

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 25, 2002.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-02	AmeriServ Financial Bank Johnstown Cambria County	Corner of Benner Pike and Shiloh Rd. State College College Township Centre County	Approved
6-19-02	S & T Bank Indiana Indiana County	111 Resort Plaza Dr. Blairsville Indiana County	Approved
6-21-02	Northwest Savings Bank Warren Warren County	3140 Cape Horn Rd. Red Lion York County	Approved
6-21-02	Firsttrust Savings Bank Conshohocken Montgomery County	2nd Street Pike and Almshouse Rd. Richboro Bucks County	Approved
6-21-02	Keystone Savings Bank Bethlehem Northampton County	235 Main Street Emmaus Lehigh County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-21-02	Keystone Savings Bank Bethlehem Northampton County	<i>To:</i> Giant Store 301 Town Center Blvd. Forks Township Northampton County  <i>From:</i> Giant Store 1800 Sullivan Trail Forks Township Northampton County	Approved

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-19-02	Rohm & Haas Del-Val Credit Union, Spring House, and Rohm & Haas Employees Federal Credit Union, Philadelphia Surviving Institution— Rohm & Haas Employees Federal Credit Union, Philadelphia	Spring House	Approved

FRANCES A. BEDEKOVIC,  
*Acting Secretary*

[Pa.B. Doc. No. 02-1173. Filed for public inspection July 5, 2002, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Saturday, July 13, 2002. The meeting will be held at 8 a.m. at the Holiday Inn Warren, 210 Ludlow Street, Warren, PA.

Questions concerning this meeting or agenda items can be directed to GERALYN UMSTEAD at (717) 772-9087.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact GERALYN UMSTEAD at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 02-1174. Filed for public inspection July 5, 2002, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

### NPDES APPLICATIONS

### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

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### I. NPDES Renewal Applications

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*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>
PA0034118	Blue Ridge Real Estate Co. P. O. Box 707 Blakeslee, PA 18610-0707	Carbon County Kidder Township	Porter Run 2A	Y

<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>
PA0060518 Sewage	Hallstead Great Bend Joint Sewer Authority Spring Street P. O. Box 747 Great Bend, PA 18821-0747	Susquehanna County Great Bend Borough	Susquehanna River 4E	Y
PA0062715 Industrial Waste	Sunoco Partners Marketing & Terminals L.P. 1801 Market Street (10PC) Philadelphia, PA 19103-1699	Luzerne County Edwardsville Borough	Unnamed tributary of Toby Creek 5B	Y

*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>
PA0033502 Sewerage Public	Bradford County R. R. 3, Box 322 Troy, PA 16947	Bradford West Burlington Township	Sugar Creek 4C	Y
PA0112925 Sewerage Nonpublic	Jemison Valley BIC Church R. D. 4, Box 720 Westfield, PA 16950	Tioga Westfield Township	Unnamed tributary of Jemison Creek 4A	Y
PA0100099 Sewerage Nonpublic	Harmony Area School District 5239 Ridge Road Westover, PA 16692-9616	Clearfield Burnside Township	Unnamed tributary of Beaver Run 8B	Y

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

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

**PA0062758**, Industrial, **Municipal Authority of Borough of Shenandoah**, P. O. Box 110, Shenandoah, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Activity: renew an NPDES permit.

The receiving stream, Lost Creek, is in the State Water Plan Watershed #6C and is classified for: CWF.

The proposed effluent limits for Outfall 001 based on a design flow of 0.128.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Total Suspended Solids			30.0	60.0
Total Aluminum			4.0	8.0
Total Iron			2.0	2.0
Total Manganese			1.0	1.0
pH			6.0 to 9.0 Standard Units	

**PA0053147**, Sewage, **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Activity: to renew an existing NPDES permit with an increase in discharge flow from 2.0 MGD to 2.5 MGD.

