2001  
Issued:

**Permit No. 3601510**, Public Water Supply.

Applicant **Solanco School District Little Britain Elementary School**  
Municipality Little Britain  
County **Lancaster**  
Type of Facility Installation of a nitrate treatment system to address high nitrate levels in the source water and the addition of corrosion control treatment to address the aggressive nature of the source water.

Consulting Engineer Thomas J Whitehill, P.E.  
Whitehill Consulting Engineers  
763 Conowingo Rd.  
Quarryville, PA 17566

Permit to Construct September 11, 2001  
Issued:

**Permit No. 3601513**, Public Water Supply.

Applicant **Shree Harikrupa LLC Motel 6 Gordonville**  
Municipality East Lampeter Township  
County **Lancaster**  
Type of Facility Installation of a nitrate treatment facility to reduce nitrate levels below the MCL. Project will also involve the installation of disinfection equipment.

Consulting Engineer James R Fisher, P.E.  
Fisher Engineering Inc  
18 C S 7th Street  
Akron, PA 17501

Permit to Construct September 17, 2001  
Issued:

**Permit No. 4400502 MA, Minor Amendment**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Lewistown**  
Municipality Lewistown Borough  
County **Mifflin**  
Type of Facility Operation of the 2.0 million gallon finished water storage tank.

Consulting Engineer Mark V Glenn, P.E.  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Dr.  
Altoona, PA 16602-4475

Permit to Operate September 12, 2001  
Issued:

**Permit No. 4400501 MA**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Lewistown**  
Municipality Granville Township  
County **Mifflin**  
Type of Facility Operation of the newly constructed distribution system expansion.

Consulting Engineer Mark V Glenn, P.E.  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Dr.  
Altoona, PA 16602-4475

Permit to Operate September 12, 2001  
Issued:

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

**Permit No. 1186502-A2, Minor Amendment**, Public Water Supply.

Applicant **Cambria Township Water Authority** P. O. Box 23, Reese Avenue  
Colver, PA 15927

[Borough or Township] Cambria Township

County **Cambria**  
Type of Facility Water supply

Consulting Engineer    The EADS Group  
 450 Aberdeen Drive  
 P. O. Box 837  
 Somerset, PA 15501

Permit to Construct    September 24, 2001  
 Issued

### WATER ALLOCATIONS

#### Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

**WA3-842E, Water Allocations. Kittanning Suburban Joint Water Authority, R. R. 1, Adrian, PA 16210-9712, Armstrong County.** The right to withdraw two million gallons per day, as a daily maximum, from the Allegheny River; 464,000 gallons per day, as a daily maximum, from the Elgin Well; 432,000 gallons per day, as a daily maximum from the Watts Well; to purchase 40,000 gallons per day, as a daily maximum, as available, from the South Buffalo Township Municipal Authority and to purchase 396,000 gallons per day, as a daily maximum and on an emergency basis, from the Pennsylvania-American Water Company, Kittanning District. The maximum allowable taking, from all sources, is two million gallons per day.

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

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

Plan Location: on Nawakwa Rd., 1/2 mile east of the Brysonia-Wenksville intersection.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Menallen Township	C/O Nancy Cline 170 Memory Lane Aspers, PA 17304	Adams County

Plan Description: The Department disapproved the plan because the applicant exceeded the time limit for resubmission following an incomplete letter.

### 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 of Environmental Protection 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:

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

**Hao Van Nguyen Residence, New Holland Borough, Lancaster County.** RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603 (on behalf of Hao Van Nguyen, 35 North Kinzer Avenue, New Holland, PA 17557) has submitted a Final Report concerning remediation of site soils contaminated with PHCs. The report is intended to document remediation of the site to the Statewide Health standard.

**Boas School, City of Harrisburg, Dauphin County.** Skelly & Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110-1185 (on behalf of Boas Associates, P. O. Box 622, Lemoyne, PA 17043) submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to a combination of the site-specific and Statewide Health 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 Land Recycling and Environmental Remediation Standards 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 regu-

lated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**Anvil International, Inc (formerly Grinnell Corporation,** Borough of Columbia, **Lancaster County.** Alliance Environmental Services, Inc., 117 South West End Avenue, Suite 15, Lancaster, PA 17603, (on behalf of Anvil International, Inc., 1411 Lancaster Avenue, Columbia, PA 17512-1900) submitted a combined Remedial Investigation and Risk Assessment concerning the remediation of site soils contaminated with lead and heavy metals. The report was approved by the Department on September 17, 2001.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

The former **Gartner Harf—Pagewood Abatoir and Samuel S. Harrison,** of Harrison Hydrosciences, Main Street, Professional Building, Box 908 Saegertown, PA 16433, had submitted a Baseline Environmental Report concerning the remediation of groundwater. The site had been found to be contaminated with PHCs. The report was approved by the Department on February 16, 2001 and did demonstrate attainment of the Statewide Health Standard in a Special Industrial Area.

**Spang Specialty Metal Plant,** 154 Eastbrook Lane, East Butler, PA 16029, Summit Township, **Butler County** had submitted a Cleanup Plan on July 5, 2001 concerning remediation of sediment contaminated with heavy metals. The report was approved by the Department on September 24, 2001 and did demonstrate attainment of the Site Specific Standard.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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

**Permit No. 314083. Cycle Chem, Inc.,** 217 South First Street, Elizabeth, NJ 07206, Fairview Township, **York County.** Major permit modification for Cycle Chem, Inc. Residual Waste Processing Facility. The permit was issued by the Southcentral Regional Office on August 30, 2001.

Persons interested in reviewing the general permit may contact Keith Kerns, Program Manager, Waste Management Program, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

**Permit No. 602247. A&M Composting, Inc.,** 2022 Mountain Road, Manheim, PA 17545, Penn Township, **Lancaster County.** Permit renewal for operation of A&M Composting, Inc. The permit was approved by the Southcentral Regional Office on September 19, 2001.

Persons interested in reviewing the general permit may contact Keith Kerns, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## **AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**GP 25-993: Erie Aggregates, Inc.—Troyer Pit** (Wattsburg-Waterford Road, Erie, PA 16514) on September 10, 2001, for operation of a portable nonmetallic mineral processing plant in Waterford Township, **Erie County.**

**GP 42-196: Catalyst Energy, Inc.—Swamp Angel Station** (State Route 59 West, Timbuck, PA 16740) on September 14, 2001, for operation of a natural gas fired compressor engine in Lafayette Township, **McKean County.**

**GP 10-001: AK Steel, Butler Works** (210 Pittsburgh Road, Route 8 South, Butler, PA 16001) on September 17, 2001, for operation of a natural gas fired boiler in Butler Township, **Butler 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.*

**15-0058A: Martin Limestone, Inc.** (199 Quarry Road, Honey Brook, PA 19344) on September 18, 2001, for operation of a primary crusher in West Brandywine Township, **Chester County.**



**46-0005P: Merck and Co. Inc.** (770 Sumneytown Pike, West Point, PA 19486) on September 19, 2001, for operation of a VOC Emission Reduction Credits in Upper Gwynedd Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-05049A: Fleetwood Industries** (3001 St. Lawrence Avenue, St. Lawrence, PA 19606) on September 18, 2001, for construction of a wooden furniture coating line controlled by dry filters at its St. Lawrence Plant in St. Lawrence Borough, **Berks County**.

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

**26-00288D: Better Materials Corp.** (2200 Springfield Pike, Connellsville, PA 15425) on September 10, 2001, for modification to use recycled oil, #4 fuel oil or #6 fuel oil at Springfield Pike Asphalt Plant in Connellsville Township, **Fayette County**.

**04-00516B: Vesuvius McDanel Co.** (510 9th Avenue, Beaver Falls, PA 15010) on September 7, 2001, for construction of a lathe grinder and installation of a wet scrubber at Beaver Falls Plant in Beaver Falls, **Beaver County**.

**26-520: Dynamic Materials Corp.** (1138 Industrial Park Drive, P. O. Box 317, Mt. Braddock, PA 15465) on September 19, 2001, for a sandblasting building and fabric collector at the Mt. Braddock facility in North Union Township, **Fayette County**.

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

**16-133A: Clarion Bathware** (44 Amsler Avenue, Shippenville, PA 16254) on September 13, 2001, to modify fiberglass production processes in Washington Township, **Clarion County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**65-137A: Allegheny Ludlum Corp.** (100 River Road, Brackenridge, PA 15014) for their Z-9 Senzimir Mill in Vandergrift, **Westmoreland County**. Allegheny Ludlum has requested that the emission limitations contained the Plan Approval conditions be modified to reflect the results of stack testing recently conducted at the facility. This action changes particulate emission limits in the Plan Approval to 3.7 lbs/hr and 16.03 tons per year. Also, Z-mill operation will now be limited to only 8664 hours in any 12 consecutive months.

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

**10-281B: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056) on August 31, 2001, for two reactors with controls in Clinton Township, **Butler County**.

**61-185A: Heath Oil Co.** (Route 8, P. O. Box 1128, Oil City, PA 16301) on August 30, 2001, for two portable oil refineries in Barkeyville, **Venango County**.

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**09-00039: Atlas Roofing Corp.** (60 Pacific Drive, Quakertown, PA 18951) on September 18, 2001, for operation of a Facility Title V Operating Permit in Quakertown Borough, **Bucks County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**65-00713: Greenridge Reclamation, LLC, formerly Republic Services Group of Pennsylvania-IV, LLC** (R. D. Box 717, Scottsdale, PA 15683) on August 30, 2001, for operation of their landfill in East Huntingdon Township, **Westmoreland County**.

**11-00332: Cambria CoGen Co.** (7201 Hamilton Boulevard, Allentown, PA 18195) on August 2, 2001, for operation of their facility in Cambria Township, **Cambria County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Leif Ericson, Program Manager, (717) 705-4702.*

**21-03004: ADM Milling Co.** (P. O. Box 3100, Shiremanstown, PA 1701) on September 17, 2001, for operation of a flour mill plant in Camp Hill Borough, **Cumberland County**.

**22-03041: Librandi's Machine Shop, Inc.** (93 Airport Drive, Middletown, PA 17057) on September 17, 2001, for operation of a chromium electroplating system in Middletown Borough, **Dauphin County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**16-00010: Owens Brockway Glass Container, Inc.** (151 Grand Avenue, Clarion, PA 16214) on September 11, 2001, for an Administrative Amendment to the Title V Operating Permit to change the Responsible Official for the facility in Clarion Borough, **Clarion County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S.**

§§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

#### *Coal Permits Actions*

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

**54850108R3. JETT Contracting Company** (P. O. Box 243, Brockton, PA 17925), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 36.9 acres, receiving stream—none. Renewal issued: September 17, 2001.

**54851343R3. Buck Mountain Coal Company** (P. O. Box 6, Tremont, PA 17981), renewal of an existing anthracite underground mine operation in Frailey Township, **Schuylkill County** affecting 4.6 acres, receiving stream—none. Renewal issued: September 20, 2001.

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

**03930108. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mine located in Wayne and Cowanshannock Townships, **Armstrong County**, affecting 281.7 acres. Receiving streams: unnamed tributaries to South Fork Pine Creek, South Fork Pine Creek. Application received: February 8, 2001. Renewal issued: September 21, 2001.

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

**32910105. GLR Mining, Inc.** (P. O. Box 105, Clymer, PA 15728). Permit Renewal for continued restoration of a bituminous surface mine in Canoe Township, **Indiana County**, affecting 52.8 acres. Receiving streams: unnamed tributary to Brewer Run. Application received: September 17, 2001. Application issued: September 21, 2001.

#### *Noncoal Permits Actions*

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

**58010834. Mark W. Tompkins**, R. R. 1 Box 11A, Montrose, PA 18801, Small Noncoal Mining Permit in Franklin Township, **Susquehanna County**, affecting 1.0 acres. Receiving stream: Snake Creek. Application received: June 18, 2001. Permit issued: September 17, 2001.

