

# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The Courts  
Department of Banking  
Department of Community and Economic  
Development  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Environmental Hearing Board  
Environmental Quality Board  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employees' Retirement Board  
State Board of Psychology  
State Conservation Commission

**Detailed list of contents appears inside.**



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

**No. 322, September 2001**

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# CONTENTS

## THE COURTS

<b>DISCIPLINARY BOARD OF THE SUPREME COURT</b>	
Notice to transfer of attorneys to inactive status . . . .	5237
<b>LOCAL COURT RULES</b>	
<b>Fayette County</b>	
Local rule 1915.2(b), child custody procedure; no. 1890 of 2001 . . . . .	5237

## EXECUTIVE AGENCIES

<b>DEPARTMENT OF BANKING</b>	
<b>Notices</b>	
Action on applications . . . . .	5272
Maximum lawful rate of interest for residential mortgages for the month of October 2001 . . . . .	5273
<b>DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT</b>	
<b>Notices</b>	
FY 2001-02 Family Savings Account Program workshop . . . . .	5273
<b>DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES</b>	
<b>Notices</b>	
Conservation and Natural Resources Advisory Council meeting . . . . .	5274
Pennsylvania Rivers Conservation Registry . . . . .	5274
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>	
<b>Notices</b>	
Acceptance of applications for Technical Assistance Grants through the Growing Greener Program . . . . .	5321
Applications, actions and special notices . . . . .	5274
Citizens Advisory Council; meeting notice change . . . . .	5321
<b>DEPARTMENT OF GENERAL SERVICES</b>	
<b>Notices</b>	
Contract awards . . . . .	5340
State contracts information . . . . .	5341
State surplus property program bid items . . . . .	5321
<b>DEPARTMENT OF HEALTH</b>	
<b>Notices</b>	
Advisory Health Board meeting . . . . .	5322
Availability of plan required by section 1932 of the ADAMHA Reorganization Act of 1992 . . . . .	5322
Solicitation for letters of interest to become a primary contractor . . . . .	5322
Special supplement nutrition program for women, infants and children (WIC Program) . . . . .	5323
<b>DEPARTMENT OF PUBLIC WELFARE</b>	
<b>Notices</b>	
Income limits for the subsidized child care program . . . . .	5325
<b>DEPARTMENT OF REVENUE</b>	
<b>Notices</b>	
Pennsylvania Cash Harvest instant lottery game . . . . .	5328

Pennsylvania Grand-a-Day instant lottery game . . . . .	5330
Pennsylvania Yule be a Winner instant lottery game . . . . .	5332
<b>ENVIRONMENTAL HEARING BOARD</b>	
<b>Notices</b>	
Township of Paradise and Lake Swiftwater Club, Inc. v. DEP and Pocono Mountain School District; EHB doc. no. 2001-190-MG . . . . .	5334
<b>ENVIRONMENTAL QUALITY BOARD</b>	
<b>Rules and Regulations</b>	
Radiological health . . . . .	5239
<b>INDEPENDENT REGULATORY REVIEW COMMISSION</b>	
<b>Notices</b>	
Notice of filing of final rulemakings . . . . .	5334
<b>INSURANCE DEPARTMENT</b>	
<b>Notices</b>	
AF&L Insurance Company; rate filing . . . . .	5335
Capital Advantage Insurance Company; request for approval of individual direct pay medical-surgical policy and rates; filing no. CAIC-2001-9 . . . . .	5335
Capital Advantage Insurance Company; request for approval of individual major medical policy and rates; \$500 deductible; filing no. CAIC-2001-10 . . . . .	5335
Capital Advantage Insurance Company; request for approval of individual special care medical-surgical policy and rates; filing no. CAIC-2001-7 . . . . .	5335
Capital Blue Cross and Capital Advantage Insurance Company; request for approval of individual comprehensive major medical policy and rates \$750 deductible; filing no. CAIC-2001-5 . . . . .	5336
Capital Blue Cross and Capital Advantage Insurance Company; request for approval of individual comprehensive major medical policy and rates, \$1,500 deductible; filing no. CAIC-2001-6 . . . . .	5336
Capital Blue Cross and Capital Advantage Insurance Company; request for approval of individual Medicare supplement policies and rates; filing no. CAIC-2001-8 . . . . .	5336
Earl Tuner; doc. no. AG01-08-025 . . . . .	5336
HealthGuard; rate filing . . . . .	5337
Highmark/Keystone Health Plan West; rate filing . . . . .	5337
MIX Insurance Company; physicians and surgeons professional liability rate and rule revisions . . . . .	5337
Pennsylvania National Mutual Casualty Insurance Company; homeowners insurance rate and rule revision . . . . .	5337
Pennsylvania National Mutual Casualty Insurance Company; private passenger auto insurance rate and rule revision . . . . .	5338
Review procedure hearings; cancellation or refusal of insurance . . . . .	5338
Title Insurance Rating Bureau of Pennsylvania; filing for approval of rate increase and revisions to rating manual . . . . .	5338
<b>LEGISLATIVE REFERENCE BUREAU</b>	
<b>Notices</b>	
Documents filed but not published . . . . .	5339

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5230

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Wastewater service ..... 5339

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for bids (2 documents) ..... 5339

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

**Notices**

Hearings scheduled ..... 5340

**STATE BOARD OF PSYCHOLOGY**

**Proposed Rulemaking**

Continuing education—ethics ..... 5270

**STATE CONSERVATION COMMISSION**

Meeting cancellation ..... 5340

# 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.

### 4 Pa. Code (Administration)

#### Adopted Rules

1	1455
6	2546
7	1456, 3516
118	3520
119	3529
119a	3534
120	3534
243	4170
245	4170

#### Proposed Rulemaking

243	1587
245	1587
259	2124

#### Statements of Policy

9	11, 648, 948, 1862, 2382, 3554, 3957, 4542, 4656
---	---

### 7 Pa. Code (Agriculture)

#### Adopted Rules

21	1682
130c	1691
137	1701
137a	1701
137b	1701
138g	2110
138i	1729
138j	2116
138k	2110

#### Statements of Policy

150	2384
-----	------

### 10 Pa. Code (Banks and Banking)

#### Proposed Rulemaking

44	1236, 1564
----	------------

### 12 Pa. Code (Commerce, Trade and Local Government)

#### Statements of Policy

123	4966
-----	------

### 17 Pa. Code (Conservation and Natural Resources)

#### Statements of Policy

44	650
----	-----

### 19 Pa. Code (Corporations and Business Associations)

#### Adopted Rules

3	4405
---	------

### 22 Pa. Code (Education)

#### Adopted Rules

14	3021
342	3021
711	3033

#### Proposed Rulemaking

4	2136
73	2017

### 25 Pa. Code (Environmental Protection)

#### Adopted Rules

78	1736
86	145

88	3735
90	3735
93	3893, 3894
109	3895, 3938
121	4171
126	5075
210	3751
211	3751
215	5239
217	5239
219	5239
220	5239
224	5239
225	5239
226	5239
230	5239
232	5239
240	1742
250	235
260a	2873, 5075
261a	2873
266a	2873
269a	5075
270a	2873
284	3942
287	235, 2873
288	235
289	235
291	235
293	235
295	235
297	235
298	2873
299	235
1021	428

#### Proposed Rulemaking

86	4538
87	4538
88	4538
90	4538
93	2375, 3956
109	5083
121	4958
126	4958
218	943
221	792
227	792
228	792
261a	796
271	796
272	796
901	1233
977 (correction)	158

### 28 Pa. Code (Health)

#### Adopted Rules

4	4064
9	3043
25	2373

#### Proposed Rulemaking

27	2126, 2271
28	2271

501 ..... 2271  
 701 ..... 2124  
 703 ..... 2124

**31 Pa. Code (Insurance)**

**Adopted Rules**

3 ..... 2000  
 11 ..... 2001  
 25 ..... 4406  
 67b ..... 5079  
 89 (correction) ..... 145  
 118 ..... 3190  
 116 ..... 4423  
 146a ..... 4426  
 147 ..... 2002

**Proposed Rulemaking**

146a ..... 1748, 1858

**34 Pa. Code (Labor and Industry)**

**Adopted Rules**

123 ..... 3841  
 125 ..... 3841  
 129 ..... 3841  
 143 ..... 3841  
 231 ..... 3765

**Proposed Rulemaking**

65 ..... 1564  
 401 ..... 3543

**37 Pa. Code (Law)**

**Adopted Rules**

31 ..... 1145  
 33 ..... 1145  
 58 ..... 3312  
 59 ..... 3312  
 199 ..... 3191  
 303 ..... 2685

**Proposed Rulemaking**

91 ..... 2476  
 93 ..... 2476  
 421 ..... 788

**40 Pa. Code (Liquor)**

**Adopted Rules**

5 ..... 430  
 7 ..... 430  
 9 ..... 430  
 11 ..... 430  
 13 ..... 430

**49 Pa. Code (Professional and Vocational Standards)**

**Adopted Rules**

3 ..... 1225  
 9 ..... 1744  
 11 ..... 147, 151, 1154  
 39 ..... 1362  
 40 ..... 537  
 43b ..... 1227

**Proposed Rulemaking**

3 (with correction) ..... 2686, 2808  
 13 ..... 1468  
 16 ..... 2181  
 18 ..... 2181, 5113  
 19 (with correction) ..... 822, 2691, 2808  
 21 ..... 809  
 27 ..... 2480  
 29 ..... 1858

40 ..... 1470, 2379  
 41 ..... 2380, 5270  
 47 ..... 1571, 4651  
 48 ..... 1571, 4651  
 49 ..... 1571, 4651

**Statements of Policy**

63 ..... 4189

**51 Pa. Code (Public Officers)**

**Adopted Rules**

17 ..... 2925  
 21 ..... 2925

**52 Pa. Code (Public Utilities)**

**Adopted Rules**

3 (with correction) ..... 3943, 4088  
 62 (with correction) ..... 2005, 3943, 4088  
 63 ..... 3402  
 64 ..... 641

**Proposed Rulemaking**

59 ..... 805  
 63 ..... 809, 5110  
 71 ..... 5110

**Statements of Policy**

41 ..... 2385  
 69 ..... 951

**Proposed Statements of Policy**

41 ..... 2389  
 69 ..... 2933

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

140 ..... 3196  
 178 ..... 3196  
 181 ..... 3200  
 255 ..... 3538  
 275 ..... 3538  
 501 ..... 3538  
 3800 ..... 4536

**Proposed Rulemaking**

183 ..... 4172  
 3490 ..... 2799

**58 Pa. Code (Recreation)**

**Adopted Rules**

53 ..... 3202  
 61 ..... 3205  
 65 ..... 1368  
 69 ..... 3205  
 91 ..... 3206  
 93 ..... 5081  
 105 ..... 3208  
 111 ..... 1369, 3206  
 131 ..... 2791  
 139 ..... 2791, 2793, 4536, 4650  
 141 ..... 1370, 2577, 4536  
 143 ..... 1460, 2926, 4088  
 147 ..... 2798, 2926, 4650

**Proposed Rulemaking**

51 ..... 4652  
 53 ..... 1461  
 61 ..... 1373, 5106  
 63 ..... 3411, 4652  
 65 ..... 5106  
 69 ..... 1373



71 ..... 3412  
 73 ..... 3412  
 91 ..... 1375  
 93 ..... 1377  
 105 ..... 1379  
 111 ..... 1375  
 131 ..... 1746  
 137 ..... 1746, 4654  
 139 ..... 1463, 1746, 2806, 2931, 4536  
 141 ..... 2019, 2931, 4536, 5109  
 143 ..... 1566  
 147 ..... 1566, 2806, 5109

**Statements of Policy**

57 ..... 3415

**61 Pa. Code (Revenue)**

**Adopted Rules**

899 ..... 2474

**Proposed Rulemaking**

71 ..... 2582  
 113 ..... 4956  
 121 ..... 4956

**Statements of Policy**

85 ..... 2585

**64 Pa. Code (Securities)**

**Proposed Rulemaking**

202 ..... 4174  
 203 ..... 4174  
 301 ..... 4174  
 302 ..... 4174  
 303 ..... 4174  
 304 ..... 4174  
 606 ..... 4174

**Statements of Policy**

604 ..... 4451

**67 Pa. Code (Transportation)**

**Adopted Rules**

445 ..... 4089  
 491 ..... 4089

**201 Pa. Code (Judicial Administration)**

**Adopted Rules**

1 ..... 1319  
 3 ..... 1555

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

71 ..... 2788  
 81 ..... 3728  
 82 ..... 1319, 3305  
 83 ..... 2108, 2788, 3728  
 85 ..... 3731  
 89 ..... 3731  
 91 ..... 2361, 3731  
 93 ..... 3731  
 215 ..... 4528

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

21 ..... 2364  
 51 ..... 1556

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

3 ..... 7, 2469

9 ..... 2469  
 11 ..... 2469  
 13 ..... 2469  
 17 ..... 2469  
 19 ..... 2469  
 25 ..... 627, 2469  
 35 ..... 2108, 3518  
 65 ..... 2108  
 67 ..... 1458

**Proposed Rulemaking**

31 ..... 2470  
 37 ..... 2470

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

Article I ..... 1993  
 Article IV ..... 1993  
 Article V ..... 1993  
 Article VIII ..... 1993, 2788  
 Article X ..... 1993

**Proposed Rulemaking**

Article I ..... 405  
 Article VII ..... 406  
 Article VIII ..... 406  
 Article IX ..... 407

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

100 ..... 137  
 200 ..... 410, 627, 3184, 3305  
 1500 ..... 629  
 1910 ..... 3306  
 1930 ..... 3306  
 2120 ..... 137  
 2150 ..... 137  
 2170 ..... 137  
 2220 ..... 3184  
 3000 ..... 4639  
 Part II ..... 7, 3872

**Proposed Rulemaking**

200 ..... 411, 415  
 1000 ..... 411, 415  
 1300 ..... 2364, 2669  
 1910 ..... 1843  
 1930 ..... 1843  
 2170 ..... 2365  
 2950 ..... 2669  
 3000 ..... 416, 2669

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 3310

**Proposed Rulemaking**

5 ..... 2549, 2554  
 11 ..... 2549

**237 Pa. Code (Juvenile Rules)**

Unclassified ..... 630

**246 Pa. Code (Minor Court Rules)**

**Adopted Rules**

100 ..... 1556, 4391  
 200 ..... 4055, 4166  
 300 ..... 926, 4055, 4166  
 400 ..... 4055, 4166  
 500 ..... 4055, 4166  
 800 ..... 4055, 4166

**Proposed Rulemaking**

200 ..... 1319, 4528  
300 ..... 1319, 4528  
400 (with correction) ..... 1319, 2920, 4392, 4528, 5072  
500 (with correction) ..... 1319, 4392, 4528, 5072  
1000 ..... 1319, 4528

**249 Pa. Code (Philadelphia Rules)**

Unclassified .....534, 1139, 1223, 1325,  
1677, 1996, 2471, 2921, 3186, 3311, 3733,  
4057, 5072

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 630, 3186, 4641

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 9, 139, 418, 423, 424,  
534, 535, 536, 638, 639, 640,  
780, 785, 786, 926, 941, 942, 1139,  
1142, 1143, 1223, 1326, 1360, 1458, 1459,  
1557, 1562, 1677, 1678, 1846, 1855, 1856, 1857,  
1996, 1999, 2270, 2366, 2369, 2370, 2472, 2558,2567,  
2568, 2572, 2575, 2576, 2683, 2789, 2922,2923, 3188,  
3311, 3518, 3519, 3734, 3872, 3873,4062, 4396, 4641,  
4642, 4643, 4644, 4645, 4646, 5072, xxxx

# THE COURTS

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Local Rule 1915.2(b), Child Custody Procedure; No. 1890 of 2001

#### Order

*And Now*, this 21st day of August, 2001, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure, it is hereby ordered that the above-stated Local Rule be amended as set forth in the attachment.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the Domestic Relations Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

WILLIAM J. FRANKS,  
*President Judge*

#### Rule 1915.2. Procedure.

(b) The child custody mediator/hearing officer shall conduct the conference as an informational and conciliatory proceeding. Upon the filing of any complaint, petition, or motion, relating to child custody, partial custody or visitation, the parties are required to attend at least one session of a child custody education program, the cost of which may be assessed against a party or parties, unless the court waives the requirement upon petition filed for good cause shown. A defaulting party may be subject to sanctions by the Court. The child custody mediator/hearing officer may require the parties to attend additional sessions of a child custody program and shall monitor attendance.

[Pa.B. Doc. No. 01-1670. Filed for public inspection September 14, 2001, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated July 31, 2001, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 30, 2001, for Compliance Group 3 due December 31, 2000.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

John J. Bardin  
Boulder, CO

Joseph Edward Boury  
Edison, NJ

Susan K. Burgess  
Richmond, VA

Robert J. Christopher  
Glen Rock, NJ

Diane L. D'Alesandro  
Toms River, NJ

John D. Demmy  
Wilmington, DE

Tara A. Dunican  
Teaneck, NJ

Jon C. Dupee  
Goshen, NY

Nina H. Edwards  
Chester, NJ

Farhad A. Eshaghpour  
New York, NY

Rachel Rose Falivena  
Short Hills, NJ

Larry D. Feldman  
Woodbridge, NJ

Maureen A. Findorff  
Falls Church, VA

Keith Alden Forkin  
Quantico, VA

Ric Adam Futerfas  
Berlin, NJ

Thomas R. Gibbons  
Hartford, CT

Stephanie R. Griff  
Dedham, MA

Kevin Charles Guyon  
Freehold, NJ

Rebecca Lynne Halkias  
Washington, DC

Deborah Anne Harrington  
Washington, DC

Matthew P. Harrington  
Bristol, RI

Meredith Harris  
Cumming, GA

Katherine J. Henry  
Washington, DC

John V. Jacobi  
Newark, NJ

Richard T. Kaltenbach  
Summit, NJ

Robert J. Kelley, Jr.  
Voorhees, NJ

Steven Kenneth Kortanek  
Wilmington, DE

Karen E. Koskoff  
White River Junction, VT

Patricia Lawler  
New York, NY

Charles V. Longo  
Bainbridge, OH

Paul L. Lumnitzer II  
Herndon, VA

J. Robertson MacIver  
Fair Lawn, NJ

Roger C. Mattson  
Woodbury, NJ

Donnie R. McFerren  
Memphis, TN

Joseph M. Micheletti  
Camden, NJ

Sanatkumar V. Pandit  
West Hartford, CT

Lee Patch  
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Milan Chandrakant Patel  
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Veta Teresa Richardson  
Cheverly, MD

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Cherry Hill, NJ

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Cleveland, OH

Joshua Elton Saxe  
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Joseph A. Turula  
Clifton, NJ

Phillip S. Van Embden  
Millville, NJ

James George Walker  
Washington, DC

Brian Steven Wallace  
Reston, VA

Julie E. Watson  
Glendora, NJ

Jeffrey S. Welch  
Wilmington, DE

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

[Pa.B. Doc. No. 01-1671. Filed for public inspection September 14, 2001, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 215, 217, 219, 220, 224—226, 230 AND 232]

#### Radiological Health

The Environmental Quality Board (Board) by this order amends Chapters 215, 217, 219, 220, 224—226 and 230, and adds new Chapter 232. The amendments update the standards for protection against radiation to meet compatibility requirements for the Commonwealth to become an agreement state with the United States Nuclear Regulatory Commission (NRC). This order was adopted by the Board at its regular meeting on June 19, 2001.

#### A. *Effective Date*

These amendments will be effective immediately upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. *Contact Persons*

For further information, the contact persons are Louis Ray Urciuolo, Chief, Licensing Section, Bureau of Radiation Protection, 13th Floor, Rachel Carson State Office Building, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-3720; and Marylou Barton, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th Floor, 400 Market Street, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. This proposal is also available electronically through the Department of Environmental Protection's (Department) website ([www.dep.state.pa.us](http://www.dep.state.pa.us)).

#### C. *Statutory Authority*

This final-form rulemaking is being made under the authority of sections 301 and 302 of the Radiation Protection Act (act) (35 P. S. §§ 7110.301 and 7110.302), which, respectively, direct the Department to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation sources and radiation source users, and delegate to the Board the power to adopt the regulations of the Department to implement the act.

Section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) authorizes and directs the Board to adopt regulations necessary for the proper performance of the work of the Department.

#### D. *Background and Summary*

In 1995, the Board updated its radiological health regulations to provide for compatibility with other states and to serve as a basis for the Commonwealth to assume authority from the NRC for radioactive material licensees in this Commonwealth as an agreement state. These updates were published at 25 Pa.B. 5088 and 5206 (November 18, 1995). Technological advances in the use of radioactive material and the need to establish and maintain radiation protection standards at least as stringent as the NRC standards provide the basis for these revisions to the existing radiological health regulations.

The amendments are necessary for the Commonwealth to acquire agreement state status from the NRC. Under

section 201 of the act (35 P. S. § 7110.201), the Governor is authorized to enter into agreements with the NRC transferring regulatory authority to the Commonwealth for radiation protection. Presently, the Commonwealth is responsible for the regulation of naturally occurring and accelerator-produced radioactive material (NARM) and radiation producing equipment. Under the Atomic Energy Act of 1954 (42 U.S.C.A. § 2021), the NRC is authorized to enter into an agreement with the Governor to discontinue NRC regulatory authority with respect to most byproduct materials, source materials and special nuclear materials in amounts insufficient to form a critical mass.

The amendments are based on the current NRC radiation protection regulations in 10 CFR Parts 19—150.

As required by section 301(c)(14) of the act (35 P. S. § 7110.301), the Department provided the Radiation Protection Advisory Committee (Committee) with an opportunity to review the proposed amendments and to advise the Department prior to submittal to the Board. On March 1, 2001, the Committee met and reviewed the draft final rulemaking. The chairperson announced by letter dated March 1, 2001, the Committee's concurrence to send the draft final rulemaking to the Board.

A description of the amendments is provided as follows:

#### *Chapter 215. General Provisions*

Section 215.1 (relating to purpose and scope) is expanded to clarify the scope of incorporation by reference and list any exceptions. Subsections (e) and (f) provide notification that this does not relieve a person from complying with Pennsylvania law nor does it expand the scope of authority already granted the Department under statute. Locations are listed in new subsection (g) for the purchase of copies of the *Code of Federal Regulations* (Title 10 Chapter I) to be incorporated by reference. An electronic version is also available on the United States Government Printing Office world wide web site at <http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=199910>. New subsection (h) describes the relationship between certain commonly used terms of the Department and the NRC.

Section 215.2 (relating to definitions) The following definitions were deleted because they are incorporated by reference: "ALARA," "A1," "A2," "absorbed dose," "agreement state," "airborne radioactive material," "airborne radioactivity area," "background radiation," "becquerel," "byproduct material," "calendar quarter," "collective dose," "committed dose equivalent," "committed effective dose equivalent," "controlled area," "curie," "deep dose equivalent," "depleted uranium," "dose," "dose equivalent," "dose limits," "effective dose equivalent," "embryo/fetus," "exposure," "exposure rate," "external dose," "extremity," "eye dose equivalent," "generally applicable environmental radiation standards," "gray," "high radiation area," "individual monitoring," "individual monitoring devices," "internal dose," "licensed material," "lost or missing licensed or registered source of radiation," "member of the public," "minor," "misadministration," "monitoring," "normal form," "occupational dose," "personnel monitoring equipment," "prescribed dosage," "public dose," "rad," "radiation area," "radiopharmaceutical," "rem," "research and development," "restricted area," "sealed source," "SI," "shallow dose equivalent," "sievert," "site boundary," "source material," "special form," "special nuclear material," "special nuclear material in quantities not sufficient to form a critical mass," "survey," "TEDE," "unrefined and unproc-

essed ore," "unrestricted area," "week," "whole body," "worker," "working level," "working level month" and "year."

The following definitions are updated: "NRC," "qualified expert" and "roentgen." The definition of "prescribed dose" is changed to "prescribed dose for therapy using radiation-producing machines" because references to radioactive material modalities now covered by incorporation by reference have been removed. Likewise, the definition of "written directive" is changed to "written directive for therapy using radiation-producing machines" following the deletion of references to radioactive material. It is clarified that electron and other particle beams are included in addition to X-ray. Although the term "misadministration" has been deleted, a similar concept called "medical event" that is restricted to radiation producing machine therapy is newly defined in § 219.3 (relating to definitions).

Section 215.3 (relating to units of exposure and dose) is amended to delete units of dose already incorporated by reference in 10 CFR 20.1004 (relating to units of radiation).

Section 215.4 (relating to units of activity) is deleted because it is replaced by incorporation by reference of 10 CFR 20.1005 (relating to units of radioactivity).

Section 215.5 (relating to effect of incorporation of the *Code of Federal Regulations*) is added for clarification.

Section 215.11 (relating to records) is amended to clarify the separate record keeping requirements of licenses and registrants.

Section 215.12 (relating to inspections) is amended to change the target inspection frequency for major medical facility X-ray operations from every 2 years to every 3 years.

Section 215.15 (relating to additional requirements) was amended by incorporating the requirements of the rescinded § 219.73 (orders requiring furnishing of bioassay services).

A new § 215.25 (relating to deliberate misconduct) is added for compatibility with the NRC.

A new § 215.26 (relating to employee protection) is added for compatibility with the NRC.

A new § 215.27 (relating to vacating premises) contains the provisions of § 219.241 (relating to vacating premises), which is relocated to this chapter. The requirement is extended to all licensees and is in addition to the decommissioning requirements of 10 CFR 30.36 (relating to expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas) that are incorporated by reference under Chapter 217 (relating to licensing of radioactive material).

A new § 215.28 (relating to deliberate exposure of a monitoring device) is added to prohibit using a monitoring device to indicate falsely high or low doses to individuals.

Section 215.32 (relating to exempt qualifications) is amended to add the new Chapter 232 (relating to licenses and radiation safety requirements for irradiators) to the list of chapters.

#### *Chapter 217. Licensing of Radioactive Material*

Subsection 217.1(b) is amended to include references to Chapters 218, 230 and 232 (relating to fees; packaging and transportation of radioactive material; and licenses and radiation safety requirements for irradiators).

Section 217.2 (relating to address for communications) is updated with the new Department name and address.

Sections 217.11—217.18, 217.21—217.24, 217.31, 217.32, 217.41—217.49, 217.51—217.57, 217.65, 217.71—217.74, 217.81—217.93, 217.101, 217.121 and 217.122, Appendices A, B and D are deleted and replaced by new sections and new tables for NARM and renamed subchapters that incorporate applicable portions of 10 CFR Parts 30, 31, 32, 33, 40, 70 and 150 by reference.

A new Subchapter B (general provisions for radioactive material) is created to incorporate 10 CFR 30 (relating to rules of general applicability to domestic licensing of byproduct material).

Sections 217.131 and 217.132 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 30) explain incorporation by reference.

Section 217.133 (relating to persons possessing a license for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass on the date the Commonwealth becomes an agreement state as published in the *Federal Register*) is the existing § 217.24, which is deleted.

Section 217.134 (relating to filing application for specific licenses) is the existing § 217.51(d) and alerts the applicant for a license that a fee is required.

Section 217.135 (relating to renewal of licenses) is similar to the existing § 217.55 and is amended to alert the licensee to the Department's renewal requirements.

Section 217.136 (relating to exempt concentrations) and Table 1 replaced the existing requirements of § 217.12 and Appendix A for NARM isotopes, which are not incorporated by reference.

Section 217.137 (relating to exempt quantities) and Table 2 replace the existing requirements of § 217.13 and Appendix B for NARM isotopes, which are not incorporated by reference.

A new Subchapter C (relating to general licenses for radioactive material) is created to incorporate 10 CFR 31 (relating to general domestic licenses for byproduct material).

Sections 217.141 and 217.142 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 30) explain the incorporation by reference.

Section 217.143 (relating to certain measuring, gauging or controlling devices) incorporates 10 CFR 31.5 and adds some Department requirements that are not included in the incorporation by reference for sources subject to registration under 10 CFR 31.5(c)(13)(i) and certain NARM sources.

Section 217.144 (relating to incidental radioactive material produced by a particle accelerator) is the existing § 217.48, amended to include a Department requirement regarding disposal that is not included in the incorporation by reference.

A new Subchapter D (relating to specific licenses to manufacture or transfer certain items containing radioactive material) is created to incorporate 10 CFR Part 32 (relating to specific domestic licenses to manufacture or transfer certain items containing byproduct material) and to also include NARM radioactive material.

The requirements of existing Subchapter D (relating to transfer of radioactive material) are moved to new Subchapter I with the same title.

Sections 217.151 and 217.152 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 32) explain the incorporation by reference.

Section 217.153 (relating to licensing the incorporation of NARM into gas and aerosol detectors) is the existing § 217.83, amended to include a Department requirement for using radium-226 that is not included in the incorporation by reference.

Section 217.154 (relating to special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226) is the existing § 217.86, amended to include a Department requirement for using radium-226 that is not included in the incorporation by reference.

Section 217.155 (relating to manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license) is the existing § 217.88, amended to include Department requirements for using NARM that are not included in the incorporation by reference.

A new Subchapter F (relating to specific domestic licenses of broad scope for radioactive material) is created to incorporate 10 CFR Part 33 (relating to specific domestic licenses of broad scope for byproduct material). This replaces deleted §§ 217.71—217.74 and Appendix D for licenses of broad scope.

Sections 217.161 and 217.162 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 33) explain the incorporation by reference.

Section 217.163 (relating to types of specific licenses of broad scope) and Table 3 replace the existing requirements of §§ 217.71—217.73 and Appendix D for NARM isotopes, which are not incorporated by reference.

A new Subchapter G (relating to licensing of source material) is created to incorporate 10 CFR Part 40 (relating to domestic licensing of source material).

Sections 217.171 and 217.172 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 40) explain the incorporation by reference.

A new Subchapter H (relating to licensing of special nuclear material) is created to incorporate 10 CFR 70 (relating to domestic licensing of special material).

Sections 217.181 and 217.182 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 70) explain the incorporation by reference.

A new Subchapter I (relating to transfer of radioactive material) replaces existing Subchapter D. New § 217.191 (relating to transfer of material) incorporates 10 CFR 30.41 (relating to transfer of byproduct material) by reference, expands the scope to include NARM and replaces existing § 217.101.

A new Subchapter J (relating to reciprocity) is the existing Subchapter F amended to incorporate 10 CFR 150.1 (relating to purpose), 10 CFR 150.2 (relating to scope), 10 CFR 150.3 (relating to definitions), 10 CFR 150.11 (relating to critical mass) and certain sections of 10 CFR 150.20 (relating to recognition of Agreement State licenses).

Sections 217.201 and 217.202 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 150) explain the incorporation by reference.

Section 217.203 (relating to reciprocity of licenses of naturally occurring and accelerator-produced radioactive material) is the existing § 217.122.

#### *Chapter 219. Standards for Protection Against Radiation*

Section 219.3 (relating to definitions) deletes all existing definitions because of the incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation) in this chapter. A new definition of “medical reportable event for radiation-producing machine therapy” is created to replace, in part, the definition of “misadministration” in § 215.2 which has been deleted following incorporation by reference of the definitions in 10 CFR 35.2 (relating to definitions).

Section 219.4 (relating to implementation) is deleted because it is obsolete.

Sections 219.5 and 219.6 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 20) are added to clarify the differences between Chapter 219 and 10 CFR Part 20.

Section 219.7 (relating to effect of incorporation of 10 CFR 20.1403) is added to clarify license termination under restricted conditions.

Sections 219.21 and 219.31—219.38 are deleted because of incorporation by reference of 10 CFR Part 20.

Existing Subchapter D (relating to radiation dose limits for individual members of the public) consisting of §§ 219.51 and 219.52 is amended as follows.

Section 219.51 (relating to dose limits for individual members of the public) is rewritten in its entirety to incorporate by reference 10 CFR Part 20, Subpart D (relating to dose limits for individual members of the public). The result includes the elimination of current § 219.51(a)(2) that allows individual members of the public in unrestricted areas to receive exposures up to 0.5 rem per year from medical diagnostic radiation producing machines.

Section 219.52 (compliance with dose limits for individual members of the public) is deleted because of the incorporation by reference of 10 CFR Part 20.

Existing Subchapter E (relating to testing for leakage or contamination of sealed sources) consists of § 219.61 which is amended to include incorporation by reference of 10 CFR Part 20 as an additional requirement.

Existing Subchapter F (relating to surveys and monitoring) is deleted. Sections 219.71 and 219.72 are deleted because of incorporation of 10 CFR Part 20 by reference. The current § 219.73 is deleted and the requirements are moved to § 215.15 (relating to additional requirements).

Existing Subchapter G (relating to control of exposure from external sources in restricted areas) consisting of §§ 219.91—219.93 is deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter H (relating to respiratory protection and controls to restrict internal exposure in restricted areas) consisting of §§ 219.111—219.113 is deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter I (relating to storage and control of licensed or registered sources of radiation) is amended so that existing §§ 219.131 and 219.132 now apply only to radiation-producing machines, while incorporation of 10 CFR Part 20 by reference applies to radioactive material.

Existing Subchapter J (relating to precautionary procedures) is amended as follows:

Sections 219.151—219.158 were deleted because of incorporation of 10 CFR Part 20 by reference.

Section 219.159 (relating to posting of radiation producing machines) is amended by changing the words "The registrant" at the beginning of the first sentence to "The registrant or licensee" because accelerators are now licensed.

Section 219.160 (relating to exceptions to posting requirements) is amended by deletion of those sections for radioactive materials that are superseded through incorporation by reference of 10 CFR Part 20.

Sections 219.161 and 219.162 (relating to exemptions from labeling requirements; and procedures for receiving and opening packages) are deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter K (relating to waste disposal) with §§ 219.181—219.186 is deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter L (relating to records) with §§ 219.201—219.211 is deleted because of incorporation of 10 CFR Part 20 by reference.

Existing Subchapter M (relating to reports) consists of §§ 219.221—219.228.

Section 219.221 (relating to reports of stolen, lost or missing licensed or registered sources of radiation) is amended by deletion of those sections for radioactive materials that are superseded through incorporation by reference of 10 CFR Part 20.

Section 219.222 (relating to notification of incidents and reportable events) is renamed and amended by replacing the current text with incorporation by reference of the specific requirements for the notification of incidents under 10 CFR Part 20. The scope of the reference is also expanded to apply to radiation producing machines and NARM.

Sections 219.223—219.226 are deleted as a result of incorporation by reference of 10 CFR Part 20.

Existing § 219.227 (relating to reports of leaking or contaminated sealed sources) is retained.

Section 219.228 (relating to reports of misadministrations) is renamed to "reports of medical reportable events for radiation-producing machine therapy." References to "misadministration from X-ray" are replaced by "medical reportable event from radiation-producing machine therapy."

New § 219.229 (relating to other medical reports) is added to require reporting of certain harmful exposures to patients that are not reported under § 219.228.

Existing Subchapter N (relating to additional requirements) which consists of § 219.241 (relating to vacating premises) is deleted. The conditions are transferred to new § 215.27 and expanded to apply to all licensees.

Chapter 219, Appendices A—C (relating to protection factors for respirators; annual limits on intake (ALI) and derived air concentrations (DAC) of radionuclides for occupational exposure; effluent concentrations; concentrations for release to sanitary sewerage; and quantities of licensed or registered material requiring labeling) are deleted by incorporation by reference of 10 CFR Part 20.

#### *Chapter 220. Notices, Instructions and Reports to Workers; Inspections and Investigations*

Because of incorporation by reference of 10 CFR Part 19, the title of Chapter 220 has been expanded to include "Investigations."

Section 220.2 (relating to posting of notices to workers) is updated for compatibility with the NRC.

Sections 220.3—220.8 are deleted because of incorporation by reference of 10 CFR Part 19.

Sections 220.9 and 220.10 (relating to incorporation by reference; effect of incorporation of 10 CFR Part 19) are added to clarify the differences between Chapter 220 and 10 CFR Part 19.

#### *Chapter 224. Medical Use of Radioactive Material*

Sections 224.2—224.9 are deleted because of incorporation by reference of 10 CFR Part 35.

New §§ 224.10 and 224.11 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 35) are added to clarify the differences between Chapter 224 and 10 CFR Part 35.

Subchapter B (relating to general administrative requirements) is renamed "other requirements."

New § 224.21 (relating to supervision) clarifies which auxiliary personnel may handle radioactive material. It replaces current § 224.55 (supervision) that is deleted by incorporation by reference of 10 CFR Part 35.

New § 224.22 (relating to authorization for calibration and reference sources) allows sealed sources up to 1,110 MBq (30 mCi) apiece of radioactive material. It replaces current § 224.104 that is deleted because of incorporation by reference of 10 CFR 35.57 (relating to authorization for calibration and reference sources).

New § 224.23 (relating to decay-in-storage) allows sealed sources of radioactive material with a physical half-life of up to 300 days to be held for decay-in-storage. It replaces current § 224.112 (relating decay-in-storage) that is deleted by incorporation by reference of 10 CFR 35.92 (relating to decay-in-storage).

Current §§ 224.51—224.60 are deleted because of incorporation by reference of 10 CFR Part 35. The requirements of current § 224.55 (relating to supervision) are now found in new § 224.21 (relating to supervision).

Current §§ 224.101—224.112 comprising all of Subchapter C are deleted because of incorporation by reference of 10 CFR Part 35. The requirements of current § 224.104 (relating to authorization for calibration and reference sources) are now found in new § 224.22 (relating to authorization for calibration and reference sources). The requirements of current § 224.112 (relating to decay-in-storage) are now found in new § 224.23 (relating to decay-in-storage).

Sections 224.151—224.501 comprising all of Subchapters D—K are deleted because of incorporation by reference of 10 CFR Part 35.

#### *Chapter 225. Radiation Safety Requirements for Industrial Uses and Radiographic Operations*

Chapter 225 is split into two subchapters: Subchapters A and B (relating to general provisions; and radiation producing-machines). The chapter title is expanded to include industrial uses.

Existing § 225.1 (relating to purpose and scope) is expanded upon. An addition to subsection (a) clarifies applicability. New subsection (b) is added to exempt persons using only radiation-producing machines from the requirements of 10 CFR Part 34 incorporated by reference except as may be noted in Subchapter B. New subsection (c) is added to clearly indicate that Chapter 225 does not apply to medical diagnosis or therapy.



Existing §§ 225.2, 225.11—225.18, 225.21—225.23, 225.31—225.33, 225.41—225.44 are deleted because of incorporation by reference of 10 CFR Part 34.

Existing §§ 225.51—225.53 are deleted because of incorporation by reference of 10 CFR Part 34 with the requirements of existing § 225.52 (relating to security) being transferred to new § 225.87 (relating to security) and existing § 225.53 (relating to posting) being transferred to new § 225.88 (relating to posting).

Existing Appendix A is retained.

New §§ 225.2a and 225.3a (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 34) are added to clarify the differences between Chapter 225 and 10 CFR Part 34.

Section 225.4a (relating to radiation safety programs) is added for radiation-producing machine users only. This section includes a requirement that a person using radiation-producing machines for industrial radiography shall have Department approval before commencing operations.

Section 225.5a (relating to reciprocity) is added to alert out-of-State users of radiation-producing machines to the requirements of § 216.7 (relating to out-of-State radiation producing machines).

Section 225.6a (relating to prohibitions) is added to clarify that the use of radiation-producing machines covered under this chapter is not permitted for diagnosis or therapy on humans or animals.

New Subchapter B (relating to radiation-producing machines) requirements are added to apply to those persons who only have radiation-producing machines because radiation-producing machines do not fall under the requirements of sealed source radiography incorporated through reference of 10 CFR Part 34.

Subchapter B begins with a new undesignated center heading, "General Administrative Requirements," that includes new §§ 225.71—225.76. The new sections in this subchapter provide for definition of terms, duties of personnel, training of personnel, specification of training and testing, audits and safety reviews of radiographers and radiographer assistants, and reporting requirements of incidents and overexposures.

The definitions introduced in § 225.71 (relating to definitions) are "cabinet radiography," "cabinet X-ray system," "certified cabinet X-ray system," "DRD—direct reading dosimeter," "industrial radiography," "permanent radiographic installation," "personnel dosimeter," "personal supervision," "radiation safety officer," "radiographer," "radiographer's assistant," "radiographer trainee," "radiographic operations," "shielded room radiography" and "temporary job site."

A new heading, "General Technical Requirements," includes §§ 225.81—225.88. The new sections provide requirements for permanent radiographic installations, operation outside of permanent radiographic installations, records at temporary job sites, general operating and emergency procedures, surveys and survey records, utilization logs, security, and posting.

A new heading, "Radiation Survey Instrument and Personnel Monitoring," includes §§ 225.91—225.93 (relating to radiation survey meter requirements; radiation survey meter calibration requirements; and personnel monitoring control). These new sections specify the use of operable calibrated survey meters, personnel dosimeters

and direct reading dosimeters, survey meter calibration requirements, and associated records.

A new heading, "Radiation Producing Machine Requirements," includes §§ 225.101—225.104.

Section 225.101 (relating to cabinet X-ray systems and baggage/package X-ray systems) replaces and updates existing § 225.21 (relating to cabinet x-ray systems).

Section 225.102 (relating to shielded room X-ray machine radiography) replaces and updates existing § 225.22 (relating to shielded room radiography).

Section 225.103 (relating to temporary jobsite radiography) replaces and updates existing § 225.23 (relating to other radiography).

Section 225.104 (relating to X-ray detection systems for explosives, weapons and illegal items) is new and provides for special requirements for the use of X-ray in the search for contraband.

*Chapter 226. Licenses and Radiation Safety Requirements for Well Logging*

Current Chapter 226 is renamed as "Licenses and Radiation Safety Requirements for Well Logging" to parallel 10 CFR Part 39 (relating to licenses and radiation safety requirements for well logging).

Section 226.1 (relating to purpose and scope) is generally updated and revised to include persons using uranium sinker bars.

Section 226.2 (relating to definitions) is deleted because of incorporation by reference of 10 CFR Part 39.

Current § 226.3 (relating to prohibition) is deleted. It is replaced by new § 226.3a (relating to abandonment of a sealed source) to incorporate by reference 10 CFR Part 39 and to add a reference to § 78.111 (relating to abandonment).

Sections 226.4 and 226.5 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 39) are added to clarify the differences between Chapter 226 and 10 CFR Part 39.

A new undesignated center heading "Particle Accelerators" is created.

The provisions of § 226.34 (relating to particle accelerators) are reworded and renumbered to § 226.61, and a reference to licensing provisions of Chapter 228 (relating to radiation safety requirements for particle accelerators) is added.

Sections 226.11—226.51 and Appendixes A and B are deleted because of incorporation by reference of 10 CFR Part 39.

*Chapter 230. Packaging and Transportation of Radioactive Material*

Sections 230.2, 230.11, 230.12, 230.14, 230.21—230.26, 230.41—230.46, 230.51, Appendix A and Tables I—IV are deleted because of incorporation by reference of 10 CFR Part 71 (relating to packaging and transportation of radioactive material).

In Subchapter A (relating to scope and definitions), the phrase "and definitions" is dropped from the title because of the deletion of § 230.2 (relating to definitions).

Sections 230.3 and 230.4 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 71) are added to clarify the differences between Chapter 230 and 10 CFR Part 71.

Section 230.5 (relating to communications) is added to ensure that communications are sent to the Department's address.

Section 230.13 (relating to transportation of licensed material) is amended to include only the requirements of existing § 230.13(b) and incorporation by reference of 10 CFR Part 71.

Section 230.47 (relating to advance notification of transport of nuclear waste) is amended to ensure that the Governor or the Governor's designee and the Department will receive the required notifications and information.

*Chapter 232. Licenses and Radiation Safety Requirements for Irradiators*

Chapter 232 is a new chapter that is compatible with 10 CFR Part 36 (relating to licenses and radiation safety requirements for irradiators).

Section 232.1 (relating to purpose and scope) explains that this chapter applies only to the use of radioactive material in sealed sources to irradiate objects or materials with gamma radiation.

Sections 232.2 and 232.3 (relating to incorporation by reference; and effect of incorporation of 10 CFR Part 36) clarify the differences between Chapter 232 and 10 CFR Part 36.

*E. Summary of Comments and Responses on the Proposed Rulemaking*

The notice of proposed rulemaking was published at 30 Pa.B. 4503 (August 26, 2000) and included a 30-day comment period that ended on September 25, 2000. The Board received five responses during the comment period. The Independent Regulatory Review Commission (IRRC) also provided comments on the proposed rulemaking through a letter dated October 26, 2000.

The Department prepared a comment and response document that summarizes and responds to the aforementioned comments. A copy of the comment and response document is available upon request from the contact person listed in Section B of this Preamble.

A summary of the comments received and the Department's responses follow. The revisions that resulted from the comments as well as those made on the initiative of the Department are described thereafter.

The comments are of two kinds, those that address a specific reference and those that refer to the format of incorporation by reference in general.

One comment was suggested that to improve clarity, more specificity be provided in defining the linkage to regulations incorporated by reference. It was suggested that a list of either each provision incorporated by reference or each provision not incorporated by reference be cited. Because listing the individual regulations incorporated by reference is lengthy and therefore impractical, the Department chose to list the exceptions to incorporation.

Section 215.1(e) lists by part, rather than section, the NRC regulations incorporated by reference, except for Part 150. A part in the NRC regulations is roughly equivalent to a chapter in Title 25 of the *Pennsylvania Code*. The reference has been augmented to list each section or subunit of a referenced part of the NRC regulations that is not incorporated by reference. References to all the NRC regulations incorporated by reference are displayed in § 215.1. However, for convenience of the reader, each chapter displays a list in modified

format that is limited to the NRC regulations corresponding to the subject of the chapter.

Section 215.1(h) is added to enhance clarity by showing the relationship between certain commonly used terms in the *Code of Federal Regulations* and their counterparts in these regulations. The applicable relationships are repeated in each chapter for convenience. Section 215.1(h)(5) is repeated in §§ 217.132(5), 217.142(5), 217.152(5), 217.162(5), 217.172(5), 217.182(5), 217.202(5), 219.6(7), 220.10(4), 224.11(6), 225.3a(5), 226.5(5), 230.4(5) and 232.3(4).

Section 215.2 as proposed is modified. Since a definition of "misadministration involving radioactive materials" has been incorporated by reference, under proposed rulemaking the existing definition of misadministration was to be renamed and redefined as "misadministration (medical event) from X-ray" to treat events involving X-ray separately from those involving radioactive material. However, a commentator noted that the purpose of the definition was to support a reporting requirement, and the definition should therefore appear in Chapter 219 instead of Chapter 215. It was also commented that in light of incorporation by reference of a similar term, the name given to the definition was confusing and also inaccurate. For these reasons, the definition of "misadministration" is deleted from § 215.2 at final rulemaking, and a new definition, "medical reportable event for radiation-producing machine therapy," has been added in § 219.3. This is explained further under the discussion of § 219.3. At final rulemaking, the term "prescribed dose for X-ray therapy" has been changed to "prescribed dose for therapy using radiation-producing machines," to show that electron as well as other particle beam therapy is included in addition to x-ray. For the same reasons, the proposed term "written directive for X-ray therapy" has been clarified to read "written directive for therapy using radiation-producing machines." The definition of "worker" has also been deleted in the final-form rule since an applicable definition of "worker" is incorporated by reference.

Sections 215.12 and 215.26 show an editorial change of "employee" and "employees" to "employee" and "employees."

Section 215.27 refers to the requirements for vacating premises that contained areas where access was restricted due to the presence of radioactive material. One commentator suggested that acceptable criteria for decontamination be stated in the regulation. The regulation is not changed. The Department does not believe it is wise to lock in values for acceptable levels of residual contamination in the regulation. In some cases it may not always be possible to satisfy a given limit. License termination plans are subject to as low as reasonably achievable (ALARA) and are addressed on a case-by-case basis. The matter of limits is addressed through guidance to provide the flexibility necessary to handle diverse conditions.

Section 215.28 is changed for clarity. Objection was taken to the use of the word "deceptive." "Deceptive exposure of a monitoring device" is changed to "Deliberate exposure of a monitoring device" for the purpose of "falsely" rather than "deceptively" indicating the dose to an individual.

Section 217.1(b) was amended to show the descriptions of the referenced chapters as an editorial correction for clarity.

Sections 217.132(4), 217.142(4), 217.172(4), 217.182(4), 217.202(4) and 224.11(3) change "the definition of licensed material" to "a reference to byproduct material" as an

editorial correction since the corresponding parts of the CFR refer to byproduct material rather than licensed material. Similarly, the sentence "The definition of licensed material includes NARM" has been deleted from §§ 217.152(4) and 217.162(4) as the phrase "licensed material" is not found in the corresponding parts of the CFR.

A correction to § 217.143 changed the NRC reference from 10 CFR 30.5 to 10 CFR 31.5. The scope of the regulation was also clarified by adding that the additional requirements contained in the section apply only to generally licensed sources that are subject to registration under 10 CFR 31.5(c)(13i) and certain specified NARM sources.

Section 217.191 (relating to transfer of material) has been amended at final-form rulemaking. The existing text is replaced by incorporation by reference of 10 CFR 30.41 because the CFR is equivalent. Three concerns were raised to items in this section. One objection related to the provision for verification of a licensee's authority to receive material by using data supplied from parties other than the Department or the licensee. Another commentator felt even more strongly that direct contact with the licensee should be the only form of permissible verification. The Department disagrees with the first two comments because they were based on the misconception that the transferor was accountable for not allowing the transferee's inventory to exceed the transferee's license possession limits. The transferor need only verify that the material to be transferred does not exceed the limits listed in the transferee's license. The transferee is responsible for ensuring that current inventory (which may fluctuate on a day-to-day basis) never exceeds the license limits. The third concern questioned what constituted "verbal" certification. These regulations are not new, and the requirements are not being altered. They are currently in force and are identical to the CFR. They have been in place for a sufficient time for the Department to note that there is no indication that the regulated community has a problem understanding or complying with the regulations, and no significant problems have arisen that could be attributed to defects in the regulations. No one has approached the Department as yet to compile a third-party verification service. If this did happen, it would have to be approved by the Department. Verbal certification has no special legal definition and must be followed up in writing anyway. In summary, the Department has not changed the existing requirements. However, the text of these requirements is now 10 CFR 30.41, incorporated by reference.