The receiving stream, Saucon Creek, is in the State Water Plan Watershed #2C and is classified for: CWF. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River, over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.5 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10.0	15.0	20.00
(11-1 to 4-30)	20.0	30.0	40.00

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Total Suspended Solids	30.0	45.0	60.00
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0	4.5	6.00
(11-1 to 4-30)	9.0	13.5	18.00
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.27		0.90
Phosphorus as "P"	Quarterly Monitoring		

In addition to the effluent limits, the permit contains the following major special conditions: whole effluent toxicity testing.

**NPDES Stormwater Individual Permit**

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

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

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in

the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

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

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

**NPDES Permit PAS10G530**, Stormwater, **Heritage Building Group**, 3326 Old York Road, Suite A100, Furlong, PA 18925, has applied to discharge stormwater associated with a construction activity located in Franklin Township, **Chester County** to Ways Run (HQ-TSF-MF).

**NPDES Permit PAS10G531**, Stormwater, **Heritage Building Group**, 3326 Old York Road, Suite A100, Furlong, PA 18925, has applied to discharge stormwater associated with a construction activity located in East Coventry Township, **Chester County** to an unnamed tributary to Schuylkill River (HQ-TSF) and Pigeon Creek (HQ-TSF).

**NPDES Permit PAS10G532**, Stormwater, **Lewis R. Frame**, P.O. Box 490, Honey Brook, PA 19565, has applied to discharge stormwater associated with a construction activity located in Honey Brook Township, **Chester County** to West Branch Brandywine Creek (HQ).

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

*Potter County Conservation District, 107 Market St., Coudersport, PA 16915; (814) 274-8411 Ext. 4.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS105509	Department of Conservation and Natural Resources Bureau of State Parks P. O. Box 8551 Harrisburg, PA 17105	Potter County West Branch Township	Lyman Run HQ-CWF

Clinton County Conservation District, 216 Spring Run Rd., Mill Hall, PA 17751; (570) 726-3798.

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS101922	Kettle Creek Watershed Assoc. Trout Unlimited Amy Gottesfeld 32 Longbow Lane Mill Hall, PA 17751	Clinton County Leidy and Noyes Townships	Kettle Creek EV

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

Washington County Conservation District: 100 West Beau Street, Suite 602, Washington, PA 15301-4402; (724) 228-6774.

**NPDES Permit PAS10W087**, Stormwater, **Faith United Presbyterian Church**, 97 East Chestnut Street, Washington, PA 15301 has applied to discharge stormwater associated with a construction activity located in South Strabane Township, **Washington County** to UNT of Little Chartiers Creek (HQ-WWF).

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

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<b>Permit No. 3302502</b> , Public Water Supply.	
Applicant	<b>Brockway Borough Municipal Authority</b> 501 Main Street Brockway, PA 15824
Township or Borough	Brockway Borough <b>Jefferson County</b>
Responsible Official	Robert Fustine, Manager
Type of Facility	PWS
Consulting Engineer	Glace Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Application Received Date	June 4, 2002
Description of Action	Construction of a water storage tank and booster station to serve Horton Township.

**MINOR AMENDMENT**

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

Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.

<b>Permit No. 9996491</b> , Public Water Supply.	
Applicant	<b>Great Spring Waters of America, Inc.</b>
Township or Borough	Hollis, ME
Responsible Official	Tamara Risser, Quality Control Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	May 23, 2002
Description of Action	Applicant requesting Department approval to change company name from Great Spring Waters of America, Inc. to Nestle Waters North America, Inc. Applicant also requests approval to use a new well source. Bottled water to be sold in this Commonwealth under the brand names Deer Park Spring Water and Ice Mountain Natural Spring Water.

<b>Permit No. 9996402</b> , Public Water Supply.	
Applicant	<b>Great Spring Waters of America, Inc.</b>
Township or Borough	Framingham, MA

Responsible Official Paul Koschnitzke, Quality Control Manager  
 Type of Facility Out-of-State Bottled Water System  
 Application Received Date May 23, 2002  
 Description of Action Applicant requesting Department approval to change company name from Great Spring Waters of America, Inc. to Nestle Waters North America, Inc. Bottled water to be sold in this Commonwealth under the brand name Great Bear Natural Spring Water.