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

**03950401. Bradys Bend Corporation** (930 Cass Street, New Castle, PA 16101). NPDES renewal issued for continued operation and reclamation of a large noncoal surface mine (limestone quarry) located in Bradys Bend

Township, **Armstrong County**, affecting 3804.6 subsurface acres. Receiving streams: Cove Run. Application received: July 23, 2001. NPDES renewal issued: September 18, 2001.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**21014001. Hall Explosives, Inc.** (2981 Elizabethtown Rd., Hershey, PA 17033), construction blasting in Mechanicsburg Borough, **Cumberland County** with an expiration date of October 17, 2002. Permit issued: September 19, 2001.

**38014012. Hall Explosives, Inc.** (2981 Elizabethtown Rd., Hershey, PA 17033), construction blasting in North Londonderry Township, **Lebanon County** with an expiration date of October 17, 2002. Permit issued: September 19, 2001.

**38014011. Hall Explosives, Inc.** (2981 Elizabethtown Rd., Hershey, PA 17033), construction blasting in South Londonderry Township, **Lebanon County** with an expiration date of November 2, 2001. Permit issued: September 19, 2001.

**28014010. Wampum Hardware** (2856 Stoystown Rd., Friedens, PA 15541), construction blasting in Marion Township, **Franklin County** with an expiration date of April 5, 2002. Permit issued: September 19, 2001.

**38014010. ABEL Construction Co., Inc.** (3925 Columbia Ave., Mountville, PA 17554), construction blasting in South Londonderry Township, **Lebanon County** with an expiration date of April 1, 2002. Permit issued: September 20, 2001.

**67014010. ABEL Construction Co., Inc.** (3925 Columbia Ave., Mountville, PA 17554), construction blasting in Windsor Township, **York County** with an expiration date of May 17, 2002. Permit issued: September 20, 2001.

**40014004. Charlie Evans** (2337 Peat Moss Road, White Haven, PA 18661), construction blasting in White Haven Township, **Luzerne County** with an expiration date of October 31, 2001. Permit issued: September 20, 2001.

**40014005. Mericle Construction, Inc.** (600 Baltimore Drive, Wilkes-Barre, PA 18702), construction blasting for Sears Project in Hanover Township, **Luzerne County** with an expiration date of October 15, 2001. Permit issued: September 20, 2001.

**54014002. Eagle Rock Resort** (1031 Valley of Lakes, Hazleton, PA 18201), construction blasting in North and East Union, Black Creek and Hazle Townships, **Schuylkill and Luzerne Counties** which expire December 31, 2003. Permit issued: September 20, 2001.

**46014014. Amroc, Inc.** (7531 Chestnut St., Zionsville, PA 18092), construction blasting in Upper Providence Township, **Montgomery County** with an expiration date of November 1, 2001. Permit issued: September 20, 2001.

**45014007. Holbert Explosives, Inc.** (237 Masthope Plank Rd., Lackawaxen, PA 18435), construction blasting in Coolbaugh Township, **Monroe County** with an expiration date of October 27, 2002. Permit issued: September 20, 2001.

**15014010. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in West Whiteland Township, **Chester County** with an expiration date of November 2, 2001. Permit issued: September 20, 2001.

**22014004. Hall Explosives, Inc.** (2981 Elizabethtown Rd., Hershey, PA 17033), construction blasting in Derry Township, **Dauphin County** with an expiration date of October 31, 2002. Permit issued: September 20, 2001.

**22014005. Hall Explosives, Inc.** (2981 Elizabethtown Rd., Hershey, PA 17033), construction blasting in Derry Township, **Dauphin County** with an expiration date of October 31, 2001. Permit issued: September 20, 2001.

**22014006. Hall Explosives, Inc.** (2981 Elizabethtown Rd., Hershey, PA 17033), construction blasting in Derry Township, **Dauphin County** with an expiration date of October 31, 2002. Permit issued: September 20, 2001.

**38014013. Hall Explosives, Inc.** (2981 Elizabethtown Rd., Hershey, PA 17033), construction blasting in North Londonderry Township, **Lebanon County** with an expiration date of January 31, 2002. Permit issued: September 20, 2001.

**36014015. Lefever Construction** (135 Durlach Road, Stevens, PA 17578), construction blasting for Laurel Pond Development in Manheim Township, **Lancaster County** with an expiration date of October 31, 2006. Permit issued: September 21, 2001.

**39014001. Amroc, Inc.** (7531 Chestnut St., Zionsville, PA 18092), construction blasting in Hanover Township, **Lehigh County** with an expiration date of November 6, 2001. Permit issued: September 21, 2001.

**46014015. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting in Horsham Township, **Montgomery County** with an expiration date of December 12, 2001. Permit issued: September 21, 2001.

**36014020. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Bent Creek Development in Manheim Township, **Lancaster County** with an expiration date of January 31, 2003. Permit issued: September 21, 2001.

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

**63014001. Atlas Services, Inc.** (1600 Route 136, Washington, PA 15301). Blasting activity permit issued for construction activities at the MIDA Industrial Park in Fallowfield Township, **Washington County**. Expected duration of blasting is one year. Permit issued: September 18, 2001.

**04014001. Kanawha Stone Company, Inc.** (P. O. Box 503, Nitro, WV 26143). Blasting activity permit issued for construction activities at the site of the Chippewa Wal-Mart in Chippewa Township, **Beaver County**. Expected duration of blasting is 120 days. Permit issued: August 24, 2001.

**26014001. Penn Transportation Services, Inc.** (P. O. Box 110, Uniontown, PA 15401). Blasting activity permit issued for construction of a power plant in German

Township, **Fayette County**. Expected duration of blasting is 90 days. Permit issued: September 18, 2001.

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

**05014004. New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664). Blasting activity permit issued for road widening construction, along Route 30, 31/2 miles south of Everett, **Bedford County**. Expected duration is 60 days. Permit Issued: September 12, 2001.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (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.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service at (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

(Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Permits Issued and Actions on 401 Certifications:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E23-412. James C. Watson**, 67 Sweetwater Road, Glen Mills, PA 193342-1719, Thornbury Township, **Delaware County**, ACOE Philadelphia District.

To excavate and maintain a 0.20-acre on-stream reservoir by excavating a 130-foot by 70-foot pool to a maximum depth of 8-foot along an unnamed tributary of Chester Creek (TSF). The permit also authorizes impacts associated with the construction and maintenance of a 3-foot high and 40-foot wide on-stream nonjurisdictional concrete dam impacting 150 linear feet of an unnamed tributary of Chester Creek. The site is located approximately 3,000 feet northeast of the intersection of Sweet Water Road and Creek Road (Media, PA-USGS Quadrangle, N: 9.30 inches, W: 15.20 inches).

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

**E66-126. Richard C. Florey**, 1216 West Grove Street, Clarks Summit, PA 18411. Overfield Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a pile supported private recreational dock having a surface area of approximately 1,100 S.F. and extending 60 feet from the southern shore of Lake Winola. The project is located approximately 0.6 mile northwest of the intersection of S.R. 0307 and S.R. 2006 (Factoryville, PA Quadrangle N: 1.6 inches; W: 14.0 inches).

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

**E07-346. Northern Blair County Recreation Commission, Incorporated**, 3229 Pleasant Valley Road, Altoona, PA 16602 in Antis Township, **Blair County**, ACOE Baltimore District.

To do minor regrading within the floodway of the Little Juniata River (TSF) at a point upstream of SR 1001 for the purpose of creating recreational facilities (Tipton, PA Quadrangle N: 0.3 inch; W: 7.3 inches) in Antis Township, Blair County.

**E21-327. Shippensburg Township**, P. O. Box 219, Shippensburg, PA 17257 in Shippensburg Township, **Cumberland County**, ACOE Baltimore District.

To relocate and place fill in about 1,100 linear feet of stream channel of Burd Run (CWF) to mitigate excessive stream bank erosion by (1) constructing and maintaining about 1,300 linear feet of new channel with a 40-foot wide riparian buffer on both sides of the stream channel and (2) construct a 1.0-foot high 87.0-foot long clay dike across an excavated drainage channel through a wetland area to provide water retention for the wetland area (3) to impact about 0.24 acre of existing wetlands which will be replaced with an equal amount of new wetland area all for purpose of restoring Burd Run to its historic location on 21 acres of Township property located on the north west side of Britton Road, between Britton Road and the

CONRAIL tracks (Shippensburg, PA Quadrangle N: 11.3 inches; W: 2.3 inches) in Shippensburg Township, Cumberland County.

**E22-431. Myron Johnson**, 171 River Drive, Dalmatia, PA 17017 in Upper Paxton Township, **Dauphin County**, ACOE Baltimore District.

To authorize previously placed fill material including rock riprap for bank protection in the floodway of the Susquehanna River (WWF) for the purpose of development of a fire lane and site landscaping located at a private residence (Millersburg, PA Quadrangle N: 17.5 inches; W: 9.2 inches) in Upper Paxton Township, Dauphin County.

**E36-716. Caernarvon Township**, 2147 Main Street, Narvon, PA 17555 in Caernarvon Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing bridge and to construct and maintain a box culvert having a span of 19-feet by 6.5-feet underclearance at the channel of an unnamed tributary to Conestoga River (WWF) on Glick Road (T-924) located about 4,000 feet northeast of Wenger Church in Churchtown Village, (Morgantown, PA Quadrangle N: 3.7 inches; W: 10.8 inches) in Caernarvon Township, Lancaster County.

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

**E10-339. Minnock Development Company**, 7202 Old McKnight Road, Pittsburgh, PA 15237. Lot No. 51 in St. Leonard's Woods Phase II Residential Development, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 13.0 inches; W: 11.0 inches).

To fill a 0.025 acre wetland area on Lot No. 51 in St. Leonard's Woods Phase II residential development along St. Leonards Lane south of Beacon Hill Road approximately 0.75 mile west of Franklin Road.

**E20-497. Titusville Redevelopment Authority**, P. O. Box 425, Titusville, PA 16354. Walnut Street Across Church Run, in City of Titusville, **Crawford County**, ACOE Pittsburgh District (Titusville North, PA Quadrangle N: 0.75 inch; W: 6.4 inches).

To remove the remaining stone wall abutments, relocate an 8-inch diameter waterline and a 15-inch diameter stormwater outfall and to construct and maintain a 105-foot long, 17-foot wide by 6-foot high reinforced concrete box stream enclosure providing a 3.5-foot high waterway opening in Church Run on Walnut Street east of Martin Street.

**E61-245. Pennsylvania Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. Franklin Access Along Allegheny River, in City of Franklin, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 1.2 inches; W: 9.6 inches).

To modify and maintain the existing Franklin Access along the right bank of the Allegheny River approximately 0.5 mile downstream of the S.R. 322 bridge. Work authorized by this permit includes augmenting the existing riprap deflector by adding rock riprap, constructing a concrete cap extending approximately 55 feet to the end of the existing rock riprap deflector, widening the existing 31-foot long launch ramp by 8 feet to a total width of 20 feet and constructing a concrete handicap parking stall adjacent to the ramp.

**E62-376. Sheffield Volunteer Fire Department**, 318 South Main Street, Sheffield, PA 16347. Sheffield Volun-

teer Fire Department Parking Lot Along West Branch Tionesta Creek and Two Mile Creek, in Sheffield Township, **Warren County**, ACOE Pittsburgh District (Sheffield, PA Quadrangle N: 3.8 inches; W: 4.5 inches).

To maintain fill placed within the flood plain and floodway of West Branch Tionesta Creek and Two Mile Creek measuring approximately 150 feet long, 100 feet wide and 2 feet deep for a parking lot adjacent to the Sheffield Volunteer Fire Department along South Main Street (S.R. 948).

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## SPECIAL NOTICES

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

### Public Hearing Notice

The Department of Environmental Protection (Department) will conduct a public hearing on Wednesday, November 7, 2001, beginning at 7 p.m. at the Greenfield Township Volunteer Fire Company Hall, 10160 Station Road, North East in response to an application from Lake Erie Promotions, Inc. (Lake Erie Speedway) for construction of a land application spray irrigation system to dispose of treated sewage from the Lake Erie Speedway. This application is for a new Water Quality Management Permit (WQM) for the sewage disposal system proposed in Greenfield Township, Erie County. The WQM application number is #2501414.