A commentator also asked for clarification on three parts of § 217.191 that also apply to 10 CFR 30.41. First, regarding § 217.191(a)(3), the regulation should indicate who would be exempt and how an exemption is granted. As discussed in the comment and response document, the Department believes the description of exempted parties and the provision for exemptions is adequately addressed in the regulation, so no change has been made. Second, in § 217.191(a)(4), the commentator asked what documents in other jurisdictions are equivalent to general and specific licenses. The regulation was not modified because there is no one-to-one relationship that holds for all jurisdictions. An equivalent authorization may go by different names, such as a permit or a registration, and the regulatory equivalency does not hold to begin with. Some jurisdictions may require the equivalent of a general license for what is specifically licensed in another jurisdiction. It is up to the licensee to uncover the requirements before transferring radioactive material.

Third, under § 217.195(a)(5), the commentator asked who would be subject to being "otherwise authorized in writing by the Department." This rule is not changed because it cannot be elaborated further. It is a catch-all provision for unspecified situations. For example, under § 217.22 a requirement for prior authorization in writing may be invoked, if deemed appropriate, before transfer of ownership of radioactive material is allowed during a corporate merger.

Section 219.3 (relating to definitions) is retained at final-form rulemaking for the purpose of the new definition, "medical reportable event for radiation-producing machine therapy." The new definition is the renamed successor to the definition of "misadministration" for events not involving radioactive material. Several additional concerns were raised regarding the definition. These concerns involved clarity of scope, interpretation and limits. The resolution of these issues resulted in a significant rewrite of the proposed regulation. The proposed regulation closely followed the anticipated form of the NRC's new definition of medical event, with the exception of being slanted toward invasive therapy. The final rule is closer to the traditional form of the Council of Radiation Control Directors Suggested State Regulations for teletherapy. The result is a rule that better addresses the comments and provides more flexibility to the regulated community. The rule was simplified by removing such issues as wrong site, errors of precision, wrong beam energy, wrong mode or wedge factor. The criteria is that controllable exposures to areas inside or outside the treatment volume do not exceed a certain percentage of the prescription regardless of the cause. The percentage is based upon the total dose and, as suggested by a commentator, the weekly dose rather than an individual dose fraction.

In the final-form rulemaking, the issue of harmful events arising from exposure to diagnostic radiation and unintended functional damage to tissue, diagnostic or therapeutic, is addressed by removing them from the definition of medical reportable event for radiation-producing machine therapy and creating new § 219.229 (relating to other medical reports). This simplified the definition of medical reportable event for radiation-producing machine therapy yet retained the proposed requirement for reporting any unintended functional damage from medical radiation. The Department considers it unnecessary and overly prescriptive to set limits for these events or to specify who makes the determination of a reportable event or who submits the report of an event. The licensee or registrant is responsible and the determination of a reportable event is a medical judgment made by physicians and medical physicists using generally accepted clinical protocol and is reported under the administrative structure of the licensee or registrant.

Section 219.7 is added at final-form rulemaking to clarify the requirements of incorporation by reference of 10 CFR 20.1403 (relating to license termination under restricted conditions) for license termination under restricted conditions. This is a regulatory option of last resort that the Department would not exercise without scrutiny, so the existing requirements were more fully detailed.

Section 219.222 is renamed at final-form rulemaking to "Notification of Incidents and Reportable Events" to more clearly describe the content. The specific references to the CFR are clarified as well as the linkage to a 30-day reporting requirement.

Section 219.228 is renamed in final-form rulemaking to "Reports of Medical Reportable Events for Radiation-Producing Machine Therapy" for clarity and consistency. Previous references to "misadministration" are replaced with "event."

Section 219.229 (relating to other medical reports) is new at final rulemaking. The reporting requirements for certain events of interest involving unintended harm from medical radiation that had been proposed under the definition of "medical event" have been moved here for the reasons described previously in the discussion of "medical event."

Section 220.2(a)(3) relating to posting of procedures was questioned. A commentator believed that certain procedures, such as activities involving wet chemistry, could be too complex to post. The Department believes the commentator misinterpreted the requirement. Safe working procedures, not analytical procedures, must be posted. In any case, there is an option to post the location at which the procedures can be found rather than the procedures. For these reasons, no change has been made.

Section 220.10(3) is added at final rulemaking to clarify the applicability to registered sources of radiation.

Chapter 224 relates to the incorporation by reference of 10 CFR 35 for the medical use of radioactive material. One commentator did not express confidence in the NRC's handling or general competence in regulating this area and suggested the Department formulate its own regulations. The Department recognizes the tension that has historically existed between the NRC and the medical community. However, the Department is committed to incorporation by reference as the best method to insure compatibility. Some latitude exists in the degree of compatibility required for specific regulations, and the Department has and will continue to make use of that latitude as practical to make incorporation by reference viable.

In § 225.71 (relating to definitions), definitions of "direct reading dosimeter" and "personnel dosimeter" have been added at final rulemaking in response to confusion expressed over the inconsistent use of names used to describe terms for individual monitoring devices. A commentator also took exception to including the words "An RSO shall have the authority to suspend or terminate radiographic operations" in the definition of "RSO." The Department concurred and removed this language in the final rulemaking because it is a substantive requirement that already exists in § 225.72 (relating to duties of personnel).

Regarding § 225.74 (relating to training and testing), a commentator requested that minimum hours of training be specified and standardized tests be required. The Department disagrees. The rule is written for flexibility, and training requirements and times vary with the complexity of the operation and the ability of the student. In any case, the program will be subject to review upon inspection by the Department or prior to the issuance of a license.

In § 225.76, general references to Chapter 220 are replaced by specific references for clarity. The applicability to licensees is also clarified in subsection (b), as well as the requirement to provide a 30-day follow-up letter under subsection (c) for information "to the extent known."

In §§ 225.82(c)(3) and (4), 225.83(5) and 225.84(5), the new terms "direct reading dosimeter" and "personnel

dosimeter" described previously are substituted for references to other devices used by individuals requiring monitoring.

Section 225.85 is amended at final-form rulemaking to limit retention of surveys used to determine personnel exposure to the period in which a license or registration is active. This is in response to a comment questioning when the Department would authorize their disposition.

Section 225.91 is clarified in the final rulemaking to show that adequate radiation survey instrumentation is required by licensees as well as registrants.

Section 225.93 at final-form rulemaking changes references to various individual monitoring devices to the newly defined terms "direct reading dosimeter" and "personnel dosimeter," as appropriate, and the requirements were further clarified to include licensees as well as registrants. Under § 225.93(d)(1), it was questioned what was meant by recharging a direct reading dosimeter daily and at the start of each work shift. In response, the requirement was reduced and rewritten to rezero the dosimeter at the start of each work shift. An editorial change was made to subsection (d)(3) changing the required accuracy of response for direct reading dosimeters from 30 % to 20 %.

Section 225.101(b) is amended at final-form rulemaking. One commentator was not sure of the intent of the phrase "It may not be possible to energize." This was rewritten to clarify that a cabinet X-ray machine may not be energized when the operating conditions necessitate the area surrounding it to be restricted to maintain radiation exposure levels that are appropriate for members of the public. An editorial correction was also made to § 225.101(d) changing the reference from 10 CFR 20.1201 to 10 CFR 20.1301.

A commentator objected to the wording that requires safety and warning devices to be repaired "in a timely manner," preferring that a specific time limit be set in § 225.104 (relating to X-ray detection systems for explosives, weapons and illegal items). The Department disagrees and has not changed the final rulemaking. The activity engaged in is inherently more dangerous than the risk of exposure to radiation. The regulation recognizes this and provides additional flexibility to the regulated community.

Section 230.13 (relating to transportation of licensed material) is amended at final-form rulemaking to elaborate on the parts of the Federal and Commonwealth transportation agency regulations that are referenced. A commentator believed the provision to be vague, and the Department concurred and made additional clarification.

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

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

#### *Benefits*

As set forth in this proposal, users of radioactive material will be required to comply with radiation protection standards that will not only protect employees but will also protect the general public. The Commonwealth will also be able to continue pursuit of agreement state status with the NRC that will lead to an overall reduction in license fees for NRC licensees of this Commonwealth. The regulation will also generally reduce the records retention requirement from 5 years to 3 years for registrants and licensees of the Department.

*Compliance Costs*

There are no additional compliance costs because licensees either currently comply with these regulations by virtue of their NRC licenses or through licenses issued by the Department which incorporate similar requirements by condition. There is no additional compliance cost for registrants as the generally applicable standards for radiological health already apply to them.

*Compliance Assistance Plan*

Compliance assistance is available to all existing license holders through the use of a comprehensive set of regulatory guides published by the NRC.

Compliance with the amended regulations should impose no difficulty or costs because they are either essentially unchanged or simplified from present requirements. In addition to the publication in the *Pennsylvania Bulletin*, notification of the regulatory changes will be enclosed with annual fee invoices to licensees and registrants, and Department inspectors will bring the changes to the attention of licensees and registrants during inspections.

*Paperwork Requirements*

The final-form regulations will not change paperwork requirements for current NRC licensees because they are already complying with NRC requirements. The retention period for most records will be reduced for registrants and Department licensees.

*G. Pollution Prevention*

The major purpose of the Bureau of Radiation Protection is to reduce public and occupational exposure to radiation. An educational, compliance assistance approach has been used for many years. However, over 90% of the radiation sources regulated emit controlled beams of photon or particle radiation directed at a patient or object for various medical or industrial purposes. Any unwanted radiation is controlled by shielding, adherence to operational rules, inventory procedures, and the like. Materials licensees working with radioisotopes that are not sealed in liquid and gas tight containers are required to follow Department-approved procedures to ensure that the material is not spilled or otherwise released (hoods, absorbent material in metal trays, and the like) and to frequently survey work areas to detect any contamination. The final-form regulations include risk-based release limits.

*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 August 8, 2000, the Department submitted a copy of the proposed rulemaking to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. These comments are addressed in the comment and response document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House Environmental Resources and Energy Committee on July, 17, 2001, and were deemed approved by the Senate Environmental Resources Committee and Energy Committee on July 17, 2001. IRRC met on July 26, 2001, and approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

*J. Findings*

The Board finds that:

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

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

(3) These regulations do not enlarge the purpose of the proposal published at 30 Pa.B. 4503 (August 26, 2000).

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

*K. Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 215, 217, 219, 220, 224, 225, 226, 230 and 232, are amended by amending §§ 215.1—215.3, 215.11, 215.12, 215.15, 215.32, 217.1, 217.2, 219.3, 219.51, 219.61, 219.131, 219.132, 219.159, 219.160, 219.221, 219.222, 219.228, 220.2, 225.1, 226.1, 230.13 and 230.47; adding §§ 215.5, 215.25—215.28, 217.131—217.137, 217.141—217.144, 217.151—217.155, 217.161—217.163, 217.171, 217.172, 217.181, 217.182, 217.191, 217.201—217.203, 219.5—219.7, 219.71—219.73, 219.91—219.93, 219.111—219.113, 219.229, 220.9, 220.10, 224.10, 224.11, 224.21—224.23, 225.2a, 225.3a, 225.4a, 225.5a, 225.6a, 225.71—225.76, 225.81—225.88, 225.91—225.93, 225.101—225.104, 226.3a, 226.4, 226.5, 226.61, 230.3—230.5 and 232.1—232.3; and by deleting 215.4, 217.11—217.18, 217.21—217.24, 217.31, 217.32, 217.41—217.49, 217.51—217.57, 217.65, 217.71—217.74, 217.81—217.93, 217.101, 217.121, 217.122, Appendices A, B and D, 219.4, 219.21, 219.31—219.38, 219.52, 219.151—219.158, 219.161, 219.162, 219.181—219.186, 219.201—219.211, 219.223—219.226, 219.241, Appendices A—C, 220.3—220.8, 224.2—224.9, 224.51—224.60, 224.101—224.112, 224.151, 224.152, 224.201—224.204, 224.251—224.254, 224.301—224.306, 224.351, 224.352, 224.401—224.414, 224.451—224.465, 224.501, 225.2, 225.11—225.18, 225.21—225.23, 225.31—225.33, 225.41—225.44, 225.51—225.53, 226.3, 226.11—226.19, 226.21—226.23, 226.31—226.34, 226.41—226.43, 226.51, Appendices A and B, 230.2, 230.11, 230.12, 230.21—230.26, 230.41—230.46, 230.51, Appendix A, Tables I—IV, to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order 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 and Annex A to IRRC and the Senate and House Environmental Resource and Energy Committees as required by law.

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

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

DAVID E. HESS,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 4503 (August 11, 2001).)*

**Fiscal Note:** Fiscal Note 7-350 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

##### Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

#### ARTICLE V. RADIOLOGICAL HEALTH

#### CHAPTER 215. GENERAL PROVISIONS

##### GENERAL PROVISIONS

##### § 215.1. Purpose and scope.

(a) This article establishes requirements for the protection of public health and safety as related to radiation sources and implements the requirements of the act.

(b) This article, except as otherwise specifically provided in the act, applies to persons who use, manufacture, produce, transport, transfer, receive, acquire, possess, own or dispose of a radiation source.

(c) A person who, when required, fails to register or obtain a license for radiation sources in the possession or control of the person, shall comply with the act or with this article.

(d) This article does not apply to the extent the person is subject to regulation by the NRC.

(e) Title 10 Chapter I (Nuclear Regulatory Commission) Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and §§ 150.1, 150.2, 150.3, 150.11, 150.20(a)(1), 150.20(a)(2) and 150.20(b) of the CFR is incorporated by reference with the exceptions set forth in paragraphs (1)–(13). Notwithstanding the requirements incorporated by reference, nothing in this article relieves or limits a person from complying with the laws of the Commonwealth, including the act and the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101–7130.905).

(1) Sections 19.4, 19.5, 19.8, 19.30 and 19.40 are not incorporated.

(2) Sections 20.1006, 20.1009, 20.2206(a)(1), (3), (4) and (5), 20.2401 and 20.2402 are not incorporated.

(3) Sections 30.5, 30.6, 30.8, 30.21(c), 30.34(d) and (e)(1) and (3), 30.41(a)(6), 30.55, 30.63 and 30.64 are not incorporated.

(4) Sections 31.3, 31.4 and 31.14 are not incorporated.

(5) Sections 32.8, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 32.22, 32.23, 32.25, 32.26, 32.27, 32.28, 32.29 and 32.40 are not incorporated.

(6) Sections 33.8, 33.21 and 33.23 are not incorporated.

(7) Sections 34.5, 34.8, 34.121 and 34.123 are not incorporated.

(8) Sections 35.8, 35.990 and 35.991 are not incorporated.

(9) Sections 36.5, 36.8, 36.91 and 36.93 are not incorporated.

(10) Sections 39.5, 39.8, 39.101 and 39.103 are not incorporated.

(11) Sections 40.6, 40.8, 40.12(b), 40.23, 40.27, 40.28, 40.31(k) and (i), 40.32(d), (e) and (g), 40.38, 40.41(d), (e)(1) and (3) and (g), 40.51(b)(6), 40.64, 40.66, 40.67, 40.81 and 40.82 are not incorporated.

(12) Sections 70.1(c), (d) and (e), 70.5, 70.6, 70.8, 70.13, 70.13a, 70.20a, 70.20b, 70.21(a)(1), (c), (f), (g) and (h), 70.22(b), (c), (f), (g), (h), (i), (j), (k), (l), (m) and (n), 70.23(a)(6), (7), (8), (9), (10), (11) and (12) and (b), 70.23a, 70.24, 70.25(a), 70.31(c), (d) and (e), 70.32(a)(1), (4), (5), (6) and (7), 70.32(b)(1), (3) and (4), (c), (d), (e), (f), (g), (h), (i), (j) and (k), 70.37, 70.40, 70.42(b)(6), 70.44, 70.51(c), (d) and (e), 70.52, 70.53, 70.54, 70.55(c)(1), (2) and (3), 70.56(c) and (d), 70.57, 70.58, 70.59, 70.62, 70.71 and 70.72 are not incorporated.

(13) Sections 71.2, 71.6, 71.13(c) and (d), 71.24, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.47, 71.51, 71.52, 71.53, 71.55, 71.59, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.83, 71.99 and 71.100 are not incorporated.

(f) If a provision of the CFR incorporated by reference in this article includes a section which is inconsistent with this title, this title controls to the extent Federal law does not preempt Commonwealth law. If a provision of the CFR incorporated by reference in this article is beyond the scope of authority granted the Department under statute, or is in excess of the statutory authority, the provisions shall be and remain effective only to the extent authorized by the Pennsylvania law.

(g) Appropriate parts of 10 CFR may be obtained from the following:

(1) The United States Government Printing Office, Book Store, Room 118, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 664-2721.

(2) The United States Government Printing Office, Book Store, 100 North 17th Street, Robert Morris Building, Philadelphia, Pennsylvania 19103, (215) 597-0677.

(3) The United States Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

(h) To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) A reference to "byproduct material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

##### § 215.2. Definitions.

The definitions in 10 CFR Chapter 1 Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and 150 are incorporated by reference in this article unless indicated otherwise. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

*AEC*—United States Atomic Energy Commission.

*Accelerator-produced material*—Material made radioactive by a particle accelerator.

*Act*—The Radiation Protection Act (35 P. S. §§ 7110.101—7110.703).

*Bioassay*—The determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of this article, “radiobioassay” is an equivalent term.

*Brachytherapy*—A method of radiation therapy in which sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary or interstitial application.

*Entrance or access point*—An opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed or registered radiation sources. The term includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

*FDA*—The Federal Food and Drug Administration.

*Human use*—The internal or external administration of radiation or radioactive material to human beings.

*Inspection*—An official examination or observation including, but not limited to, tests, surveys and monitoring to determine compliance with this article, rules, orders, requirements and conditions of the Department.

*Ionizing radiation*—Radiation consisting of directly ionizing charged particles—such as electrons, protons, alpha particles and the like—having sufficient kinetic energy to produce ionization by collision, or consisting of either indirectly ionizing uncharged particles—such as neutrons—or photons which can liberate directly ionizing particles or can initiate a nuclear transformation.

*License*—Permission issued by the Department in accordance with this article to possess and use radioactive material. Types of licenses are as follows:

(i) *General license*—Permission to possess and use radioactive material without the formal review and issuance of documents by the Department.

(ii) *Specific license*—Written permission to possess and use radioactive material issued by the Department after the Department reviews and approves an application for the possession and use of the radioactive material.

*Licensed practitioner of the healing arts*—An individual licensed by the Commonwealth to practice the healing arts, which for the purposes of this article shall be limited to medicine, surgery, dentistry, osteopathy, podiatry and chiropractic.

*Licensee*—A person who is licensed by the Department under this article and the act.

*Licensing state*—A state that has regulations equivalent to the Suggested State Regulations for Control of Radiation (United States Department of Health and Human Services) relating to, and has an effective program for, the regulatory control of NARM and which has been granted final designation as a licensing state by the Conference of Radiation Control Program Directors, Inc.

*NARM*—A naturally occurring or accelerator-produced radioactive material. The term does not include by-product, source or special nuclear material.

*NORM*—Naturally occurring radioactive material—A nuclide which is radioactive in its natural physical state—that is, not man-made—but does not include source or special nuclear material.

*NRC*—United States Nuclear Regulatory Commission or its authorized representatives.

*Person*—An individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency or political subdivision of this Commonwealth; another state or political subdivision or agency thereof; and a legal successor, representative, agent or agency of the entities listed in this paragraph. The term does not include Federal government agencies.

*Pharmacist*—An individual licensed by the Commonwealth to compound and dispense drugs, prescriptions and poisons.

*Physician*—An individual licensed by the Commonwealth to practice medicine or osteopathy in this Commonwealth.

*Prescribed dose for therapy using radiation-producing machines*—For X-ray, electron or other particle beam therapy, the total dose and dose per fraction as documented in the written directive.

*Qualified expert*—

(i) An individual having the knowledge and training to measure ionizing radiation, to evaluate safety techniques and to advise regarding radiation protection needs; for example: individuals certified in the appropriate field by the American Board of Radiology, or the American Board of Health Physics, or the American Board of Medical Physics or those having equivalent qualifications.

(ii) With reference to the calibration of radiation therapy equipment, an individual having, in addition to the qualifications in subparagraph (i), training and experience in the clinical applications of radiation physics to radiation therapy; for example: individuals certified in therapeutic radiological physics or X-ray and radium physics by the American Board of Radiology, or radiation oncology physics by the American Board of Radiology, or radiation oncology physics by the American Board of Medical Physics or those having equivalent qualifications.

*Radiation*—Ionizing radiation.

*Radiation producing machine*—A device capable of producing ionizing radiation except those devices with radioactive material as the only source of radiation.

*Radiation safety officer*—An individual who has the knowledge and responsibility to apply appropriate radiation protection regulations.

*Radiation source*—An apparatus or material, other than a nuclear power reactor and nuclear fuel located on a plant site, emitting or capable of emitting ionizing radiation.

*Radioactive material*—A material—solid, liquid or gas—which emits radiation spontaneously.

*Radioactivity*—The transformation of unstable atomic nuclei accompanied by the emission of radiation.

*Radiological physicist*—An individual who complies with one of the following:

(i) Is certified by the American Board of Radiology in therapeutic radiological physics, radiological physics or x-and gamma-ray physics.

(ii) Has a bachelor's degree in one of the physical sciences or engineering and 3 years full-time experience

working in therapeutic radiological physics under the direction of a physicist certified by the American Board of Radiology. The work duties shall include duties involving the calibration and spot checks of a medical accelerator or a teletherapy unit.

(iii) Has a master's or a doctor's degree in physics, biophysics, radiological physics, health physics or engineering; has had 1 year's full-time training in therapeutic radiological physics; and has had 1 year's full-time work experience in a radiotherapy facility where that person's duties involve calibration and spot checks of a medical accelerator or a teletherapy unit.

*Registrant*—A person who is legally obligated to register with the Department under this article and the act.

*Registration*—The act of registering with the Department under this article.

*Roentgen (R)*—The special unit of exposure to external X-ray and gamma radiation. One roentgen equals  $2.58 \times 10^{-4}$  coulombs/kilogram of air. See § 215.3 (relating to units of exposure).

*Traceable to a National standard*—A system which has been calibrated by the National Institute of Science and Technology or by a Regional Calibration Laboratory accredited by the American Association of Physicists in Medicine.

*Waste handling licensees*—Persons licensed to receive and store radioactive wastes prior to disposal or persons licensed to dispose of radioactive waste.

*Written directive for therapy using radiation-producing machines*—An order in writing for a specific patient, dated and signed by an authorized user prior to the administration of a radiation therapy treatment:

(i) For X-ray therapy at potentials less than 1 MeV: the total dose, dose per fraction, treatment site, field sizes, tube potential and filtration, and overall treatment period.

(ii) For X-ray, electron or other particle beam therapy at energies of 1 MeV and above: the total dose, dose per fraction, treatment site, field size, beam type and energy, applicator, use of beam blocking or shaping devices, treatment geometry and overall treatment period.

### § 215.3. Units of exposure.

As used in this article, the unit of exposure to external X-ray and gamma radiation expressed in standard international (SI) units is the coulomb per kilogram (C/kg) of air. This represents the quotient of dQ by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass "dm" are completely stopped in air. The "roentgen" is a special unit of exposure. One roentgen is equal to  $2.58 \times 10^{-4}$  coulomb per kilogram of air. One milliroentgen (mR) is equal to 1/1000 roentgen.

### § 215.4. (Reserved).

### § 215.5. Effect of Incorporation of the CFR.

(a) *Title and name changes.* To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means "Department, NRC or agreement state."

(b) *Forms and documents.* References to forms in the Federal regulations incorporated by reference will be replaced by the appropriate forms prescribed by the Department.

(c) *Notifications, reports and correspondence.* Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

## RIGHTS AND RESPONSIBILITIES OF THE DEPARTMENT

### § 215.11. Records.

(a) Registrants shall maintain records showing the receipt, transfer and disposal of radiation producing machines.

(b) Licensees shall maintain records showing the receipt, transfer and disposal of radioactive material as described in 10 CFR 30.51 (relating to records).

### § 215.12. Inspections.

(a) *Maintenance of records.* Licensees and registrants shall maintain records under this article and have these records available for inspection by the Department.

(b) *Rights of the Department.* The Department and its agents and employees will:

(1) Have access to, and require the production of, books, papers, documents and other records and physical evidence pertinent to a matter under investigation.

(2) Require a registrant or licensee to make reports and furnish information as the Department may prescribe.

(3) Enter the premises of a licensee or registrant for the purpose of making an investigation or inspection of radiation sources and the premises and facilities where radiation sources are used or stored, necessary to ascertain the compliance or noncompliance with the act and this chapter and to protect health, safety and the environment.

(c) *Inspections by the Department.*

(1) The Department, its employees and agents may conduct inspections of the facilities of registrants of radiation-producing machines and licensees of radioactive material at the following frequencies:

(i) For major medical facilities, including hospitals, at least once every 3 years for X-ray operations.

(ii) For all other facilities, at least once every 4 years for X-ray operations.

(iii) For licensees, at the frequencies recommended by the NRC.

(d) *Additional inspections.* The Department, its employees and agents may conduct additional follow-up inspections if violations of the act or regulations promulgated thereunder were noted at the time of the original inspection, or if a person presents information, or circumstances arise which give the Department reason to believe that the health and safety of a person is threatened or that the act or this article are being violated.



**§ 215.15. Additional requirements**

The Department may impose upon a person requirements additional to those established in this article which it may deem reasonable and necessary to protect the public health and safety. As an example, when necessary or desirable to determine the extent of an individual's exposure to concentrations of radioactive material, the Department may require a licensee to provide to the individual appropriate bioassay services, medical services and the services of a qualified expert and to furnish a copy of the reports of these services to the Department.

**PROHIBITIONS AND RESTRICTIONS**

**§ 215.25. Deliberate misconduct.**

The requirements under 10 CFR 30.10 (relating to deliberate misconduct) are incorporated by reference. This requirement also applies to registrants.

**§ 215.26. Employee protection.**

The requirements under 10 CFR 30.7 (relating to employee protection) are incorporated by reference. This requirement also applies to registrants.

**§ 215.27. Vacating premises.**

In addition to the decommissioning requirements of 10 CFR 30.36 (relating to expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas) that are incorporated by reference under Chapter 217 (relating to licensing of radioactive material), a licensee shall notify the Department in writing of intent to vacate at least 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of the licensee's activities. When deemed necessary by the Department, the licensee shall decontaminate the premises as the Department may specify.

**§ 215.28. Deliberate exposure of a monitoring device.**

The deliberate exposure of an individual monitoring device or area monitoring device to falsely indicate the dose delivered to an individual is prohibited.

**EXEMPTIONS**

**§ 215.32. Exemption qualifications.**

The following sources, uses and types of users are exempt from Chapters 216—232:

(1) A United States Department of Energy contractor or subcontractor and an NRC contractor or subcontractor of the following categories operating within this Commonwealth to the extent that the contractor or subcontractor under contract receives, possesses, uses, transfers, owns or acquires radiation sources:

(i) Prime contractors performing work for the United States Department of Energy at United States Government-owned or controlled sites, including the transportation of radiation sources to or from the sites and the performance of contract services during temporary interruptions of the transportation.

(ii) Prime contractors of the United States Department of Energy performing research in, or development, manufacture, storage, testing or transportation of, nuclear weapons or components thereof.

(iii) Prime contractors of the United States Department of Energy using or operating nuclear reactors or other nuclear devices in a United States Government owned vehicle or vessel.

(iv) Other prime contractors or subcontractors of the United States Department of Energy or of the NRC if the Commonwealth and the NRC jointly determine that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety and that the exemption of the contractor or subcontractor is otherwise appropriate.

(2) Federal government agencies.

(3) Electrical equipment that produces radiation incidental to its operation for other purposes if the dose equivalent rate averaged over an area of 10 square centimeters does not exceed .5 mrem (.005 mSv) per hour at 5 centimeters from an accessible surface. The equipment is not exempt when operated without adequate shielding during testing and servicing if radiation levels exceed those specified. Electron beam welders and electron microscopes are not exempt.

(4) Radiation-producing machines in transit or in storage incident thereto.

(5) A material, product or use specifically exempted from licensing requirements by the NRC, the Department or an agreement state or authorized for distribution to persons exempt from license requirements.

**CHAPTER 217. LICENSING OF RADIOACTIVE MATERIAL**

**Subchapter A. GENERAL**

**§ 217.1. Purpose and scope.**

(a) This chapter establishes requirements for the licensing of radioactive material. Persons who use radioactive material shall comply with this chapter. A person may not receive, possess, use, transfer, own or acquire radioactive material except as authorized in a specific or general license issued under this chapter or otherwise provided in this chapter.

(b) A licensee is subject to Chapters 215, 218—220 and 230. A licensee engaged in industrial uses and radiographic operations is subject to Chapter 225 (relating to radiation safety requirements for industrial radiographic operations). A licensee using radioactive material for human use is subject to Chapter 224 (relating to medical use of radioactive material). A licensee using sealed sources in well logging is subject to Chapter 226 (relating to licenses and radiation safety requirements for well logging). A licensee using sealed sources in irradiators is subject to Chapter 232 (relating to licenses and radiation safety requirements for irradiators). A licensee for the disposal of low-level radioactive wastes received from other persons is subject to Chapter 236 (relating to low-level radioactive waste management and disposal).

(c) The use of radioactive material in this Commonwealth under a license issued by the NRC is exempt from the licensing requirements of this chapter until the Commonwealth becomes an agreement state on the date published in the *Federal Register*.

**§ 217.2. Address for communications.**

An application for a license, license renewal and license amendments and other communications under this chapter shall be addressed to the Bureau of Radiation Protection, Department of Environmental Protection, Post Office Box 8469, Harrisburg, Pennsylvania 17105-8469.

- §§ 217.11—217.18. (Reserved).
- §§ 217.21—217.24. (Reserved).
- § 217.31. (Reserved).
- § 217.32. (Reserved).
- §§ 217.41—217.49. (Reserved).
- §§ 217.51—217.57. (Reserved).
- § 217.65. (Reserved).
- §§ 217.71—217.74. (Reserved).
- §§ 217.81—217.93 (Reserved).
- § 217.101. (Reserved).
- § 217.121. (Reserved).
- § 217.122. (Reserved).

- Appendix A (Reserved)
- Appendix B (Reserved)
- Appendix D (Reserved)

**Subchapter B. GENERAL PROVISIONS FOR RADIOACTIVE MATERIAL**

- Sec.
- 217.131. Incorporation by reference.
  - 217.132. Effect of incorporation of 10 CFR Part 30.
  - 217.133. Persons possessing a license for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass on the date the Commonwealth becomes an agreement state as published in the *Federal Register*.
  - 217.134. Filing application for specific licenses.
  - 217.135. Renewal of licenses.
  - 217.136. Exempt concentrations.
  - 217.137. Exempt quantities.

**§ 217.131. Incorporation by reference.**

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 30 (relating to rules of general applicability to domestic licensing of byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 30.5, 30.6, 30.8, 30.21(c), 30.34(d), (e)(1) and (3), 30.41(a)(6), 30.55, 30.63 and 30.64 are not incorporated by reference.

**§ 217.132. Effect of incorporation of 10 CFR Part 30.**

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 30, the following words and phrases shall be substituted for the language in 10 CFR Part 30 as follows:

- (1) A reference to "NRC" or "Commission" means Department.
- (2) A reference to "NRC or agreement state" means Department, NRC or agreement state.
- (3) The definition of "sealed source" includes NARM.
- (4) A reference to "byproduct material" includes NARM.
- (5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be

directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

**§ 217.133. Persons possessing a license for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass on the date the Commonwealth becomes an agreement state as published in the *Federal Register*.**

On the date the Commonwealth becomes an agreement state as published in the *Federal Register*, a person who possesses a general or specific license issued by the NRC for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass, is deemed to possess a like license issued under this chapter and the act. The license shall expire either 90 days after receipt from the Department of a notice of expiration of the license, or on the date of expiration specified in the NRC license, whichever is earlier.

**§ 217.134. Filing application for specific licenses.**

In addition to incorporation by reference, an application for a specific license shall be accompanied by the fee required under Chapter 218 (relating to fees).

**§ 217.135. Renewal of licenses.**

(a) An application for renewal of a specific license shall be filed under § 217.134 (relating to filing application for specific licenses).

(b) If a renewal application is filed prior to 30 days before the expiration of a license, the existing license does not expire until definitive notice has been given by the Department of its action on the renewal application. This subsection also applies to new license applications incorporating other licenses.

**§ 217.136. Exempt concentrations.**

In addition to the parts of 10 CFR 30 incorporated by reference, the following requirements apply:

(1) Except as provided in paragraph (2), a person may receive, possess, use, transfer, own or acquire products or materials containing radioactive material introduced in concentrations less than those listed in Table 1 without possession of a license under this chapter.

(2) Except under a specific license issued under Subchapter D (relating to specific licenses to manufacture or transfer certain items containing radioactive material), or the general license under Subchapter F (relating to reciprocity), a person may not introduce radioactive material into a product or material for distribution to persons exempt under paragraph (1) or equivalent regulations of the NRC, an agreement state or licensing state.

**TABLE 1  
EXEMPT CONCENTRATIONS**

*Note:* Some of the Values in Table A-1 are presented in the computer "E" notation. In this notation a value of 6E-02 represents a value of  $6 \times 10^{-2}$  or 0.06, 6E+2 represents  $6 \times 10^2$  or 600 and 6E+0 represents  $6 \times 10^0$  or 6.

<i>Element (atomic number)</i>	<i>Isotope</i>	<i>Column I Gas concentration µCi/ml</i>	<i>Column II Liquid and solid concentration µCi/ml</i>
Actinium (89)	Ac-228		9E-04
Cadmium (48)	Cd-109		2E-03
Cesium (55)	Cs-129		3E-03
Europium (63)	Eu-154		2E-04
Gallium (31)	Ga-67		2E-03

<i>Element (atomic number)</i>	<i>Isotope</i>	<i>Column I Gas concentration μCi/ml</i>	<i>Column II Liquid and solid concentration μCi/ml</i>
Germanium (32)	Ge-68		9E-03
Gold (79)	Au-195		1E-02
Indium (49)	In-111		1E-03
Iodine (53)	I-123		3E-04
	I-124		4E-06
	I-125		2E-06
Lead (82)	Pb-212		2E-04
Phosphorus (15)	P-33		3E-04
Potassium (19)	K-43		2E-04
Protactinium (91)	Pa-230		2E-03
Radium(88)	Ra-223		7E-06
	Ra-224		2E-05
	Ra-228		3E-07
Radon (86)	Rn-220	1E-07	
	Rn-222	3E-08	
Sodium (11)	Na-22		4E-04
Technetium (43)	Tc-97m		4E-03
Xenon (54)	Xe-127	4E-06	
Yttrium (39)	Y-88		8E-04

**§ 217.137. Exempt quantities.**

In addition to the parts of 10 CFR 30 incorporated by reference, the following requirements apply:

(1) A person may receive, possess, use, transfer, own or acquire radioactive material in individual quantities each of which is less than those listed in Table 2 if the person does not produce, package or repackage radioactive material for purposes of commercial distribution or incorporate radioactive material into products intended for commercial distribution.

(2) Except under a specific license issued by the Department or the NRC under 10 CFR 32.18 (relating to manufacture, distribution and transfer of exempt quantities of byproduct material: Requirements for license), a person may not, for purposes of commercial distribution, transfer radioactive material for distribution to persons exempt under paragraph (1) or equivalent regulations of the NRC, an agreement state or licensing state.

**TABLE 2  
EXEMPT QUANTITIES**

<i>Radioactive Material</i>	<i>Microcuries</i>
Actinium-228 (Ac 228)	1
Beryllium-7 (Be 7)	10
Bismuth-207 (Bi 207)	10
Cesium-129 (Cs 129)	100
Cobalt-57 (Co 57)	100
Gallium-67 (Ga 67)	100
Germanium-68	10
Gold-195 (Au 195)	10
Gold-196 (Au 196)	1
Indium-111 (In 111)	100
Iodine-123 (I 123)	100
Iodine-124 (I 124)	1
Iridium-190 (Ir 190)	100
Lead-203 (Pb 203)	100
Lead-210 (Pb 210)	0.1
Lead-212 (Pb 212)	10
Phosphorus-33 (P 33)	10
Potassium-43 (K 43)	10
Protactinium-230 (Pa 230)	10
Protactinium-231 (Pa 231)	0.1

<i>Radioactive Material</i>	<i>Microcuries</i>
Radium-223 (Ra 223)	1
Radium-224 (Ra 224)	1
Radium-226 (Ra 226)	0.1
Radium-228 (Ra 228)	0.1
Radon-220 (Rn 220)	1
Radon-222 (Rn 222)	1
Rhenium-183 (Re 183)	100
Rhenium-187 (Re 187)	100
Rubidium-81 (Rb 81)	10
Scandium-46 (Sc 46)	10
Sodium-22 (Na 22)	10
Technetium-96m (Tc 96m)	100
Xenon-127 (Xe 127)	1,000
Yttrium-87 (Y 87)	10
Yttrium-88 (Y 88)	10

**Subchapter C. GENERAL LICENSES FOR  
RADIOACTIVE MATERIAL**

- Sec.  
 217.141. Incorporation by reference.  
 217.142. Effect of incorporation of 10 CFR Part 31.  
 217.143. Certain measuring, gauging or controlling devices.  
 217.144. Incidental radioactive material produced by a particle accelerator.

**§ 217.141. Incorporation by reference.**

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 31 (relating to general domestic licenses for byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 31.3, 31.4 and 31.14 (relating to certain devices and equipment; information collection requirements: OMB approval; and criminal penalties) are not incorporated by reference.

**§ 217.142. Effect of incorporation of 10 CFR Part 31.**

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 31 (relating to general domestic licenses for byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 31 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) A reference to "byproduct material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

**§ 217.143. Certain measuring, gauging or controlling devices.**

In addition to the parts of 10 CFR 31.5 (relating to certain detecting measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere) incorporated by reference, general licensees subject to registration under 10 CFR 31.5(c)(13)(i) or possessing general licensed devices containing 370 MBq (10 mCi) or more of accelerator-produced material, as determined on the date of manufacture, or 3.7 MBq (0.1 mCi) or more of radium-226 shall also comply with the following:

(1) Conduct a physical inventory every 6 months to account for all sources or devices, or both, received and possessed under this section and do the following:

(i) Maintain the physical inventory records for 3 years from the date of each inventory.

(ii) Furnish a report to the Department annually showing to the extent practicable, the make, model, serial number, isotope, source activity and location of each device. The report shall list an individual to contact regarding questions about this report.

(2) For portable devices, shall also comply with the following:

(i) A person who initiates acquisition, transfer or disposal of a portable device shall notify the Department within 15 days of the action. Sending a portable device for calibration, maintenance or source replacement does not constitute transfer.

(ii) Portable devices may only be used by or under the direct supervision of individuals who have been instructed in the operating and emergency procedures necessary to ensure safe use.

(iii) For each individual that the licensee permits to use a portable device, the licensee shall maintain a record showing the type of device use permitted and the basis, such as training certificates, for that authorization. An individual's record shall be kept for at least 3 years after the individual terminates association with the licensee.

(iv) Portable devices shall be secured from access by unauthorized personnel whenever the device is not under the direct surveillance of an individual authorized to use the device.

(v) The licensee shall maintain a current sign out log at the permanent storage location of the portable device. Log entries shall be available for inspection by the Department for 3 years from the date of entry. The following information shall be recorded for each portable device:

(A) The model and serial number of the device.

(B) The name of the assigned user.

(C) The locations and dates of use.

(vi) Emergency instructions shall accompany each portable device taken off the premises of the licensee.

**§ 217.144. Incidental radioactive material produced by a particle accelerator.**

A general license is issued to possess radioactive material produced incidentally to the operation of a particle accelerator. The general license is also subject to the applicable provisions of Chapters 215, 217, 219 and 220. A licensee may transfer this radioactive material only under Subchapter I and Chapter 230 (relating to transfer of radioactive material; and packaging and transportation of radioactive material). A licensee may dispose of this radioactive material only with Department approval.

**Subchapter D. SPECIFIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING RADIOACTIVE MATERIAL**

Sec.

217.151. Incorporation by reference.

217.152. Effect of incorporation of 10 CFR Part 32.

217.153. Licensing the incorporation of NARM into gas and aerosol detectors.

217.154. Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226.

217.155. Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license.

**§ 217.151. Incorporation by reference.**

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 32 (relating to specific domestic licenses to manufacture or transfer certain items containing byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 32.8, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 32.22, 32.23, 32.25, 32.26, 32.27, 32.28, 32.29 and 32.40 are not incorporated by reference.

**§ 217.152. Effect of incorporation of 10 CFR Part 32.**

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 32 (relating to specific domestic licenses to manufacture or transfer certain items containing byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 32 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) A reference to byproduct material includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

**§ 217.153. Licensing the incorporation of NARM into gas and aerosol detectors.**

An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under Subchapter B (relating to general provisions for radioactive material) will be approved if the application satisfies requirements equivalent to those in 10 CFR 32.26—32.29. The maximum quantity of radium-226 may not exceed 0.1 microcuries (3.7 kBq).

**§ 217.154. Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226.**

In addition to the incorporation by reference of requirements in 10 CFR 32.57 (relating to calibration sources containing americium-241), applicants using plutonium

and radium-226 in the manufacture of calibration or reference sources shall comply with 10 CFR 32.57.

**§ 217.155. Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license.**

(a) In addition to the incorporation by reference of requirements in 10 CFR 32.71 (relating to manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license), applicants using cobalt-57 shall prepare for distribution the cobalt-57 in prepackaged units that do not exceed 10 microcuries (370 kBq) of cobalt-57.

(b) A prepackaged unit shall bear a durable, clearly visible label identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries (370 kBq) cobalt-57.

**Subchapter F. SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR RADIOACTIVE MATERIAL**

Sec.

217.161. Incorporation by reference.

217.162. Effect of incorporation of 10 CFR Part 33.

217.163. Types of specific licenses of broad scope.

**§ 217.161. Incorporation by reference.**

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 33 (relating to specific domestic licenses of broad scope for byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 33.8, 33.21 and 33.23 (relating to information collection requirements: OMB approval; violations; and criminal penalties) are not incorporated by reference.

**§ 217.162. Effect of incorporation of 10 CFR Part 33.**

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 33, the following words and phrases shall be substituted for the language in 10 CFR Part 33 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) A reference to byproduct material includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

**§ 217.163. Types of specific licenses of broad scope.**

In addition to the incorporation by reference of 10 CFR 33.11 (relating to types of specific licenses of broad scope), the following requirements for licensees using NARM also apply:

(1) A Type A specific license of broad scope is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of a chemical or physical form of radioactive material specified in the license, but not exceeding quantities specified in the license, for purposes authorized by the act. The quantities specified exceed those specified in Column I, Table 3 and are usually in the multicurie range.

(2) A Type B specific license of broad scope is a specific license authorizing receipt, acquisition, ownership, pos-

session, use and transfer of a chemical or physical form of radioactive material specified in Table 3, for an authorized purpose. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column I, Table 3. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: for each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column I, Table 3, for that radionuclide; the sum of the ratios for radionuclides possessed under the license may not exceed unity.

(3) A Type C specific license of broad scope is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of a chemical or physical form of radioactive material specified in Table 3, for an authorized purpose. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column II, Table 3. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: for each radionuclide determine the ratio of the quantity possessed to the applicable quantity specified in Column II, Table 3, for that radionuclide; the sum of the ratios for radionuclides possessed under the license may not exceed unity.

**TABLE 3  
LIMITS FOR BROAD LICENSES**

<i>Radioactive Material</i>	<i>Col. I curies</i>	<i>Col. II curies</i>
Beryllium-7	10	0.1
Cobalt-57	10	0.1
Radium-226	0.01	0.0001
Scandium-46	1	0.01
Sodium-22	0.1	0.001

**Subchapter G. LICENSING OF SOURCE MATERIAL**

Sec.

217.171. Incorporation by reference.

217.172. Effect of incorporation of 10 CFR Part 40.

**§ 217.171. Incorporation by reference.**

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 40 (relating to domestic licensing of source material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 40.6, 40.8, 40.12(b), 40.23, 40.27, 40.28, 40.31(k) and (i), 40.32(d), (e) and (g), 40.38, 40.41(d), (e)(1) and (3) and (g), 40.51(b)(6), 40.64, 40.66, 40.67, 40.81 and 40.82 are not incorporated by reference.

**§ 217.172. Effect of incorporation of 10 CFR Part 40.**

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 40 (relating to domestic licensing of source material), the following words and phrases shall be substituted for the language in 10 CFR Part 40 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) A reference to "byproduct material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be

directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

#### **Subchapter H. LICENSING OF SPECIAL NUCLEAR MATERIAL**

Sec.

217.181. Incorporation by reference.

217.182. Effect of incorporation of 10 CFR Part 70.

##### **§ 217.181. Incorporation by reference.**

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 70 (relating to domestic licensing of special nuclear material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 70.1(c), (d) and (e), 70.5, 70.6, 70.8, 70.13, 70.13a, 70.20a, 70.20b, 70.21(a)(1), (c), (f), (g) and (h), 70.22(b), (c), (f), (g), (h), (i), (j), (k), (l), (m) and (n), 70.23(a)(6), (7), (8), (9), (10), (11) and (12) and (b), 70.23a, 70.24, 70.25(a), 70.31(c), (d) and (e), 70.32(a)(1), (4), (5), (6) and (7) and (b)(1), (3) and (4) and (c), (d), (e), (f), (g), (h), (i), (j) and (k), 70.37, 70.40, 70.42(b)(6), 70.44, 70.51(c), (d) and (e), 70.52, 70.53, 70.54, 70.55(c)(1), (2) and (3), 70.56(c) and (d), 70.57, 70.58, 70.59, 70.62, 70.71 and 70.72 are not incorporated by reference.

##### **§ 217.182. Effect of incorporation of 10 CFR Part 70.**

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 70 (relating to domestic licensing of special nuclear material), the following words and phrases shall be substituted for the language in 10 CFR Part 70 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) A reference to "byproduct material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

#### **Subchapter I. TRANSFER OF RADIOACTIVE MATERIAL**

Sec.

217.191. Transfer of material.

##### **§ 217.191. Transfer of material.**

The requirements of 10 CFR 30.41 (relating to transfer of byproduct material) also apply to NARM.

#### **Subchapter J. RECIPROCITY**

Sec.

217.201. Incorporation by reference.

217.202. Effect of incorporation of 10 CFR Part 150.

217.203. Reciprocity of licenses of naturally occurring and accelerator-produced radioactive material.

##### **§ 217.201. Incorporation by reference.**

Except as provided in this subchapter, the requirements of 10 CFR 150.1, 150.2, 150.3, 10 CFR 150.11 and 10 CFR 150.20(a)(1) (2) and (b) (relating to recognition of Agreement State licenses) are incorporated by reference.

##### **§ 217.202. Effect of incorporation of 10 CFR Part 150.**

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 150 (relating to exemptions and continued regulatory authorization agreement states and in offshore waters under section 274),

the following words and phrases shall be substituted for the language in 10 CFR Part 150:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) A reference to "byproduct material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

##### **§ 217.203. Reciprocity of licenses of naturally occurring and accelerator-produced radioactive material.**

(a) Subject to this article, a person who holds a specific license from a licensing state where the licensee maintains an office, issued by the agency having jurisdiction to direct the licensed activity and to maintain radiation safety records, is granted a general license to conduct the activities authorized in the licensing document within this Commonwealth for a period not in excess of 180 days in a calendar year if:

(1) The licensing document does not limit the activity authorized by the document to specified installation or locations.

(2) The out-of-State licensee notifies the Department in writing at least 3 days prior to engaging in the activity. The notification shall indicate the location, period and type of proposed possession and use within this Commonwealth, and shall be accompanied by a copy of the pertinent licensing document. If for a specific case the 3-day period would impose an undue hardship on the out-of-State licensee, the licensee may, upon application to the Department, obtain permission to proceed sooner. The Department may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in this subsection.

(3) The out-of-State licensee complies with this title and with the terms and conditions of the licensee's document, except terms and conditions which may be inconsistent with this title.

(4) The out-of-State licensee supplies other information as the Department may request.

(5) The out-of-State licensee does not transfer or dispose of radioactive material possessed or used under the general license provided in this subsection except by transfer to a person who is one of the following:

(i) Specifically licensed by the Department or by another licensing state to receive the material.

(ii) Exempt from the requirements for a license for the material under Subchapter B (relating to general provisions for radioactive material).

(b) Notwithstanding the provisions of subsection (a), a person who holds a specific license issued by a licensing state authorizing the holder to manufacture, transfer, install or service a device described in Subchapter C (relating to general licenses for radioactive material) within areas subject to the jurisdiction of the licensing body is granted a general license to install, transfer, demonstrate or service the device in this Commonwealth subject to the following conditions:

(1) The person files a report with the Department within 30 days after the end of a calendar quarter in which a device is transferred to or installed in this Commonwealth. The report shall identify the general licensee to whom the device is transferred by name and address, the type of device transferred and the quantity and type of radioactive material contained in the device.