**Permit No. 9996488**, Public Water Supply.

Applicant **Great Spring Waters of America, Inc.**  
 Township or Borough Hillard, OH  
 Responsible Official Cito Salapare, Operations Manager  
 Type of Facility Out-of-State Bottled Water System  
 Application Received Date May 23, 2002  
 Description of Action Applicant requesting Department approval to change company name from Great Spring Waters of America, Inc. to Nestle Waters North America, Inc. Bottled water to be sold in this Commonwealth under the brand name Deer Park Spring Water.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any

contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

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

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

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

**White Cap, LLC (350 Jaycee Drive)**, City of Hazleton, **Luzerne County**. Randy L. Shuler, Project Manager/Senior Scientist II, ERM, Princeton Crossroads Corporate Center, 250 Phillips Boulevard, Suite 280, Ewing, NJ 08618, has submitted a Notice of Intent to Remediate (on behalf of White Cap, LLC, 1819 N. Major Avenue, Chicago, IL 60639) concerning the remediation of groundwater found or suspected to have been contaminated with BTEX compounds and solvents. The applicant proposes to meet a combination of the background, Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reportedly published in *The Standard Speaker* on July 31, 2002.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act and regulations adopted under the Act.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**28-05031: Borough of Chambersburg, Park Generating Center** (100 South Second Street, Chambersburg, PA 17201) for construction of five natural gas and #2 oil fired engine generators, each 5.6 megawatts, at its Shefler Drive site in Chambersburg Township, **Franklin County**.

**36-05122: Conectiv Mid-Merit, Inc.** (P. O. Box 6066, Newark, DE 19714-6066) for construction of a natural gas/liquid distillate fuel oil-fired combined cycle power generation facility in East Donegal Township, **Lancaster County**. The proposed facility will be capable of producing a nominal maximum 1,154 megawatts of electricity and will be controlled by low NO<sub>x</sub> combustion, selective catalytic reduction systems and oxidation catalyst systems. The facility will be subject to Subchapter D (Prevention of Significant Deterioration), Subchapter E (New Source Review), 40 CFR Part 60 Subpart GG—Standards of Performance for Stationary Gas Turbines, 40 CFR Part 60 Subpart Da—Standards of Performance for Electric Utility Steam Generating Units, 40 CFR Part 72 (Acid Rain Program), 40 CFR Part 68 (Accidental Release Prevention Program) and the NO<sub>x</sub> Budget Program.

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

**32-00363: Spicer Energy II LLC** (50 Danbury Road, Wilton, CT 06897) for installation of facility to manufacture synthetic fuel at Conemaugh Station in West Wheatfield Township, **Indiana County**.

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

**02109: AT&T Corp.** (23 John Reading Road, Flemington, NJ 08822) for six 750 kW peak shaving generators at 500 South 27th Street, City of Philadelphia, **Philadelphia County**.

**02110: The Children's Hospital of Philadelphia** (34th Street and Civic Center Boulevard, Philadelphia, PA 19104) for two peak shaving generators in the City of Philadelphia, **Philadelphia County**.

**02113: El Dupont De Nemours and Co., Inc.** (3401 Grays Ferry Avenue, Philadelphia, PA 19146) for installation of a natural gas fired chiller in the City of Philadelphia, **Philadelphia County**.

**02119: Scott Building Corp.** (2939 Felton Road, Norristown, PA 19401) for temporary installation of a concrete crusher at 11000 Roosevelt Boulevard, City of Philadelphia, **Philadelphia County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Mark Wejkszner, Acting New Source Review Chief, (570) 826-2531.*

**35-399-038: Flexible Foam Products, Inc.** (P. O. Box 124, Spencerville, OH 45887) for construction of a polyurethane foam manufacturing facility at the PEI Industrial Park in Archbald Borough, **Lackawanna County**. VOC emissions from the manufacturing processes will be 39.04 tons per year. Recordkeeping and operating restrictions will be included in the plan approval to ensure the facility is operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**21-03006A: Nestle Purina PetCare Co.** (6509 Brandy Lane, Mechanicsburg, PA 17050) for installation of a boiler and pet food processing line in Hampden Township, **Cumberland County**. The boiler is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The primary pollutants of concern from the boiler are 4.12 tpy of NO<sub>x</sub> and 10.82 tpy of CO. The processing line has the potential to emit 7.49 tpy of particulate matter. The approval will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality requirements. The plan approval will be incorporated into the facility-wide permit.