Any person who wishes to present testimony at the hearing should submit a written notice to Dave Balog, Water Quality Program, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494, on or before October 29, 2001. The written notice should include the person's name, address, telephone number and a brief statement as to the nature of the testimony to be offered at the hearing. Testimony may be presented in either written or oral form. All testimony should be concise, to the point and relevant to the permit issue. Oral testimony will be limited to a maximum of 5 minutes per speaker. Those presenting written testimony can submit a written copy of the comments and any relevant documents at the hearing. Written testimony can also be sent to Dave Balog in the Meadville Water Quality Program either prior to the hearing or until October 29, 2001.

After the hearing the Department will prepare a document including a summary of the written and oral comments submitted at the hearing, the Department's responses to the comments and the reasons for the responses. The Department will make its decision on the application following completion of this summary.

Interested persons may obtain further information or inspect and copy public forms and related documents at the Department Regional Office at 320 Chestnut Street in Meadville between the hours of 8 a.m. and 4 p.m. Monday through Friday. Appointments for file reviews can be made by calling (814) 332-6340.

[Pa.B. Doc. No. 01-1807. Filed for public inspection October 5, 2001, 9:00 a.m.]

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### Availability of Technical Guidance

Technical guidance documents are on DEP's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "July 2001 Inventory" heading is the Govern-

nor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its nonregulatory documents, as necessary, throughout 2001.

#### *Ordering Paper Copies of DEP Technical Guidance*

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

#### *Draft Technical Guidance*

DEP ID: 562-2100-001 Title: Blasting Activity Permits and Permits-by-Rule Description: This policy will be used to provide a consistent, standardized process, review and approval methods for blasting activity permits. It applies to all blasting activities, except those covered by permits issued under the Surface Mining Conservation and Reclamation Act and the Noncoal Surface Mining Conservation and Reclamation Act. Comment Period Ends: November 5, 2001 Anticipated Effective Date: December 11, 2001 Contact: Rick Lampkie at (717)787-5103 or e-mail: [rlampkie@state.pa.us](mailto:rlampkie@state.pa.us).

DEP ID: 562-2100-002 Title: Alternative Peak Particle Velocity or Airblast Level Description: This policy applies to all blasting activities and is implemented by DEP District Mining Operations staff. Upon request by blasting activity permittees, the Department may establish alternative peak particle velocity or airblast levels. District Mining Operations staff will use this guidance and shall, in a consistent manner, process, review and dispose of requests for the Department. The Department will only establish levels that with a reasonable degree of certainty will not jeopardize the safety of persons and property. Comment Period Ends: November 5, 2001 Anticipated Effective Date: December 11, 2001 Contact: Rick Lampkie at (717)787-5103 or e-mail: [rlampkie@state.pa.us](mailto:rlampkie@state.pa.us).

#### *Final Technical Guidance—Substantive Revision*

DEP ID: 400-2200-001 Title: Guidelines for the Development and Implementation of Environmental Emergency Response Plans Description: The purpose of this document is to improve and preserve the purity of the waters of the Commonwealth by prompt adequate response to all emergencies and accidental spills of polluting substances for the protection of public health, animal and aquatic life and for recreation. The document is being revised to reflect changes in the Addendum, Section 2, Item I, Certification Requirements for Nonstormwater Discharges. References to Regulations have been updated in Table I and Procedures, Item A. Some addresses and

telephone contact numbers have also been updated. Effective Date: October 6, 2001, Contact: Charles High at (717) 787-5027 or e-mail at CHigh@state.pa.us.

DAVID E. HESS,  
Secretary

[Pa.B. Doc. No. 01-1808. Filed for public inspection October 5, 2001, 9:00 a.m.]

### Dam Safety and Waterway Management

*Water Quality Certification under section 401 of the Federal Clean Water Act and Coastal Zone Management Consistency under the Coastal Zone Management Act of 1972 for the Army Corps of Engineers Pennsylvania State Programmatic General Permit (PASPGP-2).*

On November 21, 2000, the Baltimore, Philadelphia and Pittsburgh Districts of the Army Corps of Engineers, under the authority of section 404(e) of the Federal Clean Water Act (33 U.S.C.A. § 1344(e)), proposed by its Special Public Notice 01-006, to reissue with modifications the State Programmatic General Permit to the Commonwealth (PASPGP-2). Section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) requires the State to certify that any activity requiring a Federal license or permit, which may result in a discharge into the waters of the United States, will comply with the applicable provisions of the Federal Clean Water Act as well as applicable State law related to water quality protection. In addition, section 307 of the Coastal Zone Management Act of 1972 (33 U.S.C.A. § 1456), requires that any Federal activity that affects a coastal zone be carried out in a manner consistent with the policies of an approved state Coastal Management Program. On June 11, 2001, the Army Corps of Engineers published Special Public Notice #01-041, reissuing the Pennsylvania State Programmatic General Permit (PASPGP-1) as PASPGP-2 for a 5-year period with an effective date of July 1, 2001.

This action by the Army Corps of Engineers continues the present Federal permitting process undertaken jointly with the State process for activities affecting waterways, water bodies and wetlands authorized under the State's Dam Safety and Encroachment Act. PASPGP-2 places the Department of Environmental Protection (Department) regional offices and delegated county conservation districts in the lead for the majority of permit actions. Through the incorporation of Federal and State permitting standards in one process, the PASPGP-2 continues a streamlined process for permit applicants without compromising comprehensive environmental protection.

The Department hereby provides public notice that 401 Water Quality Certification has been issued for the construction, operation and maintenance of an encroachment or water obstruction as proposed in PASPGP-2 and that those projects were determined to comply with the applicable provisions of sections 301—303, 306 and 307 of the Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department has further certified that the construction, operation and maintenance of the projects complies with applicable State laws related to water quality protection and that the construction, operation and maintenance of the projects does not violate applicable State water quality standards provided that the construction, operation and maintenance of the projects complies with the criteria and conditions of the permit.

Finally, the Department has concurred with the Army Corps of Engineers' determination that the use of the PASPGP-2 is consistent with Pennsylvania's Coastal Zone Management Program.

Copies of the PASPGP-2, the 401 Certification and the Coastal Zone Management Program consistency determination may be obtained by contacting Kenneth R. Reisinger, Chief, Division of Waterways, Wetlands and Erosion Control, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD).

DAVID E. HESS,  
Secretary

[Pa.B. Doc. No. 01-1809. Filed for public inspection October 5, 2001, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Northumberland County Home Mountain View Manor  
2050 Trevorton Road  
Coal Township, PA 17866

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(a) (relating to nurses' station):

Beverly Healthcare-Titusville  
81 Dillon Drive  
Titusville, PA 16354

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.32 (relating to janitor closet):

Mt. Hope Dunkard Brethren Church Home  
3026 Mt. Hope Home Road  
Manheim, PA 17545

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.16(b) (relating to social services):

Beverly Healthcare-Titusville  
81 Dillon Drive  
Titusville, PA 16354

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid service or other accommoda-

tion to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.  
*Secretary*

[Pa.B. Doc. No. 01-1810. Filed for public inspection October 5, 2001, 9:00 a.m.]

### **Solicitation for Letters of Interest; Tobacco Settlement Act; Community-Based Health Care Assistance Grants for Coordination and Outreach**

In anticipation of the release of the Community-Based Health Care Assistance, Grants for Coordination and Outreach, Request for Applications (RFA) 01-07-08, the Department of Health (Department) is soliciting Letters of Interest and comments from eligible nonprofit community-based health care providers and collaboratives for participation in the Community-Based Health Care Assistance, Grants for Coordination and Outreach, defined in Chapter 21, Sections 2101-2103, of The Tobacco Settlement Act, Act 2001-77 (Act). The Act defines eligible nonprofit Community-Based Health Care Providers as:

1. A Federally qualified health center as defined by section 1861(aa)(4) of the Social Security Act (49 Stat. 620, 42 U.S.C.A. § 1395x(aa)(4)).
2. A rural health clinic as defined by section 1861(aa)(2) of the Social Security Act (49 Stat. 620, 42 U.S.C.A. § 1395x(aa)(2)), certified by Medicare.
3. A freestanding hospital clinic serving a Federally designated Health Professional Shortage Area.
4. A free or partial pay health clinic which provides services by volunteer medical providers.

The Act defines eligible collaboratives as an entity located in this Commonwealth that provides an integrated delivery system for coordinating health care and outreach efforts.

Letters are being solicited to inform the Department about the number of potential applicants for Grants for Coordination and Outreach, to allow the Department to determine the amount of funds to be allocated among interested and eligible community-based health care providers and collaboratives, and to solicit public comments regarding the implementation of the Community-Based Health Care Assistance, Grants for Coordination and Outreach program.

Grants for Coordination and Outreach are available to eligible community-based health care providers and collaboratives that meet all of the following:

1. Identify and assess the general health status of low-income individuals with or at risk for chronic diseases and provide enrollment assistance to these individuals for available health benefit insurance programs.
2. Provide case management services to low-income individuals to improve their physical health, behavioral health and social condition and to reduce medical complications.
3. Refer and coordinate care for individuals who require additional health care services.
4. Reduce the inappropriate use of hospital emergency departments and hospital inpatient stays by persons who are chronically ill.

5. Educate patients, medical providers, caregivers and the community on the coordinated management of chronic diseases.

6. Develop regional, nonprofit, community-based integrated delivery systems capable of carrying out the purposes and goals of the program.

Eligible community-based health care providers and collaboratives must meet all of the following criteria:

1. Be nonprofit;
2. Submit an application provided by the Department listing strategic goals and objectives set forth in the application;
3. Report to the Department on all of the following:
  - a. The progress of its efforts to improve delivery and management of health care to low-income persons, as measured by the goals and objectives developed by the Department;
  - b. Documentation of the reduction of unnecessary and redundant health care to these persons;
  - c. The data necessary for evaluation of the programs, as defined by the Department.

Upon release of RFA 01-07-08, a copy will be provided to all known community-based health care providers and collaboratives as well as to all entities submitting a Letter of Interest. The Department is requesting the Letter of Interest form and comments be submitted by October 26, 2001, to Department of Health, Bureau of Health Planning, Room 1033 Health and Welfare Building, Harrisburg, PA 17120.

To receive a copy of the Letter of Interest materials and form, contact Joseph B. May, Director, Bureau of Health Planning, 1033 Health and Welfare Building, Harrisburg, PA 17120, (717) 772-5298. The Letter of Interest form and instructions may also be downloaded from the Department's website [www.health.state.pa.us](http://www.health.state.pa.us).

Persons with disabilities desiring a copy of this notice or a Letter of Interest form in alternative formats (such as larger print, audio tape or Braille) should contact Joseph B. May at (717) 772-5298 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1811. Filed for public inspection October 5, 2001, 9:00 a.m.]

### **Solicitation for Letters of Interest; Tobacco Settlement Act; Community-Based Health Care Assistance Grants for Resources**

In anticipation of the release of the Community-Based Health Care Assistance, Grants for Resources, Request for Applications (RFA) 01-07-07, the Department of Health (Department) is soliciting Letters of Interest and comments from eligible community-based health care providers for participation in the Community-Based Health Care Assistance, Grants for Resources, defined in Chapter 21, Sections 2101-2103, of The Tobacco Settlement Act, Act 2001-77 (Act). The Act defines eligible Community-Based Health Care Providers as:

1. A Federally qualified health center as defined by section 1861(aa)(4) of the Social Security Act (49 Stat. 620, 42 U.S.C.A. § 1395x(aa)(4)).

2. A rural health clinic as defined by section 1861(aa)(2) of the Social Security Act (49 Stat. 620, 42 U.S.C.A. § 1395x(aa)(2)), certified by Medicare.