(2) The device has been manufactured, labeled, installed and serviced in accordance with the specific license issued to the person by a licensing state.

(3) The person assures that labels required to be affixed to the device, under regulations of the authority which licensed manufacture of the device, bear a statement that "Removal of this label is prohibited."

(4) The holder of the specific license or his intermediary shall provide a copy of the conditions of general license contained in Subchapter C (relating to general license for radioactive material) to the general licensee upon transfer of the radioactive material or installation of a device containing the radioactive material.

(c) The Department may withdraw, limit or qualify its acceptance of a specific license or equivalent licensing document issued by another agency, or product distributed under the licensing document, upon determining that the action is necessary to prevent undue hazard to public health and safety or property.

(d) When a person is granted a general license under subsection (a) and subsequently exceeds the prescribed 180-day period, the person shall file a license application with the Department under Subchapter B (relating to general provisions for radioactive material) within 30 days after the end of the 180-day period.

**CHAPTER 219. STANDARDS FOR PROTECTION AGAINST RADIATION**

**Subchapter A. GENERAL PROVISIONS**

**§ 219.3. Definitions.**

The following term, when used this subchapter, has the following meaning, unless the context clearly indicates otherwise:

*Medical reportable event for radiation—producing machine therapy*—The administration to a human being, except for an administration resulting from a direct intervention of a patient that could not have been reasonably prevented by the licensee or registrant, that results in one of the following:

(i) An administration of a therapeutic radiation dose to the wrong individual.

(ii) An administration of a dose for therapy when the result is an increase in the total expected doses inside or outside of the intended treatment volume for organs, tissue or skin that exceeds 20% of the total prescribed dose for the intended target volume.

(iii) A total dose delivered to the treatment site identified in a written directive for therapy that differs from the total prescribed dose by more than 20%, or for a fractionated dose, when the weekly administered dose differs from the weekly prescribed dose by more than 30%.

**§ 219.4. (Reserved).**

**§ 219.5. Incorporation by reference.**

(a) Except as provided in this chapter, the requirements of 10 CFR Part 20 (relating to standards for protection against radiation) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 20.1006, 20.1009, 20.2206(a)(1), (3), (4) and (5), 20.2401 and 20.2402 are not incorporated by reference.

**§ 219.6. Effect of incorporation of 10 CFR Part 20.**

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 20 (relating to standards for protection against radiation), the following words and phrases shall be substituted for the language in 10 CFR Part 20 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) A reference to "licensee" includes registrant.

(4) A reference to "license" includes registration.

(5) A reference to "licensed" includes registered.

(6) A reference to "Department" in 10 CFR means the United States Department of Energy.

(7) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

**§ 219.7. Effect of incorporation of 10 CFR 20.1403 "Criteria for license termination under restricted conditions."**

The Department will not terminate a license under the conditions of restricted release as provided for in 10 CFR 20.1403 (relating to criteria for license termination under restricted conditions) until a license termination plan (LTP), approved by the Department, has been in effect for a period of time sufficient to demonstrate to the Department that continued implementation of the plan will be effective in maintaining compliance with the required conditions of the plan. The Department may choose to implement the license termination process in one or more of the following steps:

(1) The license is amended to authorize activities necessary to begin decommissioning under the LTP.

(2) After decommissioning activities are complete and the provisions of 10 CFR 20.1403 are in effect under the LTP, the license may be amended to end authorization of licensed activities. The license shall remain in effect for up to 5 years being limited to ownership/possession of the decommissioned material.

(3) At the end of the period prescribed in paragraph (2), the Department will make a determination of the effectiveness of the LTP as enacted. If the LTP has demonstrated the ability to maintain compliance with 10 CFR 20.1403, the license will be terminated subject to the revisitation provision of 10 CFR 20.1401(c) (relating to general provision and scope) regarding new evidence of a significant threat to health and safety. Otherwise, the licensee will be directed by the Department to take corrective actions as necessary to conform to 10 CFR 20.1403 and the process shall revert back to paragraph (2).

**§ 219.21. (Reserved).**

**§§ 219.31—219.38. (Reserved).**

**Subchapter D. RADIATION DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC**

**§ 219.51. Dose limits for individual members of the public.**

In addition to incorporation by reference of 10 CFR Part 20 Subpart D (relating to dose limits for individual

members of the public), registrants who met the previous limit (5 mSv or 0.5 REM in 1 year) for locations having existing radiation-producing machines or equipment or other registered radiation sources will not be required to retrofit installations existing before November 18, 1995. The Department does not require the retrofitting of shielding for the replacement of equipment in the facility as long as the equipment is being replaced with similar equipment.

**§ 219.52. (Reserved).**

**Subchapter E. TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES**

**§ 219.61. Testing for leakage or contamination of sealed sources.**

(a) In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation), a licensee possessing a sealed source shall assure that:

(1) Except as specified in subsection (b), each sealed source is tested for leakage or contamination and the test results are received before the sealed source is put into use unless the licensee has a certificate from the transferor indicating that the sealed source was tested within 6 months before transfer to the licensee.

(2) Each sealed source that is not designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 6 months or at alternative intervals approved by the Department under §§ 217.81—217.93 (relating to specific license to manufacture, assemble, repair or distribute commodities, products or devices which contain radioactive material), an agreement state, a licensing state or the NRC, except that the maximum interval between leak tests may not exceed 3 years.

(3) Each sealed source that is designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 3 months or at alternative intervals approved by the Department under §§ 217.81—217.93, an agreement state, a licensing state or the NRC, except that the maximum interval between leak tests may not exceed 3 years.

(4) For each sealed source that is required to be tested for leakage or contamination, the sealed source is tested for leakage or contamination before further use at any time there is reason to suspect that the sealed source might have been damaged or might be leaking.

(5) Except for brachytherapy sources manufactured to contain radium, tests for leakage for sealed sources shall be capable of detecting the presence of 185 Bq (0.005  $\mu$ Ci) of radioactive material on a test sample. Test samples shall be taken from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted on which one might expect contamination to accumulate. For a sealed source contained in a device, test samples are obtained when the source is in the "off" position.

(6) The test for leakage for brachytherapy sources manufactured to contain radium shall be capable of detecting an absolute leakage rate of 37 Bq (0.001  $\mu$ Ci) of radon-222 in a 24-hour period when the collection efficiency for radon-222 and its progeny has been determined with respect to collection method, volume and time.

(7) Tests for contamination from radium progeny shall be taken on the interior surface of brachytherapy source storage containers and shall be capable of detecting the

presence of 185 Bq (0.005  $\mu$ Ci) of any radium progeny which has a half-life greater than 4 days.

(b) A licensee need not perform tests for leakage or contamination on the following sealed sources:

(1) Sealed sources containing only radioactive material with a half-life of less than 30 days.

(2) Sealed sources containing only radioactive material as a gas.

(3) Sealed sources containing 3.7 MBq (100  $\mu$ Ci) or less of beta or photon-emitting material or 370 kBq (10  $\mu$ Ci) or less of alpha-emitting material.

(4) Sealed sources containing only hydrogen-3.

(5) Seeds of iridium-192 encased in nylon ribbon.

(6) Sealed sources, except teletherapy and brachytherapy sources, which are stored, are not being used, and are identified as in storage. The licensee shall, however, test each of these sealed sources for leakage or contamination and receive the test results before any use or transfer unless it has been tested for leakage or contamination within 6 months before the date of use or transfer. The maximum interval between tests for leakage or contamination may not exceed 3 years.

(c) Tests for leakage or contamination from sealed sources shall be performed by persons specifically authorized by the Department, an agreement state, a licensing state or the NRC to perform these services.

(d) Test results shall be kept in units of becquerel or microcurie and maintained for inspection by the Department.

(e) The following shall be considered evidence that a sealed source is leaking:

(1) The presence of 185 Bq (0.005  $\mu$ Ci) or more of removable contamination on any test sample.

(2) Leakage of 37 Bq (0.001  $\mu$ Ci) of radon-222 per 24 hours for brachytherapy sources manufactured to contain radium.

(3) The presence of removable contamination resulting from the decay of 185 Bq (0.005  $\mu$ Ci) or more of radium.

(f) The licensee shall immediately withdraw a leaking sealed source from use and take action to prevent the spread of contamination. The leaking sealed source shall be repaired or disposed of in accordance with this article.

(g) Reports of test results for leaking or contaminated sealed sources shall be made under § 219.227 (relating to reports of leaking or contaminated sealed sources).

**§§ 219.71—219.73. (Reserved).**

**§§ 219.91—219.93. (Reserved).**

**§§ 219.111—219.113. (Reserved).**

**Subchapter I. STORAGE AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION**

**§ 219.131. Security of stored sources of radiation.**

In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation), the licensee or registrant shall secure from unauthorized removal or access radiation sources that are in storage.

**§ 219.132. Control of sources of radiation not in storage.**

In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against



radiation), the licensee or registrant shall maintain control of radiation producing machines that are not in storage.

**Subchapter J. PRECAUTIONARY PROCEDURES**

**§§ 219.151—219.158. (Reserved).**

**§ 219.159. Posting of radiation-producing machines.**

The registrant or licensee shall ensure that each radiation producing machine is labeled in a conspicuous manner which cautions individuals that radiation is produced when it is energized. For example:

**“CAUTION—RADIATION  
THIS EQUIPMENT PRODUCES RADIATION  
WHEN ENERGIZED.”**

**§ 219.160. Exceptions to posting requirements.**

In addition to incorporation by reference of 10 CFR Part 20 (relating to standards for protection against radiation), a room or area is not required to be posted with a caution sign because of the presence of radiation machines used solely for diagnosis in the healing arts.

**§ 219.161. (Reserved).**

**§ 219.162. (Reserved).**

**§§ 219.181—219.186. (Reserved).**

**§§ 219.201—219.211. (Reserved).**

**Subchapter M. REPORTS**

**§ 219.221. Reports of stolen, lost or missing licensed or registered sources of radiation.**

In addition to incorporation by reference of the requirements in 10 CFR Part 20 (relating to standards for protection against radiation) covering the reporting requirements associated with reports of theft or loss of licensed material, the following reporting requirements apply to radiation-producing machines:

(1) *Telephone reports.* Each licensee or registrant shall report to the Department by telephone immediately, after its occurrence becomes known, a stolen, lost or missing radiation producing machine.

(2) *Written reports.* Each licensee or registrant required to make a report under paragraph (1) shall, within 30 days after making the telephone report, make a written report to the Department setting forth the following information:

(i) A description of the licensed or registered source of radiation involved, including, for radiation producing machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted.

(ii) A description of the circumstances under which the loss or theft occurred.

(iii) A statement of disposition, or probable disposition, of the licensed or registered source of radiation involved.

(iv) Exposures of individuals to radiation, circumstances under which the exposures occurred and the possible total effective dose equivalent to persons in unrestricted areas.

(v) Actions that have been taken, or will be taken, to recover the source of radiation.

(vi) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

(3) *Additional information.* Subsequent to filing the written report, the licensee or registrant shall also report

additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of the information.

(4) *Detachable reports.* The licensee or registrant shall prepare a report filed with the Department under this section so that the names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

**§ 219.222. Notification of incidents and reportable events.**

In addition to incorporation by reference of the requirements in 10 CFR 20.2202 and 20.2203 (relating to notification of incidents; and reports of exposures, radiation levels and concentrations of radioactive material exceeding the constraints or limits), those notification requirements, as well as written 30-day reports under 10 CFR 20.2203(a), also apply to radiation-producing machines and NARM.

**§§ 219.223—219.226. (Reserved).**

**§ 219.228. Reports of medical reportable events for radiation-producing machine therapy.**

(a) For a medical reportable event for radiation-producing machine therapy, the licensee or registrant shall do the following:

(1) Notify the Department by telephone within 24 hours after discovery of the event.

(2) Submit a written report to the Department within 15 days after discovery of the event. The written report shall include the licensee's or registrant's name; the prescribing physician's name; a brief description of the event; why the event occurred; the effect on the patient; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee or registrant notified the patient, or the patient's responsible relative or guardian (for notification purposes under this section, this person will be included in subsequent references to "the patient"), and if not, why not; and if the patient was notified, what information was provided to the patient. The report may not include the patient's name or other information that could lead to identification of the patient.

(3) Notify the referring physician and also notify the patient of the event within 24 hours after its discovery, unless the referring physician personally informs the licensee either that he will inform the patient or that, based on medical judgment, telling the patient would be harmful. The licensee or registrant is not required to notify the patient without first consulting the referring physician. If the referring physician or patient cannot be reached within 24 hours, the licensee or registrant shall notify the patient as soon as possible thereafter. The licensee or registrant may not delay appropriate medical care for the patient, including necessary remedial care as a result of the misadministration, because of delay in notification.

(4) If the patient was notified, the licensee or registrant shall also furnish, within 15 days after discovery of the event, a written report to the patient by sending one of the following:

(i) A copy of the report that was submitted to the Department.

(ii) A brief description of both the event and the consequences, as they may affect the patient, if a statement is included that the report submitted to the Department can be obtained from the licensee or registrant.

(b) The licensee or registrant shall retain a record of each medical reportable event for radiation-producing machine therapy for 5 years. The record shall contain the names of the individuals involved (including the prescribing physician, allied health personnel, the patient and the patient's referring physician), the patient's Social Security number or identification number if one has been assigned, a brief description of the event, why it occurred, the effect on the patient, what improvements are needed to prevent recurrence and the actions taken to prevent recurrence.

(c) Aside from the notification requirement, this section does not affect rights or duties of licensees or registrants and physicians in relation to each other, patients or the patient's responsible relatives or guardians.

**§ 219.229 Other medical reports.**

Within 30 days of the discovery of either actual or suspected acute or long-term functional damage to tissue of a patient exposed to therapeutic or diagnostic radiation from a radiation-producing machine, the registrant or licensee shall document the finding and provide a report to the Department and provide a clinical summary to the prescribing physician and the patient. The report shall be retained for at least 5 years. Exempt from this reporting requirement are any events already reported under § 219.228 (relating to notification of incidents and reportable events) and any functional damage to patient tissue that was an expected outcome when the causative procedures were prescribed.

**§ 219.241. (Reserved).**

**Appendix A (Reserved)**

**Appendix B (Reserved)**

**Appendix C (Reserved)**

**CHAPTER 220. NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS AND INVESTIGATIONS**

**§ 220.2. Posting of notices to workers.**

(a) A licensee or registrant shall post current copies of the following documents:

(1) This chapter and Chapter 219 (relating to standards for protection against radiation).

(2) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto.

(3) The operating procedures applicable to activities under the license or registration.

(4) A notice of violation involving radiological working conditions, proposed imposition of civil penalty or order issued under Chapter 215 (relating to general provisions) and response from the licensee or registrant.

(b) If posting of a document specified in subsection (a)(1), (2) or (3) is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

(c) Department Form ER-BRP-3, "Notice to Employees," shall be posted by a licensee or registrant as required by this article.

(d) Department documents posted under subsection (a)(4) shall be posted within 2 working days after receipt of the documents from the Department; the licensee's or registrant's response shall be posted within 2 working days after dispatch from the licensee or registrant. The documents shall remain posted for a minimum of 5

working days or until action correcting the violation has been completed, whichever is later.

(e) Documents, notices or forms posted under this section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from the particular work location to which the document applies. The documents, notices or forms shall be conspicuous and shall be replaced if defaced or altered.

**§§ 220.3—220.8. (Reserved).**

**§ 220.9. Incorporation by reference.**

(a) Except as provided in this chapter, the requirements of 10 CFR Part 19 (relating to notices, instructions and reports to workers; inspections and investigations) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 19.4, 19.5, 19.8, 19.30 and 19.40 are not incorporated by reference.

**§ 220.10. Effect of incorporation of 10 CFR Part 19.**

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 19 (relating to notices, instructions and reports to workers; inspections and investigations), the following words and phrases shall be substituted for the language in 10 CFR Part 19 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) A reference to "license," "licenses," "licensed" and "licensed radioactive material" also include "registration," "registrant" "registered," and "registered source of radiation," respectively.

(4) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

**CHAPTER 224. MEDICAL USE OF RADIOACTIVE MATERIAL**

**Subchapter A. GENERAL**

**§§ 224.2—224.9. (Reserved).**

**§ 224.10. Incorporation by reference.**

(a) Except as provided in this chapter, the requirements of 10 CFR Part 35 (relating to medical use of byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 35.8, 35.990 and 35.991 (relating to information collection requirements: OMB approval; violations; and criminal penalties) are not incorporated by reference.

**§ 224.11. Effect of incorporation of 10 CFR Part 35.**

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 35 (relating to medical use of byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 35 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) A reference to "byproduct material" includes NARM.

(4) The definition of "sealed source" includes NARM.

(5) A reference to the Advisory Committee on the Medical Uses of Isotopes is synonymous with the Department's Radiation Protection Advisory Committee.

(6) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

**Subchapter B. OTHER REQUIREMENTS**

**§ 224.21. Supervision.**

In addition to the incorporation by reference of 10 CFR Part 35 (relating to medical use of byproduct material), the licensee shall also:

(1) Permit only auxiliary personnel who have met the applicable radiologic requirements of 49 Pa. Code, Part I, Subpart A (relating to professional and occupational affairs) to use radioactive materials for diagnostic or therapeutic purposes.

(2) Permit only auxiliary personnel employed by a health care facility regulated by the Department of Health, the Department of Public Welfare or the Federal government to use radioactive materials for diagnostic or therapeutic purposes in accordance with written job descriptions and employee qualifications.

**§ 224.22. Authorization for calibration and reference sources.**

Notwithstanding the incorporation by reference of 10 CFR Part 35, a licensee authorized for medical use radioactive materials may receive, possess and use sealed sources of radioactive material up to 1,110 MBq (30 mCi) apiece for check, calibration and reference use.

**§ 224.23. Decay-in-storage.**

Notwithstanding the incorporation by reference of 10 CFR Part 35 (relating to medical use of byproduct material), a licensee may hold sealed sources of radioactive material with a physical half-life-of up to 300 days for decay-in-storage before disposal in ordinary trash.

**§§ 224.51—224.60. (Reserved).**

**§§ 224.101—224.112. (Reserved).**

**§ 224.151. (Reserved).**

**§ 224.152. (Reserved).**

**§§ 224.201—224.204. (Reserved).**

**§§ 224.251—224.254. (Reserved).**

**§§ 224.301—224.306. (Reserved).**

**§ 224.351. (Reserved).**

**§ 224.352. (Reserved).**

**§§ 224.401—224.414. (Reserved).**

**§§ 224.451—224.465. (Reserved).**

**§ 224.501. (Reserved).**

**CHAPTER 225. RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL USES AND RADIOGRAPHIC OPERATIONS**

**Subchapter A. GENERAL PROVISIONS**

Sec.	
225.1.	Purpose and scope.
225.2.	(Reserved).
225.2a.	Incorporation by reference.
225.3a.	Effect of incorporation of 10 CFR Part 34.
225.4a.	Radiation safety program.
225.5a.	Reciprocity.
225.6a.	Prohibitions.

225.11—225.18.	(Reserved).
225.21—225.23.	(Reserved).
225.31—225.33.	(Reserved).
225.41—225.44.	(Reserved).
225.51—225.53.	(Reserved).

**§ 225.1. Purpose and scope.**

(a) This chapter establishes radiation safety requirements for persons utilizing radiation sources for industrial radiography. Licensees and registrants who use radiation sources for industrial radiography shall comply with this chapter. The requirements of this chapter are in addition to and not in substitution for other applicable requirements in this article, in particular, the requirements and provisions of Chapters 215, 217—220, 228 and 230.

(b) Persons using only radiation-producing machines for industrial radiographic operations need not comply with § 225.2a (relating to incorporation by reference) unless otherwise specified in Subchapter B (relating to radiation producing machines).

(c) This chapter does not apply to the use of radiation sources for medical diagnosis or therapy.

**§ 225.2. (Reserved).**

**§ 225.2a. Incorporation by reference.**

(a) Except as provided in this chapter, the requirements of 10 CFR Part 34 (relating to licenses for industrial radiography and radiation safety requirements for industrial radiographic operations) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 34.5, 34.8, 34.121 and 34.123 are not incorporated by reference.

**§ 225.3a. Effect of incorporation of 10 CFR Part 34.**

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 34, the following words and phrases shall be substituted for the language in 10 CFR Part 34 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

**§ 225.4a. Radiation safety program.**

A person who intends to use radiation-producing machines for industrial radiography shall have a program for training personnel, written operating procedures and emergency procedures, an internal review system and an organizational structure for radiographic operations which includes specified delegations of authority and responsibility for operation of the program. This program shall be approved by the Department before commencing industrial radiographic operations.

**§ 225.5a. Reciprocity.**

Out-of-State users of radiation producing machines shall meet the requirements of § 216.7 (relating to out-of-State radiation-producing machines).

**§ 225.6a. Prohibitions.**

Use of radiation sources covered under this chapter for diagnosis or therapy on humans or animals is not permitted.

**§§ 225.11—225.18. (Reserved).****§§ 225.21—224.23. (Reserved).****§§ 225.31—225.33. (Reserved).****§§ 225.41—224.44. (Reserved).****§§ 225.51—225.53. (Reserved).**

### Subchapter B. RADIATION-PRODUCING MACHINES

#### GENERAL ADMINISTRATIVE REQUIREMENTS

Sec.	
225.71.	Definitions.
225.72.	Duties of personnel.
225.73.	Training of personnel.
225.74.	Training and testing.
225.75.	Audits and safety reviews of radiographers and radiographer's assistants.
225.76.	Reporting requirements.

#### GENERAL TECHNICAL REQUIREMENTS

225.81.	Permanent radiographic installations.
225.82.	Operating requirements.
225.83.	Records required at temporary job sites.
225.84.	Operating and emergency procedures.
225.85.	Surveys and survey records.
225.86.	Utilization logs.
225.87.	Security.
225.88.	Posting.

#### RADIATION SURVEY INSTRUMENT AND PERSONNEL MONITORING REQUIREMENTS

225.91.	Radiation survey meter requirements.
225.92.	Radiation survey meter calibration requirements.
225.93.	Personnel monitoring control.

#### RADIATION-PRODUCING MACHINE REQUIREMENTS

225.101.	Cabinet X-ray systems and baggage/package X-ray systems.
225.102.	Shielded room X-ray radiography.
225.103.	Temporary job site radiography.
225.104.	X-ray detection systems for explosives, weapons and illegal items.

#### GENERAL ADMINISTRATIVE REQUIREMENTS

**§ 225.71. Definitions.**

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

*Cabinet radiography*—Industrial radiography conducted in an enclosure or cabinet (not a room) so shielded that doses to individual members of the public at every location on the exterior meet the limitations specified in 10 CFR 20.1301 (relating to dose limits for individual members of the public).

*Cabinet X-ray system*—An X-ray system with the X-ray tube installed in an interlocked enclosure or cabinet, designed to exclude personnel from its interior during operation.

(i) Included are all X-ray systems designed primarily for the inspection of baggage or packages.

(ii) An X-ray tube used within a shielded part of a building or X-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet X-ray system.

*Certified cabinet X-ray system*—An X-ray system which has been certified under 21 CFR 1010.2 (relating to certification) as being manufactured and assembled under 21 CFR 1020.40 (relating to cabinet x-ray systems).

*DRD*—Direct reading dosimeter—

(i) As used in this subchapter, means an "individual monitoring device" (see 10 CFR 20.1003 (relating to definitions)) that does not require additional processing to measure an individual's dose.

(ii) The term also includes the direct reading personnel (individual) monitoring devices known as pocket dosimeter, pocket ionization chamber and electronic personal dosimeter (EPD).

*Industrial radiography*—An examination of the structure of materials by nondestructive methods, including fluoroscopy, which utilizes radiation producing machines to make radiographic images.

*NVLAP*—National Voluntary Laboratory Accreditation Program.

*Permanent radiographic installation*—A shielded installation or structure designed or intended for radiography in which radiography is regularly performed.

*Personal supervision*—The provision of guidance and instruction to a radiographer's assistant given by a radiographer who is:

(i) Physically present at the site.

(ii) In visual contact with the radiographer's assistant while the assistant is using radiation sources.

(iii) In proximity so that immediate assistance can be given if required.

*Personnel dosimeter*—As used in this subchapter, means any of the "individual monitoring devices" (see 10 CFR 20.1003) that shall be processed and evaluated to generate a permanent record of an individual's dose, for example, a film badge, thermoluminescent dosimeter (TLD) or optically stimulated luminescent dosimeter (OSLD).

*RSO*—radiation safety officer—An individual who ensures that, in the daily operation of the registrant's or licensee's radiation safety program, activities are being performed in accordance with approved procedures and are in compliance with Department requirements.

*Radiographer*—An individual who performs radiographic operations or an individual in attendance at a site where radiation producing machines are being used who personally supervises industrial radiographic operations.

*Radiographer's assistant*—An individual who, under the personal supervision of a radiographer, uses radiation producing machines or radiation survey instrumentation.

*Radiographer trainee*—An individual who is in the process of becoming a radiographer's assistant or a radiographer.

*Radiographic operations*—The activities associated with a radiation producing machine during use of the machine, to include surveys to confirm adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

*Shielded room radiography*—Industrial radiography that is conducted in an enclosed room, the interior of which is not occupied during radiographic operations.

*Temporary job site*—A location where industrial radiography is performed for 180 days or less during any consecutive 12 months other than the location listed in a registration.

**§ 225.72. Duties of personnel.**

(a) The RSO shall assure that the radiation safety program of the registrant or licensee is implemented and

suspend or terminate operations that are not being conducted in accordance with approved procedures or the Department's requirements.

(b) The radiographer is responsible to the registrant or licensee for following the procedures of the registrant or licensee and for complying with the Department's requirements while industrial radiographic operations are being conducted.

(c) The radiographer's assistant shall only use radiation producing machines or radiation survey instrumentation under the personal supervision of a radiographer.

(d) The radiographer trainee is not permitted to operate radiation producing machines or radiation survey instrumentation.

**§ 225.73. Training of personnel.**

(a) A registrant may not allow an individual to act as a radiographer or radiographer's assistant unless that individual meets the requirements of § 225.74 (relating to training and testing).

(b) Persons performing temporary job site radiography shall comply with the training requirements in 10 CFR 34, Subpart D (relating to radiation safety requirements).

**§ 225.74. Training and testing.**

(a) The registrant may not permit an individual to act as a radiographer until that individual has:

(1) Been instructed in the subjects outlined in Appendix A.

(2) Received copies of this chapter, Chapters 219 and 220 (relating to standards for protection against radiation; and notices, instructions and reports to workers; inspections and investigations), and copies of the license or certificate of registration and the operating and emergency procedures of the registrant or licensee.

(3) Received instruction covering regulatory requirements, operating and emergency procedures and the use of radiation-producing machines and radiation survey instruments of the registrant or licensee.

(4) Demonstrated competency and understanding of the information in this subsection to the satisfaction of the registrant or licensee as evidenced by the successful completion of a written test and a field examination.

(b) The registrant or licensee may not permit an individual to act as a radiographer's assistant until that individual has:

(1) Received copies of, and instruction in, the applicable operating and emergency procedures and has been instructed in the use of sources of radiation and radiation survey instruments of the registrant or licensee.

(2) Demonstrated that, under direct personal supervision of a radiographer, the individual is competent to use sources of radiation and radiation survey instruments as evidenced by the successful completion of a written or oral test and a field examination on the subjects relevant to being an assistant radiographer.

(c) Records of the training required under subsections (a) and (b), including copies of written tests, dates of oral tests and field examinations, shall be maintained for inspection by the Department for 3 years following termination of employment by the individual or until the registration or license is terminated.

**§ 225.75. Audits and safety reviews of radiographers and radiographer's assistants.**

(a) The registrant or licensee shall review and provide for the safety and ongoing training needs of radiographers and radiographer's assistants at least once during each calendar year.

(b) The registrant or licensee shall conduct an annual inspection program of the job performance of each radiographer and radiographer's assistant to ensure that operating and emergency procedures and this article and registration or license requirements for the registrant or licensee are followed. This audit program shall:

(1) Include observation of the performance of each radiographer and radiographer's assistant during an actual radiographic operation at intervals not to exceed 1 calendar year.

(2) Provide that, if a radiographer or radiographer's assistant has not participated in a radiographic operation for more than 6 months since the last annual inspection, the individual's performance shall be observed and recorded when the individual next participates in a radiographic operation.

(c) The registrant or licensee shall maintain records of the training set forth in subsection (b) to include certification documents, written and field examinations, annual safety reviews and annual audits of job performance. Records shall be available for inspection by the Department for 3 years following the termination of employment of the individual or until the registration or license is terminated.

**§ 225.76. Reporting requirements.**

(a) In addition to the reporting requirements in §§ 219.221 and 219.222 (relating to reports of stolen, lost or missing licensed or registered sources of radiation; and notification of incidents and reportable events), each registrant or licensee shall provide to the Department, within 30 days of its occurrence, a written report on any of the following incidents involving machines or equipment used in radiographic operations:

(1) The inability to terminate irradiation from a radiation producing machine.

(2) An interlock failure during shielded room radiography.

(b) The registrant or licensee shall include the following information in each report submitted under subsection (a):

(1) A description of the equipment problem.

(2) The cause of the incident, if known or determined.

(3) The manufacturer and model number of the equipment involved.

(4) The place, date and time of the incident.

(5) Actions taken to reestablish normal operations.

(6) Corrective actions taken or planned to prevent reoccurrence.

(7) The names and qualifications of personnel involved.

(c) Reports of overexposures, required under 10 CFR 20.2202 (relating to notification of incidents) or of excessive exposures, required under 10 CFR 20.2203 (relating to reports of exposures, radiation levels and concentrations of radioactive material exceeding the limits) which involve the failure of safety components of radiography equipment shall also include, to the extent known, the

information specified under subsection (b). Complete information required in subsection (b) shall be available in the 30-day follow-up report rule under 10 CFR 20.2203 (a).

#### GENERAL TECHNICAL REQUIREMENTS

##### § 225.81. Permanent radiographic installations.

(a) Permanent radiographic installations having high radiation area entrance controls of the types described in 10 CFR 20.1601 and 20.1902 (relating to control of access to high radiation areas; and posting requirements) shall also meet the following requirements.

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be activated by radiation whenever the X-ray source is energized. The audible signal shall be actuated when an attempt is made to enter the installation while the X-ray source is energized.

(2) The entrance control device or alarm system shall be tested for proper function prior to beginning operations on each day of use.

(3) The radiographic exposure system may not be used if an entrance control device or alarm system is not operating properly. If an entrance control device or alarm system is not functioning properly, it shall be removed from service and repaired or replaced immediately. If no replacement is available, the facility may continue to be used provided that the registrant implements the continuous surveillance under 10 CFR 34.51 and 34.52 (relating to surveillance; posting), § 225.83 (relating to operating requirements) and uses an alarming ratemeter. Before the entrance control device or alarm system is returned to service, the radiation safety officer or an individual designated by the radiation safety officer shall validate the repair.

(b) Records of the tests performed under subsection (a) shall be maintained for inspection by the Department for 3 years.

##### § 225.82. Operating requirements.

(a) When radiographic operations are performed at a location other than a permanent radiographic installation, a minimum of two radiographic personnel shall be present to operate the X-ray device. At least one of the radiographic personnel shall be qualified as a radiographer. The other individual may be either a radiographer or a radiographer's assistant.

(b) Other than a radiographer, or a radiographer's assistant who is under the personal supervision of a radiographer, an individual may not manipulate the controls or operate the equipment used in industrial radiographic operations.

(c) At each job site, the following shall be supplied by the registrant or licensee:

- (1) The appropriate barrier ropes and warning signs.
- (2) At least one operable, calibrated radiation survey instrument.
- (3) For each worker requiring monitoring, an individual personnel dosimeter that is processed and evaluated by an NVLAP processor.

(4) An operable, calibrated direct reading dosimeter with a range of zero to 51.6  $\mu\text{C}/\text{kg}$  (200 milliroentgen) for each worker requiring monitoring.

(d) An industrial radiographic operation may not be performed if any of the items in subsection (c) is not available at the job site or is inoperable.

##### § 225.83. Records required at temporary job sites.

Each registrant or licensee conducting radiographic operations at a temporary job site shall maintain and have available for inspection by the Department at that job site, the following records or documents:

- (1) The certificate of registration, license or equivalent document which authorizes radiographic operations, and radiographic personnel certifications.
- (2) Operating and emergency procedures.
- (3) Relevant regulations of the Department.
- (4) Survey records required under this chapter for the period of operation at the site.
- (5) Daily direct reading dosimeter records for the period of operation at the site.

(6) The current radiation survey meter calibration records for meters in use at the site. Acceptable records include tags or labels that are affixed to the survey meter.

##### § 225.84. Operating and emergency procedures.

The operating and emergency procedures of the registrant or licensee shall include instruction in at least the following:

- (1) Handling and use of sources of radiation to be employed so that no individual is likely to be exposed to radiation in excess of the limits established in Chapter 219 (relating to standards for protection against radiation).
- (2) Methods and occasions for conducting radiation surveys and the proper use of survey meters.
- (3) Methods for controlling access to areas where radiographic operations are being conducted.
- (4) Methods and occasions for locking and securing sources of radiation.
- (5) Personnel monitoring and the use of individual monitoring devices, including steps that are to be taken immediately by radiographic personnel when a direct reading dosimeter is found to be off-scale.
- (6) Methods and procedures for minimizing exposure to individuals in the event of an accident.
- (7) The procedure for notifying proper personnel in the event of an accident.
- (8) Maintenance of records required by the Department.
- (9) The inspection and maintenance of radiation-producing machines and survey meters.

##### § 225.85. Surveys and survey records.

(a) A survey with a calibrated radiation survey instrument shall be made after each radiographic exposure to determine that the emission of radiation has terminated.

(b) Records of the surveys required by subsection (a) shall be maintained (for inspection by the Department) for 3 years. If the survey has been used to determine an individual's exposure, the records of the survey shall be maintained until the Department terminates the registration or license.

##### § 225.86. Utilization logs.

A registrant or licensee shall maintain current logs, which shall be kept available for inspection by the

Department for 3 years from the date of the event, showing for each radiation-producing machine, the following applicable information:

- (1) The identity (name and signature) of the operator to whom the radiation-producing machine is assigned.
- (2) The model and serial number of the radiation-producing machine.
- (3) The locations and dates of use.
- (4) The technique factors (tube kilovoltage, tube current, exposure time) used for each radiographic exposure.

**§ 225.87. Security.**

During each radiographic operation, the radiographer or radiographer's assistant shall maintain direct surveillance of the operation to protect against unauthorized entry into a high radiation area, except when one of the following exists:

- (1) The high radiation area is equipped with a control device or an alarm system as described in 10 CFR 20.1601 and 20.1902(b) (relating to control of access to high radiation areas; and posting of high radiation areas).
- (2) The high radiation area is locked to protect against unauthorized or accidental entry.

**§ 225.88. Posting.**

Areas in which radiographic operations are being performed shall be conspicuously posted as required by 10 CFR 20.1902 (relating to posting requirements).

**RADIATION SURVEY INSTRUMENT AND PERSONNEL MONITORING REQUIREMENTS**

**§ 225.91. Radiation survey meter requirements.**

(a) A registrant or licensee shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this chapter and Chapter 219 (relating to standards for the protection against radiation).

(b) A radiographic operation may not be conducted unless calibrated and operable radiation survey instrumentation is available and used at each site where radiographic operations are conducted.

(c) Immediately prior to first use at a site where radiographic operations are conducted and at the beginning of work shift changes thereafter, a radiation survey instrument shall be checked to ensure that it is operating properly by exposing the instrument to a reference source of radiation and observing its response. Instruments that fail to respond as expected may not be used.

**§ 225.92. Radiation survey meter calibration requirements.**

(a) In addition to the requirements of § 225.91 (relating to survey meter requirements), instruments required by this chapter shall have a range so that 0.516  $\mu\text{C}/\text{kg}$  (2 mR) per hour through 258  $\mu\text{C}/\text{kg}$  (1 R) per hour can be measured.

- (b) Each radiation instrument shall be calibrated:
- (1) At energies appropriate for use.
  - (2) At intervals not to exceed 6 months.
  - (3) After each instrument servicing, other than battery replacement.
  - (4) To within an accuracy of  $\pm 20\%$ .
  - (5) At two points located approximately one-third and two-thirds of full scale on each scale of linear scale

instruments; at mid-range of each decade and at two points of at least 1 decade for logarithmic scale instruments; and for digital instruments, at three points between 0.516  $\mu\text{C}/\text{kg}$  (2 mR) and 258  $\mu\text{C}/\text{kg}$  (1000 mR) per hour.

(6) By a person authorized by the Department, the NRC or an agreement state.

(c) Calibration records shall be maintained for inspection by the Department for 3 years after the date of calibration.

**§ 225.93. Personnel monitoring control.**

(a) The registrant or licensee may not permit an individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each individual wears a direct reading dosimeter and a personnel dosimeter that is processed and evaluated by an NVLAP processor.

(1) Personnel monitoring devices used to determine compliance with dose limits for the whole body shall be worn on the trunk of the body over the area most likely to receive exposure.

(2) This does not relieve the registrant or licensee from providing peripheral monitoring devices such as ring finger TLDs when appropriate.

(3) Each personnel monitoring device shall be assigned to and worn by only one individual.

(b) Film badges shall be replaced at intervals not to exceed 1 month. Other personnel dosimeters processed and evaluated by an accredited NVLAP processor shall be replaced at intervals not to exceed 3 months.

(c) Direct reading dosimeters shall meet the criteria as in ANSI N13.5-1972, "Performance Specifications for Direct Reading and Indirect Reading Pocket Dosimeters for X- and Gamma-Radiation" published in 1972, exclusive of subsequent amendments or additions.

(d) The use of DRDs is subject to the following requirements:

(1) DRDs shall have a range of zero to 51.6  $\mu\text{C}/\text{kg}$  (200 mR) and shall be rezeroed at the start of each work shift.

(2) As a minimum, at the beginning and the end of each worker's shift involving the use of a source of radiation, DRDs shall be read and the exposure values recorded.

(3) Direct reading dosimeters shall be checked for correct response to radiation at periods not to exceed 1 year. A dosimeter may not be used for personnel monitoring unless the response is accurate within  $\pm 20\%$  of the true radiation exposure. Records of dosimeter response checks shall be maintained for inspection by the Department for 3 years.

(4) If an individual's DRD indicates exposure that is "off-scale" beyond the range it can measure, industrial radiographic operations by that individual shall cease immediately and the individual's personnel dosimeter shall be sent immediately for processing. The individual may not use any sources of radiation until the individual's radiation dose has been determined.

(e) Data on personnel exposure reported or recorded from personnel monitoring devices shall be kept for inspection by the Department until the certificate of registration or license is terminated or until the Department authorizes their disposition, in writing, following a determination by the Department that the records contain inaccurate personnel monitoring information.

**RADIATION-PRODUCING MACHINE  
REQUIREMENTS**

**§ 225.101. Cabinet X-ray systems and baggage/package X-ray systems.**

(a) Cabinet and baggage/package X-ray systems that are certified under 21 CFR Chapter I, Subchapter J, Radiological Health, shall also meet the requirement of 21 CFR 1020.40 (relating to cabinet X-ray systems).

(b) A cabinet X-ray system may not be energized unless all openings are securely closed and exposure to radiation from the system does not exceed the limits in 10 CFR 20.1301 (relating to dose limits for individual members of the public). Each access door to the cabinet shall have an interlock that terminates the exposure whenever the door is opened. The enclosure shall be shielded so that every location on the exterior meets the conditions for an unrestricted area.

(c) A registrant may not permit an individual to operate a cabinet X-ray system until the individual has received a copy of, and instruction in, the operating procedures for the X-ray system and has demonstrated competency in the use of the cabinet X-ray system and an understanding of the operating procedures.

(d) The registrant shall evaluate the cabinet X-ray system to assure compliance with 10 CFR 20.1301 and 21 CFR 1020.40 if the system is a certified cabinet X-ray system. Records of these evaluations shall be maintained for inspection by the Department while the system is in the possession of the registrant or until the evaluation is replaced by an update following modifications.

(e) The registrant shall test on-off switches, interlocks and safety devices at intervals not exceeding 1 year, and make repairs as necessary to maintain all safety features including warning labels. Records of these tests shall be maintained for inspection by the Department for 3 years.

(f) Cabinet X-ray systems and baggage/package X-ray systems are exempt from all other provisions of this chapter.

**§ 225.102. Shielded room X-ray radiography.**

(a) A room used for shielded room X-ray radiography shall be shielded so that every location on the exterior meets conditions for an unrestricted area and the only access to the room is through openings which are interlocked so that the radiation source will not operate unless all openings are securely closed and meet the requirements of 10 CFR 20.1601 (relating to control of access to high radiation areas).

(b) The registrant shall provide personnel monitoring equipment to every individual who operates, positions material for irradiation, or performs maintenance on a radiation-producing machine for shielded room X-ray radiography.

(c) The operator shall conduct a physical radiation survey to determine that the radiation source is deenergized prior to each entry into the radiographic exposure area.

**§ 225.103. Temporary job site radiography.**

(a) The operator shall conduct a physical radiation survey to determine that the radiation source is deenergized prior to each entry into the radiographic exposure area. Survey results and records of the boundary location shall be maintained and kept available for inspection by the Department for 3 years.

(b) Mobile or portable radiation producing machines shall be physically secured to prevent tampering or removal by unauthorized personnel.

**§ 225.104. X-ray detection systems for explosives, weapons and illegal items.**

(a) This section applies to X-ray systems that produce an image that may be used to screen for the presence of explosive devices or components, weapons, contraband or prohibited items. This section does not apply to cabinet and baggage/package X-ray systems covered under § 225.101 (relating to cabinet X-ray systems and baggage/package X-ray systems).

(b) An X-ray system used for detection of explosives, weapons or illegal items may not be used on human beings or animals without specific permission of the Department. X-ray systems that irradiate human beings for medical diagnosis are covered under Chapter 221 (relating to human use of X-ray machines). X-ray systems that irradiate animals for diagnosis or therapy are covered under Chapter 223 (relating to veterinary medicine).

(c) Radiographic X-ray detection systems shall conform to the following:

(1) The leakage radiation from the source assembly measured at a distance of 1 meter in any direction from the source may not exceed 25.8  $\mu\text{C}/\text{kg}$  (100 mR) in 1 hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(2) Portable X-ray systems shall be equipped with collimators which are capable of restricting the useful beam to the area of interest. Collimators shall provide the same degree of protection required in paragraph (1).

(3) A means shall be provided to terminate the exposure after a preset time, a preset to image receptor or a preset product of exposure time and tube current.

(4) The X-ray control shall have a dead-man type exposure switch.

(5) The X-ray controls shall indicate the technique factors, (that is, kilovoltage, tube current and exposure time or the product of tube current and exposure time).

(6) The X-ray machine shall be labeled with a readily discernible sign bearing the radiation symbol and the words, "CAUTION RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED" or words having a similar intent, near any switch that energizes the X-ray tube.

(7) For fixed radiographic equipment, an easily visible warning light shall be located adjacent to the X-ray tube and labeled with the words "X-RAY ON" or words having a similar intent. The warning light shall be illuminated only when the X-ray tube is energized or only when the shutter is open.

(d) Fluoroscopic X-ray detection systems shall conform to the following:

(1) The leakage radiation from the source assembly measured at a distance of 1 meter in any direction from the source may not exceed 25.8  $\mu\text{C}/\text{kg}$  (100 mR) in 1 hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(2) The X-ray machine shall be labeled with a readily discernible sign bearing the radiation symbol and the



words, "CAUTION RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED" or words having a similar intent, near any switch that energizes the X-ray tube.

(3) To the extent practicable, the X-ray system (X-ray tube, imaging system and the object being irradiated) shall be completely enclosed so that every location on the exterior meets conditions for an unrestricted area and the only access to the room or enclosure is through openings which are interlocked so that the radiation source will not operate unless all openings are securely closed and meet the requirements of 10 CFR 20.1601 (relating to control of access to high radiation areas).

(4) The equipment shall be constructed so that, under conditions of normal use, the entire cross-section of the useful beam shall be attenuated by a primary protective barrier permanently incorporated into the equipment.

(5) The X-ray control shall have a dead-man type exposure switch. Activation of the X-ray beam shall be possible only by continuous pressure on the exposure switch.

(6) An easily visible warning light shall be located adjacent to the X-ray tube or on the outside of the enclosure and be labeled with the words "X-RAY ON" or words having a similar intent. This light shall be illuminated only when the X-ray tube is energized or only when the shutter is open.

(e) Operating procedures for portable radiographic X-ray detection systems are as follows:

(1) To the extent practicable, portable X-ray tube heads shall be supported by a stand.

(2) To the extent practicable, supporting or positioning devices for the image receptor shall be used during radiation exposures.

(3) Individuals, other than those whose presence is necessary to conduct the X-ray procedure, shall be located at least 2 meters away from the X-ray tube and the object being irradiated during exposures.

(4) An individual may not be regularly employed to support the image receptor or object during radiation exposures.

(f) Operating procedures for fixed radiographic X-ray detection systems are as follows:

(1) A registrant shall test the safety and warning devices, including interlocks, at intervals not to exceed 12 months. Test records shall be maintained for inspection by the Department for 3 years after the test has been conducted.

(2) Safety or warning devices that do not function properly shall be repaired in a timely manner.

(3) If an X-ray detection system is required to be operated while in need of repair, procedures shall be modified to maintain the design level equivalent of safety or else the equipment may not be used.

**CHAPTER 226. LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING**

**GENERAL**

**§ 226.1. Purpose and scope.**

This chapter establishes radiation safety requirements for persons using radiation sources for well logging in a single well, radioactive markers, uranium sinker bars and subsurface tracer studies. Persons who use radiation sources for well logging operations shall comply with this

chapter, which is in addition to and not in substitution for other applicable requirements of this article, in particular, the requirements of Chapters 215, 217—220, 228 and 230.

**§ 226.2. (Reserved).**

**§ 226.3. (Reserved).**

**§ 226.3a. Abandonment of a sealed source.**

In addition to incorporation by reference of 10 CFR Part 39 (relating to licenses and radiation safety requirements for well logging), the requirements of § 78.111 (relating to abandonment) shall also be met.

**§ 226.4. Incorporation by reference.**

(a) Except as provided in this chapter, the requirements of 10 CFR Part 39 (relating to licenses and radiation safety requirements for well logging) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 39.5, 39.8, 39.101 and 39.103 are not incorporated by reference.

**§ 226.5. Effect of incorporation of 10 CFR Part 39.**

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 39, the following words and phrases shall be substituted for the language in 10 CFR Part 39 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

**§§ 226.11—226.19. (Reserved).**

**§§ 226.21—226.23. (Reserved).**

**§§ 226.31—226.34. (Reserved).**

**§§ 226.41—226.43. (Reserved).**

**§ 226.51. (Reserved).**

**Appendix A (Reserved)**

**Appendix B (Reserved)**

**PARTICLE ACCELERATORS**

**§ 226.61. Particle accelerators.**

(a) A licensee or registrant may not permit aboveground testing of particle accelerators designed for use in well logging which results in the production of radiation, except in areas or facilities controlled or shielded so that the requirements of 10 CFR 20.1301 (relating to radiation dose to dose limits for individual members of the public) are met.

(b) The use of particle accelerators for well logging shall be conducted under the licensing provisions of Chapter 228 (relating to radiation safety requirements for particle accelerators).

**CHAPTER 230. PACKAGING AND  
TRANSPORTATION OF RADIOACTIVE MATERIAL**

**Subchapter A. SCOPE**

§ 230.2. (Reserved).

§ 230.3. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 71 (relating to packaging and transportation of radioactive material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 71.2, 71.6, 71.13(c) and (d), 71.24, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.47, 71.51, 71.52, 71.53, 71.55, 71.59, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.83, 71.99 and 71.100 are not incorporated by reference.

§ 230.4. Effect of incorporation of 10 CFR Part 71.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 71 (relating to packaging and transportation of radioactive material), the following words and phrases shall be substituted for the language in 10 CFR Part 71 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

§ 230.5. Communications.

Notwithstanding the incorporation by reference of 10 CFR 71.1 (relating to communications and records), all communications concerning the requirements of this chapter should be sent to the address listed under § 215.41 (relating to address).

**Subchapter B. GENERAL**

§ 230.11. (Reserved).

§ 230.12. (Reserved).

§ 230.13. Transportation of licensed material.

In addition to the incorporation by reference of 10 CFR Part 71 (relating to packaging and transportation of radioactive material), if 67 Pa. Code Chapters 229, 231 and 403 (relating to interstate motor carrier safety requirements; intrastate motor carrier requirements; and hazardous materials transportation) or the regulations of the United States Department of Transportation in 49 CFR Parts 171—180 and 388—397 do not apply to a shipment of licensed material, the licensee shall conform to the standards and requirements of those regulations to the same extent as if the shipment was subject to the regulations.

§ 230.14. (Reserved).

§§ 230.21—230.26. (Reserved).

**Subchapter D. OPERATING CONTROLS AND  
PROCEDURES**

§§ 230.41—230.46. (Reserved).

§ 230.47. Advance notification of transport of nuclear waste.

In addition to the incorporation by reference of 10 CFR Part 71 (relating to packaging and transportation of radioactive materials), the licensee is responsible for the following:

(1) Prior to the transport of nuclear waste specified in 10 CFR 71.97(b) (relating to advance notification of shipment of irradiated reactor fuel and nuclear waste) outside the licensee's facility or other place of use or storage, or prior to delivery to a carrier for transport, each licensee shall provide advance notification of the transport to the Governor, or the Governor's designee, of each state through which the waste will be transported, and to the Department.