3. A freestanding hospital clinic serving a Federally designated Health Professional Shortage Area.

4. A free or partial pay health clinic which provides services by volunteer medical providers.

Letters are being solicited to inform the Department about the number of potential applicants for Grants for Resources, to allow the Department to determine the amount of funds to be allocated among interested and eligible community-based providers, and to solicit comments regarding the implementation of the Community-Based Health Care Assistance, Grants for Resources program.

Grants for Resources are available to eligible community-based health care providers to increase access and to improve the delivery and quality of health care by developing and maintaining necessary community-based health care resources.

Eligible community-based health care providers must meet all of the following criteria:

1. Be nonprofit;
2. Submit an application provided by the Department listing strategic goals and objectives set forth in the application;
3. Report to the Department on all of the following:
  - a. The progress of its efforts to improve delivery and management of health care to low-income persons, as measured by the goals and objectives developed by the Department;
  - b. Documentation of the reduction of unnecessary and redundant health care to these persons;
  - c. The data necessary for evaluation of the programs, as defined by the Department.

Upon release of RFA 01-07-07, a copy will be provided to all known community-based health care providers as well as to all entities submitting a Letter of Interest. The Department is requesting the Letter of Interest form and comments be submitted by October 26, 2001, to Department of Health, Bureau of Health Planning, Room 1033 Health and Welfare Building, Harrisburg, PA 17120.

To receive a copy of the Letter of Interest materials and form, contact Joseph B. May, Director, Bureau of Health Planning, 1033 Health and Welfare Building, Harrisburg, PA 17120, (717) 772-5298. The Letter of Interest form and instructions may also be downloaded from the Department's website [www.health.state.pa.us](http://www.health.state.pa.us).

Persons with disabilities desiring a copy of this notice or a Letter of Interest form in alternative formats (such as larger print, audio tape or Braille) should contact Joseph B. May at (717) 772-5298 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1812. Filed for public inspection October 5, 2001, 9:00 a.m.]

### Solicitation for Letters of Interest; Tobacco Settlement Act; HealthLink

In anticipation of the release of the HealthLink Request for Applications (RFA) 01-07-06, the Department of Health (Department) is soliciting Letters of Interest and comments from eligible hospitals for participation in the HealthLink program defined in Chapter 19, Sections 1901—1904, of The Tobacco Settlement Act, Act 2001-77 (Act). The Act defines eligible hospitals as those licensed by the Department as a health care facility providing medical and surgical services under the act of July 19, 1979 (P. L. 130, No. 48) known as the Health Care Facilities Act and located in counties of the sixth, seventh or eighth class. Letters are being solicited to inform the Department about the number of potential applicants for grants under this chapter, to allow the Department to determine the amount of funds to be allocated among interested and eligible hospitals and to solicit comments regarding the implementation of the HealthLink program.

HealthLink grants are available to eligible hospitals for the purchase of medical and surgical equipment used in the diagnosis and treatment of patients and for reimbursement of expenses related to the purchase of equipment. Eligible hospitals must meet all of the following criteria:

1. Be located in a county of the sixth, seventh or eighth class;
2. Submit an application to the Department describing the equipment to be purchased and its intended purpose;
3. Provide matching funds in the amount of 100% of the amount of the grant.

Eligible hospitals must agree to provide medically necessary services to individuals regardless of the individual's ability to pay for services and be a participating provider with the Department of Public Welfare for services provided to persons eligible for Medical Assistance. Grant recipients under the HealthLink program will be subject to audit by the Department to ensure that funds are used in accordance with program requirements, and must provide information relating to the expenditure of moneys in a format to be specified by the Department.

Upon release of RFA 01-07-06, a copy will be provided to all known hospitals located in counties of the sixth, seventh or eighth class as well as all entities submitting a Letter of Interest. The Department is requesting the Letter of Interest form and comments be submitted by October 26, 2001, to Department of Health, Bureau of Health Planning, Room 1033 Health and Welfare Building, Harrisburg, PA 17120.

To receive a copy of the Letter of Interest materials and form, contact Joseph B. May, Director, Bureau of Health Planning, 1033 Health and Welfare Building, Harrisburg, PA 17120, (717) 772-5298. The Letter of Interest form and instructions may also be downloaded from the Department's website [www.health.state.pa.us](http://www.health.state.pa.us).

Persons with disabilities desiring a copy of this notice or a Letter of Interest form in alternative formats (such as larger print, audio tape or Braille) should contact Joseph B. May at (717) 772-5298 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1813. Filed for public inspection October 5, 2001, 9:00 a.m.]



### Tobacco Use Prevention and Cessation Advisory Committee Meeting

The Tobacco Use Prevention and Cessation Advisory Committee, established by Chapter 7, Section 705 of The Tobacco Settlement Act (Act 2001-77), will hold a public meeting on October 12, 2001, from 9:30 a.m. to 4 p.m. The meeting will be held in the Wildwood Conference Center of Harrisburg Area Community College, Harrisburg, PA.

For additional information contact Emilie M. Tierney, Director, Bureau of Chronic Diseases and Injury Prevention, (717) 787-6214; or Judy Ochs, Director, Division of Tobacco Prevention and Control, Bureau of Chronic Dis-

ease and Injury Prevention, 1000 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-6600.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Emilie M. Tierney or Judy Ochs, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1814. Filed for public inspection October 5, 2001, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### 2001 Group One Exception Requests; Medical Assistance Long Term Care Participation Review

The Department of Public Welfare (Department), by statement of policy effective December 18, 1996, adopted an interim policy announcing that, as a general matter, it intended to exercise its discretion to refuse to enter into new Medical Assistance (MA) provider agreements and to terminate any provider of MA nursing facility services that sought to increase the number of MA certified nursing facility beds through expansion, unless the Department granted an exception on a case-by-case basis to permit that provider to enroll or expand. A statement of policy that sets forth the guidelines the Department will use when making its case-by-case exception request decisions was published at 28 Pa.B. 138 (January 10, 1998) and is codified at 55 Pa. Code § 1187.21a (relating to nursing facility exception requests—statement of policy).

By this notice, published under 55 Pa. Code § 1187.21a(e)(4), the Department announces the 2001 Group One Exception Requests covering the submission period of January 1, 2001, through June 30, 2001.

#### *Expansion Projects*

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ01002	Saint John Neumann Nursing Home	10400 Roosevelt Blvd. Philadelphia, PA 19116	Philadelphia	50
JJ01004	Canterbury Place	310 Fisk Street Pittsburgh, PA 15201	Allegheny	40
JJ01001	Bradford Ecumenical Home	100 St. Francis Drive Bradford, PA 16701	McKean	1

#### *New Facility Projects*

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ01003	Clara Burke Community, The	251 Stenton Avenue Plymouth Meeting	Montgomery	76

Copies of the previously listed exception requests are available for review by the public during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

The Department will accept written comments related to the requests for a 30-day period following the date of this publication. Written comments may be submitted to Department of Public Welfare, Bureau of LTC Programs, Attention: Policy Section, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative format should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-302. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 01-1815. Filed for public inspection October 5, 2001, 9:00 a.m.]

# DEPARTMENT OF STATE

## Official Forms

On August 25, 2001, the Department of State's Corporation Bureau (Bureau) forms and instructions to replace the outdated forms and instructions currently in 19 Pa. Code Appx. A (relating to official forms) were published in the *Pennsylvania Bulletin* as proposed at 31 Pa.B. 4723. The forms and instructions, which do not constitute agency regulations, are subject to the opportunity for public comment under section 201 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201).

The Bureau did not receive any comments during the intervening 30-day public comment period. Therefore, the forms and instructions are being codified in new Appendix B as they were published in proposed form. Appendix A will be reserved.

KIM PIZZINGRILLI,  
*Secretary of the Commonwealth*

[Pa.B. Doc. No. 01-1816. Filed for public inspection October 5, 2001, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Carbon County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation plan to replace the Parryville Bridge which carries S.R. 2008 over Pohopco Creek in Parryville Borough, Carbon County.

The project will require use and acquisition of 0.024 hectares (0.06 acres) of land from the National Register-eligible Parryville Historic District and 0.23 hectares (0.57 acres) from Parryville Borough Park. The project will also require the demolition of the Parryville Bridge, which is a contributing element of the National Register-eligible Parryville Historic District.

The environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects. A Memorandum of Agreement (MOA) has been prepared and signed by all appropriate agencies for the proposed action. Recommended mitigation includes recordation of the bridge, stone masonry treatment of the replacement structure, appropriate painting, and the placement of a plaque commemorating the history and significance of the Parryville Historic District.

Minimization and mitigation measures for the Parryville Borough Park will consist of relocation of the affected playground equipment to the west in an existing open area of the park, construction of a retaining wall along the western edge of the road in the park vicinity to minimize property acquisition from within the park, replacement of the existing fence, and planting of screen-

ing shrubbery. Additionally, the Borough will be compensated at fair market value for the property acquisition.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-1817. Filed for public inspection October 5, 2001, 9:00 a.m.]

# HEALTH CARE COST CONTAINMENT COUNCIL

## Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review existing or proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 779 which would require all group and individual health insurance policies to provide coverage for annual prostate specific antigen (PSA) examinations for men 50 years of age and older. In addition, policies would be required to provide coverage for PSA examinations for men under 50 years of age upon a physician's recommendation.

Initial notification of request for information and documentation was published at 31 Pa.B. 4022 (July 12, 2001), with documentation due to the Council by September 21, 2001.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until November 9, 2001. Any additional comments on this information must be received by this time. Council offices are located at 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments to Flossie Wolf at this address.

### *Senate Bill 779 Submissions*

1. AFLAC (American Family Life Assurance Company of Columbus)
  - Letter from Richard J. Gmerek of the Law Offices of Gmerek & Hayden addressing Section 9 requirements.
  - Information addressing health insurance administration.
2. Blue Cross of Northeastern Pennsylvania
  - Letter from Kimberly Kockler, Director, Policy Management, addressing Section 9 requirements.
  - Prostate cancer facts/incidence information.
  - Relevant research articles.
3. Geisinger Health Plan
  - Letter from Duane E. Davis, M.D., Senior Vice President, Medical Director addressing Senate Bill 779.
4. Highmark

- Letter from Bruce R. Hironimus, Vice President of Government Affairs, addressing Section 9 requirements.
  - Relevant research articles.
  - Cancer facts/incidence information.
5. The Insurance Federation of Pennsylvania, Inc.
- Letter from John R. Doubman, Secretary and Counsel, addressing Section 9 requirements.
  - Relevant research articles.
6. Managed Care Association of Pennsylvania
- Letter from Dolores M. Hodgkiss, Executive Director, addressing Section 9 requirements.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 01-1818. Filed for public inspection October 5, 2001, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, September 20, 2001, and took the following actions:

*Regulations Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective September 18, 2001*

Office of the Budget #9-1: Fiscal Notes (amends 4 Pa. Code Chapter 7)

*Regulations Approved:*

Department of Agriculture #2-134: Fees—Pesticide Control Act (amends 7 Pa. Code § 128.3)

Environmental Quality Board #7-361: Household Hazardous Waste (amends 25 Pa. Code Chapters 261a, 271, 272 and 283)

*Commissioners Voting:* John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III, Acting Chairperson; John F. Mizner

Public Meeting held  
September 20, 2001

*Department of Agriculture; Fees—Pesticide Control Act; Regulation No. 2-134*

On August 21, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code § 128.3. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking increases four fees in the pesticide program. The Pesticide Control Act of 1973 requires that the program be self-sufficient. These fee increases will affect approximately 20,000 individuals and generate approximately \$591,000 in additional revenue.

We have determined this regulation is consistent with the statutory authority of the Department (3 P.S. § 111.57a) 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.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III, Acting Chairperson; John F. Mizner

Public Meeting held  
September 20, 2001

*Environmental Quality Board; Household Hazardous Waste; Regulation No. 7-361*

On January 29, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 261a, 271, 272 and 283. The proposed regulation was published in the February 10, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 21, 2001.

The EQB is amending regulations governing household hazardous waste collection events, grants, transportation and management. The amendments clarify collection sponsor, collection contractor and transporter requirements and make the regulations consistent with the Small Business and Household Pollution Prevention Program Act (Act 190 of 1996).