(2) The notification required by paragraph (1) shall be made in writing to the office of each appropriate governor, or governor's designee, and to the Department. A notification delivered by mail shall be postmarked at least 7 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger shall reach the office of the governor, or governor's designee, and the Department, at least 4 days before the beginning of the 7-day period during which the departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for 3 years.

(3) The licensee shall notify each appropriate governor, or governor's designee, and the Department of changes to schedule information provided under paragraph (1). The notification shall be by telephone to a responsible individual in the office of each appropriate governor, or governor's designee, and the Department. The licensee shall maintain for 3 years a record of the individual contacted.

(4) Each licensee who cancels a nuclear waste shipment, for which advance notification has been sent, shall send a cancellation notice to each appropriate governor, or governor's designee, and to the Department. A copy of the notice shall be retained by the licensee for 3 years.

(5) A list of the mailing addresses of the governors and governors' designees is available upon request from the Director, Office of State Programs, United States Nuclear Regulatory Commission, Washington, DC 20555.

**Subchapter E. QUALITY ASSURANCE**

§ 230.51. (Reserved).

**Appendix A (Reserved)**

**Tables I—IV (Reserved)**

**CHAPTER 232. LICENSES AND RADIATION  
SAFETY REQUIREMENTS FOR IRRADIATORS**

Sec.	
232.1.	Purpose and scope.
232.2.	Incorporation by reference.
232.3.	Effect of incorporation of 10 CFR Part 36.

§ 232.1. Purpose and scope.

(a) This chapter contains the requirements for the issuance of a license authorizing the use of radioactive materials in sealed sources to irradiate objects or materials with gamma radiation.

(b) The requirements of this chapter are in addition to, and not in substitution for, other applicable requirements in this article, in particular, the requirements and provisions of Chapters 215, 217—220 and 230.

**§ 232.2. Incorporation by reference.**

(a) Except as provided in this chapter, the requirements of 10 CFR Part 36 (relating to licenses and radiation safety requirements for irradiators) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, §§ 36.5, 36.8, 36.91 and 36.93 are not incorporated by reference.

**§ 232.3. Effect of incorporation of 10 CFR Part 36.**

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 36 (relating to

licenses and radiation safety requirements for irradiators), the following words and phrases shall be substituted for the language in 10 CFR Part 36 as follows:

(1) A reference to “NRC” or “Commission” means Department.

(2) A reference to “NRC or agreement state” means Department, NRC or Agreement State.

(3) The definition of “sealed source” includes NARM.

(4) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department and, for NRC licenses, to the NRC until agreement state status is in effect.

[Pa.B. Doc. No. 01-1672. Filed for public inspection September 14, 2001, 9:00 a.m.]

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# PROPOSED RULEMAKING

## STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

### Continuing Education—Ethics

The State Board of Psychology (Board) proposes to amend § 41.59 (relating to continuing education).

Section 41.59(b) requires psychologists to complete a minimum of 30 contact hours of continuing education credit in acceptable courses as a condition of biennial license renewal. At least 3 contact hours must be obtained in ethical issues. Section 41.59(b) also permits licensees to carry-over up to 10 contact hours in excess of the 30 contact hours from the preceding biennium. Since the carry-over provision was added to § 41.59 in 1997, licensees have questioned the length of the carry-over and inquired whether the ethical requirement may be carried forward.

The proposed rulemaking answers these questions. Section 41.59(b) would clarify that the excess contact hours may only be carried over from the immediately preceding biennium.

Additionally, § 41.59(b) would be amended to clarify that excess contact hours obtained in ethical issues may also only be carried over from the immediately preceding biennium to the next; however, they may not be used to satisfy the ethics requirement. Rather, the excess ethical contact hours may be credited toward the total requirement. The Board believes that for licensees to maintain current proficiency in ethical issues and protect the public, licensees must take continuing education in ethical issues each biennium.

An example of the application of the proposed amendment follows. A licensee obtains 35 contact hours in a biennial period—30 contact hours in general topics and 5 contact hours in ethical issues. The licensee may carry over the 5 extra contact hours (which includes the 2 additional contact hours in ethical issues) to satisfy the general requirement for the next biennium. In the next biennium, the licensee would be required to obtain 25 contact hours—3 contact hours in ethical issues and 22 contact hours in any acceptable courses.

#### *Fiscal Impact*

The proposed rulemaking will have no fiscal impact on the Board, its licensees, the private sector, the general public or political subdivisions.

#### *Paperwork Requirements*

The proposed rulemaking should create only minimal paperwork requirements on licensees who choose to carry-over continuing education contact hours from 1 biennium to another. Licensees are currently required by § 41.59(c) to retain certificates, transcripts or other documentation evidencing completion of the required continuing education for at least 2 bienniums. Licensees who choose to carry over the prescribed number of contact hours may be required to provide documentation with their renewal application that they have not used the carry-over hours in the prior biennium.

#### *Compliance with Executive Order 1996-1*

In compliance with Executive Order 1996-1, the Board extended an invitation to the following boards, associations and interested licensees and educators to preliminarily review and comment on the Board's draft regulatory proposal: National Association of School Psychologists; Association of School Psychologists of Pennsylvania; Pennsylvania Mental Health Consumers Association; Pennsylvania Psychological Association; North-western PA Psychological Association; Philadelphia Society of Clinical Psychologists; Philadelphia Neuropsychology Society; Northeastern PA Psychological Association; Mideast PA School Psychological Association; Lehigh Valley Psychological Association; Laurel Mountains Psychological Association; Lancaster/Lebanon Psychological Association; Harrisburg Area Psychological Association; Greater Pittsburgh Psychological Association; Delaware County Association of School Psychologists; Central Pennsylvania Psychological Association; Berks Area Psychological Society; Academy of Psychologists Engaged in Private Practice in the Lehigh Valley; Hospital and Health System Association of Pennsylvania; and Philadelphia Society of Clinical Psychologists.

#### *Statutory Authority*

This rulemaking is proposed under section 15 of the Professional Psychologists Practice Act (63 P. S. § 1215).

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 30, 2001, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "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 Board within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the proposed rulemaking, by the Board, the General Assembly and the Governor of objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Judith Pachter Schuller, Counsel, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-639 when submitting comments.

ALEX M. SIEGEL, Ph. D./J.D.,  
*Chairperson*

**Fiscal Note:** 16A-639. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 41. STATE BOARD OF PSYCHOLOGY MISCELLANEOUS

§ 41.59. Continuing education.

\* \* \* \* \*

(b) *Continuing education requirement for biennial renewal.* As a condition of biennial license renewal, a

psychologist shall have completed during the preceding biennium a minimum of 30 contact hours (3 CEUs) of continuing education in acceptable courses, programs or activities which shall include at least 3 contact hours per biennium in ethical issues. Up to 10 contact hours in excess of 30 from the **immediately** preceding biennium may be carried over from one biennium to the next. **Excess hours in ethical issues may not be used to satisfy the ethics requirement for the succeeding biennium but may be credited toward the total requirement.**

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[Pa.B. Doc. No. 01-1673. Filed for public inspection September 14, 2001, 9:00 a.m.]

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# 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 4, 2001.

### BANKING INSTITUTIONS

#### Holding Company Acquisition

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-31-01	F.N.B. Corporation, Naples, Florida, to Acquire 100% of the Common Stock of Promistar Financial Corporation, Johnstown, Pennsylvania, and Thereby Indirectly Acquire Promistar Bank and Promistar Trust Company	Naples, FL	Approved

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-31-01	First Financial Savings Association Downingtown Chester County	100 East Lancaster Avenue Downingtown Chester County	Effective

*To:*

First Financial Bank  
Downingtown  
Chester County

Represents conversion of a State-chartered stock savings association to a State-chartered bank and trust company.

*Branches*

601 North Pottstown Pike  
Exton  
Chester County

200 West Lancaster Avenue  
Frazer  
Chester County

102 Airport Road  
Coatesville  
Chester County

82 Quarry Road  
Downingtown  
Chester County

3909 Lincoln Highway  
Downingtown  
Chester County

414 Lancaster Avenue  
Devon  
Chester County

1197 Wilmington Pike  
West Chester  
Chester County

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-4-01	Northwest Savings Bank Warren Warren County	Warren	Filed
	Purchase of Assets/Assumption of Liabilities of two Branches of Sun Bank, Selinsgrove, Located at: Johnsonburg Plaza Route 219 Johnsonburg Elk County	2 East Fourth Street Emporium Cameron County	

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-20-01	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Holme Circle Shopping Center 2845 Holme Avenue Philadelphia Philadelphia County	Opened
8-22-01	Northwest Savings Bank Warren Warren County	108 Washington Towne Boulevard Edinboro Erie County	Opened
8-28-01	Northwest Savings Bank Warren Warren County	720 North Main St. Meadville Crawford County (Drive-Up Facility)	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1674. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 2001

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of October, 2001, is 7 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 5.34 to which was added 2.50 percentage points for a total of 7.84 that by law is rounded off to the nearest quarter at 7 3/4%.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1675. Filed for public inspection September 14, 2001, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### FY 2001-02 Family Savings Account Program Workshop

Act 23 of 1997 established the Commonwealth's Family Savings Account (FSA) Program. The FSA Program, based on the concept of the Individual Development Account (IDA), is a Statewide community building initiative established for the purpose of promoting economic self-sufficiency for lower-income Commonwealth residents through a matched savings program. State and Federal funds totaling \$4.5 million are available for the FSA Program for FY 2001-02.

The FSA Program is a key component of Governor Ridge's Project for Community Building and is designed to help people build assets for increased self-sufficiency and long-term economic security. The FSA Program encourages asset development and savings by matching the savings of families whose incomes are up to 200% of the Federal poverty level. The matched savings can be used to help finance the purchase of a new home, pay for education expenses, entrepreneurial or other activities based on an approved plan, which includes participation in a minimum of four workshops in basic economic literacy.

Savers participating in the FSA Program will receive a 50% match from both State and Federal funds, for a total 100% savings match, up to \$1,000 per year or \$2,000 for a full 2-year participation for approved eligible activities.

Service providers are limited to nonprofit organizations. Applications will be accepted from organizations with service areas covering any of Pennsylvania's 67 counties.

The Department of Community and Economic Development (Department), Office of Community Services, has scheduled a workshop in Harrisburg, PA on October 11, 2001, for the purpose of providing FSA Program information to interested applicants. Application information, including the Project for Community Building Single Application for Assistance and FSA Program Guidelines and Addendum, will be provided at the workshop. Staff will be available to provide instruction and guidance on the specifics of the proposal writing process to help applicant agencies prepare and write technically acceptable proposals.

Potential applicants must attend the workshop. Applicants can register for the workshop, to be held October 11, 2001, from 10 a.m. to 12 p.m. in Hearing Room 1, 2nd Floor, Commonwealth Keystone Building (North Street Entrance elevators), 400 North Street, Harrisburg, by contacting Elizabeth Hoch at (717) 720-7433 or through e-mail to ehoch@state.pa.us by October 9, 2001. Workshop space is limited to 100 persons. No more than two persons should attend from each organization. There is no registration fee for the workshop; however, preregistration is requested. Space will be filled on a first-come, first-serve basis for those not preregistered. Persons with a disability who wish to attend the workshop and require an auxiliary aid, service or other accommodation to participate in the workshop, should contact the Office of Community Services at (717) 787-1984 to discuss how the Department may best accommodate their needs.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 01-1676. Filed for public inspection September 14, 2001, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will be held on Wednesday, September 26, 2001. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PAULETTE JOHNSON,  
*Chairperson*

[Pa.B. Doc. No. 01-1677. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Pennsylvania Rivers Conservation Registry

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the LeTort Spring Run Watershed Conservation Management Plan and is placing the LeTort Spring Run, the watershed and all tributaries covered in the Plan in Cumberland County, on the Pennsylvania Rivers Conservation Registry (Registry).

The LeTort Regional Authority submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, DCNR has determined that the Keystone Rivers Conservation Program requirements have been satisfied and places the following on the Registry:

1. The watershed area of LeTort Spring Run (Cumberland County) from the headwaters to its confluence with Conodoguinet Creek—21.7 square miles.

2. All tributary streams within the LeTort Spring Run Watershed.

This action becomes effective September 15, 2001. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Keystone Rivers Conservation Program.

A copy of the Final Plan is available for review at LeTort Regional Authority, Community Center, 415 Franklin Street, Carlisle, PA 17013, (717) 245-0508, and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are on file at the LeTort Regional Authority.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 01-1678. Filed for public inspection September 14, 2001, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

#### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to



conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by 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.

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0029190	Monsignor McHugh School	Paradise Township Monroe County	01E Unnamed tributary to Paradise Creek	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084395	Dept. of Corrections State Correctional Institution at Camp Hill P. O. Box 598 Camp Hill, PA 17001-8837	Cumberland County Lower Allen Township	Cedar Run/7-E	Y
PA0086860	Springfield Township Sewer Authority 9211 Susquehanna Trail South Seven Valleys, PA 17360	York County Springfield Township	East Branch Codorus Creek/7I	Yes

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

<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>
PA0030601 Sewerage Nonpublic	Clearfield Area School District P. O. Box 70 Clearfield, PA 16830	Clearfield Goshen Township	Unnamed tributary of West Branch Susquehanna River 8C	Y
PA0111414	McEwensville Municipal Authority P. O. Box 50 McEwensville, PA 17749-0050	Delaware Township Northumberland County	Warrior Run 10-D	Y

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

**PA0238465**, Industrial Waste. **Johnsonburg Municipal Authority, Silver Creek Water Filtration Plant**, 520A Market Street, Johnsonburg, PA 15845.

This proposed facility is located in Johnsonburg Borough, **Elk County**.

Description of Proposed discharge of treated I. W., is in watershed 17A and classified for: HQ-CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Western Pa Water Company on the Clarion River located at Clarion, approximately 54 miles below point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	XX				
Cadmium	0.00008	0.00016	0.00046	0.00092	0.0012
Silver	0.00003	0.00006	0.00015	0.0003	0.0004
Zinc	0.003	0.006	0.019	0.038	0.05
Aluminum	0.09	0.18	0.52	1	1.3
Total Iron	0.27	0.54	1.6	3.2	4
Manganese	XX	XX	1	2	2.5
Total Suspended Solids	XX	XX	30	60	75
pH	Within limits of 6.0 to 9.0 standard units at all times.				

XX—Monitor and report.

In addition to the effluent limits, the permit contains the following major special conditions.

The EPA Waiver is in effect.

**PA0020401**, Sewage. **Johnsonburg Municipal Authority**, 520A Market Street, Johnsonburg, PA 15845.

This proposed facility is located in Johnsonburg, **Elk County**.

Description of Proposed Activity: renewal for an existing discharge.

The receiving stream, Clarion River is in watershed 17A and classified for: cold water fishes, cold water fishes, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Western PA Water Company—Clarion District on the Clarion River located at Clarion approximately 60 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.0.

<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>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 59,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

**PA0103942**, Sewage. **Camp Nazareth**, 312 Garfield Street, Johnstown, PA 15906.

This proposed facility is located in Delaware Township, **Mercer County**.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Sharpsville Municipal Water Authority on the Shenango River located at Sharpsville, approximately 12 miles below point of discharge.

Description of Proposed Activity: renewal of an existing discharge.

The receiving stream, Shenango River, is in watershed 20-A and classified for: warm water fishes, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.

<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>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N	Monitor and Report		
Total Residual Chlorine (Final Limit)	1.4		3.3
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 100,000/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

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

**PAG123520, CAFO, Leroy Zimmerman, 327 Stackstown Road, Marietta, PA 17547.**

This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Activity: Leroy Zimmerman currently operates a 75 finishing steer and 500 hog operation. The proposal is for the discontinuance of the 500 hog operation with the construction of a 2,180 head finishing swine operation with a 700,000 gallon manure storage under the building. Manure produced on this operation will be used on the home farm and excess will be exported to neighboring farms. All manure will be utilized for agricultural purposes. The operation will consist of a total 349.6 AEUs. Approximately 900,000 of swine manure and 726 tons of beef manure are generated per year.

The receiving stream, an unnamed tributary to Susquehanna River, is in the State Water Plan watershed 7-G 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 Streams Law constitutes compliance with the State narrative water quality standards.

**PA 0088846, Hershey Ag—Aspen Perry Farm, 138 Airport Road, Marietta, PA 17547.**

Hershey Ag has submitted an application for an Individual NPDES permit for an existing Concentrated Animal Feeding Operation (CAFO) known as Aspen Perry Farm, located in Oliver Township, **Perry County**.

The CAFO is situated near Buffalo Creek in Watershed 12-B, which is classified for HQ-CWF. The CAFO is designed to maintain an animal population of approximately 1,725 animal equivalent units (AEUs) consisting of 4,800 sows and 6,000 nursery pigs. The animals will be housed in four standard swine barns. Manure is stored in a HDPE-lined lagoon. The total capacity of the manure storage facilities is 7.25 million gallons including 2 feet of freeboard. A release or discharge to waters of the 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, conditions, 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.

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.

**PA0013129, Industrial Waste, SIC Code 3315, Carpenter Technology Corporation, P. O. Box 14662, Reading, PA 19612.**

This facility is located in Reading City, **Berks County**.

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

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

The proposed effluent limits for Outfall 109 for a design flow of 1.45 MGD are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	XXX	XXX	XXX
pH		6.0 to 9.0 inclusive	
Total Suspended Solids	30	60	75
Oil and Grease		Monitor & Report	30
Total Chromium		Monitor & Report	0.745
Chromium, VI	0.06	0.12	0.160

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Nickel		Monitor & Report	0.558
Total Cyanide		Monitor & Report	0.058
Total Lead		Monitor & Report	0.025
Total Zinc		Monitor & Report	0.494
Napthalene		Monitor & Report	Nondetectable
Tetrachloroethylene		Monitor & Report	0.001
1,1,1-Trichloroethane		Monitor & Report	XXX
Nitrate		Monitor & Report	XXX
NH <sub>3</sub> -N	45	90	90

The proposed effluent limits for Outfalls 004, 005, 011, 012, 013 and 014 are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.0 to 9.0 inclusive	
Temperature	XXX	110°F	110°F

The proposed effluent limits for Outfall 009 are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature	XXX	110°F	110°F

The proposed effluent limits for the stormwater outfalls are:

<i>Parameter</i>	<i>Monitoring Requirements</i>		<i>Monitor Frequency</i>
	<i>(2) Composite Sample (mg/l)</i>	<i>(2) Grab Sample (mg/l)</i>	
Chromium, VI	Monitor & Report	Monitor & Report	1/6 months
Total Nickel	Monitor & Report	Monitor & Report	1/6 months
Total Suspended Solids	Monitor & Report	Monitor & Report	1/6 months
Total Zinc	Monitor & Report	Monitor & Report	1/6 months
Total Copper	Monitor & Report	Monitor & Report	1/6 months
Total Iron	Monitor & Report	Monitor & Report	1/6 months
Total Lead	Monitor & Report	Monitor & Report	1/6 months
Oil and Grease	XXXX	Monitor & Report	1/6 months
pH (S.U.)	XXXX	Monitor & Report	1/6 months

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

The EPA waiver is not in effect.

**PAS 803502**, Stormwater, **P. E. Kramme, Inc.**, P. O. Box 937, Monroeville, NJ 08343.

This facility is located in North Woodbury Township, **Blair County**.

Description of activity: The application is for issuance of an NPDES permit for an existing discharge of stormwater discharge of treated industrial waste.

The receiving stream, an unnamed tributary to Clover Creek, is in Watershed 11-A and classified for HQ-CWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for United Water is located on the Susquehanna River, approximately 90 miles downstream. The discharge is not expected to affect the water supply.

Outfalls 001 and 002 shall be sampled during the first 30 minutes of discharge from a storm event greater than 0.1 inch for the following parameters:

<i>Parameter</i>	<i>Concentration (mg/l)</i>	
	<i>Composite</i>	<i>Grab</i>
Oil and Grease	Monitor & Report	
pH	Monitor & Report	
CBOD <sub>5</sub>	Monitor & Report	
Chemical Oxygen Demand	Monitor & Report	
Total Suspended Solids	Monitor & Report	
TKN	Monitor & Report	
Total Phosphorus	Monitor & Report	
Dissolved Iron	Monitor & Report	

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

The EPA waiver is in effect.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.*

**PA0090247**, Sewage, **North Union Township Municipal Services Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456.

This application is for renewal of an NPDES permit to discharge treated sewage from Lemont Furnace Sewage Treatment Plant in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cove Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: California Water Company.

*Outfall 001*: existing discharge, design flow of 0.06 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 10-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.1
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0094706**, Sewage, **Economy Development Company, Inc.**, 1259 Freedom Crider Road, Freedom, PA 15042.

This application is for renewal of an NPDES permit to discharge treated sewage from Tri-County Soccer and Sports Center Sewage Treatment Plant in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of North Fork Big Sewickley Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Midland Borough Water Authority located on the Ohio 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
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.0			4.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.02			0.04
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

### III. Applications for New and Renewal Permits, Oil and Gas Activities

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

**PA 0112623**. Industrial Waste, SIC 1311, **J. J. Bucher Producing Corporation**, 108 Pleasant Street, Bolivar, NY 14715-1015.

This existing discharge is located in Shinglehouse Borough, **Potter County**.

Description of Proposed Activity: An existing discharge of treated production water from the operation of oil wells.

The receiving stream, Oswayo Creek, is in watershed 16-C (Potato-Oswayo Creeks) and classified for: warm water fish, water supply and recreation. For the purpose of evaluating effluent requirements for TDS and phenolics, the existing downstream water supply considered during the evaluation is the PA/NY state border on Oswayo Creek.

The proposed effluent limits for Outfall 001 based on a design flow of 0.020 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)		0.020	
Oil & Grease	15		30
Total Suspended Solids	30		60
Dissolved Iron			7.0
Acidity	Less than Alkalinity		
Alkalinity	Monitor and Report		
Benzene	Monitor and Report		
Total Iron	Monitor and Report		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

## WATER QUALITY MANAGEMENT PERMITS CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER APPLICATIONS UNDER THE CLEAN STREAMS LAW PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department). The applications are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permit applications.

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

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

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

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

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

**WQM Permit No. 4601413**, Sewerage, **Schwenksville Borough Authority**, P. O. Box 458, 298 Main at Church Street.

This proposed facility is located in Schwenksville Borough, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sewage pump station.

**WQM Permit No. 0998405 Amendment No. 1**, Sewerage, **Quakertown Borough**, 15-35 North Second Street, P. O. Box 727, Quakertown, PA 18951.

This proposed facility is located in Quakertown Borough, **Bucks County**.

Description of Proposed Action/Activity: Modifications to the existing chlorine contact tanks to include a dechlorination step with post aeration.

**WQM Permit No. 4601412**, Sewerage **Charles W. Cobler**, 531 Conshohocken Road, Gladwyne, PA 19035.

This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a single residential STP.

**WQM Permit No. 0901413**, Sewerage, **Lower Makefield Township**, 1100 Edgewood Road, Yardley, PA 19067-1696.

This proposed facility is located in Lower Makefield Township, **Bucks County**.

Description of Proposed Action/Activity: Construction of a sanitary sewer extension and pump station.

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

**WQM Permit No. 5401404**, Sewerage, **Cass Township**, R. D. #2, Box 2842, Pottsville, PA 17901.

This proposed facility is located in Cass & New Castle Townships, **Schuylkill County**.

Description of Proposed Action/Activity: Construction of a sanitary sewage facilities in Cass Township and a portion of New Castle Township, Schuylkill County. The project includes the installation of approximately 82,300 L.F. of gravity sewer pipe, 6,000 L.F. of force main and 30,200 L.F. of low pressure pipe. Also, three pump

stations will be constructed. This collection and transmission system will convey sewage to the proposed Branch Township collection system and treatment plant.

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

**WQM Permit No. 0101201**, Sewerage, **Cuttin' Co., LLC.**, Biggerstaff Restaurant, 25 Sandoe Road, P. O. Box 3038, Gettysburg, PA 17325.

This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Rerating to increase their flow to 20,000 gpd.

**WQM Permit No. 2201406**, Sewerage, **Lower Paxton Township Authority**, 75 S. Houcks Rd., Suite 200, Harrisburg, PA 17109.

This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of the Parkchester Road Pump Station to serve the Paxton Town Centre.

**WQM Permit No. 0701403**, Sewerage, **Hollidaysburg Sewer Authority**, 401 Blair Street, Hollidaysburg, PA 16648.

This proposed facility is located in Frankstown Township and Hollidaysburg Borough, **Blair County**.

Description of Proposed Action/Activity: Replacement of the Brush Run Sanitary Sewer Interceptor

**WQM Permit No. 0701404**, Sewerage, **Alfred E. Peterman**, R. D. 3, Box 486F, Tyrone, PA 16686.

This proposed facility is located in Snyder Township, **Blair County**.

Description of Proposed Action/Activity: Construction of a small flow treatment system to serve their single family home on Wood Road.

**WQM Permit No. 2101408**, Sewerage, **William H. Flyte**, 1406 Bradley Drive, Apt. K-313, Carlisle, PA 17013.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow treatment system to serve their single family residence on Wagners Lane.

**WQM Permit No. 0101407**, Sewerage, **Steven R. and Susan K. Heidel**, 1055 Mummasburg Road, Gettysburg, PA 17325.

This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Construction of a small flow treatment system to serve their single family residence on Mummasburg Road.

**WQM Permit No. 0601409**, Sewerage, **Birdsboro Municipal Authority**, 113 East Main Street, Birdsboro, PA 19508.

This proposed facility is located in Birdsboro Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to install new effluent meter to improve the flood pump operation.

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

**WQM Permit No. 4901405**, Sewerage, 4952, **East Chillisquaque Township**.

This proposed facility is located in East Chillisquaque Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction of a new municipal sewer system and sewage treatment plant to serve the Village of Potts Grove, in East Chillisquaque Township.

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

**Application No. 3201402**, Sewerage, **Burrell Township Sewer Authority**, 4345 Park Drive, Blacklick, PA 15716. Application for the construction and operation of a sanitary sewer extension, sewage lift station & force main to serve the Palmerton Village Area, located in Burrell Township, **Indiana County**.

**Application No. 6301407**, Sewerage, **CZS Development LLC**, 90 Chateau Royale Court, Morgantown, WV 26505. Application for the construction and operation of sewer lines, pump station & force main to serve the Chateau Royale Housing Development, located in South Strabane Township, **Washington County**.

*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 Sewage Treatment Plant.

**WQM Permit No. 4301419**, Sewerage, **Anthony M. Johnson**, 669 Clay Furnace Road, Sharpsville, PA 16150.

This proposed facility is located in Clark Borough, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 2001414**, Sewerage, **Alex and Sally A. Torok**, 24529 State Highway 408, Cambridge Springs, PA 16403.

This proposed facility is located in Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 1601403**, Sewerage, **Charles R. Renninger, Jr.**, Box 94, Callensburg, PA 16213.

This proposed facility is located in Highland Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 6101401**, Sewerage, **Cranberry-Venango County General Authority**, P. O. Box 378, Seneca, PA 16346.

This proposed facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

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#### NPDES Stormwater Individual Permit

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The following parties have applied for an NPDES permit to discharge stormwater associated with a con-

struction 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.

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>
PAS105507-1	Dominion Transmission 445 West Main St. Clarksburg, WV 20630

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.

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

**NPDES Permit PAS105507-1**, Stormwater. **Dominion Transmission**, 445 West Main St., Clarksburg, WV 20630 has applied to discharge stormwater associated with a construction activity located in Stewardson Township, **Potter County** to Little Greenlick Run.

*Potter County Conservation District: 107 Market St., Coudersport, PA 16915, (814) 274-8411 Ext. 4.*

<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
Stewardson Township Potter County	Little Greenlick Run CWF

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

Persons with a disability that require an auxiliary aid service or other accommodations to participate during the

30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Permit No. 5201501**, Public Water Supply.

Applicant	<b>Lake Wallenpaupack Estates</b>
Township or Borough	Greene Township, <b>Pike County</b>
Responsible Official	William Finnegan, Maintenance Supervisor 104 Clubhouse Drive Greentown, PA 18426 (570) 689-4385
Type of Facility	Community Water System
Consulting Engineer	Michael J. Propst, P.E. Propst Associates, Inc. 34 Brown Street Honesdale, PA 18431 (570) 253-1550

Application Received Date August 31, 2001



Description of Action Permitting of the existing community water system serving the Lake Wallenpaupack Estates subdivision. The system consists of three wells with associated hydropneumatic storage tanks, disinfection facilities and distribution lines.

**Permit No. 3901507**, Public Water Supply.

Applicant **Great Spring Waters of America, Inc.**  
 Township or Borough Upper Macungie Township, **Lehigh County**  
 Responsible Official David Thorpe, Quality Manager  
 Type of Facility Bottling Plant  
 Consulting Engineer Gary J. Toplak, P.E.  
 Crouse and Company  
 400 Penn Center Blvd.  
 Pittsburgh, PA  
 Application Received August 13, 2001  
 Date

Description of Action The addition of a new production line, #9, for pet containers and modification of the existing clean in place system.

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

**Permit No. 3601512**, Public Water Supply.

Applicant **Getty Properties Corp.—Lunch Basket Water Supply**  
 Municipality Leacock Township  
 County **Lancaster**  
 Responsible Official Kevin Shea, Vice President  
 125 Jericho Turnpike  
 Jericho, NY 11753  
 Type of Facility Public Water Supply  
 Consulting Engineer Stephen R Morse, P.E.  
 Skelly and Loy, Inc.  
 2601 North Front Street  
 Harrisburg, PA 17110-1185  
 Application Received June 26, 2001  
 Date

Description of Action Installation of a GAC system to remove MTBE from the source water.

**Permit No. 3601514**, Public Water Supply.

Applicant **Magic Chef Mobile Home Park**  
 Municipality Mt. Joy Township  
 County **Lancaster**  
 Responsible Official Paul M Schwanger, Park Owner  
 1977 Sheaffer Road  
 Elizabethtown, PA 17022  
 Type of Facility Public Water Supply  
 Consulting Engineer James R Fisher, P.E.  
 Fisher Engineering Inc.  
 18 C S 7th Street  
 Akron, PA 17501

Application Received July 5, 2001  
 Date

Description of Action Installation of a nitrate treatment facility to reduce nitrate levels below the MCL.

**Permit No. 0601514**, Public Water Supply.

Applicant **Muhlenberg Township Authority**  
 Municipality Muhlenberg Township  
 County **Berks**  
 Responsible Official Robert Walborn, Manager  
 2840 Kutztown Road  
 Hyde Park  
 Reading, PA 19605  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert A Stark, P.E.  
 Gannett Fleming Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100

Application Received August 21, 2001  
 Date

Description of Action Rerate of Well 13 from 200 gpm to 350 gpm.

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

**Permit No. 0489509-A3**, Public Water Supply.

Applicant **Vanport Township Municipal Authority**  
 Township or Borough Vanport Township  
 Responsible Official George Davidson  
 Vanport Township Municipal Authority  
 285 River Avenue  
 Vanport, PA 15009  
 Type of Facility Wells  
 Consulting Engineer KLH Engineers, Inc.  
 Application Received August 13, 2001  
 Date  
 Description of Action Iron/Manganese Treatment

**Permit No. 6301502**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 410 Cooke Lane  
 Pittsburgh, PA 15234  
 Township or Borough Union Township  
 Responsible Official Randy Pankiewicz, Operations Superintendent  
 60 Elrama Street  
 Elrama, PA 15038.  
 Type of Facility Shire Oaks Tank  
 Application Received August 20, 2001  
 Date  
 Description of Action Surge control tank and building

## MINOR AMENDMENT

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

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

**Application No. Minor Amendment**, Minor Amendment.

Applicant **Wellsboro Municipal Authority**  
 Borough Borough of Wellsboro, **Tioga County**  
 Responsible Official Mark Dieffenbach  
 Public Works Superintendent  
 28 Crafton Street  
 Wellsboro, PA 16901  
 Type of Facility Public Water Supply  
 Consulting Engineer William S. Bray, P.E.  
 P. O. Box 535  
 Wellsboro, PA 16901  
 Application Received Date August 31, 2001  
 Description of Action Replace intake structure and flow meter at Rock Run

**Application No. Minor Amendment**, Minor Amendment.

Applicant **Wellsboro Municipal Authority**  
 Borough Borough of Wellsboro, **Tioga County**  
 Responsible Official Mark Dieffenbach  
 Public Works Superintendent  
 28 Crafton Street  
 Wellsboro, PA 16901  
 Type of Facility Public Water Supply  
 Consulting Engineer Larson Design Group, Inc.  
 P. O. Box 487  
 Williamsport, PA 17703-0487  
 Application Received Date August 31, 2001  
 Description of Action Replace flow meters at Hamilton Lake, Willis Run and Charleston Creek intakes

**Application No. Minor Amendment**, Minor Amendment.

Applicant **City of DuBois**  
 City City of DuBois, **Clearfield County**  
 Responsible Official Benjamin O'Shane, Plant Superintendent  
 City of DuBois Filter Plant  
 P. O. Box 408  
 16 West Scribner Ave.  
 DuBois, PA 15801  
 Type of Facility Public Water Supply  
 Consulting Engineer Morris Knowles & Assoc., Inc.  
 103 Smithfield Street  
 Pittsburgh, PA 15222-2203

Application Received Date August 31, 2001

Description of Action Replace filter bed media, construct sand drying bed, install new automated controls and instrumentation

**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:

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

**Zapotocki and Reilly Residence**, Upper Milford Township, **Lehigh County**. Matthew E. Grubb, Project Officer, Hydrocon Services Inc., 2945 South Pike Avenue, Allentown, PA 18013, has submitted a Notice of Intent to Remediate (on behalf of his clients, Kathy Zapotocki and Timothy Reilly, Tomahawk Lane, Zionsville, PA 18092) concerning the remediation of site soils found or suspected to have been contaminated with unleaded gasoline constituents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reportedly published in *The East Penn Press* on July 25, 2001. A Final Report was also submitted. Refer to additional *Pennsylvania Bulletin* notice.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Agway Petroleum, Inc. Site**, 511 West Grant Street, City of New Castle, **County of Lawrence**, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Benzene. The applicant proposes to remediate the site and to use a Special Industrial Standard. A summary of the Notice of Intent to Remediate was published in the *New Castle News* in August 2001.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Renewal Applications Received*

**Altoona Hospital**, 620 Howard Avenue, Altoona, PA 16601. License No. **PA-HC 0124**. Received on August 22, 2001.

**Bridgeview, Inc.**, 1525 Chestnut Hill Road, Morgantown, PA 19543. License No. **PA-HC 0084**. Received on September 4, 2001.

**Environmental Options Group, Inc.**, 18 Water Street/Tuckerton, Reading, PA 19605. License No. **PA-HC 0131**. Received on August 20, 2001.

**S. H. Bio-Waste, Ltd.**, P. O. Box 1866, Norristown, PA 19404. License No. **PA-HC 0096**. Received on August 30, 2001.

**Safety-Kleen (TG), Inc.**, 3003 W. Breezewood Lane, Neenah, WI 54957. License No. **PA-HC 0201**. Received on August 30, 2001.

**T. J. Egan & Company, Inc.**, 5 Lawrence Street, Bloomfield, NJ 07003. License No. **PA-HC 0079**. Received August 28, 2001.

**Weavertown Leasing, Inc.**, 3866 Miller Run Road, Weavertown Industrial Park, McDonald, PA 15057. License No. **PA-HC 0020**. Received on August 8, 2001.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application 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.**

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

**Permit Application No. 101509. New Morgan Landfill Company, Inc.**, P. O. Box 128, Morgantown, PA 19543-0128, New Morgan Borough, **Berks County**. The application is for permit renewal at Conestoga Landfill. The application was determined to be administratively complete by Southcentral Regional Office on August 29, 2001.

Comments concerning the application should be directed to Keith Kerns, Program Manager, Waste Management Program, Southcentral Regional Office, 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.

**Permit Application No. 101597. Peck's Septic Service**, 68 Pine School Road, Gardners, PA 17324, South Middleton Township, **Cumberland County**. The application is for permit renewal and modification. The application was determined to be administratively complete by Southcentral Regional Office on August 29, 2001.

Comments concerning the application should be directed to Keith Kerns, Program Manager, Waste Management Program, Southcentral Regional Office, 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.

**Permit Application No. 301323. Sechan Limestone Industries**, 2925 New Castle Road, Portersville, PA 16051, Slippery Rock Township, **Lawrence County** and Muddy Creek Township, **Butler County**. An application to construct and operate a residual waste landfill. This application is subject to an alternate timeline under the Governor's Money Back Guarantee Program. The application was received by the Northwest Regional Office on July 10, 2001.

## 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.**

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

**49-309-007K: Meckley's Limestone Products, Inc.** (R. D. 1, Box 1682, Herndon, PA 17830-9799) for construction of a 1000 ton capacity limestone storage silo, incorporating a bulk tank truck loadout spout and associated air cleaning device (a fabric collector) in Lower Mahanoy Township, **Northumberland County**. This silo and loadout spout are subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

**08-316-012C: Masonite Corp., Subsidiary of International Paper Co.** (P. O. Box 311, Towanda, PA 18848)

for modification of a hardboard production line (Line I) in Wysox Township, **Bradford County**.

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

**03-00975B: Armstrong Energy Limited Partnership, LLC** (Dominion Energy, 5000 Dominion Blvd., Glen Allen, VA 23060) for construction of four Turbines/Natural Gas Heaters/Fuel Oil Tank at South Bend Facility in South Bend Township, **Armstrong County**.

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

**25-069F: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) for replacement of cartridge collector that controls alumina dumping station and lead catalyst/lead oxide dumping in the City of Erie, **Erie County**.

**10-021J: Indspec Chemical Corp** (133 Main Street, Petrolia, PA 16050) for modification of resin scrubber (previously 10021H and 10021G) in Petrolia, **Butler County**.

**10-030A: Concast Metal Products Co., Inc.** (P. O. Box 816, Myoma Road, Mars, PA 16046) for installation of a baghouse to collect emissions from maintenance grinding operations in Adams Township, **Butler County**.

**42-192: IA Construction Corp.** (Route 59, Lafayette, PA 16701) for construction of a batch mix asphalt plant in Lafayette Township, **McKean County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0036D: Visteon Systems, L.L.C.** (2750 Morris Road, Lansdale, PA 19446) for installation and construction of a Wave Soldering Machine No. 12 in Worcester Township, **Montgomery County**. This source will result in a facility wide emission increase of 0.024 ton of lead and 6.88 tons of volatile organic compounds (VOC) as a 12-month rolling sum. Wave Soldering Machine No. 12 shall only be used for soldering electronic circuit boards. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**23-0031: Mercy Fitzgerald Hospital** (1500 Lansdowne Avenue, Darby, PA 19023-1291) for operation of six combustion units, three emergency generators, four water heaters and nine air handling units in Darby Township, **Delaware County**. The facility is a synthetic minor for oxides of nitrogen (NOx). Emissions of NOx shall be limited to 24.9 tons per year, as a 12-month rolling sum. The facility is a natural minor for emissions of volatile organic compounds (VOC). The company shall keep records of hours of operations of the boilers and the emergency generators and also records of usage of natural gas and fuel oil to show compliance with the synthetic minor status.

**46-0142A: Fluid Energy Processing and Equipment Co.** (Fourth and State Street, East Greenville, PA

18041) for installation of a new drying system which dries various materials including slurries, sledges and filter cakes in East Greenville Borough, **Montgomery County**. This facility is a non-Title V facility. The installation of this source will result in an increase of 0.13 ton of NO<sub>x</sub> per year and 8.76 lb of Particulate Matter (PM) per year. The Plan Approval will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-0008: TAVO Packaging, Inc.** (2 Canal Road, Fairless Hills, PA 19030) for installation of Flexographic Printing Press No. 309 with eight printing units in Falls Township, **Bucks County**. This facility is a synthetic-minor facility. The installation of this source will result in an increase of 4.0 tons of VOC per year. The Plan Approval will contain recordkeeping requirements to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**46-0209: PPL Hatfield** (Elroy Road, Hatfield, PA 19440) for installation of two 45 MW natural gas fired simple cycle combustion turbines in Hatfield Township, **Montgomery County**. This installation will result in the emissions of 24 tons per year of nitrogen oxides, 40 tons per year of carbon monoxide, 5.8 tons per year of sulfur oxides, 13.9 tons per year of particulate matter and 7.5 tons per year of volatile organic compounds. 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.

**15-0041: Eastern Shore Natural Gas Co.** (604 Street Road, Cochranville, PA 19330) for installation of two caterpillar internal combustion (IC) compressor engines in Londonberry Township, **Chester County**. Each natural gas powered engine is rated at 1.665 brake horsepower and a maximum heat input of 11.4 MMBtu per hour. The Daleville Compressor Station is a Title V facility. This installation will result in the NO<sub>x</sub>, VOC and hazardous air pollutant (HAP) facility emission increases of 19.3 tons per year, 24.8 tons per year and 4.5 tons per year respectively. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.*

**48-318-132: Essex Northeast Service Center Co.** (P. O. Box 1648, Mason City, IA 50401-1648) for construction of a paint spray booth and associated air cleaning device in Forks Township, **Northampton County**. The steel door frame manufacturing facility is a non-Title V facility. VOC emissions from the spray booth will be less than 5 tons per year and there will be minimal VOC emissions from a wiping station. Particulate matter emissions from the process will be controlled through the use filter panels and will be less than 0.02 gr/dscf. VOC emissions from the facility shall be recorded on a monthly basis and shall include comprehensive compositional data for each material, which accurately identifies and quantifies the volatile organic compound and hazardous air pollutant content of the respective materials.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**31-05011B: U. S. Silica Company** (P. O. Box 187, Berkeley Springs, WV 25411-0187) for construction of a

new exhaust line on a bulk rail car loading spout at the Mapleton Depot Plant in Brady Township, **Huntingdon County**. A fabric collector controls the exhaust line. This construction will not increase plant emissions. At this Title V facility, silica sand is quarried, processed for industrial use and loaded for shipping. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The plan approval will include emission restrictions, work practice standards, monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**31-05011C: U. S. Silica Company** (P. O. Box 187, Berkeley Springs, WV 25411-0187) for modification to an existing fluid bed dryer at the Mapleton Depot Plant in Brady Township, **Huntingdon County**. This sand mining, processing and shipping plant is a Title V facility. The modification will permit consumption of the additional fuels #4 oil, #6 oil and recycled oil. The plan approval establishes the maximum acceptable concentration level (ppm) for each of the following constituents: Arsenic—5, Cadmium—2, Chromium—10, Lead—100, PCB—1 and Total Halides—1,000. The sulfur content shall not exceed 0.5 percent in the fuel oil as fired. Emissions will remain essentially the same when using #4 oil, #6 oil or recycled oil as compared to #2 oil. Emissions for sulfur dioxide will increase by approximately 97 tons per year when using oil as compared to natural gas. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The plan approval will include emission restrictions, work practice standards, monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**67-03104: Industrial Polishing & Grinding, Inc.** (50 North Harrison Street, York, PA 17403) for construction of an open top vapor degreaser controlled by a refrigerated chiller in York City, **York County**. The metal parts grinding and polishing plant is a non-Title V (State only) facility. The degreaser will have the potential to emit about 8 tons per year of trichloroethylene (a HAP and a VOC). The degreaser is subject to 40 CFR Part 63, Subpart T—National Emission Standards for Halogenated Solvent Cleaning. An annual facility emission restriction for trichloroethylene has been included in order for the facility to maintain its non-Title V status. The plan approval will also contain additional work practice and emission standards, as well as testing, monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**67-05092B: Starbucks Corporation d/b/a Starbucks Coffee Company** (3000 Espresso Way, York, PA 17402) for construction of a hot chaff collection system controlled by a cyclone at the York Roasting Plant in East Manchester Township, **York County**. This coffee roasting plant is a non-Title V (State only) facility. This system will result in about 0.8 ton per year of PM-10 emissions. The plan approval will include emission restrictions, work practice standards, monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

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

**41-318-047: Reynolds Iron Works, Inc.** (157 Palmer Road, Williamsport, PA 17701) for construction of a

surface coating operation in Woodward Township, **Lycoming County**. The company will coat various steel parts such as beams, pipes, columns, etc.

The steel parts will be coated with various primers, all of which will meet the Department's requirements established in 25 Pa. Code § 129.52 category 10(e) regarding air dried coatings for miscellaneous metal parts. The spray booth in which the surface coating will take place will incorporate a dry filter system, which will prevent particulate overspray from being emitted into the atmosphere. This surface coating operation will result in the emission of up to 6.0 tons of volatile organic compounds per 12 consecutive month period, of which less than 1.0 ton will be hazardous air pollutants.

The Department of Environmental Protection has determined that the proposed surface coating operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department of Environmental Protection consequently intends to issue plan approval for the construction of the respective surface coating operation. Additionally, if after the surface coating operation is constructed, the Department determines that it is operating in compliance with all applicable plan approval conditions and regulatory requirements, the Department intends to issue an operating permit.

The Department intends to place conditions in the plan approval to be issued to assure proper operation as well as maintenance of compliance will all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. The spray booth shall be equipped with a full set of spray booth filters whenever the respective booth is in use.

2. The volatile organic compound content of any coating used in the surface coating operation shall not exceed 6.4 pounds per gallon of coating solids, as applied.

3. No additives or thinners shall be mixed with the coatings prior to application nor shall the company use more than 50 gallons of volatile organic compound-containing solvent or cleaning solution per 12 consecutive month period for cleanup associated with the surface coating operation.

4. The volatile organic compound emissions emitted from the surface coating operation shall not exceed 6.0 tons per 12 consecutive month period and the total combined hazardous air pollutant emissions shall not equal or exceed 1.0 ton per 12 consecutive month period.

5. The company shall maintain records of all coating materials, cleaning solutions, and the like, associated with the use of the surface coating operation. These records shall be maintained on a monthly basis and shall contain the identity and amount of each material that was used, the volatile organic compound content of each material that was used and the hazardous air pollutant content of any material that was used in association with the surface coating operation.

**49-303-005B: Meckley's Limestone Products, Inc.** (R. D. 1, Box 950, Herndon, PA 17830) for modification of the batch asphalt concrete plant in Lower Mahanoy Township, **Northumberland County**. The subject modification would supplement the use of virgin #2 fuel oil with reprocessed oil to fire the plant's aggregate dryer.

Meckley's Limestone Products, Inc is a minor facility for which a facility wide synthetic minor operating permit has not yet been issued. The subject asphalt concrete plant however is currently authorized to operate under Operating Permit 49-303-005A.

The information provided by the applicant, as well as the Department's own analysis, indicates that the use of reprocessed oil will have an insignificant impact on the plant's potential to emit air contaminants. Furthermore, a preliminary review of the information submitted by the applicant indicates that the proposed modification will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue a plan approval. If the plan approval is issued and if the modification is subsequently found to be in compliance with all applicable regulatory requirements and plan approval conditions, the plan approval will be incorporated into Operating Permit 49-303-005A via administrative amendment in accordance with 25 Pa. Code § 127.450.

In order to ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

- The plant shall be fired only on virgin #2 fuel oil or reprocessed oil.

- The concentration of particulate matter contained in the exhaust from the plant shall never exceed 0.02 grains per dry standard cubic foot.

- The reprocessed oil fired in this plant shall not contain contaminants in excess of the limitations specified:

<i>Contaminant/Property</i>	<i>Limitation</i>
Arsenic	≤ 5 ppm
Cadmium	≤ 2 ppm
Chromium	≤ 10 ppm
Lead	≤ 100 ppm
Total halides	≤ 1,000 ppm
PCBs	none detectable
Sulfur	≤ 0.5%, by weight
Heating value	≥ 136,000 BTU per gallon

Additionally, the flash point of the reprocessed oil shall not be less than 100° F.

- The company shall not accept for use in the plant the shipment of any reprocessed oil for which the arsenic, cadmium, chromium, lead, total halides, PCBs, sulfur, heating value and flash point are unknown or fail to meet the required limitations.

- The quantity of reprocessed oil consumed by the plant shall not exceed 1,338,480 tons during any 12 consecutive month period.

- This plant shall not be used to dry stone, other than when the plant is simultaneously producing asphalt concrete.

- This plant shall not be used to produce asbestos-containing asphalt material.

- This plant shall not be used to decontaminate or otherwise treat soil or any other material which has been contaminated with gasoline, fuel oil or any other substance.

- The company shall maintain a monthly record of the amount of reprocessed oil fired in the plant.

- A sample of each load of reprocessed oil delivered for use in the plant shall be taken at the time of delivery.

- The company shall submit an annual report to the Department containing reprocessed oil delivery data, as well as identifying the arsenic, cadmium, chromium, lead, total halides, PCBs, sulfur, heating value and flash point of each load delivered for use in the plant. The report for each calendar year shall be due no later than March 15 of the following year.

- The following analytical techniques and methods or equivalent techniques and methods as the Department choose to substitute, shall be used by the Department in determining compliance with the required limitations:

<i>Contaminant/ Property</i>	<i>Analytical Technique/ Methods</i>
Arsenic	Atomic absorption
Cadmium	Atomic absorption
Chromium	Atomic absorption
Lead	Atomic absorption
Total halides	ASTM D-808
PCBs	H <sub>2</sub> SO <sub>4</sub> extraction/GC with electron capture
Sulfur	ASTM D-93
Heating value	ASTM D-1552

- Under no circumstances shall any waste oil generated on site be used to fire the plant.

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

**25-025C: General Electric** (2901 East Lake Road, Erie, PA 16531) for installation of vacuum pressure impregnation (VPI) system at their Erie facility in Erie, **Erie County**. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. The permit will be subject to the following conditions:

1. The source shall comply with 25 Pa Code § 123.41—Visible Emissions Standard, 123.1—Fugitive Emissions Standard, 123.13—Particulate Emissions Standard and 123.31 Odor Emissions Standard.