We have determined this regulation is consistent with the statutory authority of the EQB (35 P.S. § 6029.207(a)) 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. 01-1819. Filed for public inspection October 5, 2001, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-360	Environmental Quality Board Radiological Health	9/21/01
7-363	Environmental Quality Board Fees	9/21/01

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-356	Environmental Quality Board Administration of Land Recycling Program	9/21/01
7-355	Environmental Quality Board Storage Tank Program	9/21/01
7-346	Environmental Quality Board Solvent Cleaning Operations	9/21/01

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-1820. Filed for public inspection October 5, 2001, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Highmark Inc. d/b/a Pennsylvania Blue Shield; ERISA-Exempt Gatekeeper Preferred Provider Organization; Filing No. 200146

On September 18, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted an application for review and approval by the Insurance Department and the Department of Health of an ERISA-Exempt Gatekeeper Preferred Provider Organization program for the service area of Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Perry and York Counties. This application was submitted in accordance with the provisions of 31 Pa. Code Chapter 152 (relating to preferred provider organizations).

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office at 1311 Strawberry Square, Harrisburg, PA 17120.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1821. Filed for public inspection October 5, 2001, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Re- fusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's Regional Offices in Philadelphia and Pittsburgh, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Patricia Yost and Allison Hicks; file no. 01-124-05808; Continental Insurance Company; doc. no. PH01-09-007; December 6, 2001, at 9 a.m.

Appeal of Mary Hattersen; file no. 01-210-03191; Hartford Insurance Company; doc. no. PH01-09-009; December 7, 2001, at 11 a.m.

Appeal of Gerald J. Lester; file no. 01-215-03237; Travelers Insurance Company; doc. no. PH01-09-010; December 7, 2001, at 3 p.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Johnny and Angela Johnson; file no. 01-494-90589; American International Insurance Company; doc. no. E01-09-008; January 4, 2002, at 11 a.m.

Appeal of Michael C. Schatzel; file no. 01-303-72586; National Union Fire Insurance Company of Pittsburgh, PA; doc. no. PI01-09-006; January 4, 2002, at 12:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1822. Filed for public inspection October 5, 2001, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a

common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 29, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00118274. Primo Transportation, Inc.** (2914 N. 5th Street, city and county of Philadelphia, PA 19133), a corporation of the Commonwealth of Pennsylvania, to transport persons in paratransit service, from points in the city and county of Philadelphia, to all State Correctional Institutions located in Pennsylvania, and return. *Attorney:* Hae Yeon Baik, 2333 Fairmount Avenue, Philadelphia, PA 19130.

**A-00118275. Hollidaysburg American Legion Ambulance Service, Inc.** (P. O. Box 461, Hollidaysburg, Blair County, PA 16648), a corporation of the Commonwealth of Pennsylvania, to transport, as a common carrier, by motor vehicle, in paratransit service, ambulatory and nonambulatory persons, in vehicles equipped with wheelchair lift and stretcher, between points in the county of Blair, and from points in said county, to points in Pennsylvania, and return.

**A-00118278. South Central Emergency Medical Services, Inc.** (8065 Allentown Boulevard, Harrisburg, Dauphin County, PA 17112), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the county of Dauphin, and from points in said county, to points in Pennsylvania, and return. *Attorney:* Christie M. Mellott, 5002 Lenker Street, Suite 202, Mechanicsburg, PA 17050.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-00116740, Folder 2. South Hills Carriages, Inc.** (250 Bower Hill Road, Venetia, Washington County, PA 15367), a corporation of the Commonwealth of Pennsylvania—additional right—persons in group and party service in vehicles seating 15 passengers or less, including the driver: (1) between points in the counties of Washington and Fayette, and from points in said counties, to points in Pennsylvania, and return; and (2) from points in the county of Allegheny, to points in Pennsylvania, and return.

**Notice of Motor Carrier Applications—  
Persons in Limousine Service**

The following applications for authority to transport persons in limousine service between points in Pennsylvania have been filed with the Pennsylvania Public Utility Commission. The applications will be considered without hearing in the absence of substantive protests limited to the issue of applicant fitness. Protests to these applications are due on or before October 29, 2001.

*A-00110575,  
F. 2.*

River Park Cab Co., Inc.  
2612 Virginia Lane  
Jamison, PA 18929

*Attorney:* Michael S. Henry  
Eleven Penn Center, Suite 515  
1835 Market Street  
Philadelphia, PA 19103

*A-00117312,  
F. 3.*

Entertainment Transportation  
Associates, Inc.  
t/d/b/a E. T. A. Limousine Service  
PMB 195, 100 Springdale Road  
Suite A-3  
Cherry Hill, NJ 08003

*A-00118263*

Avalon Limousine, LLC  
830 Montgomery Avenue, Suite 114  
Bryn Mawr, PA 19010

*A-00118264*

Yankee Limousine, Inc.  
t/d/b/a Yankee Limousine  
1129 W. Main Street  
Stroudsburg, PA 18360

*A-00118265*

United Limousine Service, Inc.  
3247 Frankford Avenue  
Philadelphia, PA 19134

*Attorney:* John J. Gallagher  
Suite 1100  
1760 Market Street  
Philadelphia, PA 19103

*A-00118268*

William Matthew Sullivan  
t/d/b/a Casual Executive Car Service  
18 Lunar Lane  
Moon Township, PA 15108

*A-00118279*

John Chapman  
t/d/b/a Chapman's Limousine Service  
3303 Iowa Street  
Pittsburgh, PA 15219

*A-00118282*

Mark A. Cooper  
t/d/b/a PrimeTyme Limousine Service  
213 Maple Street  
Suite C-37  
Horsham, PA 19044

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Diplomat Limousine Ser-  
vice, Inc.; Doc. No. A-00104714C01 F.1*

*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 Diplomat Limousine Service, Inc., respondent, maintains a principal place of business at 7423 N. 20th Street, Philadelphia, PA 19138.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00104714, F. 1.

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, 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 Diplomat Limousine Service, Inc. at Docket No. A-00104714, F. 1, for failure to maintain evidence of current insurance on file with the Commission.

Respectfully submitted,

Michael E. Hoffman, Acting 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. 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.

PETRO-CHEMICAL TRANSPORT INC  
P O BOX 7002  
ADDISON TX 75001-7002

In re: A-00111442C0101  
A-00111442

Dear Respondent:

On July 17, 2001, the Bureau of Transportation and Safety instituted a complaint against Petro-Chemical Transport, Inc., respondent, alleging failure to maintain proper evidence of current insurance in violation of the Public Utility Code. The respondent was duly notified that if acceptable evidence of insurance or an answer was not filed, the Bureau would request that the Secretary of the Commission revoke the certificate of public convenience issued to the respondent at A-00111442.

The complaint and notice were published in the August 18, 2001 issue of the Pennsylvania Bulletin; to date, more than twenty (20) days later, neither evidence of insurance nor an answer to the complaint has been filed. Therefore, the allegation in the complaint is deemed to be admitted.

The complaint at A-00111442C0101 is hereby sustained and the right(s) and the certificate of public convenience issued to the respondent at A-00111442 be and are hereby revoked; and the respondent has no other operating authority. The respondent is hereby notified to cease and desist from providing service previously authorized under the certificate of public convenience.

James J. McNulty  
Secretary

VERMACK ENTERPRISES INC  
105 N KEYSER AVENUE  
OLD FORGE PA 18518

In re: A-00114954C0101  
A-00114954

Dear Respondent:

On July 17, 2001, the Bureau of Transportation and Safety instituted a complaint against Vermack Enterprises, Inc., respondent, alleging failure to maintain proper evidence of current insurance in violation of the Public Utility Code. The respondent was duly notified that if acceptable evidence of insurance or an answer was not filed, the Bureau would request that the Secretary of the Commission revoke the certificate of public convenience issued to the respondent at A-00114954.

The complaint and notice were published in the August 18, 2001 issue of the *Pennsylvania Bulletin*; to date, more than twenty (20) days later, neither evidence of insurance

nor an answer to the complaint has been filed. Therefore, the allegation in the complaint is deemed to be admitted.

The complaint at A-00114954C0101 is hereby sustained and the right(s) and the certificate of public convenience issued to the respondent at A-00114954 be and are hereby revoked; and the respondent has no other operating authority. The respondent is hereby notified to cease and desist from providing service previously authorized under the certificate of public convenience.

James J. McNulty  
Secretary

CCI CONSTRUCTION CO INC  
2500 OLD GETTYSBURG ROAD  
CAMP HILL PA 17011-7507

In re: A-00115110C0001  
A-00115110

**Dear Respondent:**

On April 11, 2000, the Bureau of Transportation and Safety instituted a complaint against CCI Construction Co., Inc., respondent, alleging failure to maintain proper evidence of current insurance in violation of the Public Utility Code. The respondent was duly notified that if acceptable evidence of insurance or an answer was not filed, the Bureau would request that the Secretary of the Commission revoke the certificate of public convenience issued to the respondent at A-00115110.

The complaint and notice were served on the respondent on or about April 13, 2000; to date, more than twenty (20) days later, neither evidence of insurance nor an answer to the complaint has been filed. Therefore, the allegation in the complaint is deemed to be admitted.

The complaint at A-00115110C0001 is hereby sustained and the right(s) and the certificate of public convenience issued to the respondent at A-00115110 be and are hereby revoked; and the respondent has no other operating authority. The respondent is hereby notified to cease and desist from providing service previously authorized under the certificate of public convenience.

James J. McNulty  
Secretary

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1823. Filed for public inspection October 5, 2001, 9:00 a.m.]

**Telecommunications**

**A-310489F7002. United Telephone Company of Pennsylvania d/b/a Sprint and Cellco Partnership and Pennsylvania RSA No. 6 (II) d/b/a Verizon Wireless.** Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Cellco Partnership and Pennsylvania RSA No. 6 (II) d/b/a Verizon Wireless for Approval of a Commercial Mobile Radio Services Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Cellco Partnership and Pennsylvania RSA No. 6 (II) d/b/a Verizon Wireless filed on September 7, 2001, at the Pennsylvania Public Utility Commission (Commis-

sion), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Cellco Partnership and Pennsylvania RSA No. 6 (II) d/b/a Verizon Wireless 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. 01-1824. Filed for public inspection October 5, 2001, 9:00 a.m.]

**Telecommunications**

**A-310593F7002. United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-Reconex, Inc.** Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-Reconex, Inc. for Approval of a Master Interconnection and Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-Reconex, Inc. filed on September 7, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Master Interconnection and Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-Reconex, 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. 01-1825. Filed for public inspection October 5, 2001, 9:00 a.m.]

**Telecommunications**

**A-310535F7001. Verizon North Inc. and Network Access Solutions Corp.** Joint Petition of Verizon North Inc. and Network Access Solutions Corp. for Approval of Amendment No. 2 to Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Network Access Solutions Corp. filed on September 12, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 2 to 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 Verizon North Inc. and Network Access Solutions Corp. 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. 01-1826. Filed for public inspection October 5, 2001, 9:00 a.m.]

### Telecommunications

**A-310593F7001. Verizon North Inc. and 1-800-Reconex, Inc.** Joint Petition of Verizon North Inc. and 1-800-Reconex, Inc. for Approval of Amendment No. 1 to Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and 1-800-Reconex, Inc. filed on September 12, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of Amendment No. 1 to 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 Verizon North Inc. and 1-800-Reconex, 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. 01-1827. Filed for public inspection October 5, 2001, 9:00 a.m.]

### Telecommunications

**A-310581F7001. Verizon North Inc. and VIC-RMTS-DC, LLC d/b/a Verizon Avenue.** Joint Petition of Verizon North Inc. and VIC-RMTS-DC, LLC d/b/a Verizon Avenue for Approval of Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and VIC-RMTS-DC, LLC d/b/a Verizon Avenue filed on September 12, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of 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 Verizon North Inc. and VIC-RMTS-DC, LLC d/b/a Verizon

Avenue 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. 01-1828. Filed for public inspection October 5, 2001, 9:00 a.m.]