2. VOC content of the surface coating must be less than or equal to 6.67 lb VOC/gal coating solids as defined in 25 Pa Code § 129.52, Table 1.

3. VOC emissions from the vacuum pressure impregnation (VPI) system shall not exceed 7.13 tons based on a consecutive 12-month period.

4. The company shall maintain monthly records of the quantity of coating used, manufacturer of the coating, VOC and solid content of each coating and monthly VOC emissions. A consecutive 12-month total of VOC emissions shall also be included in the monthly records.

5. The monthly records shall remain on file for a period of 5 years and shall be made available to Department personnel upon request.

6. The source shall be operated and maintained in accordance with the manufacturer's specifications or in accordance with good air pollution control practices.

The previous conditions will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate the Best Available Technology for the source.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Roger Fey, Chief, (215) 823-7584.*

**01032: TDPS Materials** (P. O. Box 1667, Blue Bell, PA 19422) for modification of dryer burner to allow combustion of propane, recycled fuel oils and commercial fuel oils in their Hot Mix Asphalt Drum Plant at 2nd Street and Erie Avenue in the City of Philadelphia, **Philadelphia County**. This is a synthetic minor facility. The current modifications will not increase emissions above their current emission limits. Air Management Services intends to issue the plan approval with the following conditions:

1. Each delivery of waste (recycled) oil from a third party shall be tested in accordance with conditions in Form R, as approved by Department of Environmental Protection (DEP) for limitations as follows:

<i>Compound</i>	<i>Concentration</i>
Arsenic	5 ppm
Cadmium	2 ppm
Chromium	10 ppm
Lead	100 ppm
Total Halogens	1000 ppm
PCBs	2 ppm
Sulfur	0.5 % by wt.

2. TDPS Materials shall have an independent consultant perform compliance stack test for the following parameters within 30 days of the burner modification, while combusting waste oil and No. 6 fuel oil (worst case). The stack test protocol shall be submitted to AMS Source Registration at least 30 days before the test date. Asphalt drum stack outlet conditions shall be determined using US EPA RM1 through 4. Asphalt drum stack outlet concentrations shall be determined using following US EPA Reference Methods:

<i>Reference Method (RM) 5</i>	
	- PM10/TSP
RM 6C	- SO <sub>2</sub>
RM 7E	- NO <sub>x</sub>
RM 9	- Visible emissions
RM 10	- CO
RM 18	- Benzene
RM 23	- Dioxins/Furan
RM 25	- VOCs
RM 29	- AMR VI Metals

The results of stack test for VOCs shall be reported in terms of Propane. The results of the stack test shall be submitted to AMS within 30 days after the stack test.

3. Recordkeeping Requirements: (a). Records shall be kept for each period each fuel is burned. The record shall show the date, start time, end time, amount of fuel consumed, percentage of sulfur in fuel and the name of the operator making the entry.

- (b). Relevant details of each shipment of oil delivered to the facility shall be recorded in a permanent bound notebook. For waste oil the details shall include items specified in Condition 1.

4. TDPS Materials shall burn recycled oil in asphalt drum dryer burner only.

**00184: Sunoco Inc.** (R and M) (3144 Passyunk Avenue, Philadelphia, PA 19145) for modification of their 868 Fluid Catalytic Cracking Unit in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. The air emission increases due to this modifications are 24.4 tons of NO<sub>x</sub>, 4.7 tons of SO<sub>x</sub>, 17.6 tons of CO, 1.4 tons of PM and 3.6 tons of VOCs. Sunoco will utilize NO<sub>x</sub> absorbing catalyst additive at a minimum of 2 weight percent of total fresh catalyst added. If it is necessary to control CO levels, Sunoco will use a low NO<sub>x</sub> CO promoter. After the modification the throughput will

increase to 47,500 barrels per day calculated on a 365-day rolling average and 50,000 barrels in a day. The coke feed rate and air rate to the FCCU will not change as a result of the modifications. The facility's NOx potential emissions will remain at 482 tons per year and VOC potential emissions will remain at 74 tons per year. The plan approval will contain recordkeeping and operation restrictions designed to keep the facility operating within all applicable air quality requirements.

**01072: Cage Graphics** (2781 Roberts Avenue, Philadelphia, PA 19129) for construction of a flexographic plate (used by customers in printing) manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility has requested a VOC emission limit of 22.4 tons (heptyl acetate and heptyl alcohol) on a 12-month rolling average basis. The facility will recover most of the solvent used using two recovery stills. The plan approval will contain operating and recordkeeping requirements designed to keep the facility operating within the allowable emission limit and all applicable air quality requirements.

**00042, 00043, 00044, 00045, 00057, 00092, 00093 and 00094: Cardone, Inc.** (5501 Whittaker Avenue, Philadelphia, PA 19124) for permitting of six degreasers, 20 dip tanks and one manual bench spray booth in the City of Philadelphia, **Philadelphia County**. This is a Title V facility which use Stoddard solvent to clean used automobile parts. The emissions from these units will be capped at 100 pounds per hour, 1,000 pounds per day and 25 tons in any 12 month rolling average, whichever is more restrictive. The plan approval will contain operating and recordkeeping requirements designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

**01092: Atlantic Refining and Marketing Co.** (1801 Market Street, 15/10 PC, Philadelphia, PA 19103) for installation of an open bed biofilter system at their Belmont Terminal at 2700 Passyunk Avenue in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. The biofilter will treat vapors from an existing soil vapor extraction system and a sewer ventilation system. The VOC emission from the source is restricted to 24.6 tons rolling average in any 12-month period. The plan approval will contain operating and recordkeeping instructions designed to keep the facility operating within allowable emission limits and all applicable air quality regulations.

### PLAN APPROVAL

### PUBLIC HEARINGS

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

In accordance with 25 Pa. Code § 127.44(b), the Department of Environmental Protection (Department) intends to issue a plan approval to **Temple-Inland Forest Products Corp** (P. O. Box Drawer N Diboll, TX 75941), for the Medium Density Fiberboard (MDF) Plant in Paint Township, **Clarion County**.

Plan Approval No. 16-132B is for the minor modification for the installed Regenerative Thermal Oxidizer (RTO). The proposed Plan approval will contain the following draft conditions:

1. The air pollution control devices shall be maintained and operated in accordance with the plan submitted with the application (as approved herein) and consistent with good air pollution control practices.

2. This Minor Modification plan approval shall supersede the conditions in plan approvals No. 16-132A, 16-313-004A, 16-313-005A, 16-316-006A and 16-316-007A

3. This facility is subject to 25 Pa Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emission standards, respectively. The permittee shall conduct daily inspections of the operations area of the facility, during periods when the plant is operational, to observe for the presence of fugitive emissions and visible emissions being emitted into the outdoor atmosphere. During the inspection, the permittee shall check for fugitive emissions from points such as the transfer towers, the raw material conveyors and the roadways. The inspection shall include an observation of control devices for leakage or operational problems. Corrective action shall be taken to return problems discovered to the normal state. A daily inspection checklist shall be kept to record discovered emissions and corrective actions taken. The inspection records shall be kept on site and made available to the Department upon request. Roadways in the operations area of the facility shall be swept every 48 hours, weather permitting or as necessary with a sweeper truck or similar device to mitigate dust build up.

4. The particulate emissions from the refiner startup dump cyclone shall not exceed 10.17 lbs/hr. and 0.4 TPY, respectively. The Total Non-Methane Organic Compound (TNMOC) emissions from these sources shall not exceed 31.6 lbs/hr and 1.3 TPY, respectively. The overall particulate efficiency of the cyclone shall be 99.99% or greater.

5. The refinery startup dump cyclone shall be operated for startup purposes only and shall be limited to 80 hrs/yr as stated in the application.

6. The TNMOC emissions from System 4, 7, 10, 11 and 12 dust collectors shall not exceed the following:

System	TNMOC #/hr	TNMOC TPY
4	0.15	0.6
7	0.15	0.6
10	0.83	3.4
11	0.32	1.3
12	0.32	1.3

7. The particulate emission rate from each of the fabric collectors, which exhaust directly to the atmosphere, shall not exceed 0.004 gr/dscf.

8. For each fabric collector, twenty percent of the total number of bags in the baghouse is required to be on hand for replacement as necessary.

9. The allowable particulate and TNMVOC) emissions from the MDF Press building vent (source #8), the board cooling building vent (source #9) and the board storage building vent (source #28) are listed in the following table:

Source	Particulate #/hr / TPY	TNMVOC #/hr / TPY
8	0.41 / 1.7	0.83 / 3.4
9	0.41 / 1.7	0.97 / 4.0
28	0.26 / 1.1	0.63 / 2.6

10. The press enclosure shall be maintained and operated in compliance with EPA Method 204—"Criteria for and verification of a permanent or temporary total enclosure." The exhaust gasses from the enclosure shall be ducted to the EPI combustion unit and the Regenerative Thermal Oxidizer (RTO). A test to demonstrate compliance with Method 204 shall be conducted every three years (at a minimum).



11. The emissions from the first stage dryer twin cyclones and the fiber conditioning system baghouse shall be ducted to the RTO. The emissions from the twin second stage dryer baghouses shall be ducted to the primary dryer for use as conveying air for the primary dryer.

12. The emissions from the outlet of the RTO shall not exceed the following (based on 8280 hours of operation):

<i>Pollutant</i>	<i>Outlet Concentration #/hr / TPY</i>
PM	8.0 / 33.1
NM VOC	5.2 #/hr and 21.5 TPY And 95% reduction of inlet emission (which ever is more stringent)
NOx	27.5 / 113.9
CO	44.0 / 182.2

13. Every 3 years (at a minimum), Temple-Inland shall conduct emission tests on the RTO to verify compliance with the emission limits in the previous condition. On a yearly basis, the facility shall demonstrate that ammonia slippage is less than 10 ppm.

14. At least 60 days prior to the emission tests, a test procedure and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Department.

15. The emission tests of the RTO shall be performed in accordance with the provisions of Chapter 139 to show compliance with condition 13. The stack tests shall be performed while the aforementioned sources are operating within 10% of the maximum rated capacity as stated on the application. The stack tests shall be performed in accordance with the Department approved methods.

16. At least 2 weeks prior to the tests, the Department shall be informed of the date and time of the tests.

17. Within 45 days after completion of the tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Department for approval.

18. The minimum temperature of the RTO shall be maintained at or above 1500°F. If the facility chooses to operate at a lower temperature, the facility shall demonstrate compliance with the emissions in condition 13 by performing additional stack tests at the lower temperature.

19. The facility shall assure adequate flow through the RTO and retention in the towers by maintaining a continuous flow monitor in the outlet stack of the thermal oxidizer. The permittee shall monitor and record flow rates within the operating range established during performance testing, with a maximum flow not to exceed 425,000 acfm. Flow records shall be maintained on site and made available to the Department upon request.

20. The facility shall install, maintain and operate a continuous strip chart recorder (or Department approved equivalent) for the minimum RTO temperature. Records of the temperature shall be maintained by the facility for at least 5 years and made available to the Department upon request.

21. The design of the Selective Non-Catalytic Reduction (SNCR) system to control NOx emissions from the EPI combustor shall maintain an ammonia slip of less than 10 ppm (parts per million) by volume on a dry basis.

22. The facility shall continuously monitor the feed rate for the SNCR to ensure that the feed rate is consistent with the feed rate during the annual ammonia stack test. The feed rate shall be recorded; the records shall be maintained for a minimum of 5 years.

23. A NOx monitor shall be installed in the exhaust stack for the RTO. The monitor shall be operated and maintained in accordance with the Department's "Continuous Source Monitoring Manual" (Revision #6—January 1996). Continuous monitoring shall be conducted in accordance with 25 Pa. Code Chapter 139 and approved by the Department. Reporting information for the monitor shall be based on a 24-hour clock average (based pm a rolling 24-hour average). The monitor shall provide information on NOx emissions in #/hr and ton/yr.

24. The facility shall not operate more than 8280 hours per year (based on a 12-month rolling total).

25. The company shall notify the Department of any malfunction of the sources or associated air cleaning devices which results in or may possibly be resulting in, the emission of air contamination in excess of the limitations specified in this permit or established under, any applicable rule or regulation contained in Article III of the Rules and Regulations of the Department of Environmental Protection. A written report shall be submitted to the Department within two working days following the incident describing the malfunctions and corrective actions taken. The Department shall also accept an electronic notice of the malfunction in lieu of a written report. The notice at a minimum shall contain the affected source and control device, the start and end of excess emissions, the total duration of the event and a description of the malfunction and how it was corrected.

26. Issuance of an operating permit is contingent upon satisfactory compliance with condition numbers 1—25, upon the source being constructed and operated as stated on the application and upon the satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules & Regulations of the Department of Environmental Protection.

27. Any information required to be submitted as part of the previous conditions should be submitted to Devendra Verma, Engineering Services Chief, Air Quality, 230 Chestnut St., Meadville, PA 16335.

The Department will conduct a public hearing on October 17, 2001, from 7—9 p.m. at the Main Street Senior Center, 516 Main Street, Clarion, PA.

The hearing is for the Department to accept testimony concerning the Department's decision to approve, with conditions, the revised Plan Approval.

Persons wishing to present testimony at the hearing should contact Matthew Williams, New Source Review Section, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 5 minutes.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Matthew Williams (814) 332-6940 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to Matthew Williams New Source Review Section, Department of Environ-

mental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 10 days of the hearing (but no later than October 27, 2001).

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.*

**35-318-083: Wells Cargo, Inc.** (50 Enterprise Drive, P. O. Box 547, Carbondale, PA 18407) for operation of a paint spray operation and associated air cleaning device in Carbondale, **Lackawanna County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-03128: LamTech, Inc** (27 West Mohler Church Road, Ephrata, PA 17522) for operation of a countertop manufacturing plant in East Cocalico Township, **Lancaster County**. The volatile organic compound (VOC) emissions from the plant are approximately 6 tpy, the hazardous air pollution emissions are less than 2 tpy and the particulate matter emissions are less than 1 tpy. The Natural Minor operating permit shall contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**49-301-021: Pet Rest Memorial Park** (R. R. 3, Box 464, Watsonstown, PA 17777) for operation of a small animal crematory incinerator on Eighth Street Road in Delaware Township, **Northumberland County**.

The air contaminant emissions from the respective incinerator are controlled by an integral secondary combustion chamber. The resultant particulate emissions are less than .5 pounds per hour.

The Department of Environmental Protection has determined that the respective incinerator was constructed and is operating, in conformance with all conditions of Plan Approval 49-301-021 as well as all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department of Environmental Protection consequently plans to issue an operating permit for the incinerator.

The Department intends to place conditions in the operating permit to be issued which are intended to assure continued compliance with all applicable regulatory requirements and plan approval conditions as well as require appropriate monitoring. The following is a summary of the most important conditions:

1. Only animal remains and associated containers shall be incinerated.
2. The particulate matter emissions shall not exceed .08 grain per dry standard cubic foot, corrected to 7% oxygen and the opacity shall not equal or exceed 10% for more than 3 minutes in any 1 hour or 30% at any time.
3. The incinerator shall be equipped with instrumentation to continuously monitor and record the secondary combustion chamber temperature. All temperature records shall be retained for at least 5 years and made available to the Department upon request.

4. A secondary combustion chamber temperature of at least 1800°F shall be maintained at any time incineration is occurring.

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

**10-00298: ESM II—Saxonburg** (955 Saxonburg Boulevard, Saxonburg, PA 16056) for a Natural Minor Operating Permit for production of magnesium-based powders in Saxonburg, **Butler County**.

**24-00017: Morgan AM&T** (441 Hall Avenue, St. Marys, PA 15857) for a Natural Minor Operating Permit for production of carbon-based machined and molded components in St. Marys, **Elk County**.

**37-00268: Commercial Asphalt Supply Inc.—Slippery Rock Plant** (155 Route. 228 West, Valencia, PA 16059) for a Synthetic Minor Operating Permit for operation of the facility's air contamination sources consisting of a 250-tph-asphalt batch plant in Scott Township, **Lawrence County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Roger Fey, Chief, (215) 823-7584.*

**99-003: Royal-Pioneer Industries, Inc.** (2345 Castor Avenue, Philadelphia, PA 19134-4699) for paperboard box manufacturing and printing in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include three flexographic printing presses, a 6.75 MMBTU/hr natural gas/ #2 fuel oil-fired boiler and three natural gas-fired press dryers each rated at 8.0 MMBTU/hr or less.

## MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54960202R. City of Philadelphia** (21 S. 12th Street, Philadelphia, PA 19107-3684), renewal of an existing coal refuse reprocessing/disposal operation in Butler, West Mahanoy and Union Townships, **Schuylkill County** affecting 1071.0 acres, receiving stream—none. Application received: August 22, 2001.

**54851342R3. Little Buck Coal Co.** (R. R. 4 Box 405, Pine Grove, PA 17963), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 5.0 acres, receiving stream—none. Application received: August 27, 2001.

**49851310R3. Jordon L Coal Co.** (133 Academy Street, Shamokin, PA 17872), renewal of an existing anthracite underground mine operation in Coal Township, **Northumberland County** affecting 2.0 acres, receiving stream—none. Application received: August 27, 2001.

**54900204R2. Silverbrook Anthracite, Inc.** (1 Market Street, Laffin, PA 18702-7105), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township and City of Nanticoke, **Luzerne County** affecting 80.0 acres, receiving stream—none. Application received: August 30, 2001.

**54940202R. Dizenzo Coal Company** (1389 Bunting Street, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing, coal refuse disposal and preparation plant operation in Branch Township, **Schuylkill County** affecting 30.3 acres, receiving stream—none. Application received: August 31, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**26850112. Christopher Resources, Inc.** (P. O. Box 197, Mt. Braddock, PA 15465). Revision application received for an incidental boundary correction at a bituminous surface mining site located in Dunbar Township, **Fayette County**, affecting 158.8 acres. Receiving streams: unnamed tributary to Gist Run and Dunbar Creek. Application received: August 24, 2001.

**03010104. Blackridge Associates, Inc.** (R. D. 7, Box 375B, Kittanning, PA 16201). Commencement, operation and reclamation of a bituminous surface mine located in Gilpin Township, **Armstrong County**, affecting 60.2 acres. Receiving streams: unnamed tributaries to Allegheny River and to Allegheny River. Application received: August 23, 2001.

**30010102. Coresco, Inc.** (P. O. Box 1209, Morgantown, WV 26507). Application received for commencement, operation and reclamation of a bituminous surface mining site located in Dunkard Township, **Greene County**, affecting 169.0 acres. Receiving streams: unnamed tributaries to Dunkard Creek, to Dunkard Creek, to Monongahela River. Application received: July 24, 2001.

**03010105. Blackridge Associates, Inc.** (R. D. 7, Box 375B, Kittanning, PA 16201). Commencement, operation and reclamation of a bituminous surface mine located in Sugar creek Township, **Armstrong County** affecting 217.2 acres. Receiving streams: unnamed tributaries to Buffalo Creek and Patterson Creek, to Patterson Creek to Buffalo Creek to Allegheny River. Application received: August 13, 2001.

**30010103. SBX Corporation** (668 Lower Hildebrand Road, Morgantown, WV 26501). Commencement, operation and reclamation of a bituminous surface mine located in Greene Township, **Greene County** affecting 16 acres. Receiving stream: Whitely Creek. Application received: August 16, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**56920109. Permit Revision, Heritage Mining Company** (P. O. Box 126, Cresson, PA 16630), for a land use change from woodland to unmanaged natural habitat and industrial/commercial in Shade Township, **Somerset County**, affecting 46.1 acres, receiving stream Oven Run. Application received: August 22, 2001.

**32900108. Permit Renewal/Transfer, Thomas J. Smith, Inc.** (R. D. #1, Box 260D, Shelocta, PA 15774) from **Mahoning Mining, Inc.** (P. O. Box 44, New Bethlehem, PA 16242), for continued operation of a bituminous surface and auger mine in South Mahoning Township, **Indiana County**, affecting 74.4 acres, receiving stream Ross Run and an unnamed tributary to Little Mahoning Creek. Application received: August 22, 2001.

**32010110. Alverda Enterprises, Inc.** (P. O. Box 87, Alverda, PA 15710), commencement, operation and restoration of bituminous surface mine in Pine Township, **Indiana County**, affecting 78.1 acres, receiving stream unnamed tributaries to Leonard Run. Application received: August 24, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**37010105. Kerry Coal Company** (R. D. 2, Box 2139, Wampum, PA 16159). Commencement, operation and restoration of a bituminous surface strip operation in Little Beaver Township, **Lawrence County** affecting 133.6 acres. Receiving streams: unnamed tributaries to North Fork Little Beaver Creek. Application received: August 27, 2001.

**1195-37010105-E-1. Kerry Coal Company** (R. D. 2, Box 2139, Wampum, PA 16159). Application for a stream encroachment to conduct mining activities within 25 feet of unnamed tributary "B" to North Fork Little Beaver Creek in Little Beaver Township, **Lawrence County**. Receiving streams: unnamed tributaries to North Fork Little Beaver Creek. Application received: August 27, 2001.

**1465-24970102-E-1. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Application for a stream encroachment to conduct mining activities within 100 feet of McCauley Run. The stream encroachment activities consist of the placement of a stream crossing and haul road over McCauley Run in Fox Township, **Elk County**. Receiving streams: Two unnamed tributaries to Brandy Camp Creek, one unnamed tributary to McCauley Run and McCauley Run. Application received: August 30, 2001.

**10860105. Mahoning Mining, Inc.** (P. O. Box 44, New Bethlehem, PA 16242) Renewal of an existing bituminous surface strip operation in Slippery Rock and Worth Townships, **Butler County** affecting 251.0 acres. Receiving streams: Wolf Creek, unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application for reclamation only. Application received: August 31, 2001.

**16980102. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip operation in Highland Township, **Clarion County** affecting 38.3 acres. Receiving streams: McGourvey Run. Application received: August 31, 2001.

*Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**21900301C2. E. E. Kough Sons** (P. O. Box 134, Newville, PA 17241), renewal of NPDES Permit #PA0595055 in North Newton Township, **Cumberland County**, receiving stream—unnamed tributary to Conodoguinet Creek. Application received: August 22, 2001.

**7475SM10A1C4. Essroc Cement Corp.** (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES Permit #PA0123242 in Nazareth Borough and Upper Nazareth Township, **Northampton County**, receiving stream—unnamed tributary to East Branch Monocacy Creek. Application received: August 27, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**26840402. Better Materials Corporation** (2200 Springfield Pike, Connellsville, PA 15425-9503). Application received to transfer permit currently issued to Commercial Stone Co., Inc., for continued operation and reclamation of a large noncoal surface mine (limestone quarry) located in Connellsville Township, **Fayette County**, affecting 234.7 acres. Receiving streams: Connell Run to Youghiogheny River. Application received: August 10, 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.

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

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## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E23-413. Thornbury Investors, L.P.**, 1541 East Strasburg Road, West Chester, PA 19380. Thornbury Township, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Cherry Farms Residential Subdivision.

1. To remove 24 linear feet of 36-inch culvert and to construct and maintain 30 linear feet of 36-inch RCP culvert and associated endwalls in and along an unnamed tributary to Chester Creek (TSF) to provide an improved emergency access which will also serve as a walking trail.

2. To construct and maintain 55 linear feet of 36-inch RCP culvert in and along an unnamed tributary to Chester Creek to provide access from Dilworthtown Road (SR 4016).

3. To construct and maintain 110 linear feet of 19-foot by 6-foot 3 1/2-inch pipe arch stream enclosure with mitered end sections in and along the West Branch Chester Creek. These improvements are associated with

Cherry Farm Lane at Station 15+30. The crossing will also contain an 8-inch PVC sanitary sewer line crossing.

4. To relocate 174 linear feet of an unnamed tributary to Chester Creek through a proposed 149 linear-foot twin 48-inch RCP stream enclosure. These improvements are associated with roadwork for Cherry Farm Lane at Station 32+90. The crossing will include a 15-inch RCP stormwater outfall on the downstream end, 15-inch RCP stormwater utility line crossing and an 8-inch PVC sanitary sewer crossing.

5. To construct and maintain 69 linear feet of 30-inch RCP culvert in and along an unnamed tributary of Chester Creek and 0.154 acres of adjacent wetland (FFO). This work also includes an 8-inch PVC sanitary sewer crossing. These improvements are associated with roadwork for Cherry Farm Lane at Station 61+70.

6. To construct and maintain 89 linear feet of 36-inch RCP culvert road crossing of an unnamed tributary of Chester Creek and 0.15 acre of adjacent wetland (PFO). The crossing includes an 8-inch PVC sanitary sewer crossing. These improvements are associated with roadwork for Cherry Farm Lane at Station 65+00.

7. To construct and maintain 103 linear feet of 30-inch RCP culvert in and along an unnamed tributary of Chester Creek and 0.142 of adjacent wetland (PFO). These improvements are associated with roadwork for Cherry Farm Lane at Station 67+30.

8. To place and maintain fill in 0.05 acre of wetlands (PFO) associated with roadwork for Cherry Farm Lane at Station 58+00.

9. To relocate 204 linear feet an unnamed tributary of Chester Creek through a proposed 130 linear-foot stream enclosure consisting of twin 72-inch RCP conduits and endwalls. These improvements are associated with roadwork at Old Barn Lane at Station 2+00 and the work will also include an 8" PVC sanitary sewer crossing.

10. To construct and maintain a pedestrian bridge across an unnamed tributary of Chester Creek near Lot 112 and Lot 76.

11. To remove an existing 18 linear-foot 24-inch CMP located in and along an unnamed tributary of Chester Creek near lot 112 and Lot 76.

12. To install and maintain an 8-inch PVC sanitary sewer crossing across an unnamed tributary of Chester Creek near Lot 112 and Lot 76.

The project also proposes two dams and will be coordinated with Dam Safety Applications D23-113, D23-114.

The applicant has proposed to construct 2.33 acres of replacement wetlands to compensate for impacts associated with this application and the dam applications previously noted.

The proposed subdivision is located on a 192-acre parcel along Dilworthtown Road (SR 4016) approximately 2,000 feet east of its junction with the Wilmington—West Chester Pike (SR 0202).

**E51-192. City of Philadelphia Division of Aviation,** Terminal E Departures, Philadelphia International Airport, Philadelphia, PA 19153. City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To extend and maintain a 540 linear-foot long arch stream enclosure in and along Church Creek (WWF), consisting of 30 linear foot extensions on each end and impacting a total of approximately 190 linear feet of stream channel for both temporary and permanent activi-

ties. The work is associated with Runway 17-35 Rehabilitation and Safety Improvements at the Philadelphia International Airport (Philadelphia PA—NJ Quadrangle N: 0.5 inch; W: 15.0 inches).

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

**E35-343. Pennsylvania Department of Transportation,** Engineering District 4-0, P. O. Box 111, Scranton, PA 18501-0111, in City of Carbondale, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove an existing structure and to construct and maintain an adjacent single span pre-stressed reinforced concrete spread box beam bridge having a span of 50 feet and a minimum underclearance of 10.22 feet across the Lackawanna River (TSF). (Carbondale, PA Quadrangle N: 13.5 inches; W: 0.4 inch).

**E35-344. Pennsylvania Game Commission,** 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, in Clifton Township, **Lackawanna County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain four low-flow roadcrossings including twin 24-inch x 35-inch corrugated metal arch pipes across Ash Creek (HQ-CWF), twin 33-inch x 49-inch corrugated metal arch pipes across Marsh Creek (HQ-CWF) and 24-inch diameter corrugated metal pipes across two tributaries to Ash Creek (HQ-CWF) for the purpose of constructing a haul road for timber harvesting operations. The crossings will also become a permanent part of the Pennsylvania Game Commission's road system. (Thornhurst, PA, Quadrangle N: 22.7 inches; W: 8.6 inches).

**E40-578. Ralph and Mary Herbert,** 297 Hartman Road, Hunlock, PA 18621, in Hunlock Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a single-span bridge, having a clear span of approximately 37 feet and an unclearance of approximately 6 feet, across a tributary to Hunlock Creek (CWF), for the purpose of providing access to a single family residence. The project is located on the south side of S.R. 4001 (Hartman Road), approximately 0.2 mile east of the intersection of S.R. 4001 and T-544. (Nanticoke, PA, Quadrangle N: 17.8 inches; W: 8.1 inches).

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

**E01-227. Suzanne Youngblood,** 530 Flohrs Church Road, Biglerville, PA 17307 in Franklin Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 35-foot of stream channel from an existing Spring to an existing overflow channel and fill in an on-stream pond which is located at the spring house on an unnamed tributary to Muskrat Run (CWF) (Fairfield, PA Quadrangle N: 22.3 inches; W: 12.8 inches).

**E06-552. Exeter Township,** 4975 Demoss Road, Reading, PA 19606 in Exeter Township, **Berks County**, ACOE Philadelphia District.

To remove the existing bridge and to construct and maintain a new concrete 13-foot by 10-foot box culvert at the channel of Heisters Creek (WWF) on Lincoln Road (Einsboro, PA Quadrangle N: 5.7 inches; W: 11.65 inches).

**E07-326. Donald Rabenstein**, Duncansville Borough, 1146 Third Avenue. P. O. Box 308, Duncansville, PA 16635 in Duncansville Borough, **Blair County**, ACOE Baltimore District.

To rehabilitate and restore a reach of Blair Gap Run stream channel about 2,000 feet in length by removing gravel bar deposits, constructing riprap revetment and vegetative plantings to protect the Streambank and to construct rock barbs to direct stream flow into the thalweg of the channel for the purpose of reducing Streambank erosion and impacts of minor flooding and to enhance the aesthetics of the area located in Duncansville Borough public park (Hollidaysburg, PA Quadrangle N: 9.8 inches; W: 7.5 inches).

**E07-349. Tyrone Area School District**, 701 Clay Avenue, Tyrone, PA 16686 in Snyder Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a 4-span pedestrian bridge with spans 37-feet each and an underclearance of 24.6-feet across the channel of Schell Run (WWF) at a point at the Tyrone High School (Tipton, PA Quadrangle N: 8.55 inches; W: 0.5 inch) in Snyder Township, **Blair County**. This project will permanently impact 0.03 acre of wetlands and temporarily impact 0.59 acre of wetlands. The amount of wetland impact is considered de minimis and wetland mitigation is not required.

**E21-329. Southampton Township**, 200 Airport Road, Shippensburg, PA 17257 in Southampton Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain about 100 feet of gabion mattress and bank protection in the channel of Thompson Creek (CWF) for the purpose of protecting an existing concrete retaining wall and to prevent scouring of the stream channel in the vicinity of a single span bridge at the intersection of Gilbert Road (SR 3002) and Whitmer Road (T-314).

**E22-435. Hershey Entertainment & Resorts Company**, 300 Park Blvd., Hershey, PA 17033 in Derry Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain the widening of SR 039, Segment 0330, Offset 0666 to 1316 from Station 310+60 to 321+50 which will include the placement of about 1,050 cubic yards of fill material in 0.36 acre of the floodplain of Swatara Creek (WWF) which includes about 0.014 acre of de minimis wetlands located near the intersection of SR 0039 and Hershey Park Drive (Hershey, PA Quadrangle N: 6.7 inches; W: 6.5 inches).

**E28-291. Richard Mohn**, 10599 Old Forge Road, Waynesboro, PA 17268 in Quincy Township, **Franklin County**, Baltimore District.

To construct and maintain a 15-foot by 5.3-foot box culvert in the channel of Biesecker Run (CWF) at a point 3,000 feet northeast of the Mentzer Gap Road intersection (Waynesboro, PA Quadrangle N: 7.4 inches; W: 4.9 inches).

**E28-293. Mark Burkhead**, PennDOT 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Guilford Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a multi-stage detention basin, outlet culvert and outlet channel to collect stormwater runoff from Route 30 release the discharge from the basin into an unnamed tributary to the Falling Spring Branch (HQ-CWF) (Scotland, PA Quadrangle N: 9.5 inches; W: 17.3 inches).

**E31-175. Springfield Township**, R. D. 1 Box 1271, Three Springs, PA 17264 in Springfield Township, **Huntingdon County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a bridge having a span of 20 feet and an underclearance of 5 feet across the channel of Lick Run (TSF) at a point at Coverts Road (T-322) (Orbosonia, PA Quadrangle N: 6.5 inches; W: 10.0 inches).

**E50-206. Perry County Commissioners**, P. O. Box 37, New Bloomfield, PA 17068 in Marysville Borough, **Perry County**, ACOE Baltimore District.

To construct and maintain the placement of R-8 rock riprap along the north abutment of an existing Perry County Bridge No. 15 having a clear span of 54.5 feet and an underclearance of 8.4 feet across Fishing Creek (CWF) to prevent scouring at the north bridge abutment located on Kings Highway located about 0.75 mile west of the Marysville Borough, Perry County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E14-405. Troy Dinges**, 1385 Pine Creek Road, Coburn, PA 16832. Stream Crossing, in Haines Township, **Centre County**, ACOE Baltimore District (Coburn, PA Quadrangle N: 22.2 inches; W: 4.9 inches).

To construct, operate and maintain a single cell culvert crossing measuring 3 feet in diameter and having a length of 20 feet. This crossing is located on an unnamed tributary to Pine Creek, which is designated as an Exceptional Value watershed. This project will impact 20 linear feet of stream and will not impact any wetlands.

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

**E02-1353. Allegheny County**, Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. Robinson Township, **Allegheny County**, ACOE Pittsburgh District.

To remove existing structures, to construct and maintain a box culvert having a span of 4267 mm (14 ft.) and underclearance of 1829 mm (6 ft.) depressed 300 mm (1 ft.) for a distance of 32.9 mm (108 ft.), to construct and maintain a box culvert having a span of 4267 mm (14 ft.) and underclearance of 1829 mm (6 ft.) depressed 300 mm (1 ft.) for a distance of 188 mm (617 ft.), to construct and maintain three channel relocations having a total distance of 275.33 m (903 ft.) in Campbell's Run (WWF), to construct and maintain a 36.9 mm (5 ft.) diameter RCP culvert depressed 150 mm (.5 ft.) for a distance of 36.6 m (120 ft.) with a concrete junction box in a tributary to Campbell's Run and to place and maintain fill in a de minimis area of palustrine emergent wetland equal to 0.0076 acres for the purpose of constructing the Settlers Cabin/Campbell's Run Road interchange (Oakdale, PA Quadrangle Begins N: 10.8 inches; W: 2.7 inches and Ends at N: 12.2 inches; W: 4.7 inches).

**E02-1354. Angelo Development Company, Inc.**, 100 Springfield Drive, Verona, PA 15147. Plum Borough, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in 0.35 acre of wetlands (PEM) associated with an unnamed tributary to Little Plum Creek (WWF) and to construct and maintain an outfall structure on the right bank of an unnamed tributary to Little Plum Creek for the purpose of constructing the Meadow Hill Village Plan of Lots located on the east side of Old Leechburg Road, approximately 450

feet east from the intersection of Old Leechburg Road and Statler Road. The applicant proposes to contribute to the Wetland Replacement Fund. (New Kensington East, PA Quadrangle N: 0.5 inch; W: 16.6 inches)

**E26-241-A1. Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. Stewart Township, **Fayette County**, ACOE Pittsburgh District.

To amend Permit No. E26-241 to include the installation and maintenance of an enclosed pedestrian pathway under and across an existing bike trail along the Youghiogheny River, the realignment of approximately 200 feet of the existing trail along the Youghiogheny River and the construction and maintenance of a 400-foot long portage across Bear Run and along the Youghiogheny River located in Ohio State Park (Ohio State Park, PA Quadrangle N: 21.48 inches; W: 15.84 inches Pedestrian Path and Mill Run, PA Quadrangle N: 4.98 inches; W: 14.16 inches Trail and Portage).

## ENVIRONMENTAL ASSESSMENTS

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

**EA26-006SW. Department of the Interior**, National Park Service, Harper's Ferry Center, P. O. Box 50, Harper's Ferry, WV 25425. Wharton Township, **Fayette County**, ACOE Pittsburgh District.

To construct and maintain a 4-foot by 15-foot box culvert and streambank stabilization in an unnamed tributary to Meadow Run (HQ-CWF) to improve traffic flow within the Fort Necessity Battlefield complex, in association with the construction of a new visitors center. The proposed project will affect approximately 162 feet of the aforementioned watercourse. Fort Necessity, PA Quadrangle N: 11.67 inches; W: 11.91 inches)

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

**EA46-033CO. Abington Township**, 1176 Old York Road, Abington, PA 19001. Abington Township, **Montgomery County**, ACOE Philadelphia District.

To construct a nonjurisdictional dam (Upper Dam) across a tributary to Sandy Run (TSF) as part of the Susquehanna Woods Flood Control Improvement Project to reduce flooding in the Sandy Run watershed and improve aesthetics. The project also proposes to construct a jurisdictional dam (Lower Dam), permit requirements waived under § 105.12(a)(1), downstream of the nonjurisdictional dam. The project will directly impact 40 feet of intermittent stream channel to construct the dams and indirectly impact, by temporary inundation, 0.7 acre of wetland (PEM/PSS) and approximately 210 feet of intermittent stream channel. The dams are located adjacent to the Hillside Cemetery (Germantown, PA Quadrangle; N: 21.7 inches, W: 3.5 inches).

**D50-001A. Pennsylvania Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Penn Township, **Perry County**, ACOE Baltimore District.

To modify the Upper Cove Creek Dam for the purpose of improving the safety of the dam and preserving wetlands that have developed on accumulated sediments in the reservoir. Modifications include removing the top 6 feet of the dam, spoiling this material at a 1 1/2 to 1 slope against the downstream face of the dam, constructing a 6 inch low flow spillway through the center of the dam and placing a 2 foot thick blanket of S-6 rock over the dam.

The project will directly impact approximately 20 feet of the stream channel. The dam is located across Cove Creek (CWF) approximately 1,000 feet southwest of the intersection of State Route 11/15 and Watts Drive (SR 2004) (Wertzville, PA Quadrangle N: 21.5 inches; W: 3.8 inches).

**D50-002A. Pennsylvania Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Penn Township, **Perry County**, ACOE Baltimore District.

To modify the Lower Cove Creek Dam for the purpose of improving the safety of the dam and preserving wetlands that have developed on accumulated sediments in the reservoir. Modifications include removing the top 4 feet of the dam, spoiling this material at a 1 1/2 to 1 slope against the downstream face of the dam, constructing a 6 inch low flow spillway through the center of the dam and placing a 2 foot thick blanket of R-6 rock over the dam. The project will directly impact approximately 18 feet of the stream channel. This dam is located across Cove Creek (CWF) approximately 500 feet west of the intersection of State Route 11/15 and Watts Drive (SR2004) (Wertzville, PA Quadrangle N: 21.8 inches; W: 3.7 inches).

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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, (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.

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#### I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1— 691.1001).

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

**NPDES Permit No. PA0054054**, Sewage, **Richard and Deborah Reblock**, 2026 Broad Street, Perkasio, PA 18944.

This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into Deep Run Creek.

**NPDES Permit No. PA0054810**, Sewage, **Upper Frederick Township**, P. O. Box 597, Frederick, PA 19435-0597.

This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into a wetland adjacent to Goshenhoppen Creek 3E Watershed.

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

**NPDES Permit No. PA-0012823**, Industrial Waste, **PPL Martins Creek, LLC**, Two North Ninth Street, Allentown, PA 18101-1179

This proposed facility is located in Lower Mt. Bethel Township, **Northampton County**.

Description of Proposed Action/Activity: to discharge from a facility to Delaware River and Oughoughton Creek.

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

**NPDES Permit No. PA0028720**, Sewage, **Reading Regional Airport Authority**, 2501 Bernville Road, Reading, PA 19605.

This proposed facility is located in Bern Township, **Berks County**.

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

**NPDES Permit No. 2101404**, Sewage, **Thomas Rosenberger**, 350 Hollowbrook Road, Carlisle, PA 17013.

This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment plant to serve their single family residence.

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

**NPDES Permit No. PA0114740**, Industrial Waste, **Consumers Pa Water Co.**

This facility is located in Coal Township, **Northumberland County**.

Description of Proposed Action/Activity: Renewal of the NPDES permit for the wastewater discharge from the filter backwash operation at a water treatment plant.

**NPDES Permit No. PA0209130**, Sewage, **Tri-Lateral Investment Company**.

This facility is located in Muncy Creek Township, **Lycoming County**.

Description of Proposed Action/Activity: Renewal of the NPDES permit for the discharge of treated sewage from the STP serving the Heatherbrooke Estates Mobile Home Park.

**NPDES Permit No. PA0023248**, Sewage, **Berwick Area Joint Sewer Authority**.

This facility is located in Berwick Borough, **Columbia County**.

Description of Proposed Action/Activity: Renewal of the NPDES permit for the discharge from the Berwick Area Joint Sewer Authority's Sewage Treatment Plant.

**NPDES Permit No. PA0209384**, Sewage, **Lawrence Township Municipal Authority**.

This proposed facility is located in Lawrence Township, **Tioga County**.

Description of Proposed Action/Activity: Renewal of the NPDES permit for the discharge of treated sewage from the Lawrence Township Municipal Authority's sewage treatment plant.

**NPDES Permit No. PA0228401**, CAFO, **Schrack Farms Partnership**.

This facility is located in Greene Township, **Clinton County**.

Description of Size and Scope of Proposed Operation/Activity: Issuance of the NPDES permit for the existing CAFO dairy operation on the Fishing Creek watershed (9C). Operation has a total of 1,275 animal equivalent units, manure storage facilities and 1,350 acres of land for manure application. The Nutrient Management Plan was approved by the Clinton County Conservation District.

**WQM Permit No. 1401201**, Industrial Waste, **Pennsylvania-American Water Company**.

This proposed facility is located in Rush Township, **Centre County**.

Description of Proposed Action/Activity: Proposed construction of a french drain disposal system for a wastewater stream from the monitoring equipment at the water treatment facilities near the Village of Penn Five.

**WQM Permit No. 4101406**, Sewerage, **Gregory C. Kinley**.

This proposed facility is located in Old Lycoming Township, **Lycoming County**.

Description of Proposed Action/Activity: Construction of a single residence sewage treatment system.

**WQM Permit No. 4701401**, Sewerage, **Valley Township Municipal Authority**.

This proposed facility is located in Valley Township, **Montour County**.

Description of Proposed Action/Activity: Construction of a sewer extension to serve the Cloverleaf Village area of Valley Township.

**WQM Permit No. 1499409**, Sewerage, **University Area Joint Authority**.

This proposed facility is located in Patton Township, **Centre County**.

Description of Proposed Action/Activity: Construction of a sewer extension to serve the Colonnade commercial development in Patton Township.

**WQM Permit No. 6089412-T1**, Sewerage, **Dennis Fritz**.

This facility is located in Lewis Township, **Union County**.



Description of Proposed Action/Activity: Transfer of a WQM permit for a single residence sewage treatment system.

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

**NPDES Permit No. PA0000302.** Industrial Waste. **Pennsylvania-American Water Company—Indiana**, 1034 Waterworks Road, Indiana, PA 15701 is authorized to discharge from a facility located at PA-American Water Company—Indiana—Two Lick Creek Water Treatment Plant, White Township, **Indiana County** to receiving waters named Two Lick Creek.

**NPDES Permit No. PA0203807.** Industrial Waste. **Nanty Glo Water Authority**, 872 Chestnut Street, Nanty Glo, PA 15943 is authorized to discharge from a facility located at Nanty Glo Water Treatment Plant, Cambria Township, **Cambria County** to receiving waters named Williams Run.

**NPDES Permit No. PA0216003.** Industrial. **Precision Kidd Steel Co., Inc.**, One Quality Way, Aliquippa, PA 15001 is authorized to discharge from a facility located at Precision Kidd Steel Co. Plant, City of Aliquippa, **Beaver County** to receiving waters named Ohio River.

**NPDES Permit No. PA0033219.** Sewage. **J. William Dyer**, P. O. Box 364, Sewickley, PA 15143-0364 is authorized to discharge from a facility located at Little Creek Estates STP, New Sewickley Township, **Beaver County** to receiving waters named unnamed tributary of Brush Creek.

**NPDES Permit No. PA0205664.** Sewage. **David J. D'Atri**, 320 Sunset Drive, Baden, PA 15005 is authorized to discharge from a facility located at Forest Brook Mobile Home Park STP, New Sewickley Township, **Beaver County** to receiving waters named Pine Run.

**NPDES Permit No. PA0218855.** Sewage. **Consol Pennsylvania Coal Company**, 172 Route 519, P. O. Box 355, Eighty Four, PA 15330 is authorized to discharge from a facility located at Enlow Fork Mine 3 North #2 Portal Bathhouse STP, East Finley Township, **Washington County** to receiving waters named Rocky Run.

**Permit No. 0400406.** Sewage. **Economy Borough Municipal Authority**, 2860 Conway-Wallrose Road,

Baden, PA 15005. Construction of sewage treatment plant, pump stations, interceptor and sewers located in Economy Borough, **Beaver County** to serve Big Sewickley Creek Service Area.

**Permit No. 5601403.** Sewage. **Mark Leonberger**, 277 Fiegtown Road, Apartment No. 1, Friedens, PA 15541. Construction of a single residence sewage treatment plant located in Stonycreek Township, **Somerset County** to serve Leonberger single residence STP.

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

**NPDES Permit No. PA0238635,** Sewage, **Frank A. Jr. and Melissa A. Blaine**, 171 N. Balph Avenue, Pittsburgh, PA 15202.

This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: This project is to discharge to Little Connoquenessing Creek.

**WQM Permit No. 1001409,** Sewerage, **Frank A. Jr. and Melissa A. Blaine**, 171 N. Balph Avenue, Pittsburgh, PA 15202.

This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

**WQM Permit No. 1001403,** Sewerage, **Vernon H. Boyer**, 657 Keister Road, Slippery Rock, PA 16057.

This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

**WQM Permit No. 1001403,** Sewerage, **Vernon H. Boyer**, 657 Keister Road, Slippery Rock, PA 16057.

This proposed facility is located in Slippery Rock Township, **Butler 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.