### Water Service Without Hearing

**A-212285 F0092. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of: 1) the transfer, by sale, of the water works property and rights of Shippenville Borough and/or Shippenville Municipal Authority to Pennsylvania-American Water Company; and 2) the right of Pennsylvania-American Water Company to begin to offer, render, furnish or supply water service to the public in all of Shippenville Borough, Clarion County, and a portion of Elk Township, Clarion County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before October 22, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania-American Water Company.

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hershey Park Drive, Hershey, PA 17033.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1829. Filed for public inspection October 5, 2001, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project #0154.P, Rock Salt, until 2 p.m. on Thursday, October 18, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available October 9, 2001. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 01-1830. Filed for public inspection October 5, 2001, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

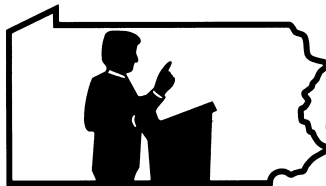
The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

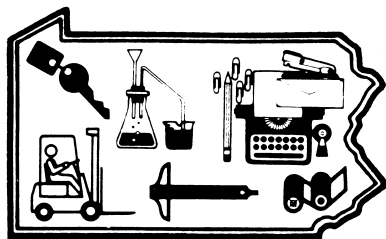
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*



### Commodities

**8251350** Trailer, Asphalt Reheater, 4 Ton Storage Unit, Diesel. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1115251** Night Sights, 3 Dot as manufactured by Trijicon. For a copy of bid package fax request to (717) 787-0725.

**Department:** Probation and Parole Board  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8149020** Truck Mounted Attenuator. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Pittsburgh, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8251190** Crew Cab Trucks. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**9985-23** Scrap Rubber Removal Service Contract. During each quarter of the current calendar year, new contracts may seek to be added to the list of qualified contractors for the Scrap Rubber Removal Service Contract, 9985-23. In order to be considered, Contractors must submit a completed bid 9985-23 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A quarter is defined as three consecutive calendar months ending with the last business day of the months of March, June, September and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline of the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Various, PA  
**Duration:** 06/01/01 to 05/31/03 with three (3) additional one (1) year extensions  
**Contact:** Vendor Services (717) 787-2199

**1038111** Kalatel Cameras and Equipment. No Substitute. For a copy of bid package fax request to (717) 787-0725

**Department:** Corrections  
**Location:** Graterford, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8251430** Trailer, Vacuum Self Contained, 500 Gallon. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8251290** Roller, Walk Behind. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1137111** Blanket Lining, 56" - 58" Cuttable Width. Color—Brown with stripes. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1472200** MICROSCOPE, SCANNING ELECTRON, GUNSHOT RESIDUE SYSTEM. FOR A COPY OF BID PACKAGE FAX REQUEST TO (717) 787-0725.

**Department:** State Police  
**Location:** PITTSBURGH, PA  
**Duration:** FY 2001-02  
**Contact:** VENDOR SERVICES (717) 787-2199

**1555110** Rebid #2 Pole Shed. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**927958** Electric Tarp Systems.

**Department:** Transportation  
**Location:** R. D. 1 Box 40, Montrose, PA  
**Duration:** 10/1/01 to 3/31/02  
**Contact:** Jim Griffin (570) 278-1171

**3509-yarn** State Correctional Inst. Graterford is seeking vendors to supply various amounts and types of yarn used in hosiery, knitting and weaving applications. Included but not limited to will be: acrylics, nylon filaments, mercerized combed peeler cotton, 100% cotton, and 50/50 poly/cotton yarns.

**Department:** Corrections  
**Location:** Correctional Industries, SCI-Graterford, Box 246, off Rt. 29, Graterford, PA 19426  
**Duration:** 10/15/01 through 6/30/02  
**Contact:** Gerald L. Arasin 610-489-4151

**8251360** Paver, Maintainer, Leeboy, with Milling Head. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**5610-03** Supp # 3 Aggregates and Anti-Skid Materials. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** Date of Notification to December 31, 2005  
**Contact:** Vendor Services (717) 787-2199

**ACAD-70** 7 each—Washers, Commercial, 18 lb., front load, Speed Queen Model #LTS-80. 7 each—Dryers, 14 lb., Speed Queen Model #LES-37.

**Department:** State Police  
**Location:** PSP Academy, 175 E. Hersheypark Dr., Hershey, PA. 17033  
**Duration:** Dec. 15, 2001  
**Contact:** Robert D. Stare (717) 705-5921

**8251120** Loader, 3.0 Cubic Yard with Snow Blower. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1135111** Sandel Mattress Ticking. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Dallas, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8251450** Sweeper, Hyd, Towed, Remote (Truck Attachment). For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1145201** Gentex Law Enforcement Ballistic Helmets. No Substitute. For a copy of bid package fax request to (717) 787-0725.

**Department:** State Police  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8251220** Insert, Anti-Icing (Truck Attachment). If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8251160** Mulcher, Hay, Trailer Mounted. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8251300** Saw, Concrete, Walk Behind, 20" cut. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8251440** Road Widener without Quick Disconnect. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

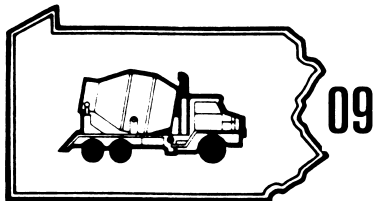
**7314720** 16 Foot Cargo Van (Low Profile Cab & Chassis). For a copy of bid package fax request to (717) 787-0725.

**Department:** Liquor Control Board  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**9985-15** Pest Control Services Contract. During each quarter of the current calendar year, new contracts may seek to be added to the list of qualified contractors for the Pest Control Services Contract, 9985-15. In order to be considered, Contractors must submit a completed bid 9985-15 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A quarter is defined as three consecutive calendar months ending with the last business day of the months of March, June, September and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline of the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Various, PA  
**Duration:** 03/01/00—02/28/02 with three (3) additional one (1) year extensions  
**Contact:** Vendor Services (717) 787-2199

## SERVICES



### Construction & Construction Maintenance

**FDC-422-744.4** All Electrical Work associated with the one story addition (wood frame) to the Park Manager's Residence at Nockamixon State Park in Bucks County. The addition contains a kitchen, bath and all purpose room. Cost estimate is under \$50,000.00 NOTE: Requests for Bid Documents may be made ON or AFTER October 9, 2001. Cost of Documents is \$15.90, payable by CREDIT CARD ONLY - American Express, Discover, Master Card or Visa.

**Department:** Conservation and Natural Resources  
**Location:** Haycock Township  
**Duration:** 120 Days  
**Contact:** Construction Management Section (717) 787-5055

**FDC-422-744.2** All Mechanical Work (HVAC and plumbing) associated with the one story addition (wood frame) to the Park Manager's Residence at Nockamixon State Park in Bucks County. The addition contains a kitchen, bath and all purpose room. Cost estimate is under \$50,000.00 NOTE: Requests for Bid Documents may be made ON or AFTER October 9, 2001. Cost of Documents is \$15.90, payable by CREDIT CARD ONLY— American Express, Discover, Master Card or Visa.

**Department:** Conservation and Natural Resources  
**Location:** Haycock Township  
**Duration:** 120 Days  
**Contact:** Construction Management Section (717) 787-5055

**DGS 700-40EX2** PROJECT TITLE: Pennsylvania Farm Show Complex Equine Arena and Barn—All Remaining Work. BRIEF DESCRIPTION: The work for this project will generally include all work related to roofing construction. ESTIMATED RANGE: Under \$25,000.00. Roofing Construction. PLANS DEPOSIT: \$125.00 per set payable to: REYNOLDS CONSTRUCTION MANAGEMENT, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$50.00 per set or provide your express mail account number to the office listed below. Mail requests to: Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110. Contact: Carol Harner, Tel: (717) 238-5737 EXT. 3328. Bid WEDNESDAY, October 24, 2001 at 2:00 P.M.

**Department:** General Services  
**Location:** PA Farm Show Complex, Harrisburg, Dauphin County, PA  
**Duration:** 245 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 700-40ME1** PROJECT TITLE: Pennsylvania Farm Show Complex Equine Arena and Barn—All Remaining Work. BRIEF DESCRIPTION: The work for this project will generally include all work related to plumbing construction. ESTIMATED RANGE: \$100,000.00 to \$200,000.00. plumbing Construction. PLANS DEPOSIT: \$125.00 per set payable to: REYNOLDS CONSTRUCTION MANAGEMENT, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$50.00 per set or provide your express mail account number to the office listed below. Mail requests to: Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110. Contact: Carol Harner, Tel: (717) 238-5737 EXT. 3328. Bid WEDNESDAY, October 24, 2001 at 2:00 P.M.

**Department:** General Services  
**Location:** Pennsylvania Farm Show Complex, Harrisburg, Dauphin County, PA  
**Duration:** 245 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 405-52 REBID** PROJECT TITLE: Renovation of Zimbar-Liljenstein Gymnasium. BRIEF DESCRIPTION: Work consists of general renovations and additions to an existing approximately 34,000 SF building, including site work, demolition, hazmat abatement, general construction, HVAC, plumbing, electrical and related work. ESTIMATED RANGE: \$1,000,000.00 to \$2,000,000.00. HVAC, Plumbing and Electrical Construction. PLANS DEPOSIT: \$225.00 per set payable to: WALLACE & WATSON-ASSOCIATES PC (W2A). Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below: Mail requests to: Wallace & Watson-Associates PC (W2A), 609 Hamilton Street, Suite 200, Allentown, PA 18101-2189, Tel: 610/437-4450. Bid WEDNESDAY, October 10, 2001.

**Department:** General Services  
**Location:** East Stroudsburg University, East Stroudsburg, Monroe County, PA  
**Duration:** 365 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 700-40EX1** PROJECT TITLE: Pennsylvania Farm Show Complex Equine Arena and Barn—All Remaining Work. BRIEF DESCRIPTION: The work for this project will generally include all work related to masonry construction. ESTIMATED RANGE: \$500,000.00 to \$1,000,000.00. Masonry Construction. PLANS DEPOSIT: \$125.00 per set payable to: REYNOLDS CONSTRUCTION MANAGEMENT, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$50.00 per set or provide your express mail account number to the office listed below. Mail requests to: Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110. Contact: Carol Harner, Tel: (717) 238-5737 EXT. 3328. Bid WEDNESDAY, October 24, 2001 at 2:00 P.M.

**Department:** General Services  
**Location:** Pennsylvania Farm Show Complex, Harrisburg, Dauphin County, PA  
**Duration:** 245 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 700-40IN1** PROJECT TITLE: Pennsylvania Farm Show Complex Equine Arena and Barn—All Remaining Work. BRIEF DESCRIPTION: The work for this project will generally include scope of work beyond the building frame, foundations, mechanical and electrical. ESTIMATED RANGE: \$1,000,000.00 to \$2,000,000.00. General Construction. PLANS DEPOSIT: \$125.00 per set payable to: REYNOLDS CONSTRUCTION MANAGEMENT, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$50.00 per set or provide your express mail account number to the office listed below. Mail requests to: Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110. Contact: Carol Harner, Tel: (717) 238-5737 Ext. 3328. Bid WEDNESDAY, October 24, 2001 at 2:00 P.M.

**Department:** General Services  
**Location:** PA Farm Show Complex, Harrisburg, Dauphin County, PA  
**Duration:** 245 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 700-40ME4** PROJECT TITLE: Pennsylvania Farm Show Complex Equine Arena and Barn—All Remaining Work. BRIEF DESCRIPTION: The work for this project will generally include all work related to electrical construction. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. Electrical Construction. PLANS DEPOSIT: \$125.00 per set payable to: REYNOLDS CONSTRUCTION MANAGEMENT, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$50.00 per set or provide your express mail account number to the office listed below. Mail requests to: Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110. Contact: Carol Harner, Tel: (717) 238-5737 EXT. 3328. Bid WEDNESDAY, October 24, 2001 at 2:00 P.M.