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10-G476	Hillbrook Farms, LP P. O. Box 251 Morgantown, PA 19543	Chester	Honey Brook Township	UNT of Pequea Creek (HQ)
PAS10-D118	New Hope Senior Housing, LP 7321 New Falls Road Levittown, PA 19055	Bucks	New Hope Borough and Solebury Township	Aquetong Creek (HQ-TS)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q207	PennDOT 5-0 1713 Lehigh St. Allentown, PA 18103	Lehigh	South Whitehall Township Upper Macungie Township Lower Macungie Township	Little Lehigh Creek HQ-CWF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10W083	Metz Development Corporation 524 Waterdam Road McMurray, PA 15317	Washington County North Strabane Township	UNT to Little Chartiers Creek/ HQ-WWF

#### **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.

#### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of 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>
Aston Township Delaware County	PAR10 J225	Robert Brown 29 Westfleet Drive Media, PA 19065	Chester Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

## NOTICES

5301

<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>
Hatfield Township Montgomery County	PAR10 T779	Walter Smerconish 3359 Durham Road Doylestown, PA 18901	West Branch Neshaminy Creek (SF-M)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Skippack Township Montgomery County	PAR10 T700	Creamery Road Associates 9218 N. Bethlehem Pike Springhouse, PA 19477	UNT to Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Skippack Township Montgomery County	PAR10 T783	Gorski Construction Co., Inc. 864 Mt. Airy Road Collegeville, PA 19426	UNT to Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Susquehanna Township Dauphin County	PAR 10I273	The Buonarroti Trust 3601 Vartan Way Harrisburg, PA 17110	Paxton Creek	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAR10I269	Mindy Meadows Eastern Dev. & Planning, Inc. 7300 Derry Street Harrisburg, PA 17111	Beaver Creek	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Dover Township York County	PAR10Y336-1	Vernon Anderson 19 N. Baltimore Street Dillsburg, PA 17019	Fox Run TSF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Warrington Township York County	PAR 10Y494	Harry Fox 15 Montego Court Dillsburg, PA 17019	UNT to Beaver Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Dover Borough York County	PAR 10Y545	Dover Area School District School Lane Dover, PA 17315	Fox Run TSF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Penn Township York County	PAR 10Y549	Jeff Stern 11 N. Baltimore Street Dillsburg, PA 17019	Slagle Run WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

*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>
Armstrong County Kiskiminetas Township	PAR10B042	Apollo Ridge School District Rt. 56E P. O. Box 219 Spring Church, PA 15686	UNT to Kiskiminetas River/WWF	Armstrong County Conservation District (724) 548-3425
Beaver County Center Township	PAR100286	Zokaites Contractors, Inc. 375 Golfside Drive Wexford, PA 15090	UNT to Ohio River/WWF	Beaver County Conservation District (724) 774-7090

<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>
Washington County Fallowfield Township	PAR10W190	Middle Monongahela Industrial Development Association, Inc. P. O. Box 491 Donora, PA 15033	Pigeon Creek/WWF	Washington County Conservation District (724) 228-6774
Westmoreland County Hempfield Township	PAR10X269	Brookmere Corp. Berkshire Central Office Suite 204 Route 30E Greensburg, PA 15601	UNT to Slate Creek/ WWF	Westmoreland County Conservation District (724) 837-5271
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Penn Township Chester County	PAR800020	BFI Waste Services of PA 1 Briar Lane West Grove, PA 19390	UNT to White Clay Creek-3I White Clay Creek Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
West Goshen Township Chester County	PAR120010	H J Heinz Co., LP 700 Old Fern Hill Rd. West Chester PA 19380	UNT to Taylor Run—3G Ridley Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-61631
Upper Gwynedd Township Montgomery Town- ship	PAR120014	Tuscan Lehigh Dairies, LP 880 Allentown Rd. Lansdale, PA 19446	Towamencin Creek—3E Perkiomen Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bristol Borough Bucks County	PAR150005	Degussa Construction Chemical OP 23700 Chagrin Blvd Cleveland, OH 44122	Delaware River—2E Common Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Caln Township Chester County	PAR230019	Asahi Glass Fluoropolymers USA 255 South Bailey Rd. Downingtown, PA 19335	Valley Run-3H Brandywine Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Richland Township Bucks County	PAR130006	Moore North America, Inc. 100 American Dr. Quakertown, PA 18951	Tohickon Creek—2D Three Mile Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Berks County Muhlenberg Township	PAR803505	New Penn Motor Express, Inc. Reading Facility P. O. Box 630 625 South Fifth Street Lebanon, PA 17042	Laurel Run/WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR803532	New Penn Motor Express, Inc. Lancaster Facility P. O. Box 630 625 South Fifth Street Lebanon, PA 17042	UNT to Conestoga Creek /TSF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Lebanon City	PAR803540	New Penn Motor Express, Inc. Lebanon Facility P. O. Box 630 625 South Fifth Street Lebanon, PA 17042	UNT to Quittapahilla Creek / TSF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## NOTICES

5303

<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>
Cumberland County Camp Hill Borough Hampden Township	PAR803512	Arnold Transportation Services Camp Hill Facility 4410 Industrial Park Road Camp Hill, PA 17011	UNT to Cedar Run/ CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Hampden Township	PAR803647	New Penn Motor Express, Inc. Camp Hill Facility P. O. Box 630 625 South Fifth Street Lebanon, PA 17042	UNT to Cedar Run/ CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lycoming County Jackson Township	PAR224826	Wheeland Lumber Company	UNT Blockhouse Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Lycoming County City of Williamsport	PAR804807	Transco Railway Products, Inc.	Fox Hollow Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Centre County Bellefonte Borough	PAR114806	SMS Sutton	Spring Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
New Kensington Westmoreland County	PAR206123	Alcoa Inc. Alcoa Corporate Center 201 Isabella Street Pittsburgh, PA 15212	Little Pucketa Creek and Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
North Buffalo Township Armstrong County	PAR506112	Waste Management of PA Inc. R. D. 2 Box 282A Pleasant Valley Road Irwin, PA 15642	UNT to Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Center Township Indiana County	PAR806209	Waste Management of PA Inc. R. D. 2 Box 282A Pleasant Valley Road Irwin, PA 15642	Tearing Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<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>
Adams County Cumberland Township	PAG043682	Steven R. and Susan K. Heidel 1055 Mummasburg Road Gettysburg, PA 17325	UNT to Willoughby Run/ 13-D	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County East Hanover Town- ship	PAG043535	Mark S. Malone 273 N. Mill Rd. Harrisburg, PA 17112	UNT Manada Creek/7-D	DEP SCRO 909 Elmerton Ave Harrisburg, PA 17110 (717) 705-4707
Union County Lewis Township	PAG045053	Dennis G. Fritz	UNT Buffalo Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Lycoming County Old Lycoming Township	PAG045125	Gregory C. Kinley	UNT Daugherty Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Mount Pleasant Township Westmoreland County	PAG046106	Robert A. Merz R. D. 1 Box 56A Acme, PA 15610	Jacobs Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Perry Township Mercer County	PAG048380	Terry S. Sanner 21 Everbreeze Drive Hadley, PA 16130	Unnamed tributary to Little Shenango River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
Napier Township Bedford County	PAG083563	Shawnee State Park 132 State Park Road Schellsburg, PA 15559		DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-9*

<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>
Plumcreek Township Armstrong County	PAG096110	J&D Septage Service Inc. P. O. Box 28 219 South Main Street Elderton, PA 15736		Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-10*

<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>
Whitemarsh Township Montgomery County	PAG100010	Sun Pipe Line Co. Ten Penn Center 26th Floor 1801 Market St. Phila, PA 19103	Sandy Run Creek	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-61631
Marcus Hook Borough Delaware County	PAG100011	Columbia Gas Transmission Corporation 1700 MacCorkle Ave. Charlestown, WV 25325	Delaware River	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-61631

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lancaster County West Lampeter Township	PAG123518	Harmony Farms Andrew Sow Farm 1050 Shiprock Road Willow Street, PA 17584	UNT to Pequea Creek/ WWF Watershed 7-K	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, (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. 1501503, Public Water Supply.**

Applicant	<b>Philadelphia Suburban Water Company</b> 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Township	Upper Uwchlan

County	<b>Chester</b>
Type of Facility	Public Water Supply System
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	August 23, 2001
	<b>Permit No. 4601508, Public Water Supply.</b>
Applicant	<b>Schwenksville Borough Authority</b> P. O. Box 458 Schwenksville, PA 19473
Borough	Schwenksville
County	<b>Montgomery</b>
Type of Facility	Public Water Supply System
Consulting Engineer	ARRO Consulting, Inc. 649 N. Lewis Road Suite 100 Limerick, PA 19468
Permit to Construct Issued	August 28, 2001

**Operations Permit** issued to: **Delaware Valley College**, 700 E. Butler Avenue, Doylestown, PA 18901, Doylestown Borough, **Bucks County** on August 28.

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

**Operations Permit** issued to: **Providence Place of Hazleton**, GM Leader Corp., 1525 Sand Hill Road, Hummelstown, PA 17036, Butler Township, **Luzerne County** on August 7, 2001.

**Operations Permit** issued to: **Pinecrest Development Corp.**, P. O. Box 760, Pocono Pines, PA 18350, Tobyhanna Township, **Monroe County** on August 14, 2001.

**Operations Permit** issued to: **South Whitehall Township Authority**, 4444 Walbert Avenue, Allentown,

PA 18104-1699, South Whitehall Township, **Lehigh County** on August 13, 2001.

**Operations Permit** issued to: **South Whitehall Township Authority**, 4444 Walbert Avenue, Allentown, PA 18104-1699, South Whitehall Township, **Lehigh County** on August 28, 2001.

**Operations Permit** issued to: **Woodland Hills Association, Inc.**, P. O. Box 221, Lakeville, PA 18438, Paupack Township, **Wayne County** on August 16, 2001.

**Operations Permit** issued to: **Auburn Municipal Authority**, P. O. Box 296, Auburn, PA 17922, Auburn, **Schuylkill County** on August 23, 2001.

**Permit No. Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania-American Water Co.**  
800 West Hersheypark Drive  
Hershey, PA 17033

Borough or Township Sugar Notch Borough  
County **Luzerne**

Type of Facility Public Water Supply

Consulting Engineer Bruce Juergens, P.E.  
Pennsylvania-American Water Co.  
800 West Hersheypark Drive  
Hershey, PA 17033

Permit to Construct July 30, 2001  
Issued

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

**Permit No. 0700501**, Public Water Supply.

Applicant **Martinsburg Municipal Authority**

Municipality Martinsburg  
County **Blair**

Type of Facility Installation of piping and related equipment to address the contact time deficiencies associated with the Hershberger Well.

Consulting Engineer Lawrence J Lennon, P.E.  
Lennon, Smith, Souleret Engineering, Inc.  
846 Fourth Ave.  
Coraopolis, PA 15108-1522

Permit to Operate July 19, 2001  
Issued:

**Permit No. 3699502**, Public Water Supply.

Applicant **East Donegal Township Municipal Authority**

Municipality East Donegal Township  
County **Lancaster**

Type of Facility This application is for the addition of Well No. 2 as a source of supply, expansion of the existing treatment building for the addition of another ion exchange unit for nitrate treatment, changing the disinfection system and addition of transmission main to pipe Well No. 2 to the existing treatment building. Construction of a

pump house for Well No. 2 will also be completed.

Consulting Engineer Thomas S Ladue, P.E.  
Goodkind & O'Dea, Inc.  
P. O. Box 340  
Carlisle, PA 17013

Permit to Operate August 23, 2001  
Issued:

**Permit No. 3801502**, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Municipality North Annville Township  
County **Lebanon**

Type of Facility The installation of a booster pumping station to serve residents of the Collegeview Heights Development in North Annville Township, Lebanon County.

Consulting Engineer Bruce E Juergens  
Pennsylvania Water Company  
800 W Hersheypark Drive  
Hershey, PA 17033

Permit to Construct July 9, 2001  
Issued:

**Permit No. 0196505**, Public Water Supply.

Applicant **Pike Management**

Municipality Straban Township  
County **Adams**

Type of Facility Operation permit for Well No. 2 of the Castle Hill Mobile Home Park. The well will be operated at a maximum rate of 35 gpm. Treatment will include manganese sequestration and hypochlorite disinfection.

Consulting Engineer Janet R McNally, P.E.  
William F. Hill & Assoc., Inc.  
207 Baltimore St.  
Gettysburg, PA 17325

Permit to Operate August 27, 2001  
Issued:

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

**Permit No. 1901501**, Public Water Supply.

Applicant **United Water Pennsylvania**  
4211 East Park Circle  
Harrisburg, PA 17111-0151

Township South Centre Township  
County **Columbia**

Type of Facility Public Water Supply

Consulting Engineer Nancy Trushell, P.E.  
United Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111-0151

Permit to Construct August 31, 2001  
Issued



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

**Operations Permit** issued to: **Fox Chapel Authority**, 255 Alpha Drive, Pittsburgh, PA 15238-2944, Fox Chapel Borough, **Allegheny County** on August 27, 2001.

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

**Permit No. 2500501**, Public Water Supply.

Applicant **Summit Township Water Authority**  
8900 Old French Road, Suite 102  
Erie, PA 16509.

Borough or Township Waterford/Summit Townships

County **Erie**

Type of Facility Public Water Supply

Consulting Engineer Hill Engineers Inc.  
8 Gibson Street  
North East, PA 16428.

Permit to Construct Issued August 29, 2001

**Permit No. 2596507-C1-MA1, Minor Amendment.**  
Public Water Supply.

Applicant **Erie City Water Authority**  
340 West Bayfront Parkway  
Erie, PA 16507-0729.

Borough or Township Millcreek Township

County **Erie**

Type of Facility Public Water Supply

Consulting Engineer Gerald C. Allender, P.E.  
Consoer Townsend Envirodyne  
Engineers  
155 West 8th Street  
Erie, PA 16501.

Permit to Construct Issued August 31, 2001

**Permit No. 2701501**, Public Water Supply.

Applicant **Tionesta Borough**  
P. O. Box 408  
Tionesta, PA 16353-0408.

Borough or Township Tionesta Borough

County **Forest**

Type of Facility Public Water Supply

Consulting Engineer David A. Johnson, P.E..  
D. A. Johnson and Associates  
110 East Washington Street  
P. O. Box 11  
Corry, PA 16407.

Permit to Construct Issued August 31, 2001

**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.*

**WA30-587F**, Water Allocations. **Southwestern Pennsylvania Water Authority**, P. O. Box 187, Greene and Washington Streets, Jefferson, PA 15344, Jefferson Borough and Jefferson Township, **Greene County**. Modification order to withdraw water in accordance with the amended service area map.

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

**WA 16-35C**, Water Allocations. **Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242, Porter Township, **Clarion County**. Expand the service area to include Cottage Hill-no increase in allocation.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Greene Township	1145 Garver Lane Scotland, PA 17254	Franklin County

Plan Description: The approved plan provides for a sewer extension to serve 5 existing residential lots on East Conocodell Drive. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Hanover Township	7171 Allentown Boulevard Harrisburg, PA 17112	Dauphin

Plan Description: The approved plan provides for a sewer extension and pump station to serve Sandy Hollow Road, Terrann Drive and Hollow Road in two phases. This project expands the scope of previously approved planning in West Hanover Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fawn Township	3054 Howes Run Road Tarentum, PA 15084	Allegheny County

Plan Description: The approved plan provides for extending a sanitary sewer 4,000 lineal feet along Donnellville Road from its intersection with Howes Run Road to service approximately 30 residential homes and eliminate malfunctioning on-lot systems. The sanitary line will be tied into an existing 8 inch line located along Howes

Run Road. The sewage will be treated at the Upper Allegheny Valley Joint Sanitary Authority Sewage Treatment Plant which is maintained and operated by the Allegheny Valley Joint Sewage Authority. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cadogan Township	Cadogan Township Supervisors P. O. Box 182 Cadogan, PA 16212	Armstrong

Plan Description: The approved plan provides for construction including gravity sewers and appurtenances, grinder pumps and pressure sewers, one pump station, force mains and a 75,000 gallons per day sewage treatment plant. The total project cost is estimated to be \$2,550,000. The system will serve an estimated 184 dwelling units. Discharge of treated effluent will be into Glade Run latitude 40° 45' 20" and longitude 79° 34' 24". This is near the confluence of Glade Run and the Allegheny River. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Chest Township	630 Swartz Road Flinton, PA 16640	Cambria County

Plan Description: The approved plan provides for construction of a single residence sewage treatment plant to repair an existing on-lot system for an existing dwelling. Treated sewage effluent to be discharged to an unnamed tributary to Wyerough Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Reed Township	987 Skyline Drive Blandburg, PA 16619	Cambria County

Plan Description: The approved plan provides for the construction of a small flow sewage treatment facility to serve an existing private Healthcare facility located at 987 Skyline Drive, Blandburg, PA. Treated sewage effluent is to be discharged to an unnamed tributary to Powell Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Franklin Township	353 Town and Country Road Vanderbilt, PA 15486	Fayette

Plan Description: The approved plan provides for the construction of a sewage collection conveyance and treatment facilities to service the Village of Smock, Franklin Township and the Smock Hill Area of Menallen Township, Fayette County. The discharge will be to Redstone Creek which is tributary to the Monongahela River. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Jenner Township	2058 Lincoln Highway Boswell, PA 15531	Somerset

Plan Description: The approved plan provides for the construction of a single residence sewage treatment plant to serve the Sam Mostoller residence located on the east side of S.R. 4025, approximately 1.1 mile south of S.R. 0031. Treated sewage effluent will discharge to Two Mile Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Brockway Borough	Brockway Borough 501 Main Street Brockway, PA 15824	Jefferson
Snyder Township	P. O. Box 39 Brockway, PA 15824	Jefferson
Horton Township	P. O. Box 216 Brockport, PA 15823	Elk

Plan Description: The approved plan provides for the replacement of the .4 MGD activated sludge STP with a 1.0 MGD oxidation ditch STP. To convey flows to the new plant, the Pershing Avenue and Broad Street Pump Stations will be upgraded and expanded. There will also be interceptor relief sewer work and general I/I reduction projects within the Borough or Brockway. In Snyder and Horton Townships, new collector systems will be constructed for three service areas which include the Brockway Reservoir to Lane's Mill on Route 219 South, north on Route 219 to the old Brockway Glass Plant Number 1 and then on Route 219 East from Crenshaw in Snyder Township to Challenge in Horton Township

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**NOTICE OF PROPOSED INTERIM RESPONSE UNDER THE HAZARDOUS SITES CLEANUP ACT**

**High Quality Polishing and Plating Site Upper Milford Township, Lehigh County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites

Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), is proposing an interim response action at the High Quality Polishing and Plating Site (Site). This response will be undertaken under sections 505(b) and (c) of HSCA (35 P. S. § 6020.505(b) and (c)). The Site is located along Routes 100/29 in the village of Zionsville, Upper Milford Township, Lehigh County, PA.

The Site was used as metal polishing and plating facility from 1960 until 1983. The Department completed its Site Characterization Report in April 2001. Trichloroethylene (TCE) has been detected in on- and off-site monitoring wells and in two residential wells at concentrations above the Maximum Contaminant Level (MCL). In addition to TCE, other site-related contaminants of concern (nickel, lead, copper and zinc) have been detected in surface soil and waste materials above cleanup standards under the Department's Land Recycling and Environmental Remediation Standards Act (Act 2). This interim response will involve the removal and proper disposal of hazardous substances found within the former polishing and plating facility and contaminated soil and waste material located outside of the building. The Department is continuing the investigation of the groundwater contamination at the Site and additional response action at the Site may be required to address the contaminated groundwater plume. A public hearing will be held at a later date to address any future response action involving the contaminated groundwater.

The objective of this proposed interim response is to: 1) prevent exposure to TCE and the other site-related contaminants of concern through ingestion and dermal contact and 2) prevent continued leaching of contaminants of concern to groundwater. The Department evaluated several alternatives for this proposed interim response which include:

- 1) No Action.
- 2) Excavation and Off-site Disposal of Waste Materials and Contaminated Media.
- 3) Excavation and Consolidate Contaminated Materials On-site and Cap.
- 4) Excavation, Consolidate and Stabilize Contaminated Materials On-site and Cap.

Based upon an evaluation of the Alternatives using criteria including protection of human health and the environment, compliance with applicable and relevant and appropriate requirements (ARARs), feasibility, permanence and cost-effectiveness, the Department has selected Alternative 2 as the proposed interim response for the Site.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The administrative record is located at the Upper Milford Township Building, Lehigh County and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from September 15, 2001, to December 13, 2001. Persons may submit written comments into the record during this time only, by sending them to Ronald Schock, Project Officer, at the Department's Bethlehem District Office at 4530 Bath Pike, Bethlehem, PA 18017 or by delivering them to that office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hear-

ing. The Department has scheduled the hearing for October 24, 2001 at 7 p.m. at the Upper Milford Township Building. The testimony at the public hearing will be limited to the proposed interim response, which involves the removal and proper disposal of the on-site contaminated soil and waste material. An informal public meeting will be held after the public hearing is concluded. Persons wishing to present testimony at the October 24, 2001 hearing regarding this interim response regarding the contaminated soil and waste material should register with Ronald Schock before October 19, 2001, at (610) 861-2070 or in writing to Ronald Schock at the Department's Bethlehem District Office. If no person registers to present oral comments by the date specified previously, the hearing will not be held.

Persons with a disability who wish to attend the October 24, 2001, hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Ronald Schock or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## **HAZARDOUS SITES CLEAN—UP UNDER THE ACT OF OCTOBER 18, 1988**

### **SETTLEMENT UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT AND THE HAZARDOUS SITES CLEANUP ACT**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with: Lauren M. Ryan (Trustee) for the estate of Raymark Industries, Inc. and Raymark Corporation (collectively referred to as Raymark) regarding response costs incurred and to be incurred, by the Department at the Raymark Manheim Lower Landfill Site (Site) located in Manheim Borough, Lancaster County.

Historically, Raymark engaged in the manufacturing and fabrication of friction material including automotive brake linings and clutch facings. These activities resulted in releases of hazardous substances and contaminants to the environment through the unpermitted land filling of hazardous wastes at the Site. Based upon a preliminary characterization of the Site, lead and asbestos have been detected. It is believed that hazardous substances and/or contaminants associated with the Site have migrated, spilled or were placed on neighboring properties. There is a threat to the public health, safety and the environment from the continued release and threat of release of hazardous substances and contaminants at and from the Site.

The Department has determined that further response actions are necessary to abate the release and threatened release of hazardous substances and contaminants at the Site. The Department and the Trustee entered into a proposed consent order and agreement (COA). Under terms of the proposed settlement, Raymark will pay the Department \$112,500 as reimbursement for past and future costs.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Depart-

ment's response to any significant written comments. The proposed consent order and agreement that contains the specific terms of the settlement is available for public review and comment. The proposed consent order and agreement can be examined from 8 a.m. to 4 p.m. at the Department's office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 705-4864. A public comment period on the proposed consent order and agreement will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent order and agreement to the Department by November 15, 2001, by submitting them to Barbara Faletti at the previous address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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**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:

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

**Zapotocki and Reilly Residence**, Upper Milford Township, **Lehigh County**. Matthew E. Grubb, Project Officer, Hydrocon Services Inc., 2945 South Pike Avenue, Allentown, PA 18013, has submitted a Final Report (on behalf of his clients, Kathy Zapotocki and Timothy Reilly, Tomahawk Lane, Zionsville, PA 18092) concerning the remediation of site soils found or suspected to have been contaminated with unleaded gasoline constituents. The report was submitted to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was also submitted. Refer to additional *Pennsylvania Bulletin* notice.

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

**ACC Operations, Inc.—Former Vacuum Oil and Witter Oil Property**, Coudersport Borough, **Potter County**. LaBella Associates, P.C., on behalf of its client, ACC Operations, Inc., Main at Water Street, Coudersport, PA 16915, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**ACC Operations, Inc.—Former Borough of Coudersport Property**, Coudersport Borough, **Potter County**. LaBella Associates, P.C., on behalf of its client, ACC Operations, Inc., Main at Water Street, Coudersport, PA 16915, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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**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 regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**New Council Rock High School**, Northampton Township, **Bucks County**. Jeffrey K. Walsh, P.G., Gilmore & Associates, Inc., 184 W. Main St., Suite 300, Trappe, PA 19426, on behalf of The Council Rock School District, Robert McAuliffe, P.E., Business Manager, 301 Twining Ford Rd., Richboro, PA 18954, has submitted a Final Report concerning the remediation of site soil contaminated with lead, BTEX and petroleum hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 29, 2001.

**Metropolitan Industrial Center**, Bensalem Township, **Bucks County**. Jeffrey K. Wade, URS Corp., 2325 Maryland Rd., Willow Grove, PA 19090, on behalf of Brandywine Operating Partnership, L.P., 14 Campus Blvd., Suite 100, Newtown Square, PA 19073, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX and solvents. The Final report demonstrated attainment of the Statewide Health and Site-specific Standards and was approved by the Department on August 9, 2001.

**Morrow Property**, West Goshen Township, **Chester County**. Harold M. Brundage, III, Environmental Research & Consulting, Inc., 112 Commons Ct., Chadds Ford, PA 19317, on behalf of Everett F. & Helen Morrow and HMM, LP, 876 Westtown Rd., West Chester, PA 19382, has submitted a Final Report concerning the remediation of site soil contaminated with heavy metals. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 8, 2001.

**John Mattis Residence**, West Brandywine Township, **Chester County**. Brian Holtzhafer, Hydrocon Services, Inc., 2945 S. Pike Ave., Allentown, PA 18103, on behalf of John Mattis, 107 Icedale Rd., Honeybrook, PA 19344, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 8, 2001.

**Jones Property**, Horsham Township, **Montgomery County**. Staci Cottone, ARC, P. O. Box 1809, Doylestown, PA 18901, on behalf of Penelope Jones, 605 Glenview Dr., Horsham, PA 19044, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The Final report was submitted within 90 days of the release of the contaminants. The Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 10, 2001.

**Nino's Farmers Market**, City of Philadelphia, **Philadelphia County**. Eric S. Poulson, P.E., Oxford Engineering, Co., 1515 West Chester Pike, Suite B-1, West Chester, PA 19382, on behalf of Nino Marchesani, 4401 Castor Ave., Philadelphia, PA 19124, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 29, 2001.

**First United Methodist Church of Germantown**, City of Philadelphia, **Philadelphia County**. Robert

Goldman, Lexicon Environmental Assoc., Inc., 790 E. Market St., Suite 270, West Chester, PA 19382-4806, on behalf of First United Methodist Church of Germantown, 6023 Germantown Ave., Philadelphia, PA 19144, has submitted a Final Report concerning the remediation of site groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard for groundwater and was approved by the Department on August 20, 2001.

**27th and Girard Streets Property**, City of Philadelphia, **Philadelphia County**. J. Anthony Sauder, P.E., P.G., 3001 Market St., Suite 200, Philadelphia, PA 19104, on behalf of ADCO, 1105 Industrial Highway, Southampton, PA, has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with heavy metals, BTEX, polycyclic aromatic hydrocarbons and solvents. The report was approved by the Department on August 8, 2001.

**Gordon, Gonzales, Marchesani, Welsh Property**, City of Philadelphia, **Philadelphia County**. Robert R. Botterman, TolTest, Inc., 339 Haymaker Rd., Suite 1101, Monroeville, PA 15146, on behalf of Howard Gordon, 1521 E. Wingohocking St., Philadelphia, PA 19124, Geraldine & Ferdinand Gonzales, 1515 E. Wingohocking St., Philadelphia, PA 19124, Nino Marchesani, 4411 Castor Ave., Philadelphia, PA 19124 and Richard Welsh, 1509 Wingohocking St., Philadelphia, PA 19124, has submitted a revised Remedial Investigation Report/ Risk Assessment Report and Cleanup Plan, concerning the remediation of site soil and groundwater contaminated with solvents, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report was approved by the Department on August 27, 2001.

**Former Manheim Laundry Site**, City of Philadelphia, **Philadelphia County**. Jeffrey K. Walsh, Gilmore & Associates, Inc., 184 W. Main St., Trappe, PA 19426, on behalf of Germantown Friends School, 31 W. Coulter St., Philadelphia, PA 19144, has submitted a Baseline Environmental Report as it applies to a Special Industrial Area site. The report was approved by the Department on June 7, 2001.

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

**Former Penn Linen and Uniform Services**, City of Bethlehem, **Lehigh County**. Marco M. Odah, P.E., EnviroRemedy International, Inc., 401 S. Clairborne Road, Suite 303, Olathe, KS 66062 submitted a Final Report (on behalf of his client, Cintas Corporation, 27 Whitney Drive, Milford, OH 45150) concerning site soils found or suspected to have been contaminated with solvents. The final report demonstrated attainment of the Statewide health standard and was approved on August 24, 2001.

**Former Shapiro Steel Company**, City of Wilkes-Barre, **Luzerne County**. The City of Wilkes-Barre, 40 E. Market Street, Wilkes-Barre, PA 18711 submitted a Baseline Environmental Report concerning the characterization of soils found or suspected to have been contaminated by polychlorinated biphenyls (PCBs), lead and other metals. The report was approved on August 30, 2001.

*Northwest Region: Environmental Cleanup Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481.*

**CDR Pigments**, 75 Front St., Ridgway, PA, **County of Elk**, Ridgway Borough, has submitted a Risk Assessment

Report concerning the remediation of soil, groundwater and surface water contaminated with lead, heavy metals, solvents and BTEX. The report was approved and did demonstrate attainment of the Site Specific Standard.

## HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

### HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED

**Clean Streams, Inc.**, P. O. Box 3059, Munster, IN 46321. License No. **PA-AH 0441**. Effective August 20, 2001.

**Grammer Industries, Inc.**, 18375 E. 345 S., Grammer, IN 47236. License No. **PA-AH 0636**. Effective August 27, 2001.

**Horwith Trucks, Inc.**, P. O. Box 7, 1449 Nor-Bath Boulevard, Northampton, PA 18067. License No. **PA-AH 0176**. Effective August 24, 2001.

**Safety-Kleen Systems, Inc.**, J. J. Keller & Associates, Inc., 3003 W. Breezewood Lane, Neenah, WI 54957-0368. License No. **PA-AH 0172**. Effective August 29, 2001.

**Set Environmental, Inc.**, 450 Sumac Road, Wheeling, IL 60090. License No. **PA-AH S226**. Effective August 23, 2001.

**Stericycle, Inc.**, 111 Domorah Drive, Montgomeryville, PA 18936. License No. **PA-AH 0627**. Effective August 24, 2001

### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.3) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE RENEWED

**Weavertown Transport Leasing, Inc.**, 3866 Millers Run Road, Weavertown Industrial Park, McDonald, PA 15057. License No. **PA-HC 0020**. Effective August 30, 2001.

### HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

**Permits revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Southeast Region: Division of Municipal and Residual Waste, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**PAD002387926. Merck & Co., Inc.**, P. O. Box 4, West Point, PA 19486, Upper Gwynedd Township, **Montgomery County**. At the permittee's request, the Part B permit for its hazardous waste incinerator has been revoked and a partial bond release requested. Nothing in this action impacts the hazardous waste storage operations conducted under the Part B permit No. PAD002387926 as issued on April 15, 1992 or the nonhazardous waste incineration operations conducted under Solid Waste Permit No. 400549. Permit revoked on August 24, 2001.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 301311. Eagle Environmental II, L.P.**, 11 New Street, Englewood Cliffs, NJ 07632. For the construction and operation of a Class 1 residual waste landfill located in Chest Township, **Clearfield County**. The permit was issued by the Williamsport Regional Office on August 3, 2001.

Persons interested in reviewing the permit may contact John C. Hamilton, P.E., Facilities Operations Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. 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.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**GP3-2-05-03010: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on August 29, 2001, was authorized to operate a portable nonmetallic mineral processing plant in Snake Spring Township, **Bedford County**.

**GP3-5-07-03014: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on August 29, 2001, was authorized to operate a portable nonmetallic mineral processing plant in Taylor Township, **Blair 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.*

**46-0213: Cremation Society of Pennsylvania** (371 East Church Road, King of Prussia, PA 19406) on August 29, 2001, for operation of a Gas Fired Crematory in Upper Merion Township, **Montgomery County**.

**15-0029C: Dopaco, Inc.** (241 Woodbine Road, Downingtown, PA 19335) on August 29, 2001, for operation of a Flexographic Printing Press in Downingtown Borough, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.*

**39-318-108: SKW-MBT Management, Inc.** (Allentown Equipment—Division of Master Builders, Inc., 421 Schantz Road, Allentown, PA 18104) on August 23, 2001, for construction of a paint spray booth and associated air cleaning device in Lower Macungie Township, **Lehigh County**.

**39-303-007A: Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) on August 27, 2001, for modification of a batch asphalt plant to utilized waste derived liquid fuel at the Ormrod Plant in North Whitehall Township, **Lehigh County**.

**40-313-045: Mountain Top Manufacturing** (P. O. Box 99, Mountain Top, PA 18707-0099) on August 28, 2001, for modification of a plastic milling line in Wright Township, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**34-05001A: Triangle Pacific Corp.** (P. O. Box 146, Thompsettown, PA 17094) on August 27, 2001, for installation of a spray paint booth controlled by dry filters at its facility in Delaware Township, **Juniata County**. This source is subject to 40 CFR Part 63, Subpart JJ—National Emission Standards for Wood Furniture Manufacturing Operations.

**36-05093B: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on August 30, 2001, for modification of a drum mix asphalt plant controlled by a fabric filter in East Cocalico Township, **Lancaster County**.

**67-05093: Codorus Stone and Supply Co., Inc.** (135 Mundis Race Road, York, PA 17402) for installation of a batch asphalt plant controlled by a fabric collector and two liquid asphalt cement storage tanks at its facility in Manchester Township, **York County**. The facility is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels.

**67-06058A: Coates Electrographics, Inc.** (1160-A Fahs Street, York, PA 17404) on August 27, 2001, for installation of a new toner manufacturing system controlled by four fabric filter dust collectors at its facility in West Manchester Township, **York County**.

**34-303-002B: Jay Fulkroad & Sons, Inc.** (R. R.1, Box 3060, McAlisterville, PA 17049) on August 30, 2001, for construction of a drum mix asphalt plant controlled by a fabric collector in Fayette Township, **Juniata County**.

The asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

**10-047F: Mine Safety Appliances Co.** (1420 Mars Evans City Road, Evans City, PA 16033) on August 2, 2001, to install equipment to support new product lines in Forward Township, **Butler County**.

**10-208B: Paragon Trade Brands, Inc.** (Zeigler Street, Harmony, PA 16037) on August 16, 2001, for installation of a training pant manufacturing line in Harmony Borough, **Butler County**.

**25-930A: Metro Machine Corp.** (Holland Street, Erie, PA 16509) on August 16, 2001, for construction of an automated paint line in Erie, **Erie County**.

**10-335A: Penn United Technology-Carbide Group** (196 Alwine Road, Saxonburg, PA 16056) on August 24, 2001, for post construction of a blending and drying process in Saxonburg, **Butler County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Roger Fey, Chief, (215) 823-7584.*

**01017: Clean Earth of Philadelphia, Inc.** (3201 South 61st Street, Philadelphia, PA 19153) on August 16, 2001, for replacement of the thermal oxidizer on the storage building with a carbon adsorption system in the City of Philadelphia, **Philadelphia County**.

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**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.**

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**23-0009: Boeing MACAM Sys Group-Philadelphia** (Stewart Avenue and Route 291, Eddystone, PA 19013) on August 28, 2001, for operation of a two-stage dry particulate filters in Ridley Township, **Delaware County**.

**15-0037: Oberthur Card Systems, Inc.** (523 James Hance Court, Exton, PA 19341) on August 28, 2001, for operation of a nonheatset lithographic press in West Whiteland Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**67-03058A: Coates Electrographics, Inc.** (1160-A Fahs Street, York PA 17404) on August 27, 2001, for installation of a new toner manufacturing system controlled by four fabric filter dust collectors at its facility in West Manchester Township, **York County**. This plan approval transferred ownership from Turbon International, Inc.

**22-305-001C: Kimmel's Coal and Packaging** (P. O. Box 1, Machamer Avenue, Wiconisco, PA 17097) for operation of a truck loadout circuit and a bulk bag loading station controlled by a reverse pulse fabric dust collector in Wiconisco Township, **Dauphin County**. The truck loadout circuit and bulk bag loading station are

subject to 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation Plants. This plan approval was extended.

**38-302-057: G & H Fortyniners, Inc.** (P. O. Box 37, Fredericksburg, PA 17026) on August 27, 2001 for operation of an 800 HP boiler, oil or natural gas fired, 32.4 mmBtu/hr at its Chestnut Hill Road facility in Bethel Township, **Lebanon County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. This plan approval was extended.

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

**53-00005A: Dominion Transmission Corp.—Greenlick Compressor Station** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on August 27, 2001, to correct nitrogen oxides emission limitations for a 1085 horsepower natural gas-fired auxiliary generator which were erroneously specified in the respective plan approval as 13.40 pounds per hour and 3.35 tons per 12 consecutive month period to 10.05 pounds per hour and 2.41 tons per 12 consecutive month period in Stewardson Township, **Potter County**.

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

**56-305-043: Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650) on August 16, 2001, for construction of Coal Refuse Reclaiming/Screen at Mine 36 in Winber Borough, **Somerset County**. This plan approval was extended.

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

**10-062A: Slippery Rock University** (Service and Keister Road, Slippery Rock, PA 16057) on July 31, 2001, for a natural gas cofired system in Slippery Rock Borough, **Butler County**.

**20-040A: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) on July 30, 2001, for an automatic molding system in Vernon Township, **Crawford County**.

**37-290A: Industrial Metal Processing** (526 South Jefferson Street, New Castle, PA 16101) on April 30, 2001, for a metal cutting process in New Castle, **Lawrence County**.

**37-314A: Natural Sand Co. Inc.** (Plain Grove Road, P. O. Box 744, Slippery Rock, PA 16075) on July 31, 2001, for a soils blend and drying facility in Plain Grove and Scott Townships, **Lawrence 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: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**01-03013: Zeigler Brothers, Inc.** (Box 95, Gardners, PA 17324) on August 30, 2001, for operation of an animal feed processing facility in Tyrone Township, **Adams County**.

**36-03079: Neffsville Veterinary Clinic** (2555 Lititz Pike, Lancaster, PA 17601-3793) on August 30, 2001, for operation of an animal crematorium in Manheim Township, **Lancaster County**.

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

**25-00949: Erie Advanced Manufacturing, Inc.** (2962 West 22nd Street, Erie, PA 16506) on August 14, 2001, for a Natural Minor Operating Permit for a pyrolysis cleaning furnace at the Plant 2 powder coating facility in Millcreek Township, **Erie County**.

**37-00277: SLI Lighting Co.** (One Early Street, Ellwood City, PA 16117) on August 13, 2001, for a Synthetic Minor Operating Permit in Ellwood City, **Lawrence County**.

**37-00027: IA Construction Corporation—West Pittsburgh Plant** (River Road, West Pittsburgh, PA 16060) on August 28, 2001, for a Synthetic Minor Operating Permit in Taylor Township, **Lawrence County**.

**Nitrogen Oxides (NOx) Allowance Allocations Program**

**State Only Operating Permits including Conditions relating to NOx Allowance Requirements in 25 Pa. Code §§ 145.1—145.100**

The Department of Environmental Protection (Department) has issued the following Operating Permits to incorporating the provisions of 25 Pa. Code §§ 145.1—145.90. These regulations establish a NOx Budget and a NOx Budget Trading Program for NOx budget units for the purpose of achieving the health-based ozone ambient air quality standard. The Department has establishing a NOx Allowance Allocation for each NOx budget unit listed in the permit under the provisions of 25 Pa. Code § 145.42.

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, 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, (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 the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

*Bureau of Air Quality: Division of Permits, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468; Contact: John F. Slade, Chief, Division of Permits, (717) 787-4325.*

**02-0051: United States Steel LLC** (600 Grant Street, Room 1500, Pittsburgh, PA 15219) located in the City of Pittsburgh, **Allegheny County**.

**02-0052: United States Steel LLC** (600 Grant Street, Room 1500, Pittsburgh, PA 15219) located in the City of Pittsburgh, **Allegheny County**.



**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-399-093: SmithKline Beecham Pharmaceuticals** (709 Swedeland Road, UE0254, King of Prussia, PA 19406) on August 29, 2001, for a dust collector in Upper Merion Township, **Montgomery County**.

**46-313-114: SmithKline Beecham Pharmaceuticals** (709 Swedeland Road, UE0254, King of Prussia, PA 19406) on August 29, 2001, for a dust collector in Upper Merion Township, **Montgomery County**.

**23-00034: Villanova University** (800 Lancaster Avenue, Villanova, PA 19085) on August 29, 2001, for Facility Title V Operating Permit in Radnor Township, **Delaware County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Contact: Roger Fey, Chief, (215) 823-7584.*

**96-022: University of Pennsylvania Health System—Presbyterian Medical Center** (51 North 39th Street, Philadelphia, PA 19104) on July 31, 2001, to remove a condition related to opacity emissions from ash handling for an incinerator that was included in the original permit but is not applicable to the facility in City of Philadelphia, **Philadelphia County**. The Title V Operating Permit was originally issued on September 23, 1999. The condition is not part of 40 CFR Subpart Ce, the applicable regulation for the incinerator.

**95-085: Episcopal Hospital** (100 East Lehigh Avenue, Philadelphia, PA 19125) on July 31, 2001, to remove a condition related to opacity emissions from ash handling for an incinerator that was included in the original permit but is not applicable to the facility in the City of Philadelphia, **Philadelphia County**. The Title V Operating Permit was originally issued on September 23, 1999. The condition is not part of 40 CFR Subpart Ce, the applicable regulation for the incinerator.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Permits Issued*

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**17960108. Cougar Contracting, Inc.** (P. O. Box 217, Houtzdale, PA 16651), renewal of an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 13.7 acres. Receiving stream—unnamed tributaries of Muddy Run to Muddy Run, Muddy Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. Application received: June 25, 2001. Permit issued: August 14, 2001.

**17714022. A. W. Long Coal Company** (1203 Presqueisle Street, Philipsburg, PA 16866), revision to an existing bituminous surface mine permit for a Change in Permit Acreage from 142.3 to 149.6 acres. The permit is located in Morris Township, **Clearfield County**. Receiving stream—Hawk Run to Moshannon Creek and Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received: September 21, 2000. Permit issued: August 24, 2001

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**26000201. Carbon Fuel Resources, Inc.** (200 College Drive, Suite 300, Lemont Furnace, PA 15456). Permit issued for commencement, operation and reclamation of a bituminous surface mining/coal refuse reprocessing site located in German Township, **Fayette County**, affecting 73.7 acres. Receiving streams: unnamed tributary to Browns Run, Browns Run and the Monongahela River. Application received: August 9, 2000. Permit issued: July 30, 2001.

**65960109. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 64 acres. Receiving streams: unnamed tributary to Harbridge Run and McGee Run. Renewal application received: June 4, 2001. Permit issued: August 3, 2001.

**65960107. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 460 acres. Receiving streams: unnamed tributaries to Laurel Run and Jacob's Creek and Jacob's Creek. Renewal application received: February 21, 2001. Permit issued: August 3, 2001.

**65010101. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 197 acres. Receiving streams: unnamed tributaries to Saxman Run, Saxman Run to Loyalhanna Creek, to Conemaugh River. Permit application received: January 22, 2001. Permit issued: August 3, 2001.

**03010102. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Boggs Township, **Armstrong County**, affecting 115.8 acres. Receiving streams: unnamed tributary to Scrubgrass Creek and to Scrubgrass Creek. Application received: February 14, 2001. Permit issued: August 30, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**32970113. Permit Revision, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), for a land use

change from forestland to pastureland and/or land occasionally cut for hay in West Wheatfield Township, **Indiana County**, affecting 100.7 acres, receiving stream unnamed tributaries to Ramsey Run and Blacklick Creek. Application received: June 19, 2001. Permit issued: August 27, 2001.

**11910101. Permit Renewal, E. P. Bender Coal Company, Inc.** (P. O. Box 594, Main and Lehmier Streets, Carrolltown, PA 15722), for continued operation of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 88.0 acres, receiving stream unnamed tributary to and Powell Run. Application received: February 1, 2001. Permit issued: August 30, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**33010101. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849) Commencement, operation and restoration of a bituminous strip operation in Winslow & Sandy Townships, **Jefferson and Clearfield Counties** affecting 65.5 acres. Receiving streams: unnamed tributary to Sandy Lick Creek. Application received: February 5, 2001. Permit Issued: August 21, 2001.

*Noncoal Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**58010828. William A. Smith** (R. R. 5 Box 34, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Jessup Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued: August 28, 2001.

**64010807. Paul R. Gustin** (Box 105, Preston, PA 18455), commencement, operation and restoration of a bluestone quarry operation in Mt. Pleasant Township, **Wayne County** affecting 1.0 acre, receiving stream—none. Permit issued: August 28, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**07910301. New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, Church Street, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0599221, Frankstown Township, **Blair County**, receiving stream unnamed tributary to the Frankstown Branch of the Juniata River. NPDES Renewal application received: June 11, 2001. Permit issued: August 27, 2001.

**05960302. New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, Church Street, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0234214, Snake Spring Township, **Bedford County**, receiving stream Cove Creek. NPDES Renewal application received: June 11, 2001. Permit issued: August 27, 2001.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**03014001. Murphy Bros., Inc.** (Route 422 W., Unit 9, Cessna Plaza, Shelocta, PA 15774). Blasting activity permit issued for a project located in Cowanshannock, Burrell and Plumcreek Townships, **Armstrong County**. Permit issued: August 6, 2001.

**03014002. Joseph Faye Company** (P. O. Box 11351, 1374 Freeport Road, Pittsburgh, PA 15238). Blasting activity permit issued for a project located in South Bend Township, **Armstrong County**. Permit issued: August 6, 2001.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**05014001. D. C. Guelich Explosives** (456 Stouffer Hill Road, Friedens, PA 15541). Blasting activity permit issued for a project located in King Township, **Bedford County**. Permit issued: July 19, 2001.

**07014001. D. C. Guelich Explosives** (456 Stouffer Hill Road, Friedens, PA 15541). Blasting activity permit issued for a project located in Taylor Township, **Blair County**. Permit issued: July 19, 2001.

**05014002. D. C. Guelich Explosives** (456 Stouffer Hill Road, Friedens, PA 15541). Blasting activity permit issued for a project located in East and West St. Clair Townships, **Bedford County**. Permit issued: August 21, 2001.

**05014003. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting activity permit issued for a project located in Snake Spring Township, **Bedford County**. Permit issued: August 24, 2001.

**11014001. Laurel Highlands Landfill** (260 Laurelridge Road, Johnstown, PA 15909). Blasting activity permit issued for a project located in Jackson Township, **Cambria County**. Permit issued: August 30, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**27014001. Wampum Hardware Company** (R. D. 2, Box 167A, Punxsutawney, PA 15767). Blasting activity permit to blast at Forest County Prison in Marienville Borough, Jenks Township, **Forest County** for 200 days. Application received: August 6, 2001. Permit issued: August 9, 2001.

**33014001. Francis J. Palo, Inc.** (P. O. Box 368, 245 South 4th Avenue, Clarion, PA 16214). Blasting activity permit to blast at DuBois Jefferson County Airport to blast borrow area for runway extension in Washington Township, **Jefferson County** for 30 days. Application received: July 26, 2001. Permit issued: July 31, 2001.

**33014002. Bruce Allen, Inc.** (P. O. Box 99, Harrisville, WV 26363). Blasting activity permit to blast at Summerville Borough Municipal Authority in Summerville Borough, **Jefferson County** for 30 days. Application received: August 6, 2001. Permit issued: August 7, 2001.

**33014003. Glenn O. Hawbaker** (P. O. Box 135, 1952 Waddle Road, State College, PA 16801). Blasting activity permit to blast at Wal-Mart Supercenter at Punxsutawney in Young Township, **Jefferson County** for 120 days. Application received: August 6, 2001. Permit issued: August 9, 2001.

**62014001. Payne Enterprises** (P. O. Box 159, Route 6W, Kane, PA 16735). Blasting activity permit to blast at FS "Sheriff West" Timber Sale, 2709 acres, in Cherry Grove Township, **Warren County** for 5 days. Application received: August 17, 2001. Permit issued: August 24, 2001.

These actions of the Department of Environmental Protection 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, (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 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Permits Issued and Actions on 401 Certifications:*

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-888. Eagle Lodge Conference Center & Country Club**, Ridge Pike and Manor Road, Lafayette Hill, PA 19444. Whitmarsh Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed reconstruction of the Eagle Lodge Conference Center and Country Club located at the corner of Ridge Pike and Manor Road (Germantown, PA Quadrangle N: 13.9 inches W: 17.0 inches).

1. To relocate 1,290 linear feet of an unnamed tributary of the Schuylkill River (WWF). The relocation work will commence at the outfall of the existing spring house; continue through 1,447 linear feet of proposed 18-inch HDPE stream enclosure; then rejoining the stream approximately 110 linear feet upstream of Manor Road. An existing 247-foot long segment of stream channel will be filled as part of this work. Additionally, 630 linear feet of existing stream enclosure and two on-stream nonjurisdictional dams, their appurtenances and associated impoundments will be removed, filled and/or modified.

2. To construct and maintain a 12-foot wide and 90-foot long pile-supported golf cart bridge with attached 4-inch irrigation utility line across an unnamed tributary to the Schuylkill River and across 15 linear feet of adjacent wetlands.

3. To construct and maintain a 12-foot wide and 35-foot long pile-supported golf cart bridge with attached 6-inch irrigation utility line across an unnamed tributary to the Schuylkill River.

4. To construct and maintain a 12-foot wide and 35-foot long pile-supported golf cart bridge across an unnamed tributary to the Schuylkill River.

5. To construct a temporary road crossing in and along an unnamed tributary to the Schuylkill River.

6. To construct and maintain 14 permanent stormwater outfall structures within the assumed 100-year floodway of unnamed tributaries to the Schuylkill River associated with on-site stormwater management and irrigation.

7. To construct and maintain 12 temporary stormwater outfall structures within the assumed 100-year floodway of unnamed tributaries to the Schuylkill River associated with on-site stormwater management and irrigation.

8. To construct and maintain several catch basins, sediment traps and retaining walls and to perform minor grading work within the assumed 100-year floodway of unnamed tributaries to the Schuylkill River.

This permit also includes an authorization for an Environmental Assessment Approval for impacts associated with the removal of an on-stream nonjurisdictional dam, which is currently being used as a stormwater management facility.

**E15-666. Tredyffrin Township Municipal Authority**, 100 DuPortail Road, Berwyn, PA 19312. Tredyffrin Township, **Chester County**, ACOE Philadelphia District.

To install the following three sanitary sewer crossings associated with the Tredyffrin Township Church Road Sewer Extension and Pump Station Project:

1. To install and maintain an 8-inch sanitary sewer force main across Cedar Hollow Run (EV) and to install and maintain a watertight manhole in this area.

2. To install and maintain a sanitary sewer force main by boring beneath Valley Creek (EV).

3. To install and maintain, by directional drilling, a sanitary sewer force main across Little Valley Creek (EV).

The new force main extends along Church Road beginning southeast of the crossing of PA Route 202 (Malvern, PA Quadrangle N: 9.65 inches; W: 0.85 inch) and ending just south of its intersection with Yellow Springs Road (Malvern, PA Quadrangle N: 12.85 inches; W: 2.85 inches).

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

**E52-171. Woodloch Pines, Inc.,** R. R. 1, Box 280, Hawley, PA 18428. Lackawaxen Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To rehabilitate and maintain the channel of Teedyuskung Creek, using log and stone deflectors, log and tree revetments and willow posts, for the purpose of addressing streambank erosion along a 2,000-foot reach of stream channel. The project is located approximately 4,000 feet upstream of the creek's confluence with the Lackawaxen River, in the Woodloch Springs Community (Rowland, PA Quadrangle N: 20.6 inches; W: 14.6 inches).

**E39-398. Pennsylvania Department of Transportation,** Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. **Lehigh County**, Army Corps of Engineers Philadelphia District.

The following activities are associated with Phase I of the S.R. 0222 Bypass Project:

1. To construct and maintain a 318-foot (97 m) temporary stream enclosure consisting of a 60-inch (1500 mm) reinforced concrete pipe and a 30-inch (750 mm) reinforced concrete pipe in a tributary to Schaefer Run, which shall remain installed for a period of time not to exceed 2 years from date of permit issuance.

2. To place and maintain fill in the floodway of Schaefer Run for the purpose of constructing a portion of the Breinigsville interchange embankment.

3. To construct and maintain stormwater outfalls in the floodways of Schaefer Run and a tributary to Schaefer Run and to construct and maintain an intake structure in Spring Creek.

Future phases of the project will impact approximately 1.0 acre (0.40 ha) of wetlands. The mitigation area for the entire S.R. 0222 project will be constructed during Phase I. The permittee is required to provide 1.45 acres (0.59 ha) of replacement wetlands.

The entire project involves construction of 6.5 miles (10.5 km) of S.R. 0222 on a new alignment north of the current alignment and 3.4 miles (5.5 km) of S.R. 0100 on a new alignment west of the current alignment. The project will also include the construction of and improvements to, secondary roads.