**Department:** General Services  
**Location:** Pennsylvania Farm Show Complex, Harrisburg, Dauphin County, PA  
**Duration:** 245 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 700-40ME2** PROJECT TITLE: Pennsylvania Farm Show Complex Equine Arena and Barn—All Remaining Work. BRIEF DESCRIPTION: The work for this project will generally include all work related to the sprinkler system construction. ESTIMATED RANGE: \$500,000.00 to \$800,000.00. Fire Protection Construction. PLANS DEPOSIT: \$125.00 per set payable to: REYNOLDS CONSTRUCTION MANAGEMENT, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$50.00 per set or provide your express mail account number to the office listed below. Mail requests to: Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110. Contact: Carol Harner, Tel: (717) 238-5737 EXT. 3328. Bid WEDNESDAY, October 24, 2001 at 2:00 P.M.

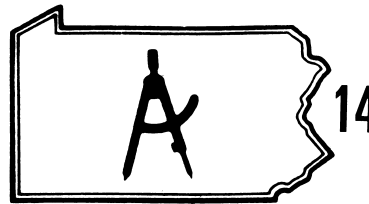
**Department:** General Services  
**Location:** Pennsylvania Farm Show Complex, Harrisburg, Dauphin County, PA  
**Duration:** 245 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 700-40ME3** PROJECT TITLE: Pennsylvania Farm Show Complex Equine Arena and Barn—All Remaining Work. BRIEF DESCRIPTION: The work for this project will generally include all work related to HVAC construction, including the equipment. ESTIMATED RANGE: \$500,000.00 to \$800,000.00. HVAC Construction. PLANS DEPOSIT: \$125.00 per set payable to: REYNOLDS CONSTRUCTION MANAGEMENT, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$50.00 per set or provide your express mail account number to the office listed below. Mail requests to: Reynolds Construction Management, Inc., 3300 North Third Street, Harrisburg, PA 17110. Contact: Carol Harner, Tel: (717) 238-5737 EXT. 3328. Bid WEDNESDAY, October 24, 2001 at 2:00 P.M.

**Department:** General Services  
**Location:** Pennsylvania Farm Show Complex, Harrisburg, Dauphin County, PA  
**Duration:** 245 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**FDC-422-744.1** General Construction associated with a one story addition (wood frame) to the Park Manager's Residence at Nockamixon State Park in Bucks County. The addition contains a kitchen, bath and all purpose room. Work includes earthwork, concrete, masonry, miscellaneous steel, carpentry, roofing, doors and windows, interior finishing and cabinets. Cost estimate is \$100,000.00 to \$500,000.00. NOTE: Requests for Bid Documents may be made ON or AFTER October 9, 2001. Cost of Documents is \$15.90, payable by CREDIT CARD ONLY— American Express, Discover, Master Card or Visa.

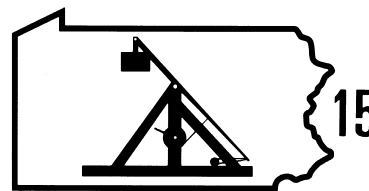
**Department:** Conservation and Natural Resources  
**Location:** Haycock Township  
**Duration:** 120 Days  
**Contact:** Construction Management Section (717) 787-5055



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

**FC-63H Benner Spring Well Rehab** Contract for rehabilitation of Well No. 1 at the Benner Spring Fish Culture Station, 1225 Shiloh Road, State College, Benner Township, Centre County, PA.

**Department:** Fish and Boat Commission  
**Location:** Benner Spring Fish Culture Station, Benner Township, Centre County, PA  
**Duration:** Work to be performed without approx. 60 days after receipt of contract  
**Contact:** Amos Ferguson (814) 359-5105

**OSM 49(3661)101.1** Abandoned Mine Reclamation, St. Mary's Cemetery East involves approximately 442,900 c.y. grading, 4,238 c.y. drainage excavation, 3,119 s.y. rock lining and seeding 51.4 acres. Federal funds are available for this project from the \$27 million Pennsylvania 2000 AML Grant. This project issues October 5, 2001; payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Kulpmont Borough and Mount Carmel Township, Northumberland County  
**Duration:** 360 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**OSM 35(3743)101.1** Abandoned Mine Reclamation, O'Connor Reservoir involves approximately 648,570 c.y. grading, 510,200 c.y. rock excavation, 28,675 c.y. drainage excavation, 522 l.f. pipe, 21,990 s.y. rock lining and seeding 115.8 acres. Federal funds are available for this project from the \$27 million Pennsylvania 2000 AML Grant. This project issues October 5, 2001; payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Jessup Borough, Lackawanna County  
**Duration:** 740 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**AMD 54(1813)101.1** Abandoned Mine Reclamation, Newkirk Mine involves approximately 3,000 c.y. received before bid documents will be sent. excavation and embankment, 286 c.y. drainage excavation, 4,560 l.f. pipe, 1,010 s.y. impervious lining, 1,285 tons limestone aggregate and seeding 3,670 s.y. Federal funds are available for this project from the \$27 million Pennsylvania 2000 AML Grant. This project issues October 5, 2001; payment in the amount of \$10.00 must be received before bid documents will be sent.

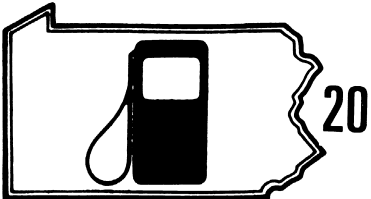
**Department:** Environmental Protection  
**Location:** Walker Township, Schuylkill County  
**Duration:** 220 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994



### Financial and Insurance Consulting

**SP388102011** Site preparation, installation and all materials for woven wire fences around portion of state forest timber sales located on the Buchanan State Forest. The seven (7) sites are: Site 1: Located in Southampton Twp., Bedford Co. approx. 3,200 lineal ft. perimeter. Site 2: Located in Monroe Twp., Bedford Co. approx. 4,000 lineal ft. perimeter. Site 3: Located in Wells Twp., Fulton Co., approx. 7,200 lineal ft. perimeter. Site 4: Located in Mann Twp., Bedford Co., approx. 2,900 lineal ft. perimeter. Site 5: Located in Mann Twp., Bedford Co., approx. 6,130 lineal ft. perimeter. Site 6: located in Wells Twp., Fulton Co., approx. 5,380 lineal ft. perimeter. Site 7: Located in Colerain & Southampton Twps., Bedford Co., approx. 7,420 lineal ft. consisting of three separate fences.

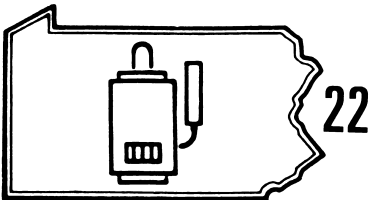
**Department:** Conservation and Natural Resources  
**Location:** DCNR, Bureau of Forestry, Buchanan State Forest Forest District #2, Bedford & Fulton Counties  
**Duration:** Contract Execution to June 30, 2002  
**Contact:** Andrew Goldek, Forester (717) 485-3148



### Fuel Related Services

**M-5849** FURNISH AND INSTALL NATURAL GAS PIPELINE. To include meters, valves, excavation, bedding, backfill and reseeding or asphalt replacement.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, Pa. 16823  
**Duration:** 10-22-01 through 6-30-02  
**Contact:** Cheryl Crispell, P.A. 2 (814) 355-4874, ext. 206



### HVAC Services

**01-010G11** Provide maintenance of HVAC System to PA Dept. of Transportation, Engineering District 1-0, Oil City, PA 16301. Requests for bid packages should be faxed to: 814-678-7051.

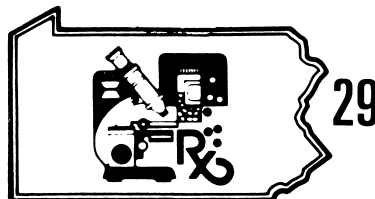
**Department:** Transportation  
**Location:** 255 Elm Street, Oil City, PA 16301  
**Duration:** One year with Two 2-year renewals  
**Contact:** Amy Judson-Burak (814) 678-7185



### Janitorial Services

**Bid #8343** Furnish all equipment, materials & labor to perform janitorial services FOUR (4) visits per week, including emptying waste baskets, clean lavatories, machine buff tile floors, dust furniture, etc. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705) 5951.

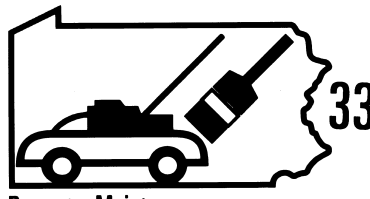
**Department:** State Police  
**Location:** Laporte Station, P.O. Box 70, Laporte, PA 18626  
**Duration:** 2/1/02 to 6/30/05  
**Contact:** Donna Enders (717) 705-5951



### Medical Services

**RFP#01-13** Contractor shall provide contract outpatient sex offender treatment for persons under the supervision of the Department of Corrections' Bureau of Community Corrections and Pennsylvania Board of Probation and Parole who are residing in state operated Community Corrections Centers in the Johnstown area.

**Department:** Corrections  
**Location:** 50 Utley Drive, Camp Hill, PA 17011  
**Duration:** Up to five years  
**Contact:** Linda Malinak (717) 975-4931



### Property Maintenance

**DES044** Furnish labor, materials and equipment to cut, trim, and maintain grass area (average 3 mowings per month). Also, provide two (2) applications of fertilizer and (2) applications of herbicides per year at the Waynesburg Driver Exam Site. Bid package can be obtained by calling (717) 783-3931 or faxing request to (717) 783-7971. Service will be needed Spring 2002.

**Department:** Transportation  
**Location:** Waynesburg Driver Exam Site, Arbor Terrace, 164 Willow Road, Waynesburg, PA 15370  
**Duration:** 5 years (effective Spring 2002)  
**Contact:** Susan Sobotor (717) 783-3931

**10881063** Renovate student bathrooms at the Allentown Secure Treatment Unit, including replacing damaged fixtures, installing ceiling, replacing showers, and painting.

**Department:** Public Welfare  
**Location:** Allentown Secure Treatment Unit, (located on the grounds of the Allentown State Hospital), 1600 Hanover Avenue, Allentown, PA 18105  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509

**110066** This service is to provide Roof Maintenance service at the various Department of Transportation District 11 buildings located in Allegheny, Beaver and Lawrence Counties. Maintenance services shall consist of preventative maintenance service visits, inspection service and minor repair work. Emergency repair work during other than regular work hours may be requested by authorized personnel.

**Department:** Transportation  
**Location:** Including District 11-0, 45 Thoms Run Road, Bridgeville, Pa 15017. Also various Transportation buildings in Allegheny, Beaver and Lawrence Counties.  
**Duration:** The contract will be for an original period of three years from the effective date. The contract will be renewable by mutual consent for one year.  
**Contact:** Bill Korenoski (412) 429-4956

**10881071** Renovate reception area of administration building at the Loysville Youth Development Center, including installing vinyl wallboard, installing wood trim and drop ceiling, and constructing a mail sorting area.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, R.D. #2, Box 365B, Loysville, PA 17047.  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509

**DES043** Furnish labor, materials and equipment to cut, trim, and maintain grass area (average 3 mowings per month). Also, provide two (2) applications of fertilizer and (2) applications of herbicides per year at the East Rochester Driver Exam Site. Bid package can be obtained by calling (717) 783-3931 or faxing request to (717) 783-7971. Service will be needed Spring 2002.

**Department:** Transportation  
**Location:** East Rochester Driver Exam Site, 149 Stewart Avenue, East Rochester, PA 15074  
**Duration:** 5 years (effective Spring 2002)  
**Contact:** Susan Sobotor (717) 783-3931

**DES042** Furnish labor, materials and equipment to cut, trim, and maintain grass area (average 3 mowings per month). Also, provide two (2) applications of fertilizer and (2) applications of herbicides per year at the Selinsgrove Driver Exam Site. Bid package can be obtained by calling (717) 783-3931 or faxing request to (717) 783-7971. Service will be needed Spring 2002.