The improvements to S.R. 0222 will begin near the S.R. 0222/S.R. 0309 interchange (Allentown West, PA Quadrangle N: 12.8 inches; W: 6.0 inches) in Lower Macungie Township, Lehigh County and extend 6.5 miles (10.5 km) west to the town of Breinigsville near the S.R. 0222/T546 intersection (Topton, PA Quadrangle N: 7.2 inches; W: 0.2 inch) in Upper Macungie Township, Lehigh County. The improvements to S.R. 0100 will begin near the S.R. 0100/T463 intersection (Allentown West, PA Quadrangle N: 5.6 inches; W: 3.3 inches) in Lower Macungie Township, Lehigh County and extend 3.4 miles (5.5 km) north to the S.R. 0100/T568 intersection (Allen-

town West, PA Quadrangle N: 11.8 inches; W: 1.6 inches) in Upper Macungie Township, Lehigh County.

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

**E01-218. Robert Sharrah,** 835 Flohrs Church Road, Biglerville, PA 17307 in Berwick Township, **Adams County**, Baltimore District.

To construct and maintain 120 linear feet of open bottom multi-plate aluminum pipe-arch culvert having an 11-foot clear span with a 5.67-foot rise across an unnamed tributary to Beaver Creek on Deer Trail Drive from its intersection with Abbottstown Pike (SR 0194). Construction of a second open bottom aluminum multi-plate pipe-arch culvert of 140 linear feet having a 7.75-foot clear span with a 6-foot rise to cross another unnamed tributary to Beaver Creek on Orchard View Drive and intersection with Deer Trail Drive for access within the Test Estates residential development. The permit also authorizes construction of an 8-inch diameter PVC sanitary sewer line within the roadway embankment of Deer Trail Drive (Hanover, PA Quadrangle N: 19.0 inches; W: 15.0 inches).

**E22-426. William Botts,** 207 Botts Road, Millersburg, PA 17061 in Washington Township, **Dauphin County**, Baltimore District.

To excavate material from 0.15 acre of wetlands and about 161 linear feet of stream channel for the purpose of constructing a nonjurisdictional water impoundment for recreational purposes and fire protection located on an unnamed tributary to Wiconisco Creek (WWF) located on the west side of Botts Road (T-426) about 0.3 mile north of its intersection with SR 0209 (Elizabethville, PA Quadrangle N: 8.88 inches; W: 14.13 inches).

**E36-708. Kevin Lapp,** Burkwood Associates, 255 Butler Avenue, Lancaster, PA 17601 in East Hempfield Township, **Lancaster County**, Baltimore District.

To construct and maintain (1) the culvert at Cameron Drive having a span of 7 feet with an underclearance of 3 feet at the channel of an unnamed tributary to Little Conestoga Creek (2) a utility line crossing under the streambed of same stream; and; (3) to fill in 0.57 acre of wetland in order to develop Chaddsford residential development located north of Stevens Street (T-707) just west of East Petersburg Borough (Lancaster, PA Quadrangle N: 18.7 inches; W: 16.1 inches and N: 18.8 inches; W: 16.6 inches). The applicant is required to replace 0.57 acre of replacement wetlands.

**E31-171. Spruce Creek Rod & Gun Club,** 616 Berkshire Drive, Pittsburgh, PA 15215 in Franklin Township, **Huntingdon County**, Baltimore District.

To construct and maintain a stream restoration project in a 4.6-mile reach of Spruce Creek (HQ-CWF). The project's purpose is to stabilize stream banks, improve water quality and improve the fisheries habitat. The watershed project will consist of maintenance to existing, conventional stream improvement structures and the construction and maintenance of additional conventional stream improvement structures and natural stream channel design structures. Construction activities that will be utilized throughout the reach include overhead-cover log frame deflectors, stone deflectors, water jacks with overhead cover and downstream wings, mud sill cribbing, bank cover cribbing, stone frame channel blocks, mid-stream boulder placement, rock vanes, cross vanes, j-hook rock vanes, w-weirs, root wad and log spur placement,

riprap, stream and floodway excavation and filling, ford improvements and agricultural crossings and ramps.

Two reaches of Spruce Creek will be restored initially. The first reach begins 4,600 feet downstream of the intersection of Spruce Creek and SR 0045 (Franklinville, PA Quadrangle N: 10.29 inches; W: 4.89 inches) and continues downstream 3,200 feet (Franklinville, PA Quadrangle N: 9.63 inches; W: 5.93 inches) in Franklin Township, Huntingdon County. The second reach begins 3,200 feet west of Seven Stars (Franklinville, PA Quadrangle N: 5.95 inches; W: 9.67 inches) and continues downstream 3,200 feet (Franklinville, PA Quadrangle N: 5.45 inches; W: 10.83 inches). During this initial phase, a fishing pond (Franklinville, PA Quadrangle N: 9.63 inches; W: 5.35 inches) and a rearing pond (Franklinville, PA Quadrangle N: 10.24 inches; W: 5.12 inches) will be restored to their original contours, an outlet structure associated with the fishing pond will be repaired and the discharge culvert will be extended 4 feet in Franklin Township, Huntingdon County.

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

**E14-398. Mark Kellerman**, 460 Moose Run Road, Bellefonte, PA 16823. Culvert replacing bridge, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 14.3 inches; W: 7.7 inches).

To remove an existing deteriorating bridge and to construct and maintain a 6-foot diameter 30-foot long corrugated metal pipe depressed 6-inches below the streambed with riprap on the inlet and the outlet in Moose Run located 200 feet north of the northern off ramp of SR 220 at Milesburg. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E17-335. Eagle Environmental II, LP**, 11 New Street, Englewood Cliffs, NJ 17632, Royal Oak Residual Waste Landfill, Baltimore COE, Chest Township, **Clearfield County**, Westover, PA Quadrangle N: 1.19 inches; W: 2.30 inches.

Construct, operate and maintain a residual waste landfill and its appurtenant structures in the Pine Run Watershed; and to construct, operate and maintain a treated leachate outfall structure in Chest Creek for the operation of the Royal Oak Residual Waste Landfill. The construction of the landfill and its appurtenant structures shall be limited to three treated stormwater outfall structures and a maximum wetland impact of 0.17 acre. The effluent outfall structure shall be constructed with a submerged 8-inch diameter high-density polyethylene pipe in the channel of Chest Creek. The project is located along the eastern right-of-way of SR 0036 approximately 1.7 miles east of T-412 and T-409 intersection. The permittee shall mitigate the 0.17 acre of permanently impacted wetland with 0.42 acre of on-site replacement wetlands. The permittee shall construct the 0.42-acre of on-site replacement wetlands prior to commencing the wetland impacts authorized by this permit.

**E18-325. Larry E. Dutton**, P. O. Box 62, Avis, PA 17721. Water Obstruction and Encroachment Permit application, in Avis Borough, **Clinton County**, ACOE Susquehanna River Basin District (Jersey Shore, PA Quadrangle N: 10.8 inches; W: 9.6 inches).

To construct and maintain a 28'x72' modular home, a 30'x12' wooden deck, a 28'x6' wooden porch and a 3'x10' wooden foot bridge and 4" sewer line crossing which are

located along Oak Grove Run. This permit was issued under § 105.13(e) "Small Projects."

**E57-094. Carol St. Clair**, Davidson Township Municipal Authority, R. R. 1, Box 7112, Sonestown, PA 17758. Sewerage Facilities, in Davidson Township, **Sullivan County**, ACOE Baltimore District (Sonestown, PA Quadrangle):

a) Outlet Creek 4-inch diameter sewer crossing N: 19.50 inches; W: 7.40 inches

b) Muncy Creek 4-inch diameter sewer crossing N: 19.40 inches; W: 7.35 inches

c) Muncy Creek 6-inch diameter outfall sewer N: 18.65 inches; W: 7.40 inches).

To construct and maintain approximately 3,000 feet of 3 to 4 inch diameter collection sewers and 900-feet of 6-inch diameter outfall and a sewage pumping facility in the floodplains of Muncy Creek and Outlet Creek. The project is located in miscellaneous areas of Sonestown in Davidson Township, Sullivan County. The project will not impact wetlands while impacting approximately 100 feet of waterway. Muncy Creek is a cold water fisheries stream. Outlet Creek is a high quality—cold water fisheries stream. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E 14025. The Lane Construction Corporation**, 965 East Main Street, Meriden, Connecticut 06450-6004. McKees Rocks Borough, **Allegheny County**, ACOE Pittsburgh District.

To amend Permit No. 14025 to include the operation and maintenance of the existing facility and the construction and maintenance of an expansion to the dock facility and mooring area (Pittsburgh West, PA Quadrangle N: 17.6 inches; W: 6.8 inches).

**E02-1074-A1. City of Pittsburgh**, Office of the Mayor, 5th Floor City County Building, 414 Grant Street, Pittsburgh, PA 15219. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To amend Permit No. E02-1074 to include the construction and maintenance of minor landscaping improvements to the trail. This permit amendment also acknowledges the transfer of Permit E02-1074 from the Urban Redevelopment Authority of Pittsburgh to the City of Pittsburgh, the present owner. (Pittsburgh East, PA Quadrangle N: 13.7 inches; W: 16.7 inches).

**E02-1307. County of Allegheny**, Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2951. Borough of Pitcarin, North Versailles Township and Municipality of Monroeville, **Allegheny County**, ACOE Pittsburgh District.

To operate and perform perpetual maintenance dredging to an existing 580 feet long by 110 to 160 feet wide in stream sedimentation basin located within Turtle Creek (WWF). The basin was constructed by the United States Army Corps of Engineers for the purpose of collecting sediment in Turtle Creek. This permit also authorizes the one time dredging of an additional 420 feet upstream and 380 feet downstream of the instream sedimentation basin. The project is located on the south side of Broadway Boulevard approximately 500 feet southeast of its intersection with Wall (Braddock, PA Quadrangle N: 4.5 inches; W: 3.8 inches).

**E56-306. Somerset County Commissioners**, 111 East Union Street, Suite 100, Somerset, PA 15501. Somerset Township, **Somerset County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a single span bridge having a normal span of 72.2 feet and a minimum underclearance of 9.8 feet across East Branch Coxes Creek (TSF) for the purpose of improving transportation safety and roadway standards. The project is located on T-480, approximately 2 miles south of the Borough of Somerset (Murdock, PA Quadrangle N: 19.1 inches; W: 12.7 inches).

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 2001, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Airtech Radon Services, Inc.	251 Fox Meadow Drive Wexford, PA 15090	Mitigation
Richard Armstrong	1268 Laurelwood Road Pottstown, PA 19465	Testing
Brian Cole	317 McWilliams Road Trafford, PA 15085	Testing
Alan Cross	P. O. Box 386 Pennington, NJ 08534	Testing
Richard Delaney, Jr.	275 Pioneer Road Franklin, PA 16323	Testing
Rene Dewit	269 Burch Drive Moon Township, PA 15108	Testing
Joseph Flounlacker, Sr.	370 Dohner Drive Lancaster, PA 17602	Mitigation
Joseph Hancaviz	406 Cherry Hill Road Nazareth, PA 18064	Testing
Matthew Helriegel	640 South Keyser Avenue Taylor, PA 18517	Testing
Raymond King	1812 Willow Street Pike Lancaster, PA 17602	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Anthony Lamastra A.B.E. Radiation Measurements Lab	1005 Old Route 22 Lenhartsville, PA 19534	Testing Laboratory
Robert Lloyd	1698 Walnut Bottom Road Newville, PA 17241	Testing
Wayne Murray	1021 Gypsy Hill Road Lancaster, PA 17602	Testing
Lawrence Nies	11021 May Road Wattsburg, PA 16442	Testing
John Painter	P. O. Box 191 Centre Hall, PA 16828	Testing
James Roe	631 South Meadow Lane Hummelstown, PA 17036	Testing
David Scott	951 Katie Circle Royersford, PA 19468	Testing
Martin Smith U.S. Inspect, Inc.	3650 Concorde Parkway, Suite 100 Chantilly, VA 20151	Laboratory
David Trygar	702 Shirley Lane Dunmore, PA 18512	Testing
Deborah Urenovitch	118 Maple Drive Drums, PA 18222	Testing

### **Pennsylvania Public Interest Research Group, et al. v. P.H. Glatfelter Co., Civil Action No. 1: CV-99-0940 (M.D. Pa.) (Rambo, J.)**

This is to provide notice to the public concerning a proposed consent decree resolving a Federal Clean Water Act citizen suit pertaining to the discharge color to the Codorus Creek from the P. H. Glatfelter pulp and paper mill, which is located in Spring Grove, York County. The Department, which has intervened as a plaintiff in the action and the parties have reached a settlement. The settlement includes entry by the parties into the proposed consent decree with the following principal provisions:

1. Glatfelter will install two new technologies, known as oxygen delignification and chlorine dioxide bleach substitution and will achieve compliance with the final effluent limitations for color. Glatfelter will complete the construction by February 2004 and must achieve compliance by April 2004.

2. Glatfelter will make a 2 million dollar payment for past violations, in the form of an endowment to the York Foundation for establishment of the Codorus Creek Watershed Fund to be available for grants for environmental improvement projects; and

3. Glatfelter will pay \$500,000 within 60 days of entry of the consent decree to plaintiffs' counsel in payment of plaintiffs' costs in bringing the lawsuit, including attorneys' fees.

The proposed Decree has been submitted to the United States Environmental Protection Agency and the United States Department of Justice for review; those agencies have 45 days from receipt of the document to conduct their review and to file comments with the Court.

Anyone interested may obtain a copy of the proposed Consent Decree from the Department's Southcentral Regional Office—Water Management, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Anyone interested may also submit comments on the proposed Decree to that same office. The Department will forward any and all comments to the Court.

[Pa.B. Doc. No. 01-1679. Filed for public inspection September 14, 2001, 9:00 a.m.]

**Acceptance of Applications for Technical Assistance Grants Through the Growing Greener Program**

As part of the 3rd year of the Department of Environmental Protection's (Department) Growing Greener Program, applications are now being accepted for Technical Assistance Grants (TAG). The Environmental Stewardship and Watershed Protection Act authorizes the Department to make grants available for technical assistance to eligible organizations involved in implementing watershed conservation efforts.

With an increasing number of organizations interested in watershed protection and the limited level of public technical assistance available, a method is needed for providing expertise in legal, data and program management, engineering and scientific areas. TAG will provide funding to regional and Statewide nonprofit organizations to reimburse them for costs of providing technical assistance to other organizations that are eligible for Growing Greener Grants. These technical assistance providers, through partnering with other private and public watershed conservation organizations, will facilitate the use of Growing Greener Grants and other sources of support for watershed conservation.

Eligible applicants include: 1) counties, authorities and municipalities; 2) county conservation districts; 3) watershed organizations, established to promote watershed conservation efforts and recognized by the Department; and 4) other authorized organizations, including nonprofit entities involved in research, restoration, rehabilitation, planning, education and other activities that further the protection, enhancement, conservation, preservation or enjoyment of this Commonwealth's environmental, conservation and recreation resources. The area expected to be served by the TAG applicants should include a broad geographic extent, for example, a major river basin. The assistance to be offered should include at least one of the major areas of expertise.

The deadline for submitting TAG applications to the Department Grants Center is November 9, 2001. A grant-writing workshop is planned for the second annual Pennsylvania Watershed Conference on October 5—6 at the Resort at Split Rock, Lake Harmony, PA.

To request an application package or for more information about the Technical Assistance Grants or about the Watershed Conference, visit the Growing Greener Program website at <http://www.growinggreener.org>, send an e-mail to [GrowingGreener@state.pa.us](mailto:GrowingGreener@state.pa.us), contact the Department Grants Center at (717) 705-5400 or write Department Grants Center, 15th Floor, Rachel Carson

State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-1680. Filed for public inspection September 14, 2001, 9:00 a.m.]

**Citizens Advisory Council; Meeting Notice Change**

Meetings of the Citizens Advisory Council (Council) to the Department of Environmental Protection will be held on Tuesday, September 25, 2001, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA; and Wednesday, September 26, 2001, at 8:30 a.m. in the Susquehanna River Room B, South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

Questions concerning the meetings or agenda items can be directed to Stephanie Mioff at (717) 787-4527 or by e-mail to [Smioff@state.pa.us](mailto:Smioff@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Stephanie Mioff directly at (717) 787-4527 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Council may accommodate their needs.

DAVID STRONG,  
*Chairperson*

[Pa.B. Doc. No. 01-1681. Filed for public inspection September 14, 2001, 9:00 a.m.]

**DEPARTMENT OF GENERAL SERVICES**

**State Surplus Property Program Bid Items**

Under the provisions of section 510 of The Administrative Code of 1929 (71 P. S. § 190), the Department of General Services, State Surplus Property Program is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
Loader	Case	232-2056	PA Dot-Hyde, PA
Loader	Case	245-2056	PA Dot-Hyde, PA
Loader	John Deere	093-1385	PA Dot-Emporium, PA
Front End Loader	Case	295-2056	PA Dot, Lewistown, PA
Rubber Tire	John Deere	083-2040	PA Dot, Bloomsburg, PA
Loader Artic.	John Deere	036-6678	PA Dot, Sunbury, PA
Grader Rubber Tire	John Deere	084-2040	PA Dot, Wellsboro, PA
Loader Rubber Tire	John Deere	057-2040	PA Dot, Wellsboro, PA
Loader	John Deere	116-2040	PA Dot, West Chester, PA

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
Tandem Excavator	Gradall	070-6365	PA Dot, Gettysburg, PA
Backhoe	Case	203-6056	PA Dot, Gettysburg, PA
Tandem Excavator	Koehring	003-6368	PA Dot, Carlisle, PA
Backhoe Loader	Case	218-6056	PA Dot, Harrisburg, PA
	John Deere	056-2040	PA Dot, Harrisburg, PA
Road Widener	Rivinus	007-7055	PA Dot, Lebanon, PA
Wheel Loader	John Deere	168-2040	PA Dot, Lebanon, PA
Grader	Austin-Western	312-3671	PA Dot, Bedford, PA
Loader Earth Mov.	John Deere	154-2040	PA Dot, Rochester, PA
Loader	John Deere	192-2040	PA Dot, Greensburg, PA

The items will be sold to the highest responsible bidder by sealed bid sale. Those political subdivisions which are interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, P. O. Box 1365, Harrisburg, PA 17105 or call (717) 787-4085. Requests need to be made prior to the bid opening on October 12, 2001, at 1 p.m. to receive a bid proposal.

KELLY LOGAN,  
*Acting Secretary*

[Pa.B. Doc. No. 01-1682. Filed for public inspection September 14, 2001, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Advisory Health Board Meeting

The Department of Health (Department) hereby gives notice that the Advisory Health Board will meet on September 26, 2001, from 10 a.m. until 12 p.m. in Room 812, Health and Welfare Building for the following purposes:

1. To review and approve final rulemaking relating to amendments to the Communicable Disease Regulations currently found at 28 Pa. Code Chapter 27.

A copy of the draft final rulemaking may be obtained by contacting Joel Hersh, Department of Health, Bureau of Epidemiology, P. O. Box 90, Harrisburg, PA 17108, (717) 783-4677.

2. To review and approve final rulemaking relating to amendments to the Newborn Screening Regulations currently found at 28 Pa. Code Chapter 28.

A copy of the draft final rulemaking maybe obtained by contacting Jack Means, Division of Newborn Disease Prevention and Screening Services, P. O. Box 90, Harrisburg, PA 17108, (717) 783-8143.

The Department may cancel this meeting or change the agenda without prior notice.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, or who require a copy of either document in an alternative format (that is, large print,

audio tape or Braille), should contact either Jack Means at (717) 783-8143 (Newborn Screening) or Joel Hersh at (717) 783-4677 (Communicable Disease), V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1683. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Availability of Plan Required by Section 1932 of the ADAMHA Reorganization Act of 1992

The Bureau of Drug and Alcohol Programs of the Department of Health (Department) is making available for public review and comment, under section 1941 of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act of 1992, 42 U.S.C.A. § 290aa et seq., the Department's Final Plan (Plan) for the 2001-2002 Federal fiscal year required by section 1932 of the Act.

The Plan includes provisions for complying with the funding agreements set out in the Act, which are prerequisites for receiving block grant funds, and a description of the manner in which the Department will expend the grant.

The grant amount is approximately \$59 million for the period of October 1, 2001, to September 30, 2002.

Persons wishing to submit written comments on the Department's Plan may do so. Comments received will be considered by the Department in the development of the Department's Plans that will be part of the Commonwealth's application for Substance Abuse Prevention and Treatment Block Grant funding for fiscal year 2001-2002 and future years.

Copies of the Plan are available from, and comments should be addressed to, C. Thomas Brown, Office of Program Development, Bureau of Drug and Alcohol Programs, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-8200.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille), should contact C. Thomas Brown, Office of Program Development, Bureau of Drug and Alcohol Programs, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-8200 or at V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1684. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Solicitation for Letters of Interest to Become a Primary Contractor

In anticipation of the release of the Statewide Comprehensive Tobacco Control Programs Request for Proposal



(RFP) 00-07-01, the Department of Health (Department) is soliciting letters of interest to become a primary contractor as that term is defined in Chapter 7, section 702 of The Tobacco Settlement Act (Act 2001-77). Letters are being solicited in an effort to foster collaboration within geographic areas within this Commonwealth. The Department will accept a single application for a particular county evidencing the fact that the tobacco control organizations, local government and other potential partners in that county have the ability to collaborate. In instances when there are competing applications, the Department expects collaboration nevertheless so that effective programs can be implemented once a primary contractor is selected. We encourage eligible applicants, where feasible, to consider applying for a multiple county comprehensive tobacco control program, to increase both efficiencies and effectiveness. Parties that submit a letter of interest should indicate which county or combination of counties for which they expect to serve as primary contractor. A listing of organizations who have submitted letters of interest will be posted on the Department's website at [www.health.state.pa.us](http://www.health.state.pa.us), or available by request from the Department.

A primary contractor is a person located in this Commonwealth that develops, implements or monitors tobacco use prevention and cessation programs in a local service area. A primary contractor may be: (1) a for-profit or nonprofit organization, including a community foundation, that provides tobacco use prevention and cessation programs; (2) an entity created under the act of April 14, 1972 (P. L. 221, No. 63), known as the Pennsylvania Drug and Alcohol Abuse Control Act; (3) a municipality or a municipal health department created under the act of August 24, 1951 (P. L. 1304, No. 315), known as the Local Health Administration Law; (4) an institution of higher education; or (5) a hospital established under the act of July 19, 1979 (P. L. 130, No. 48), known as the Health Care Facilities Act. A tobacco company or an agent or subsidiary of a tobacco company may not be awarded a contract or grant as a primary contractor.

The role and responsibilities of a primary contractor include:

(1) Develop a proposed plan, subject to Department approval, which meets the tobacco use prevention and cessation goals and priorities established by the Department.

(2) Award grants to service providers to implement the program in the service area in accordance with the plan developed and approved under paragraph (1). Priority may be given to service providers who have experience in providing tobacco use prevention and cessation services. In a service area with multiple service providers, no individual service provider shall receive more than 50% of the funds awarded to the primary contractor unless otherwise approved by the Department.

(3) Ensure that service providers are meeting the priorities and goals set forth in your plan.

(4) Actively solicit input from health care providers, community organizations, public officials and other individuals and groups regarding the plan for your respective service area.

(5) Prepare and submit reports as required by the Department.

To receive a letter of interest form, contact Judy Ochs, Director, Division of Tobacco Prevention, Bureau of Chronic Disease and Injury Prevention, 1000 Health and Welfare Building, Harrisburg, PA at (717) 783-6600. The

letter of interest form may also be downloaded from the Department's website [www.health.state.pa.us](http://www.health.state.pa.us). The Department is requesting letters of interest by October 1, 2001.

Persons with disability 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 Judy Ochs at (717) 783-6600 (V/TT (717) 783-6514) or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 01-1685. Filed for public inspection September 14, 2001, 9:00 a.m.]

## Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program)

### I. 2001-2002 WIC Food List

Under 28 Pa. Code § 1103.5(c), the WIC Program hereby publishes notice of the 2001-2002 WIC Food List which contains the required types of foods, the maximum allowable cost of certain foods and if applicable, names of allowable brands of foods. Effective October 1, 2001, the 2001-2002 WIC Food List authorizes the following as allowable foods for the purpose of the WIC Program:

#### Cheese

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium. If from the dairy case, the cheese must be marked with weight, type and cost. Cheese must cost no more than \$5.99 per pound. Minimum package size 8 ounces.

American (Pasteurized Process)	Cheddar
Cheddarella	Cojack
Colby (Longhorn)	Monterey Jack
Mozzarella	Muenster
Provolone	Swiss

*Not Allowed:* Individually wrapped, imported, deli service, cheese foods, imitation cheese, cheese products or spreads, string cheese, cheese with added ingredients.

#### Milk

Fluid (pasteurized; quarts costing no more than \$1.10, half gallons costing no more than \$2.20 or gallons costing no more than \$4.40). Any fat level allowed; acidophilus allowed. Lactose reduced or lactose free if specified on the WIC check. Evaporated (12 ounce cans) if specified on the WIC check. Dry (packages) if specified on the WIC check.

*Not allowed:* Flavored milk, buttermilk, goat's milk, milk with added calcium or protein.

#### Eggs

Any size raw shell eggs costing no more than \$1.65 a dozen.

#### Juice

**Single Strength, costing no more than \$2.75 per container (46 ounce container, 100% pure juice):**

Apple	Seneca, Lucky Leaf or Muselman's
Orange	any brand

Apple	Seneca, Lucky Leaf or Musselman's
Pineapple	Dole, Liberty Gold or any brand stamped "100% Hawaiian" on top
100% Grape, regular or white	Welch's, Seneca
V8 (regular, lightly tangy, picante, healthy request)	Campbell's
Juicy Juice (any flavor)	Libby

**Frozen Concentrated, costing no more than \$2.75 per container (11.5 to 12 ounce container, 100% pure juice):**

Apple	Seneca, Shurfine, Weis, Musselman's, Old Orchard, Lucky Leaf, Foodland, Food Club, Finast
Orange	any brand
Pineapple Orange	Dole
Pineapple-Orange-Banana	Dole
100% Grape	Seneca, Welch's with yellow pull tab
White Grape Juice Blends	Welch's with yellow pull tab

**Shelf Stable Concentrated, costing no more than \$2.75 per container. (11.5 to 12 ounce container, 100% pure juice)**

Any flavor with yellow trim	Juicy Juice, Welch's Juice Makers
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*Not allowed:* Juices with added sugar, alcohol or carbonation.

**Dry Beans and Peas**

Any kind in 1-pound package

*Not allowed:* Beans with seasonings

**Cereal**

*Adult/Child Cereals:*

Minimum package size 8 ounces.

*General Mills:*

Cheerios (regular, multigrain)  
Chex (wheat, corn, rice, multi-bran)  
Kix (regular only)  
Total Corn Flakes  
Wheaties (regular flavor)

*Kellogg Co.:*

Complete Bran Flakes (oat, wheat)  
Corn Flakes  
Mini Wheats (strawberry, raisin)  
Product 19  
Special K

*Nabisco:*

Cream of Wheat (regular, quick, instant)  
Instant Cream of Wheat (original flavor packets)

*Quaker Co.:*

Instant Grits (all flavors)  
Instant Quaker Oatmeal (regular flavor individual packets)  
King Vitamin  
Life (regular flavor)

*Store Brand Cereal:*

Crisp(y) Rice, Corn Flakes, Toasted Oats/Tasteos (Food Club, Weis Quality, Pathmark, Best Yet, Finast, Food Lion, Shop Rite, Shur Fine)

*Not allowed:* Individual serving boxes.

**Peanut Butter**

15 to 18 ounce container costing no more than \$2.75 per container.

*Not allowed:* Reduced fat peanut butter; peanut butter mixed with jelly, marshmallow or chocolate.

**Infant Formula**

*Contract Brand*

*Milk Based:* Similac w/Iron *Soy Based:* Isomil

Other brands and types of formula must be specified on the WIC check.

**Infant Juice**

Any brand 4 ounce container.

*Not allowed:* Organic varieties, Beechnut Juice Plus or juice with yogurt.

**Infant Cereal**

Any brand in 8 or 16 ounce box.

*Not allowed:* Organic varieties, variety pack, cereal with fruit, formula or yogurt.

**Tuna and Carrots**

These foods are only for breast-feeding women whose babies do not get formula from WIC.

*Tuna*

(Any brand, chunk light, packed in water, 6 to 6-1/2 ounce cans)

*Fresh Carrots*

(Whole, unpeeled in 1 or 2 pound cello pack)

*Canned Carrots*

(Any brand sliced, 14 to 20 ounce can)

**II. Contract Brand of Formula**

Under 28 Pa. Code § 1103.5(c), the WIC Program hereby publishes notice of the name of the contract brand of infant formula. The WIC Program has entered into a contract with Ross Laboratories to be the primary provider of infant formula for the WIC Program. The contract brand of infant formula Ross Products and the names of the formula are Similac with Iron and Isomil. Other brands and types of formula must be specified on the WIC check to be authorized for purchase with a WIC check. The information contained herein is effective October 1, 2001.

**III. Maximum Allowable Cost for WIC Food Prescription One and WIC Food Prescription Two**

Under 28 Pa. Code § 1103.4(a)(6), the WIC Program hereby publishes notice of the maximum allowable cost for WIC Food Prescription One and WIC Food Prescription Two. The information contained herein is effective October 1, 2001.

The maximum allowable cost for WIC Food Prescription One is \$51.86 and the maximum allowable cost for WIC Food Prescription Two is \$136.71.

**IV. Allocation of Store Slots**

Under 28 Pa. Code § 1103.3(b), the WIC Program hereby publishes notice of the store slot allocations by county as listed. The information contained herein is effective immediately upon this publication.

# DEPARTMENT OF PUBLIC WELFARE

## Income Limits for the Subsidized Child Day Care Program

The Department of Public Welfare (Department) increased the income limits codified at 55 Pa. Code § 3040.62(b) and Chapter 3040 Appendix B effective March 5, 2001.

The regulation at 55 Pa. Code § 3040.62(a) and (b) requires the Department to update 55 Pa. Code Chapter 3040 Appendix B, the copayment schedule to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective March 5, 2001, the income guidelines for the subsidized child day care program were increased due to the increase in the FPIG. The copayment schedule is adjusted to reflect the increases in the income guidelines. A family is eligible if, at initial application, the family's income is 200% or less of the FPIG and the income is 235% or less after initial authorization. Appendix B also establishes the family copayment levels according to the family's computed annual income. Appendix B lists the weekly family copayment based on the annual family income.

Under 55 Pa. Code § 3040.62(b), the Department of Public Welfare revised the income limits for the subsidized child day care program effective March 5, 2001. Those limits and corresponding fees are set forth in Appendix B, which is recommended for codification in 55 Pa. Code Chapter 3040.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-300. (1) General Fund; (2) Implementing Year 2001-02 is \$520,000; (3) 1st Succeeding Year 2002-03 is \$520,000; 2nd Succeeding Year 2003-04 is \$520,000; 3rd Succeeding Year 2004-05 is \$520,000; 4th Succeeding Year 2005-06 is \$520,000; 5th Succeeding Year 2006-07 is \$520,000;

<i>Child Care Services</i>	<i>Cash Grants</i>
(4) 2000-01 Program—\$59,683,000	\$294,122,000
1999-00 Program—\$58,513,000	\$311,394,000
1998-99 Program—\$57,545,000	\$259,688,000

(7) Child Care Services; (8) recommends adoption. Assuming 2,000 affected families, the maximum estimated increased cost to the Commonwealth is \$520,000.

<i>County</i>	<i>New Slot Allocation</i>	<i>County</i>	<i>New Slot Allocation</i>
Adams	15	Lackawanna	42
Allegheny	143	Lancaster	57
Armstrong	15	Lawrence	16
Beaver	27	Lebanon	15
Bedford	9	Lehigh	49
Berks	53	Luzerne	49
Blair	30	Lycoming	23
Bradford	17	Mckean	11
Bucks	34	Mercer	21
Butler	23	Mifflin	10
Cambria	28	Monroe	21
Cameron	2	Montgomery	48
Carbon	9	Montour	2
Centre	15	Northampton	33
Chester	34	Northumberland	15
Clarion	9	Perry	5
Clearfield	18	Philadelphia	274
Clinton	9	Pike	6
Columbia	10	Potter	5
Crawford	17	Schuylkill	21
Cumberland	14	Snyder	5
Dauphin	40	Somerset	17
Delaware	51	Sullivan	2
Elk	7	Susquehanna	9
Erie	56	Tioga	11
Fayette	34	Union	5
Forest	1	Venango	14
Franklin	23	Warren	8
Fulton	3	Washington	33
Greene	10	Wayne	9
Huntingdon	9	Westmoreland	48
Indiana	16	Wyoming	7
Jefferson	11	York	40
Juniata	5		

Persons with a disability who wish to obtain a copy of this notice and require an auxiliary aid, service or other accommodation to do so should contact Greg Landis at (717) 783-1289, 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. 01-1686. Filed for public inspection September 14, 2001, 9:00 a.m.]

### APPENDIX B COPAYMENT CHART FAMILY COPAYMENT SCALE (BASED ON THE 2001 FEDERAL POVERTY INCOME GUIDELINES)

<i>Weekly Co-pay</i>	<i>Family Size: 1 Annual Income</i>		<i>Family Size: 2 Annual Income</i>		<i>Family Size: 3 Annual Income</i>	
\$5.00	Less than:	\$6,590	Less than:	\$9,610	Less than:	\$10,630
\$10.00	\$6,590.01	\$8,590	\$9,610.01	\$11,610	\$10,630.01	\$12,630
\$15.00	\$8,590.01	\$10,590	\$11,610.01	\$13,610	\$12,630.01	\$14,630
\$20.00	\$10,590.01	\$12,590	\$13,610.01	\$15,610	\$14,630.01	\$16,630
\$25.00	\$12,590.01	\$14,590	\$15,610.01	\$17,610	\$16,630.01	\$18,630
\$30.00	\$14,590.01	\$16,590	\$17,610.01	\$19,610	\$18,630.01	\$20,630
\$35.00	\$16,590.01	\$18,590	\$19,610.01	\$21,610	\$20,630.01	\$22,630

Weekly Co-pay	Family Size: 1 Annual Income		Family Size: 2 Annual Income		Family Size: 3 Annual Income	
	\$40.00	\$18,590.01	\$20,186	\$21,610.01	\$23,610	\$22,630.01
\$45.00			\$23,610.01	\$25,610	\$24,630.01	\$26,630
\$50.00			\$25,610.01	\$27,284	\$26,630.01	\$28,630
\$55.00					\$28,630.01	\$30,630
\$60.00					\$30,630.01	\$32,630
\$65.00					\$32,630.01	\$34,380
	200% FPIG	\$17,180	200% FPIG	\$23,220	200% FPIG	\$29,260

Weekly Co-pay	Family Size: 4 Annual Income		Family Size: 5 Annual Income		Family Size: 6 Annual Income	
	\$5.00	Less than:	\$11,650	Less than:	\$12,670	Less than:
\$10.00	\$11,650.01	\$13,650	\$12,670.01	\$14,670	\$13,690.01	\$15,690
\$15.00	\$13,650.01	\$15,650	\$14,670.01	\$16,670	\$15,690.01	\$17,690
\$20.00	\$15,650.01	\$17,650	\$16,670.01	\$18,670	\$17,690.01	\$19,690
\$25.00	\$17,650.01	\$19,650	\$18,670.01	\$20,670	\$19,690.01	\$21,690
\$30.00	\$19,650.01	\$21,650	\$20,670.01	\$22,670	\$21,690.01	\$23,690
\$35.00	\$21,650.01	\$23,650	\$22,670.01	\$24,670	\$23,690.01	\$25,690
\$40.00	\$23,650.01	\$25,650	\$24,670.01	\$26,670	\$25,690.01	\$27,690
\$45.00	\$25,650.01	\$27,650	\$26,670.01	\$28,670	\$27,690.01	\$29,690
\$50.00	\$27,650.01	\$29,650	\$28,670.01	\$30,670	\$29,690.01	\$31,690
\$55.00	\$29,650.01	\$31,650	\$30,670.01	\$32,670	\$31,690.01	\$33,690
\$60.00	\$31,650.01	\$33,650	\$32,670.01	\$34,670	\$33,690.01	\$35,690
\$65.00	\$33,650.01	\$35,650	\$34,670.01	\$36,670	\$35,690.01	\$37,690
\$70.00	\$35,650.01	\$37,650	\$36,670.01	\$38,670	\$37,690.01	\$39,690
\$75.00	\$37,650.01	\$39,650	\$38,670.01	\$40,670	\$39,690.01	\$41,690
\$80.00	\$39,650.01	\$41,478	\$40,670.01	\$42,670	\$41,690.01	\$43,690
\$85.00			\$42,670.01	\$44,670	\$43,690.01	\$45,690
\$90.00			\$44,670.01	\$46,670	\$45,690.01	\$47,690
\$95.00			\$46,670.01	\$48,574	\$47,690.01	\$49,690
\$100.00					\$49,690.01	\$51,690
\$105.00					\$51,690.01	\$53,690
\$110.00					\$53,690.01	\$55,672
	200% FPIG	\$35,300	200% FPIG	\$41,340	200% FPIG	\$47,380

Weekly Co-pay	Family Size: 7 Annual Income		Family Size: 8 Annual Income		Family Size: 9 Annual Income	
	\$5.00	Less than:	\$14,710	Less than:	\$15,730	Less than:
\$10.00	\$14,710.01	\$16,710	\$15,730.01	\$17,730	\$16,750.01	\$18,750
\$15.00	\$16,710.01	\$18,710	\$17,730.01	\$19,730	\$18,750.01	\$20,750
\$20.00	\$18,710.01	\$20,710	\$19,730.01	\$21,730	\$20,750.01	\$22,750
\$25.00	\$20,710.01	\$22,710	\$21,730.01	\$23,730	\$22,750.01	\$24,750
\$30.00	\$22,710.01	\$24,710	\$23,730.01	\$25,730	\$24,750.01	\$26,750
\$35.00	\$24,710.01	\$26,710	\$25,730.01	\$27,730	\$26,750.01	\$28,750
\$40.00	\$26,710.01	\$28,710	\$27,730.01	\$29,730	\$28,750.01	\$30,750
\$45.00	\$28,710.01	\$30,710	\$29,730.01	\$31,730	\$30,750.01	\$32,750
\$50.00	\$30,710.01	\$32,710	\$31,730.01	\$33,730	\$32,750.01	\$34,750

NOTICES

5327

Weekly Co-pay	Family Size: 7 Annual Income		Family Size: 8 Annual Income		Family Size: 9 Annual Income	
	\$55.00	\$32,710.01	\$34,710	\$33,730.01	\$35,730	\$34,750.01
\$60.00	\$34,710.01	\$36,710	\$35,730.01	\$37,730	\$36,750.01	\$38,750
\$65.00	\$36,710.01	\$38,710	\$37,730.01	\$39,730	\$38,750.01	\$40,750
\$70.00	\$38,710.01	\$40,710	\$39,730.01	\$41,730	\$40,750.01	\$42,750
\$75.00	\$40,710.01	\$42,710	\$41,730.01	\$43,730	\$42,750.01	\$44,750
\$80.00	\$42,710.01	\$44,710	\$43,730.01	\$45,730	\$44,750.01	\$46,750
\$85.00	\$44,710.01	\$46,710	\$45,730.01	\$47,730	\$46,750.01	\$48,750
\$90.00	\$46,710.01	\$48,710	\$47,730.01	\$49,730	\$48,750.01	\$50,750
\$95.00	\$48,710.01	\$50,710	\$49,730.01	\$51,730	\$50,750.01	\$52,750
\$100.00	\$50,710.01	\$52,710	\$51,730.01	\$53,730	\$52,750.01	\$54,750
\$105.00	\$52,710.01	\$54,710	\$53,730.01	\$55,730	\$54,750.01	\$56,750
\$110.00	\$54,710.01	\$56,710	\$55,730.01	\$57,730	\$56,750.01	\$58,750
\$115.00	\$56,710.01	\$58,710	\$57,730.01	\$59,730	\$58,750.01	\$60,750
\$120.00	\$58,710.01	\$60,710	\$59,730.01	\$61,730	\$60,750.01	\$62,750
\$125.00	\$60,710.01	\$62,710	\$61,730.01	\$63,730	\$62,750.01	\$64,750
\$130.00	\$62,710.01	\$62,768	\$63,730.01	\$65,730	\$64,750.01	\$66,750
\$135.00			\$65,730.01	\$67,730	\$66,750.01	\$68,750
\$140.00			\$67,730.01	\$69,730	\$68,750.01	\$70,750
\$145.00			\$69,730.01	\$69,866	\$70,750.01	\$72,750
\$150.00					\$72,750.01	\$74,750
\$155.00					\$74,750.01	\$76,750
					\$76,750.01	\$76,963
	200% FPIG	\$53,420	200% FPIG	\$59,460	200% FPIG	\$65,500

Weekly Co-pay	Family Size: 10 Annual Income		Family Size: 11 Annual Income		Family Size: 12 Annual Income	
	\$5.00	Less than:	\$17,770	Less than:	\$18,790	Less than:
\$10.00	\$17,770.01	\$19,770	\$18,790.01	\$20,790	\$19,810.01	\$21,810
\$15.00	\$19,770.01	\$21,770	\$20,790.01	\$22,790	\$21,810.01	\$23,810
\$20.00	\$21,770.01	\$23,770	\$22,790.01	\$24,790	\$23,810.01	\$25,810
\$25.00	\$23,770.01	\$25,770	\$24,790.01	\$26,790	\$25,810.01	\$27,810
\$30.00	\$25,770.01	\$27,770	\$26,790.01	\$28,790	\$27,810.01	\$29,810
\$35.00	\$27,770.01	\$29,770	\$28,790.01	\$30,790	\$29,810.01	\$31,810
\$40.00	\$29,770.01	\$31,770	\$30,790.01	\$32,790	\$31,810.01	\$33,810
\$45.00	\$31,770.01	\$33,770	\$32,790.01	\$34,790	\$33,810.01	\$35,810
\$50.00	\$33,770.01	\$35,770	\$34,790.01	\$36,790	\$35,810.01	\$37,810
\$55.00	\$35,770.01	\$37,770	\$36,790.01	\$38,790	\$37,810.01	\$39,810
\$60.00	\$37,770.01	\$39,770	\$38,790.01	\$40,790	\$39,810.01	\$41,810
\$65.00	\$39,770.01	\$41,770	\$40,790.01	\$42,790	\$41,810.01	\$43,810
\$70.00	\$41,770.01	\$43,770	\$42,790.01	\$44,790	\$43,810.01	\$45,810
\$75.00	\$43,770.01	\$45,770	\$44,790.01	\$46,790	\$45,810.01	\$47,810
\$80.00	\$45,770.01	\$47,770	\$46,790.01	\$48,790	\$47,810.01	\$49,810
\$85.00	\$47,770.01	\$49,770	\$48,790.01	\$50,790	\$49,810.01	\$51,810
\$90.00	\$49,770.01	\$51,770	\$50,790.01	\$52,790	\$51,810.01	\$53,810
\$95.00	\$51,770.01	\$53,770	\$52,790.01	\$54,790	\$53,810.01	\$55,810
\$100.00	\$53,770.01	\$55,770	\$54,790.01	\$56,790	\$55,810.01	\$57,810

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Family Size: 11 Annual Income</i>		<i>Family Size: 12 Annual Income</i>	
\$105.00	\$55,770.01	\$57,770	\$56,790.01	\$58,790	\$57,810.01	\$59,810
\$110.00	\$57,770.01	\$59,770	\$58,790.01	\$60,790	\$59,810.01	\$61,810
\$115.00	\$59,770.01	\$61,770	\$60,790.01	\$62,790	\$61,810.01	\$63,810
\$120.00	\$61,770.01	\$63,770	\$62,790.01	\$64,790	\$63,810.01	\$65,810
\$125.00	\$63,770.01	\$65,770	\$64,790.01	\$66,790	\$65,810.01	\$67,810
\$130.00	\$65,770.01	\$67,770	\$66,790.01	\$68,790	\$67,810.01	\$69,810
\$135.00	\$67,770.01	\$69,770	\$68,790.01	\$70,790	\$69,810.01	\$71,810
\$140.00	\$69,770.01	\$71,770	\$70,790.01	\$72,790	\$71,810.01	\$73,810
\$145.00	\$71,770.01	\$73,770	\$72,790.01	\$74,790	\$73,810.01	\$75,810
\$150.00	\$73,770.01	\$75,770	\$74,790.01	\$76,790	\$75,810.01	\$77,810
\$155.00	\$75,770.01	\$77,770	\$76,790.01	\$78,790	\$77,810.01	\$79,810
\$160.00	\$77,770.01	\$79,770	\$78,790.01	\$80,790	\$79,810.01	\$81,810
\$165.00	\$79,770.01	\$81,770	\$80,790.01	\$82,790	\$81,810.01	\$83,810
\$170.00	\$81,770.01	\$83,770	\$82,790.01	\$84,790	\$83,810.01	\$85,810
\$175.00	\$83,770.01	\$84,060	\$84,790.01	\$86,790	\$85,810.01	\$87,810
\$180.00			\$86,790.01	\$88,790	\$87,810.01	\$89,810
\$185.00			\$88,790.01	\$90,790	\$89,810.01	\$91,810
\$190.00			\$90,790.01	\$91,156	\$91,810.01	\$93,810
\$195.00					\$93,810.01	\$95,810
\$200.00					\$95,810.01	\$97,810
\$205.00					\$97,810.01	\$98,254
	200% FPIG	\$71,540	200% FPIG	\$77,580	200% FPIG	\$83,620

[Pa.B. Doc. No. 01-1687. Filed for public inspection September 14, 2001, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Cash Harvest Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Harvest.

2. *Price:* The price of a Pennsylvania Cash Harvest instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Cash Harvest instant lottery game ticket will contain one play area featuring a "Cash Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Cash Numbers" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRNTN), 14 (FORTN), 15 (FIFTN), 16 (SIXT), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the 10 "Prize" areas are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$12\$

(TWELV), \$16\$ (SIXTN), \$24\$ (TWY FOR), \$48\$ (FRY EGT), \$96\$ (NTY SIX), \$240 (TWOHUNFRY) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$6, \$8, \$12, \$16, \$24, \$48, \$96, \$240 and \$24,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Cash Harvest instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Cash Numbers" play symbols and a prize play symbol of \$24,000 (TWYFORTHO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Cash Numbers" play symbols and a prize play symbol of \$240 (TWOHUNFRY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$240.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Cash Numbers" play symbols and a prize play symbol of \$96\$ (NTY SIX) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$96.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Cash

Numbers” play symbols and a prize play symbol of \$48\$ (FRY EGT) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$48.

(e) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Cash Numbers” play symbols and a prize play symbol of \$24\$ (TWY FOR) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$24.

(f) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Cash Numbers” play symbols and a prize play symbol of \$16\$ (SIXTN) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$16.

(g) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Cash Numbers” play symbols and a prize play symbol of \$12\$ (TWELV) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$12.

(h) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Cash Numbers” play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$8.

(i) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Cash Numbers” play symbols and a prize play symbol of \$6<sup>00</sup>

(SIX DOL) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$6.

(j) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Cash Numbers” play symbols and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Cash Numbers” play symbols and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$3.

(l) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Cash Numbers” play symbols and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Cash Numbers” play symbols and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match Either Of The Cash Numbers Win With Prize(s) Of:*

<i>When Any Of Your Numbers Match Either Of The Cash Numbers Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$1 x 2	\$2	1:7.14	840,000
\$2	\$2	1:25	240,000
\$1 x 3	\$3	1:100	60,000
\$2 + \$1	\$3	1:150	40,000
\$3	\$3	1:300	20,000
\$1 x 4	\$4	1:150	40,000
\$2 x 2	\$4	1:150	40,000
\$3 + \$1	\$4	1:250	24,000
\$4	\$4	1:375	16,000
\$1 x 6	\$6	1:750	8,000
\$2 x 3	\$6	1:1,500	4,000
\$3 x 2	\$6	1:1,500	4,000
\$6	\$6	1:1,500	4,000
\$1 x 8	\$8	1:1,500	4,000
\$2 x 4	\$8	1:1,500	4,000
\$4 x 2	\$8	1:1,500	4,000
\$6 + \$2	\$8	1:1,500	4,000
\$8	\$8	1:1,500	4,000
\$2 x 6	\$12	1:500	12,000
\$3 x 4	\$12	1:1,500	4,000
\$4 x 3	\$12	1:1,500	4,000
\$6 x 2	\$12	1:1,500	4,000
\$1 x 8 + \$2 x 2	\$12	1:1,500	4,000
\$3 x 2 + \$2 x 3	\$12	1:750	8,000
\$12	\$12	1:1,500	4,000
\$2 x 8	\$16	1:1,500	4,000

When Any Of Your  
Numbers Match  
Either Of The Cash  
Numbers Win With  
Prize(s) Of:

	Win	Approximate Odds	Approximate No. of Winners Per 6,000,000 Tickets
\$4 x 4	\$16	1:1,500	4,000
\$2 x 6 + \$1 x 4	\$16	1:1,500	4,000
\$4 x 2 + \$2 x 4	\$16	1:1,500	4,000
\$16	\$16	1:1,500	4,000
\$3 x 8	\$24	1:375	16,000
\$4 x 6	\$24	1:500	12,000
\$6 x 4	\$24	1:500	12,000
\$3 x 5 +	\$24	1:500	12,000
\$2 x 4 + \$1			
\$12 x 2	\$24	1:500	12,000
\$16 + \$2 x 4	\$24	1:500	12,000
\$8 + \$4 x 4	\$24	1:500	12,000
\$6 x 2 + \$2 x 6	\$24	1:375	16,000
\$12 + \$6 x 2	\$24	1:500	12,000
\$24	\$24	1:1,500	4,000
\$4 x 8 + \$8 x 2	\$48	1:7,500	800
\$8 x 6	\$48	1:7,500	800
\$12 x 4	\$48	1:7,500	800
\$16 x 3	\$48	1:7,500	800
\$24 x 2	\$48	1:5,714	1,050
\$48	\$48	1:12,000	500
\$24 x 3 + \$4 x 6	\$96	1:24,000	250
\$16 x 6	\$96	1:24,000	250
\$24 x 4	\$96	1:24,000	250
\$48 x 2	\$96	1:24,000	250
\$96	\$96	1:24,000	250
\$24 x 10	\$240	1:120,000	50
\$48 x 5	\$240	1:120,000	50
\$240	\$240	1:120,000	50
\$24,000	\$24,000	1:1,500,000	4

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Harvest instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash Harvest, prize money from winning Pennsylvania Cash Harvest instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cash Harvest instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Cash Harvest or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-1688. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Pennsylvania Grand-a-Day Holiday Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Grand-a-Day Holiday.