**Department:** Transportation  
**Location:** Selinsgrove Driver Exam Site, 1015 Route 522, Selinsgrove, PA 17870  
**Duration:** 5 years (effective Spring 2002)  
**Contact:** Susan Sobotor (717) 783-3931

**10881064** Replacement of slate roof at the Weaversville Intensive Treatment Unit, including removing existing slate, installing felt paper, installing 25-year fiberglass shingles, and disposal of all material removed.

**Department:** Public Welfare  
**Location:** Weaversville Intensive Treatment Unit, 6710 Weaversville Road, Northampton, 18067.  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509

**10881067** Replacement of roof on Farm Managers House, located at the North Central Secure Treatment Unit, including removing and disposing of existing slate; installing plywood, felt paper, and 25-year fiberglass shingles.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment (located on the grounds of the Danville State Hospital), 210 Clinic Road, Danville, PA 17821.  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509

**10881066** Renovate student bathrooms in the Reed Building at the North Central Secure Treatment Unit, including replacing damaged fixtures, installing ceiling, replacing showers, and painting.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment (located on the grounds of the Danville State Hospital), 210 Clinic Road, Danville, PA 17821.  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509

**09-F-01 SNOW REMOVAL SERVICES:** Provide snow clearance and removal as needed upon 3" or more accumulation of snow. To be removed in accordance with the City of Allentown snow removal ordinances. To be performed prior to 7:30 am or after 5:15 pm. Snow removal areas include: 1 LOT, APPROXIMATELY 34,344 SQUARE FEET NEXT TO BUILDING; 1 LOT, APPROXIMATELY 24,822 SQUARE FEET CATTY-CORNER TO THE BUILDING AT 2ND AND Hamilton. One sidewalk around building and adjoining sidewalks measuring approximately 1,012 feet and one sidewalk around the parking lot at 2nd and Hamilton Streets measuring approximately 517 feet. To request a bid package, please call (717) 787-2877 for fax request to (717) 787-0688.

**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Bureau of Employer Tax Operations/ Fas, One S. Second Street, Suite 400 Allentown, PA 18102  
**Duration:** Upon approval through September 30, 2002 With Three (3) One (1) year renewal options.  
**Contact:** Cherianitz Thomas/Harry Krause (717) 787-2877/705-0450

**10881068** Replace roof of the Reed Building at the North Central Secure Treatment Unit, including removing roof ballast, repair any holes, and coat entire roof with urethane foam.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment (located on the grounds of the Danville State Hospital), 210 Clinic Road, Danville, PA 17821.  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509

**10881070** Renovate second floor staff area of ZB cottage at the Loysville Youth Development Center, including removal of existing paneling, removing third floor steam piping, and installing vinyl covered drywall, oak trim, and painted drywall ceiling.

**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, R.D. #2, Box 365B, Loysville, PA 17047.  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509

**10881069** Replace roof on gymnasium at the Loysville Youth Development Center, including removing existing shingles and disposal, and install new 25-year shingles.

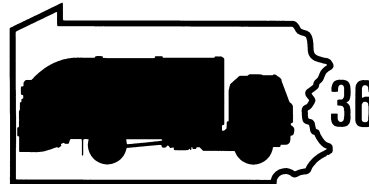
**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, R.D. #2, Box 365B, Loysville, PA 17047.  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509

**10881065** Renovate student bathrooms in the Jackson Building at the North Central Secure Treatment Unit, including replacing damaged fixtures, installing ceiling, replacing showers, and painting.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment (located on the grounds of the Danville State Hospital), 210 Clinic Road, Danville, PA 17821.  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509

**10881072** Renovate the kitchen and staff area of Allegheny at the Loysville Youth Development Center, including removing paneling and trim and installing vinyl covered drywall, oak trim, and drop ceiling

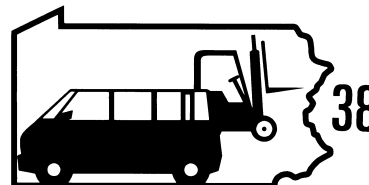
**Department:** Public Welfare  
**Location:** Loysville Youth Development Center, R.D. #2, Box 365B, Loysville, PA 17047.  
**Duration:** Undetermined  
**Contact:** Nikki Koser, Purchasing Agent (717) 789-5509



### Sanitation

**SP386300102** Solid Waste Collection and Disposal.

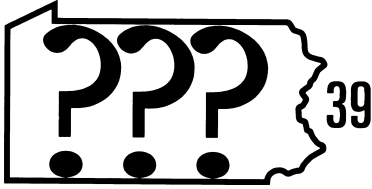
**Department:** Conservation and Natural Resources  
**Location:** Shawnee State Park, 132 State Park Road, Schellsburg, PA 15559  
**Duration:** 1/1/02 through 12/31/06  
**Contact:** Robert Bromley (814) 733-4218



### Vehicle, Heavy Equipment and Powered Machinery Services

**925708** This is a Variable Message Board / Trailer towed—4 ft/1.21 M x 8 FT/ 2.43 M Diesel/ Solar powered. The message board shall be LED MATRIX and shall provide one, two or three-lines of legend. The unit shall be capable of displaying a minimum of seven-character words with a standard single stroke character font, a minimum of five pixels wide by seven pixels high. The legend shall be a minimum of 17 in/43 cm in height, except the minimum may be 12 in/30.5 cm for three-line units. For information and bid packages please contact Chuck Dellert between the hours of 7:00 am to 3:00 pm Mon. through Fri. at (570)296-7193 or fax at (570) 296-5524.

**Department:** Transportation  
**Location:** Pike County, Milford, PA 18337  
**Duration:** December 31, 2001  
**Contact:** Chuck Dellert (570) 296-7193



## Miscellaneous

**1801811011** Pennsylvania Department of Revenue (DOR) is seeking professional consulting services (tax consulting, technical writing and forms design) to 1.) assist in the writing of a comprehensive Pennsylvania Individual Income Tax (PIT) resource document (similar to IRS 17); 2.) revise the language of the PIT electronic and paper instructions and forms so that most individuals that prepare their own tax returns will understand the Commonwealth's PIT filing requirements; and 3.) recommend a blueprint that updates the DOR's PIT processing methods to simplify filing PA personal income taxes.

**Department:** Revenue  
**Location:** Department Of Revenue, Executive Offices, Strawberry Square, 11th Floor, Harrisburg, PA 17128-1100  
**Duration:** From effective date of contract until approximately December 31, 2002. Extension to perform additional work may be required.  
**Contact:** Barry T. Drew (717) 783-3691

**2010010001** The PA State Police will be issuing a Request for Proposal to award a contract for a Member Assistance Program (MAP) trainer whose primary responsibility would be to provide training sessions to new and existing Peer Contacts. The trainer provides supplemental training to Management personnel in MAP. These subjects are: Current trends and topics in police work as they relate to Peer Support; Current trends and information on Police Employee Assistance Programs; Current trends on Mental Health Assessments and Treatment; and Management and Supervisory training concerning the concepts of Peer Assistance. IT IS MANDATORY THAT THE TRAINER POSSESS NOT ONLY PROFESSIONAL CREDENTIALS(I.E. PH.D.) BUT ALSO HAVE A PROFESSIONAL AND PERSONAL KNOWLEDGE OF POLICE WORK. The trainer must be knowledgeable in current federal and state laws that may affect MAP. The trainer must have credentials in clinical, instructional and communication skills. The MAP trainer must be able to train in Psychodynamics, Reflective and Emotive listening. The trainer must have prior experience training Law Enforcement Peer based settings. Lastly, the trainer must have practical experience in Critical Incident Street Management (CISM) with Law Enforcement Officers.

**Department:** State Police  
**Location:** PA State Police Academy Hershey, PA  
**Duration:** Upon award of contract through June 30, 2006  
**Contact:** Corporal Govan Martin, MAP (717) 533-5434

**SP-260146** Pennsylvania Collegiate Alcohol Initiative Consortia Conference, sponsored by the Pennsylvania Liquor Control Board (PLCB), to be held in the Harrisburg area for one and one-half days (1.5) days as per specifications. The event will commence on a Thursday evening and Friday in late March 2003. Approximately 140 attendees, with overnight accommodations for about 90 persons. The conference requires a large conference room, audio/visual equipment, snacks, refreshments and meals beginning Thursday evening. Complimentary parking on the premises for all attendees is mandatory.

**Department:** Liquor Control Board  
**Location:** Room 413, Procurement Division, Northwest Office Building, Harrisburg, PA 17124-0001  
**Contact:** Leland E. Scott, Jr. (717) 787-9854

**SP3881091004** Provide materials and installation of Woven Wire Deer Fencing as follows in the Moshannon State Forest: Project 09-0101 - Cheney Lick Timber Sale 09-99BC04, approximately 7,800 Lin. Ft. in Benezette Twp., Elk Co. and Goshen Twp., Clearfield Co. - 1 Vehicle and 4 Man Gates. Project 09-0102 - Pump Station Timber Sale 09-99BC04, approximately 7,800 Lin. Ft. in Benezette Twp., Elk Co. - 1 Vehicle and 4 Man Gates. Project 09-0013 - Williams Trail Timber Sale 09-00BC06, approximately 10,200 Lin. Ft. in Huston Twp. Clearfield Co. - 3 Vehicle and 8 Man Gates. Project 09-0105 - Schofield #1 Timber Sale 09-00BC06, approximately 8,800 Lin. Ft. in Pine Twp., Clearfield Co. - 1 Vehicle and 4 Man Gates. Project 09-0116 - Schofield #2 Timber Sale 09-00BC06, approximately 7,500 Lin. Ft. in Pine Twp., Clearfield Co. - 1 Vehicle and 3 Man Gates. Project 09-0115 - Schofield #3 Timber Sale 09-00BC06, approximately 8,100 Lin. Ft. in Pine Twp., Clearfield Co. - 1 Vehicle and 3 Man Gates. All gates will be primed and painted yellow. Site inspections will be held Friday, October 5, 2001. Prospective bidders will meet at 9:00 AM the District Office located at R.R. #1, Box 184, Penfield, PA 15849. Bid opening is Friday, October 12, 2001 at 2:00 PM

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, R.R. #1, Box 184, Penfield, PA 15849  
**Duration:** June 30, 2002  
**Contact:** Robert G. Merrill, Jr. (814) 765-0821

[Pa.B. Doc. No. 01-1831. Filed for public inspection October 5, 2001, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY LOGAN,  
*Acting Secretary*



**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
5850-01 sup#4	09/25/01	Advanced Tech Lab	10,000.00
5850-01 sup#4	09/25/01	Anixter	20,000.00
5850-01 sup#4	09/25/01	Eplus Technol- ogy	40,000.00
5850-01 sup#4	09/25/01	Great Lakes Electronics Distributing	10,000.00
5850-01 sup#4	09/25/01	Hewlett- Packard	10,000.00
5850-01 sup#4	09/25/01	Kleindienst	10,000.00
5850-01 sup#4	09/25/01	NCS Technolo- gies	10,000.00
5850-01 sup#4	09/25/01	NRI Data & Business Products	10,000.00
5850-01 sup#4	09/25/01	Perfect Order Mfg.	10,000.00
5850-01 sup#4	09/25/01	Storagetek	20,000.00
6520-04	10/01/01	Direct Safety	1,560.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
6520-04	10/01/01	MDS MatrX	8,360.50
6520-04	10/01/01	Southeastern Emergency Equipment	690.00
7350-09	10/01/01	WS Lee & Sons	306,564.00
7350-09	10/01/01	XpedX	538,546.70
1059231-01	09/24/01	Tague Lumber	5,399.60
1059231-02	09/24/01	Renninger Lumber	32,200.00
1059231-03	09/24/01	Lezzer Cash & Carry	9,467.65
1059231-04	09/24/01	Vartan Supply	582.12
1441210-02	09/24/01	Foxcroft Equipment/ Service	15,779.00
1483200-01	09/24/01	Applied Envi- ronmental Products	27,080.00

KELLY P. LOGAN,  
*Acting Secretary*

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