2. *Price:* The price of a Pennsylvania Grand-a-Day Holiday instant lottery game ticket is \$10.00.

3. *Play Symbols:* Each Pennsylvania Grand-a-Day Holiday instant lottery game ticket will contain one play area featuring a "Lucky Numbers" area and a "Your



Numbers” area. The play symbols and their captions located in the “Lucky Numbers” area and the “Your Numbers” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the “Your Numbers” area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$5,000 (FIV THO) and HOLIDAY (1K/DAY/YR).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$200, \$250, \$500, \$5,000 and \$365,000 (\$1,000 a day for 1 year). A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 1,680,000 tickets will be printed for the Pennsylvania Grand-a-Day Holiday instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of HOLIDAY (1K/DAY/YR) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$365,000 (\$1,000 a day for 1 year). The \$1,000 a day for a year prize will be paid as a lump-sum cash payment less the appropriate withholding taxes.

(b) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$5,000 (FIV THO) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$250 (TWOHUNFTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$200 (TWO HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$30\$ (THIRTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(i) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,680,000 Tickets</i>
\$5 x 2	\$10	1:14.29	117,600
\$10	\$10	1:15	112,000
\$5 x 3	\$15	1:30	56,000
\$5 + \$10	\$15	1:37.50	44,800
\$15	\$15	1:150	11,200
\$5 x 2 + \$10	\$20	1:50	33,600
\$10 x 2	\$20	1:75	22,400
\$20	\$20	1:150	11,200

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,680,000 Tickets</i>
\$10 x 3	\$30	1:30	56,000
\$20 + \$10	\$30	1:30	56,000
\$30	\$30	1:30	56,000
\$5 x 10	\$50	1:800	2,100
\$10 x 5	\$50	1:2,400	700
\$10 + \$20 x 2	\$50	1:10,000	168
\$50	\$50	1:10,000	168
\$5 x 10 + \$10 x 5	\$100	1:10,000	168
\$10 x 10	\$100	1:10,000	168
\$20 x 5	\$100	1:10,000	168
\$100	\$100	1:60,000	28
\$10 x 10 + \$20 x 5	\$200	1:60,000	28
\$20 x 10	\$200	1:60,000	28
\$50 x 4	\$200	1:24,000	70
\$200	\$200	1:24,000	70
\$20 x 10 + \$50	\$250	1:20,000	84
\$50 x 5	\$250	1:40,000	42
\$100 x 2 + \$10 x 5	\$250	1:60,000	28
\$250	\$250	1:120,000	14
\$50 x 10	\$500	1:84,000	20
\$100 x 5	\$500	1:140,000	12
\$500	\$500	1:140,000	12
\$5,000	\$5,000	1:420,000	4
\$1,000/Day/ 1 Year	\$365,000	1:840,000	2

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Grand-a-Day Holiday instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Grand-a-Day Holiday, prize money from winning Pennsylvania Grand-a-Day Holiday instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Grand-a-Day Holiday instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Grand-a-Day Holiday or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-1689. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Pennsylvania Yule be a Winner Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Yule be a Winner.

2. *Price:* The price of a Pennsylvania Yule be a Winner instant lottery game ticket is \$20.00.

3. *Play Symbols:*

(a) Each Pennsylvania Yule be a Winner instant lottery game ticket will contain ten play areas known as Game 1, Game 2, Game 3, Game 4, Game 5, Game 6, Game 7, Game 8, Game 9 and Game 10. Each game is played separately.

(b) The play symbols and their captions located in the "Your Numbers" area for Game 1 and Game 6 and the "Your" and "Their" areas for Game 2 are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(c) The play symbols and their captions located in the play area for Game 3 and Game 8 are: \$5<sup>.00</sup> (FIV DOL), \$8<sup>.00</sup> (EGT DOL), \$10<sup>.00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$40\$ (FORTY), \$100 (ONE HUN) and \$10,000 (TEN THO).

(d) The play symbols and their captions located in the "Fast \$25" area for Game 4 are: Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Bag of Toys Symbol (TOYS), Gift Symbol (GIFT), Candy Cane Symbol

(CANE), Hat symbol (HAT), Drum Symbol (DRUM), Wreath Symbol (WREATH) and Snowflake Symbol (SNFLK).

(e) The play symbols and their captions located in the "Your Symbols" area for Game 5 are: Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Bag of Toys Symbol (TOYS), Gift Symbol (GIFT), Candy Cane Symbol (CANE), Hat symbol (HAT), Drum Symbol (DRUM) and Wreath Symbol (WREATH).

(f) The play symbols and their captions located in the "Fast \$30" area for Game 7 are: Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Bag of Toys Symbol (TOYS), Gift Symbol (GIFT), Candy Cane Symbol (CANE), Hat symbol (HAT), Drum Symbol (DRUM), Wreath Symbol (WREATH) and Jingle Bell Symbol (JINGBELL).

(g) The play symbols and their captions located in the play area for Game 9 are: X Symbol (XXX) and Stocking Symbol (STKNG).

(h) The play symbols and their captions located in the "Fast \$40" area for Game 10 are: Snowman Symbol (SNMAN), Mitten Symbol (MITTEN), Bag of Toys Symbol (TOYS), Gift Symbol (GIFT), Candy Cane Symbol (CANE), Hat symbol (HAT), Drum Symbol (DRUM), Wreath Symbol (WREATH) and Sleigh Symbol (SLEIGH).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area for Game 1, Game 2, Game 5, Game 6 and Game 9 are: \$5<sup>00</sup> (FIV DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$40\$ (FORTY), \$100 (ONE HUN) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in individual games on this ticket are \$5, \$8, \$10, \$15, \$20, \$25, \$30,

\$40, \$100 and \$10,000. The player can win up to 10 times on a ticket. Every ticket in the game is a winner, with a prize ranging from \$5 to \$10,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 600,000 tickets will be printed for the Pennsylvania Yule be a Winner instant lottery game.

7. *Description of Game Play Methods:*

(a) Game 1 and Game 6 play method: When the total of "Your Numbers" equals 7 or 11 within a game, win prize shown for that game.

(b) Game 2 play method: When "Your" number is higher than "Their" number within a game, win prize shown for that game.

(c) Game 3 and Game 8 play method: Get three like play symbols in the play area for that game and win that prize.

(d) Game 4 play method: Get a Snowflake Symbol to win.

(e) Game 5 play method: Match two like play symbols, win prize shown for that game.

(f) Game 7 play method: Get a Jingle Bell Symbol to win.

(g) Game 9 play method: Get three Stocking Symbols in any one row, column or diagonal and win prize shown for that game.

(h) Game 10 play method: Get a Sleigh Symbol to win.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 600,000 Tickets</i>
\$5	\$5	1:2.17	276,000
\$8	\$8	1:30	20,000
\$5 x 2	\$10	1:50	12,000
\$10	\$10	1:75	8,000
\$5 x 3	\$15	1:75	8,000
\$10 + \$5	\$15	1:75	8,000
\$15	\$15	1:150	4,000
\$5 x 4	\$20	1:15	40,000
\$10 x 2	\$20	1:15	40,000
\$5 x 2 + \$10	\$20	1:15	40,000
\$15 + \$5	\$20	1:15	40,000
\$20	\$20	1:37.50	16,000
\$5 x 5	\$25	1:80	7,500
\$5 x 3 + \$10	\$25	1:92.31	6,500
\$5 x 2 + \$15	\$25	1:92.31	6,500
\$15 + \$10	\$25	1:92.31	6,500
\$20 + \$5	\$25	1:100	6,000
\$25 (FAST)	\$25	1:120	5,000
\$25	\$25	1:300	2,000
\$5 x 6	\$30	1:80	7,500
\$10 x 3	\$30	1:85.71	7,000
\$15 x 2	\$30	1:100	6,000
\$20 + \$10	\$30	1:100	6,000
\$25 + \$5	\$30	1:120	5,000
\$30 (FAST)	\$30	1:100	6,000
\$30	\$30	1:240	2,500
\$8 x 5	\$40	1:600	1,000

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 600,000 Tickets</i>
\$10 x 4	\$40	1:600	1,000
\$20 x 2	\$40	1:800	750
\$15 x 2 + \$5 x 2	\$40	1:800	750
\$25 + \$5 x 3	\$40	1:800	750
\$25 + \$15	\$40	1:800	750
\$40 (FAST)	\$40	1:266.67	2,250
\$40	\$40	1:2,400	250
\$40 (FAST) + \$30 (FAST) + \$25 (FAST) + \$5	\$100	1:2,667	225
\$20 x 5	\$100	1:4,000	150
\$25 x 4	\$100	1:12,000	50
\$40 x 2 + \$10 x 2	\$100	1:12,000	50
\$100	\$100	1:30,000	20
\$10,000	\$10,000	1:120,000	5

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Yule be a Winner instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Yule be a Winner, prize money from winning Pennsylvania Yule be a Winner instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Yule be a Winner instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Yule be a Winner or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-1690. Filed for public inspection September 14, 2001, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Township of Paradise and Lake Swiftwater Club,  
Inc. v. DEP and Pocono Mountain School Dis-  
trict; EHB Doc. No. 2001-190-MG**

Township of Paradise and Lake Swiftwater Club, Inc. have appealed the issuance by the Department of Envi-

ronmental Protection of an NPDES permit to same for a facility in Pocono Township, Monroe County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 01-1691. Filed for public inspection September 14, 2001, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### 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-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-470	Department of Public Welfare Disproportionate Share Incentive Payments	9/4/01
14-468	Department of Public Welfare General Principles for Rate and Price Setting	9/4/01

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-1692. Filed for public inspection September 14, 2001, 9:00 a.m.]

## INSURANCE DEPARTMENT

### AF&L Insurance Company; Rate Filing

AF&L Insurance Company is requesting approval to increase its premium 25% for the nursing home policy form "NHP" and four associated riders. The average premium will increase from \$1,176 to \$1,470 and will affect 1,150 Commonwealth policyholders. The requested effective date of the change is October 1, 2001.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1693. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Capital Advantage Insurance Company; Request for Approval of Individual Direct Pay Medical-Surgical Policy and Rates; Filing No. CAIC-2001-9

Capital Advantage Insurance Company submitted in filing number CAIC-2001-9 both forms and rates for an individual direct pay medical-surgical policy for review and approval by the Insurance Department (Department).

Capital Advantage Insurance Company is a wholly owned subsidiary of Capital Blue Cross.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square,

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1694. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Capital Advantage Insurance Company; Request for Approval of Individual Major Medical Policy and Rates; \$500 Deductible; Filing No. CAIC-2001-10

Capital Advantage Insurance Company submitted in filing number CAIC-2001-10 both forms and rates for an individual major medical policy with a \$500 deductible for review and approval by the Insurance Department (Department).

Capital Advantage Insurance Company is a wholly owned subsidiary of Capital Blue Cross.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1695. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Capital Advantage Insurance Company; Request for Approval of Individual Special Care Medical-Surgical Policy and Rates; Filing No. CAIC-2001-7

Capital Advantage Insurance Company submitted in filing number CAIC-2001-7 both rates and forms for an individual special care medical-surgical policy for review and approval by the Insurance Department (Department).

Capital Advantage Insurance Company is a wholly owned subsidiary of Capital Blue Cross.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1696. Filed for public inspection September 14, 2001, 9:00 a.m.]

**Capital Blue Cross and Capital Advantage Insurance Company; Request for Approval of Individual Comprehensive Major Medical Policy and Rates, \$750 Deductible; Filing No. CAIC-2001-5**

Capital Blue Cross and Capital Advantage Insurance Company submitted in filing number CAIC-2001-5 both forms and rates for a jointly underwritten individual comprehensive major medical policy with a \$750 deductible for review and approval by the Insurance Department (Department).

Capital Advantage Insurance Company is a wholly owned subsidiary of Capital Blue Cross.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1697. Filed for public inspection September 14, 2001, 9:00 a.m.]

**Capital Blue Cross and Capital Advantage Insurance Company; Request for Approval of Individual Comprehensive Major Medical Policy and Rates; \$1,500 Deductible; Filing No. CAIC-2001-6**

Capital Blue Cross and Capital Advantage Insurance Company submitted in filing number CAIC-2001-6 both forms and rates for a jointly underwritten individual comprehensive major medical policy with a \$1,500 deductible for review and approval by the Insurance Department (Department).

Capital Advantage Insurance Company is a wholly owned subsidiary of Capital Blue Cross.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1698. Filed for public inspection September 14, 2001, 9:00 a.m.]

**Capital Blue Cross and Capital Advantage Insurance Company; Request for Approval of Individual Medicare Supplement Policies and Rates; Filing No. CAIC-2001-8**

Capital Blue Cross and Capital Advantage Insurance Company (CAIC) submitted in filing number CAIC-2001-8 individual policies for Medicare supplement plans A, B, C

and H for review and approval by the Insurance Department (Department). Also submitted for review and approval are CAIC rates for the medical surgical coverage provided by these policies.

CAIC is a wholly owned subsidiary of Capital Blue Cross.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Jeff Russell, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1699. Filed for public inspection September 14, 2001, 9:00 a.m.]

**Earl Turner; Doc. No. AG01-08-025**

The proceedings in this matter will be governed by 2 Pa. C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and the Insurance Department's Special Rules of the Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

A prehearing telephone conference initiated by this office is scheduled for October 2, 2001 at 10:30 a.m. Each party shall provide the Administrative Hearings Office, Hearings Administrator a telephone number to be used for the telephone conference on or before September 25, 2001. A hearing shall occur on October 31, 2001 at 10:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. On or before September 25, 2001, each party shall file with the Administrative Hearings Office via facsimile (717) 787-8781 and serve upon the other party via facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will participate in the prehearing conference, if different than the person designated for service.

No prehearing memoranda or other written submissions are required for the prehearing /settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before October 1, 2001, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before October 16, 2001.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1700. Filed for public inspection September 14, 2001, 9:00 a.m.]

### HealthGuard; Rate Filing

On August 28, 2001, HealthGuard submitted the captioned filing for approval by the Insurance Department (Department). This filing requests approval to amend the eligibility criteria for community rating by class from 100 eligible employees to 20. No changes to the formula or factors are proposed. This filing will affect all employer groups with 20 or more eligible employees. The proposed effective date is January 1, 2002.

This filing is available for public inspection during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1701. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Highmark/Keystone Health Plan West; Rate Filing

On August 24, 2001, Highmark/Keystone Health Plan West submitted for approval a filing requesting a rating methodology for allocating income among Highmark Blue Cross Blue Shield and Keystone Health Plan West products and measuring Act 159 rate compliance for group clients with 51 or more eligible employees. The proposed methodology will rate the group as a single entity under Act 159 and reallocate required income rationally among all health insurance products that the group has with Highmark Blue Cross Blue Shield and Keystone Health Plan West. This filing will affect all new and renewing employer groups with 51 or more eligible employees. The proposed method will be effective at the prospect's quotation or the client's renewal date.

This filing is available for public inspection during normal working hours at the Insurance Department's regional offices in Harrisburg and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation,

1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1702. Filed for public inspection September 14, 2001, 9:00 a.m.]

### MIIX Insurance Company; Physicians and Surgeons Professional Liability Rate and Rule Revisions

On August 30, 2001, the Insurance Department (Department) received from MIIX Insurance Company a filing for a rate level change for physicians and surgeons professional liability insurance.

MIIX Insurance Company requests an overall 50.3% increase to be effective January 1, 2002, for new and renewal business.

Unless formal administrative action is taken prior to October 14, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Bureau of Regulation of Rates and Policies, 1311 Strawberry Square, Harrisburg, PA 17120 (e-mail at kcreighton@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1703. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Pennsylvania National Mutual Casualty Insurance Company; Homeowners Insurance Rate and Rule Revision

On August 31, 2001, the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for a proposed rate level and rules change for homeowners insurance.

The company requests an overall 0.5% increase amounting to \$66,000 annually to be effective January 1, 2002.

Unless formal administrative action is taken prior to October 30, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA

17120, (e-mail: xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1704. Filed for public inspection September 14, 2001, 9:00 a.m.]

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**Pennsylvania National Mutual Casualty Insurance Company; Private Passenger Auto Insurance Rate and Rule Revision**

On August 31, 2001, the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for a proposed rate level and rules change for private passenger auto insurance.

The company requests an overall 0.8% decrease amounting to \$450,000 annually to be effective January 1, 2002.

Unless formal administrative action is taken prior to October 30, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, (e-mail: xlu@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1705. Filed for public inspection September 14, 2001, 9:00 a.m.]

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**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insured has 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 hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Ida Ross; file no. 01-215-02909; Allstate Insurance Company; doc. no. PH01-08-029; October 30, 2001, at 3 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. 01-1706. Filed for public inspection September 14, 2001, 9:00 a.m.]

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**Title Insurance Rating Bureau of Pennsylvania; Filing for Approval of Rate Increase and Revisions to Rating Manual**

On August 30, 2001, the Insurance Department (Department) received from the Title Insurance Rating Bureau of Pennsylvania a filing for a rate level change for title insurance.

The rating bureau requests an overall 2.46% increase amounting to \$8,025,000 annually, to be effective November 1, 2001.

Unless formal administrative action is taken prior to October 29, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1707. Filed for public inspection September 14, 2001, 9:00 a.m.]



## LEGISLATIVE REFERENCE BUREAU

### Documents Filed but not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-01-187, Dated August 7, 2001. Authorizes the execution of the collective bargaining agreement between the Commonwealth of Pennsylvania and the Fraternal Order of Police Lodge #85 (Capitol Police) for July 1, 1999, through June 30, 2003.

Resolution #CB-01-211, Dated August 9, 2001. Authorizes the side letter of agreement between the Commonwealth and the PLCB Enforcement Office III Meet and Discuss Unit (K5). The side letter amends sections of Recommendations 2, 7, 14 and 17 of the Memorandum of Understanding.

#### *Governor's Office*

Manual M110.1—2002-03 Budget Instructions, Dated August 2001.

Management Directive No. 515.10—Selection and Appointment to Noncivil Service Positions, Amended August 13, 2001.

Management Directive No. 615.15—Vehicle Parking License Agreements, Dated July 19, 2001.

Administrative Circular No. 01-24—Revenue Estimates, 2002-03 Fiscal Year, Dated July 25, 2001.

Administrative Circular No. 01-25—2002-03 Budget Instructions, Dated August 3, 2001.

Administrative Circular No. 01-26—Appropriation, Authorization, and Expenditure of Federal Funds, Dated August 7, 2001.

Administrative Circular No. 01-27—Changes to the 2001 Commonwealth Telephone Directory—Department of State, Dated August 17, 2001.

GARY R. HOFFMAN,  
*Director,*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 01-1708. Filed for public inspection September 14, 2001, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Wastewater Service Without Hearing

**A-230093. Monteforte Enterprises, Inc.** Application of Monteforte Enterprises, Inc., for a Certificate of public

convenience authorizing the provision of wastewater service to the public in a portion of the Township of New Milford, Susquehanna County, PA.

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 1, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* Monteforte Enterprises, Inc.

*Through and By Counsel:* Kenneth Zielonis, Esquire, Stevens and Lee, 208 North Third Street, Suite 310, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1709. Filed for public inspection September 14, 2001, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #0148.3, Installation of Sanitary and Domestic Water Systems for Trailer, until 2 p.m. on Friday, September 21, 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 September 17, 2001. The cost of the bid documents is \$35 (includes 7% PA sales tax) which is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid job site meeting will be held Tuesday, September 18, 2001, 10 a.m. at Pier 82 South, Jackson St. and Columbus Blvd., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 01-1710. Filed for public inspection September 14, 2001, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #0150.8, Repairs to 16,000 # Freight Elevator, Pier 78 South, until 2 p.m. on Tuesday, September 25, 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 September 18, 2001. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid job site meeting will be held Thursday, September 20, 2001, 11 a.m. at the job site, McKean St. and Columbus Blvd., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 01-1711. Filed for public inspection September 14, 2001, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 3, 2001	Sherry Ann Dulsky (Purchase of Service) Thomas S. Semple (Effective Date of Retirement)	1 p.m. 2:30 p.m.
October 17, 2001	Gerald L. Reed (Accelerated Option)	1:30 p.m.
November 7, 2001	Nancy E. Long (Purchase of Service)	1 p.m.
December 5, 2001	Lynne K. Furman (Contribution and Interest Rate)	1 p.m.
	Michelle A. Emery (D) (Death Benefit)	2:30 p.m.
December 19, 2001	Mary Kathleen Burns	1 p.m.

October 3, 2001

Sherry Ann Dulsky 1 p.m.  
(Mandatory  
Membership)

Persons with a disability who wish to attend the previously-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 01-1712. Filed for public inspection September 14, 2001, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Meeting Cancellation

The September 25, 2001, State Conservation Commission (Commission) meeting has been cancelled. The next Commission meeting will be held on October 26, 2001, at Toftrees, State College, PA.

SAMUEL E. HAYES, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-1713. Filed for public inspection September 14, 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

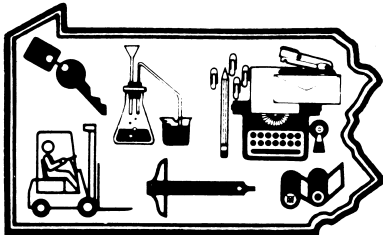
## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

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*

Effective October 1, 2001, the Department of General Services website, [www.dgs.state.pa.us](http://www.dgs.state.pa.us) (under "Bidding Opportunities"), will be the official site for public notice of Commonwealth executive and independent agency contracting opportunities for supplies, services and construction over \$10,000. All public notices of invitations for bids and requests for proposals for those procurements which are under the policy control of the Department of General Services shall be published electronically at the Department of General Services website. Until September 30, 2001, these notices will appear both in the *Pennsylvania Bulletin* and the Department of General Services website. After September 30, 2001, Commonwealth executive and independent agencies will be given the option of including notices of contracting opportunities in the *Pennsylvania Bulletin*. Therefore, as of October 1, 2001, the *Pennsylvania Bulletin* will not include all Commonwealth agency contracting opportunities.



### Commodities

**1117221** Water Sampler Equipment. For a copy of bid package fax request to (717) 787-0725.

**Department:** Fish and Boat Commission  
**Location:** State College, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**TRSP-9 173 PR.** - Chains Passenger car, Security Chain Co., #ZP-563. No substitute.

**Department:** State Police  
**Location:** Throughout the Commonwealth of PA  
**Duration:** Goods to be delivered by November 1, 2001  
**Contact:** Robert D. Stare (717) 705-5921

**8251250** Roller, 39"—2,900 Lb. Vibratory with Trailer. 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

**1108811** Software needed to run the messaging infrastructure program as follows: Bea WebLogic Server Advantage Edition. 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

**8251280** Roller, Rubber Tire. 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

**8251330** Trailer, 20 Ton, Tag-A-Long. 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 p.m. 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

**8251170** Truck, Anti Ice/De-Ice (Retrofit) 3000 Gallon Stainless Steel. 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

**1104211** Furnish and Install: Replacement of Condensate System in Buildings. For a copy of bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Selinsgrove, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1116151** Furnish, Set-up and make operational all equipment for Multimedia Presentation System. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**7490-03** Mailroom Equipment & Supplies to include Maintenance and Leasing. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various, PA  
**Duration:** 01/01/02—12/31/02  
**Contact:** Vendor Services (717) 787-2199

**8251260** 4-6 Ton Vibratory Roller with Trailer. 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

**8251130** Installment Purchase—Milling Machine, Self-Propelled. 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

**8251380** Latest Model Cab and Chassis Truck, Pony, 16' Body, Manual Transmission. 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

**1100351** Latest Model 4-Wheel Drive Diesel-Powered, 17,500 Lb. GVWR Cab and Chassis. For a copy of bid package fax request to (717) 787-0725.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

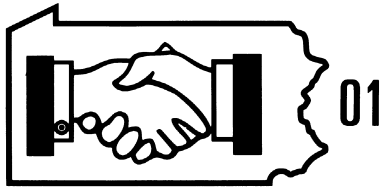
**9985-15** Pest Control Services Contract. During each quarter of the current calendar year, new contracts may seek to be added to the list of qualified contractors for the Pest Control Services Contract, 9985-15. In order to be considered, Contractors must submit a completed bid 9985-15 to ensure receipt by the Commonwealth on or before 1:30 p.m. 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

**PROC 01-11** Vendor to provide Toner, Unisys, USD9716 Laser Printer, Unisys Part Number 81-9701-970. No substitutes or remanufactured cartridges will be accepted. In order to obtain a Bid Package, vendors should send a fax to (717) 787-3560 or send an email to [eblandy@state.pa.us](mailto:eblandy@state.pa.us).

**Department:** Public Welfare  
**Location:** Division of Office Services, Supplies Management, Operations, 905 Elmerton Avenue, Harrisburg, PA 17110  
**Duration:** Commodities should be delivered ASAP.  
**Contact:** Ed Blandy (717) 772-4883

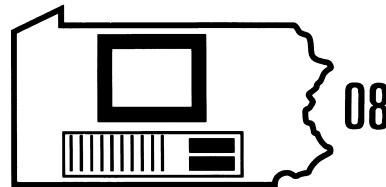
## SERVICES



### Advertising

**X19611** Provide 25,000 pair of canvas garden gloves

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** October 17, 2001  
**Contact:** Sharon Peterson (717) 787-2471



### Computer Related Services

**081-B** The Commonwealth of Pennsylvania (CoPA) is issuing an RFP for Facilities Management (hereafter referred to as the FM-RFP) to host the mySAP.com SAP ERP operating environment that is housed at the Commonwealth Technology Center in Harrisburg, PA. The CoPA expects the FM to provide ERP Data Center operation and management skills in an AIX and NT environment to meet all service level commitments to the Imagine PA ERP project and the resultant production environment. The term of this contract is expected to be from January 1, 2002 to August 31, 2004 with two 1-year optional extensions. The FM services within the scope of this project encompass all ERP IT environments including Sandbox, Development, Training, QA/Test, and Production. Anticipated services include operations and support of all Servers, Storage Area Network, and appropriate production control services. Parties interested in submitting an RFP should log on to the FM-RFP web site at <http://www.oit.state.pa.us/fmrfp/>. First time visitors should register on the website and request eAlerts in order to receive important information relating to this initiative. Note: It is mandatory that any firm who intends to submit a proposal attend Business Information Day on September 27, 2001 at the Commonwealth Technology Center in Harrisburg, PA. All questions must be submitted via the web site at <http://www.oit.state.pa.us/fmrfp/>.

**Department:** Office of Administration/Executive Offices  
**Location:** Commonwealth Technology Center, 1 Technology Park, Harrisburg, PA 17110-2913  
**Duration:** Tentatively January 1, 2002 to August 31, 2004  
**Contact:** James H. Tinney, Director (717) 772-8000



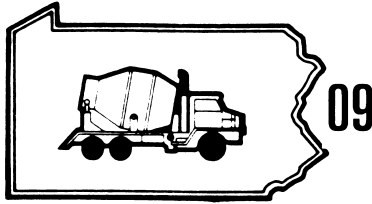
### Child Care Services

**2001-001** The Labor and Industry Parents' Association wishes to purchase high quality, affordable, work-site child care services for up to 38 children ages 6 weeks to 5 years.

**Department:** Labor and Industry  
**Location:** Labor and Industry Building, 7th and Forester Streets, Harrisburg PA, 17120  
**Duration:** 5 years  
**Contact:** Cynthia Fillman (717) 772-4121

**SP#721193005** Vendor to provide Cisco 24 x 7 x 4 OS service catalyst 6509 for Cisco Product CON-OSP-WS-C6509. This is a maintenance bid. Please contact agency for complete specifications and bid package.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Duration:** One year  
**Contact:** Ethel Straining (717) 720-4606



### Construction & Construction Maintenance

**401-BL-629** Renovations for Luzerne, Lycoming and Northumberland Residence Halls—Provide all labor, equipment and material necessary to renovate these facilities to include installation of a complete data and telecommunication network, dedicated electrical circuits, and smoke detectors throughout the approximately 375 rooms in the three buildings, new ceilings and lighting in common areas, and construction of a new cyber lounge in Luzerne and Lycoming to include installation of HVAC equipment for the telecommunication closets. There will be three primes on this project - General; Electrical; and Mechanical. To obtain a copy of the bid documents and specifications submit a non-refundable \$70.00 deposit to STV, Inc., 205 West Welsh Drive, Douglassville, PA 19518 - (610) 385-8200. All information required will be included in the bid package.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA 17815  
**Duration:** 120 days  
**Contact:** Joe Quinn (570) 389-4311

**DGS A 376-9 PHASE 2** PROJECT TITLE: Roof Replacement - Unit B. BRIEF DESCRIPTION: Remove approximately 4,500 square of existing 6/12 pitched slate shingle roof, down to existing concrete plank decking, repairing 5% of total deck area as required and installation of new standing seam metal roofing system with snow guards. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. 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 \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, October 10, 2001 at 11:00 a.m.

**Department:** General Services  
**Location:** SCI - Laurel Highlands, Laurel Highlands, Somerset County, PA  
**Duration:** 120 CALENDAR DAYS FROM SPECIAL START DATE OF APRIL 16, 2002  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS A 1574-25** PROJECT TITLE: Roof Replacement—Warehouse. BRIEF DESCRIPTION: Replace the entire roof with new felt shingles and flashings on the higher roof. The lower roof is to be replaced with new thermoplastic membrane and insulation. Also, new gutters and downspouts and metal work on lower roof. ESTIMATED RANGE: \$100,000.00 to \$250,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. 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 \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, October 10, 2001 at 11 a.m.

**Department:** General Services  
**Location:** State Correctional Institution, Cresson, Cambria County, PA  
**Duration:** 120 CALENDAR DAYS FROM SPECIAL START DATE OF APRIL 16, 2002  
**Contact:** Contract and Bidding Unit (717) 787-6556

**SU-918** SU-918: Lehman Library and Heiges Field House Mechanical Upgrade. Shippensburg University of the State System of Higher Education invites General, Plumbing and Electrical Contractors to request bid documents for this project. Work includes replacement of existing air handling units, cooling towers, heat exchangers, a steam pressure reducing station, generator domestic water valves, flush valves, control dampers and operators, pool tile, pool filtration system, exhaust fan, lighting contractors, pool drainage and starting blocks. Prospective Bidders may obtain project plans for a non-refundable cost of \$100.00 by contacting Barton Associates, Inc., Attn: Mike Raider, 415 Norway Street, York, PA 17403; telephone (717) 845-7654 or fax (717) 846-3706. Pre-Bid Meeting with site visit immediately to follow will be held on Wednesday, September 26, 2001 at 10:00 AM in Old Main Conference Room 203A. Bids Due: October 15, 2001 at 4:00 P.M. Old Main Room 300. Public Bid Opening: October 16, 2001 at 2:00 P.M., Old Main Room 203A. The system encourages responses from small firms, minority firms, and firms which may have not previously performed work for the System. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA  
**Duration:** Within 270 days after receipt of Notice to Proceed  
**Contact:** Deborah K. Martin, Contract Administrator (717) 477-1121

**SU-522** SU-522: Kriner Renovations. Shippensburg University of the State System of Higher Education invites General, HVAC, Plumbing and Asbestos Contractors to request bid documents for this project. Work includes installation of EPDM roof, skylights, aluminum entrances and storefront, acoustical ceilings, HVAC equipment, fire alarm system, electrical generator, lighting and toilet rooms upgrade, removal and replacement of asbestos plaster vaulted ceiling. Prospective bidders may obtain project plans for a non-refundable cost of \$100.00 by contacting Benatec Associates, Attn: Charles Johnson, 200 Airport Road, Capital City Airport, New Cumberland, PA 17070; telephone (717) 901-7055 or fax (717) 901-7059. Pre-Bid Meeting with site visit immediately to follow will be held on Tuesday, September 25, 2001 at 10 a.m. in Old Main Conference Room 203A. Bids Due: October 15, 2001 at 4:00 P.M. Old Main Room 300. Public Bid Opening: October 16, 2001 at 2 p.m., Old Main Room 203A. The system encourages responses from small firms, minority firms and firms which have not previously performed work for the System. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

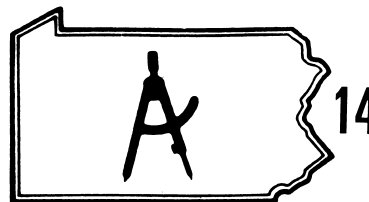
**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA  
**Duration:** Within 180 days after receipt of Notice to Proceed  
**Contact:** Deborah K. Martin, Contract Administrator (717) 477-1121

**DGS A 962-24** PROJECT TITLE: New Offices/Classroom Construction, Building No. 1. BRIEF DESCRIPTION: Basement renovations to include classroom and offices. Renovations include HVAC, electrical, structural upgrades, partitions, suspended ceilings, wall and floor finishes, doors and hardware, etc. ESTIMATED RANGE: \$100,000.00 to \$300,000.00. General, HVAC and Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. 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 \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, September 19, 2001 at 2 p.m.

**Department:** General Services  
**Location:** Harrisburg Military Post, PAARNG Armory, Harrisburg, Dauphin County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 413-48** PROJECT TITLE: Renovation of West Hall. BRIEF DESCRIPTION: The work for this project includes extensive exterior/interior renovation, new entrance porch and sitework to existing three level, masonry, classroom building which consists of general, HVAC, plumbing, electrical and fire protection construction. ESTIMATED RANGE: \$2,000,000.00 to \$5,000,000.00. General, HVAC, Plumbing and Electrical Construction. PLANS DEPOSIT: \$150.00 per set payable to: FANNING/HOWEY ASSOCIATES, 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 or provide your express mail account number to the office listed below. Mail requests to: Fanning/Howey Associates, Inc., 4930 Bradenton Avenue, Dublin, Ohio 43017. Tel: (614) 764-4661. Bid Date: WEDNESDAY, October 3, 2001 at 11 a.m. A Pre-Bid Conference has been scheduled for Tuesday, September 18, 2001 at 9:30 a.m. at Slippery Rock University, Miller Auditorium adjacent to West Hall, Slippery Rock, PA. Contact: Alan Esparza, Tel: (614) 764-4661 EXT. 170. All contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

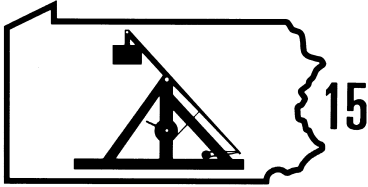
**Department:** General Services  
**Location:** Slippery Rock University, Slippery Rock, Butler County, PA  
**Duration:** 330 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556



### 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)



15

### Environmental Maintenance Service

**BF 478-101.1** Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine projects. Letters of interest must be received by Roderick A. Fletcher, P.E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P.O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., Local Time, October 15, 2001.

**Department:** Environmental Protection  
**Location:** 3.5 acres of reclamation located in Noyes Township, Clinton County  
**Duration:** N/A  
**Contact:** Robert A. Deardorff, (717) 787-9893

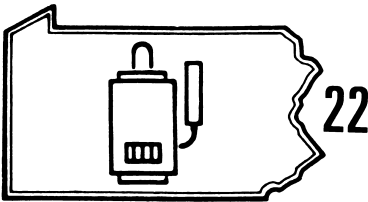


17

### Financial and Insurance Consulting

**RFQ#2001-DFA-02** The Insurance Department is preparing a list of pre-qualified consultants to be considered. The Insurance Department is preparing a list of pre-qualified consultants to assist in reviewing a plan of conversion and to perform an evaluation of the pro forma market value of a mutual insurance company in conjunction with the insurer's plans to convert to a stock company pursuant to the Mutual-to-Stock Conversion Act, Act 79 of 1995, as amended. A copy of the Request for Qualifications (RFQ) may be obtained by calling Dixie Steiglement at (717) 787-4298. Responses are due by 4 p.m. on October 12, 2001.

**Department:** Insurance  
**Location:** 13th Floor, Strawberry Square, Harrisburg, PA 17120  
**Duration:** November 1, 2001 to October 31, 2006  
**Contact:** Tracey Pontius (717) 787-6469



22

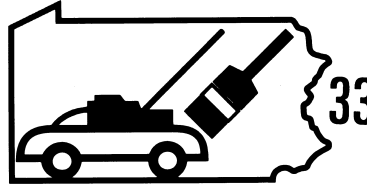
### HVAC Services

**SP1310380004** Furnish and install a new or factory reconditioned Trane Model "E", 8 cylinder compressor for the cooling system in our school auditorium. Also remove old compressor. Provide necessary miscellaneous materials to install compressor so that unit is operational.

**Department:** Military Affairs  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900  
**Duration:** November 15, 2001 through April 30, 2002  
**Contact:** Bob Bruce (717) 264-7187, x700

**010353** Provide the Pennsylvania Department of Transportation, Maintenance District 1-5 with one (1) Roberts-Gordon or equivalent CGTH-30 30,000 BTU/Hr. Natural Gas Infrared Radiant Heating Unit, and two (2) Roberts-Gordon or equivalent HE-125, 125,000 BTU, 41"-10" overall length Natural Gas Infrared Radiant Heating Units. Bid packages with detailed requirements available upon request. All requests MUST be received via FAX at 814-437-1174, and must include Company Name, Address, Phone Number, Fax Number, Contact Person and Federal I.D. Number. Direct requests to the attention of Edward N. Conn.

**Department:** Transportation  
**Location:** 1460 Pittsburgh Road P.O. Box 191 Franklin, PA 16323  
**Contact:** Edward N. Conn (814) 432-3115



33

### Property Maintenance

**10882122** Contractor to remove existing E.P.D.M. adhered roof and insulation; furnish and install min. 1 1/2" thick foam to roof deck; apply foam at edges, penetrations and all flashings; seal all new foam with an elastomeric coating and broadcast granular over the elastomeric coating. Site visit required prior to Bid submission.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** 160 Calendar days from the effective date of contract  
**Contact:** Janice Blocker (717) 749-4030

**03RS39** Roadside mowing on State route(s) in Bradford County. Contractor to provide all equipment, labor, material and traffic control to complete mowing according to Bid Specifications. Payment will be made lump sum on a per cycle basis. All requests for bid packages must be received via FAX at (570) 368-4224, Attention: Lyndon Mink.

**Department:** Transportation  
**Location:** Bradford County  
**Duration:** One year contract with two, two year renewal. Total of five years.  
**Contact:** District Roadside Unit (570) 368-4224

**03RS31** Roadside mowing on State routes in Columbia County. Contractor to provide all equipment, labor, material and traffic control to complete mowing according to Bid Specifications. Payment will be made lump sum on a per cycle basis. All requests for bid packages must be received via FAX at (570) 368-4224, Attention: Lyndon Mink.

**Department:** Transportation  
**Location:** Columbia County  
**Duration:** One year contract with two, two year renewal. Total of five years.  
**Contact:** District Roadside Unit (570) 368-4224

**03RS35** Roadside mowing on State route(s) in Snyder and Union Counties. Contractor to provide all equipment, labor, material and traffic control to complete mowing according to Bid Specifications. Payment will be made lump sum on a per cycle, per county basis. All requests for bid packages must be received via FAX at (570) 368-4224, Attention: Lyndon Mink.

**Department:** Transportation  
**Location:** Snyder and Union Counties  
**Duration:** One year contract with two, two year renewals. Total of five years.  
**Contact:** District Roadside Unit (570) 368-4224

**00722-000-01-AS-1 / Re-bid** Replacement of the picket fence located at the David Bradford house. For directions contact the Project Manager, Joe Lauver at (717) 787-6242. All interested bidders should submit a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053—ATTENTION: Judi Yingling (717) 772-2401 OR - FAX - (717) 214-2988 via e-mail at jyngling@state.pa.us All proposals are due on Monday, October 1, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** David Bradford House, 175 South Main Street, Washington, PA 15301  
**Duration:** December 1, 2001 to June 30, 2002  
**Contact:** Judi Yingling (717) 772-2401

**03RS37** Roadside mowing on State route(s) in Tioga County. Contractor to provide all equipment, labor, material and traffic control to complete mowing according to Bid Specifications. Payment will be made lump sum on a per cycle basis. All requests for bid packages must be received via FAX at (570) 368-4224, Attention: Lyndon Mink.

**Department:** Transportation  
**Location:** Tioga County  
**Duration:** One year contract with two, two year renewals. Total of five years.  
**Contact:** District Roadside Unit (570) 368-4224

**634014** Paint exterior window units in Bldg. #12

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 180 days ARO  
**Contact:** John D. Sample, PA I (814) 726-4448

**03RS34** Roadside mowing on State routes in Northumberland County. Contractor to provide all equipment, labor, material and traffic control to complete mowing according to Bid Specifications. Payment will be made lump sum on a per cycle basis. All requests for bid packages must be received via FAX at (570) 368-4224, Attention: Lyndon Mink.

**Department:** Transportation  
**Location:** Northumberland  
**Duration:** One year contract with two, two year renewal. Total of five years.  
**Contact:** District Roadside Unit (570) 368-4224

**03RS33** Roadside mowing on State routes in Montour County. Contractor to provide all equipment, labor, material and traffic control to complete mowing according to Bid Specifications. Payment will be made lump sum on a per cycle basis. All requests for bid packages must be received via FAX at (570) 368-4224, Attention: Lyndon Mink.

**Department:** Transportation  
**Location:** Montour  
**Duration:** One year contract with two, two year renewals. Total of five years.  
**Contact:** District Roadside Unit (570) 368-4224



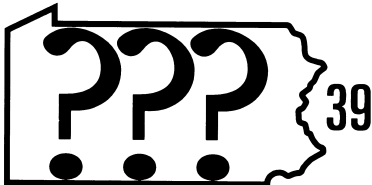
### Security Services

**DES 041** The Department of Transportation is soliciting bids for armed guard security service, 24 hours a day, 7 days a week at the Riverfront Office Center, 1101 South Front Street, Harrisburg, PA. All requests for bid packages can be obtained by faxing request to Kathy Joy at (717) 783-7971 or by calling (717) 705-4665.

**Department:** Transportation  
**Location:** Riverfront Office Center, 1101 South Front Street, Harrisburg, Pennsylvania  
**Duration:** One year contract. The Department of Transportation at its option may renew the contract up to an additional 12 months.  
**Contact:** Joel Shiffler (717) 787-4463

**1113500005** Vendor to provide to the State Correctional Inst. Graterford preventative maintenance, testing and repairs to the Thorn automatic fire alarm systems located throughout the Institution and any other related equipment as needed.

**Department:** Corrections  
**Location:** State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426  
**Duration:** 1 year  
**Contact:** Kelly Richardson (610) 489-4151



### Miscellaneous

**SP3881151001** Provide materials and install approximately 6,890 linear feet of woven wire deer fence, an eight foot high fence in the woods through a previous timber sale and one vehicle gate. Site inspection September 20, 2001 8 a.m. Meet at the District Office, Denton Hill, Coudersport, PA 16915. Bid opening is October 4, 2001 @ 2 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Potter County, Coudersport, PA Forest District 15  
**Duration:** Expiration date is June 30, 2002  
**Contact:** John M. Wambaugh (814) 274-3600

**RFP 0R-19 Revised** RFP 0R-19 Revised—"Quality Assurance and Technical Assistance for the Ignition Interlock Program". Develop and conduct a quality assurance program for PennDOT's ignition interlock program and provide technical expertise for monitoring and potential enhancements to the specification of the ignition interlock program. For information on this project, fax to Vikki Mahoney at (717) 783-7971 the following: your name, company name, address, phone number, fax number, and e-mail address. Please reference 'RFP 0R-19 Revised' in your request.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** 24 months with the option to renew for up to an additional 36 months  
**Contact:** Vikki Mahoney (717) 787-7001

**RFP 0R-17** PennDOT is soliciting proposals to assist with implementing the Commonwealth's transportation land use policies, long range planning and ensuring compliance with federal planning regulations. The consultant will provide a variety of transportation/land use expertise to the Department, its planning partners and Pennsylvania's local governments. Additional information and a copy of the RFP may be obtained by faxing a request with the following: your name, company name, address, phone number, fax number, and e-mail address. Please reference RFP 0R-17 in your request to Roberta Cooper at (717) 783-7971.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** Sixty (60) months with possible extension  
**Contact:** Roberta Cooper (717) 787-4006

**09-A-01** Telerecording/Transcription Services—Contractor will provide telerecording/transcription services of medical/psychological reports from physicians and psychologists. Work under this contract will involve maintaining recorders to receive dictation 24 hours/day, transcribing (typing) dictations, copying and transmitting transcriptions to both dictator and Bureau office. Contractor must be able to process up to 250,000 pages of dictation per year. For bid package, please contact Cheri Thomas at (717) 787-2877 or fax your request to Cheri Thomas at (717) 787-0688.

**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Bureau of Disability Determination, 1171 S. Cameron Street, Harrisburg, PA 17104 + Bureau of Disability Determination, 264 Highland Park Blvd., Wilkes-Barre, PA 18702 and Bureau of Disability Determination, 351 Harvey Avenue, Greensburg, PA 15601  
**Duration:** Contract is for 24 months after the effective date with one (1) two (2) year renewal option.  
**Contact:** Cherianita Thomas/BF (717) 787-2877

**PGC-2730** Agency seeks contractor to supply and install five (5) individual fence sections of high tensile, electronic fencing. Location is in Canoe Camp Creek, southeast of Mansfield, Richmond Township, Tioga County.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** Upon award through June 30, 2002  
**Contact:** Diane Shultz or Linda Beaver (717) 787-6594

**10872008** Subscription Service

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821-9198  
**Duration:** Anticipated to begin 01/01/02 through 12/31/02.  
**Contact:** Doris Cavallini 570-271-4579

**DLR-5819** Contractor shall be responsible for providing all labor, tools, material and equipment to upgrade the existing Diode/Relay Locking Control Panels at SCI-Smithfield to PLC Type Locking Control Panels (LCP) with Industrial LCD Touch Control Screens. Work will include installation and integration of the new equipment and existing types of locking controls presently used. The contractor shall be responsible for supplying training for the installation service and operation of the new Locking Control Equipment. Materials supplied are to be manufactured by Omron or an approved equal. Site visit required by the contractor. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax at (814) 946-7339.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** December 3, 2001 through June 30, 2002  
**Contact:** Paul Hoffmann (814) 643-6520, ext. 300

**010352** Provide the Pennsylvania Department of Transportation, Maintenance District 1-5, with ten (10) tailgate mounted polyethylene tanks with controller to interface with GL-400 computer system. Component technology or equivalent. Bid packages with detailed requirements available upon request. All requests MUST be received via FAX at (814) 437-1174, and must include Company Name, Address, Phone Number, Fax Number, Contact Person and Federal I.D. Number. Direct requests to the attention of Edward N. Conn.

**Department:** Transportation  
**Location:** 1460 Pittsburgh Road, P. O. Box 191, Franklin, PA 16323  
**Contact:** Edward N. Conn (814) 432-3115

[Pa.B. Doc. No. 01-1714. Filed for public inspection September 15, 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>
6840-04	09/01/01	Airwick Professional Products/Philadelphia	300,000.00
6840-04	09/01/01	XpedX/Harrisburg	300,000.00
9120-06	09/01/01	Amerada Hess	1,200,000.00
3610-08	08/29/01	Engle Business Systems	50,000.00
3610-08	08/29/01	Xerox	50,000.00
5810-03 sup#9	09/01/01	Acqra Solutions LLC/dba Acqra	5,000.00
5810-03 sup#9	09/01/01	Applied Digital Solutions	5,000.00
5810-03 sup#9	09/01/01	Compucom Systems	5,000.00
5810-03 sup#9	09/01/01	Computer Integration Group	5,000.00
5810-03 sup#9	09/01/01	Cypress Corp	5,000.00
5810-03 sup#9	09/01/01	Halifax Corp	15,000.00
5810-03 sup#9	09/01/01	Integra Business Center	5,000.00
5810-03 sup#9	09/01/01	Intellus	10,000.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
5810-03 sup#9	09/01/01	Linnet Geomatics International	5,000.00
5810-03 sup#9	09/01/01	Logicon	20,000.00
5810-03 sup#9	09/01/01	Onix Networking	20,000.00
5810-03 sup#9	09/01/01	Perfect Order Mfg	15,000.00
5810-03 sup#9	09/01/01	Pitney Bowes	5,000.00
5810-03 sup#9	09/01/01	Software & Management Associates (SMA)	5,000.00
5810-03 sup#9	09/01/01	Tallant Software LLC	5,000.00
5810-03 sup#9	09/01/01	Vis Align LLC	5,000.00
1036381-01	08/29/01	Stallworth Lumber Co	118,321.20
1476200-01	08/29/01	Law Crime Scene Products	29,985.00
1523110-01	08/29/01	Packaging Service Group	74,328.00

KELLY P. LOGAN,  
*Acting Secretary*

[Pa.B. Doc. No. 01-1715. Filed for public inspection September 14, 2001, 9:00 a.m.]