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

**02072: G-Point Materials, Inc.** (2604 Penrose Ferry Road, Philadelphia, PA 19145) for unloading of bulk raw materials from ships and barges in the City of Philadelphia, **Philadelphia County**. This is a natural minor facility. The particulate matter emissions are expected to be 13.8 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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

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

**08-399-047B: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) for operation of four EL phosphor chemical vapor deposition (CVD) fluid bed coating reactors (ANE process) in North Towanda Township, **Bradford County**.

The four CVD coating reactors are used to coat phosphors with silicon nitride. The resultant emissions of ammonia, dimethylamine (a VOC) and nitrogen oxides (NOx) are controlled by a catalytic oxidizer and a selective catalytic reduction system operating in series. Stack testing has demonstrated ammonia, dimethylamine and NOx emission rates of .0015, .032 and .59 pound per hour, respectively.

The Department has determined that the four CVD coating reactors have been constructed and are operating, in accordance with all conditions of Plan Approvals 08-399-047, 08-399-047A and 08-399-047B, as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the operation of the respective coating reactors.

The following is a summary of the conditions the Department proposes to place in the operating permit to be issued to ensure compliance with all applicable requirements:

1. The air contaminants from the four CVD coating reactors shall be controlled by a catalytic oxidizer and a selective catalytic reduction system operating in series.
2. The air contaminant emission capture system associated with the four CVD coating reactors shall provide 100% capture of all air contaminants emitted from the reactors.
3. The amount of dimethylamine emitted from the selective catalytic reduction system shall not be greater than 1.3% (on a mass basis) of the amount of dimethylamine present in the inlet to the catalytic oxidizer.
4. The amount of ammonia emitted from the selective catalytic reduction system shall not be greater than 1% (on a mass basis) of the amount of ammonia present in the inlet to the catalytic oxidizer nor shall the ammonia concentration in the exhaust of the selective catalytic reduction system ever exceed 50 parts per million (volume basis).

5. The NOx emission rate from the selective catalytic reduction system shall not exceed 1.55 pounds per hour.

6. The exhaust gases from the CVD coating reactors shall be maintained at a temperature of at least 600°F prior to coming in contact with the catalyst bed in the catalytic oxidizer. Additionally, should the temperature drop below 600°F, the reactant feed to the CVD coating reactors shall automatically cease and an alarm shall sound.

7. The catalytic oxidizer shall be equipped with a continuous catalyst bed inlet and outlet temperature monitoring and recording system and a UV flame scanner. All temperature records shall be retained for at least 5 years and shall be made available upon request.

8. The selective catalytic reduction system shall be equipped with an NOx analyzer, which shall be used to control the ammonia injection rate, as well as with catalyst bed inlet and outlet low and high temperature alarms and a catalyst bed high NOx concentration alarm.

9. None of the conditions contained in this operating permit shall apply whenever the four CVD coating reactors are being used to coat phosphors using the CJ process.

**41-318-047: Reynolds Iron Works, Inc.** (157 Palmer Road, Williamsport, PA 17701) for operation of a surface coating operation in Woodward Township, **Lycoming County**.

The respective facility is a minor facility. The surface coating operation is used to coat various steel parts such as beams, pipes, columns, and the like, and will emit up to 6 tons of VOCs per 12 consecutive month period, of which less than 1 ton per 12 consecutive month period will be hazardous air pollutants.

The Department has determined that the surface coating operation has been constructed and is operating, in accordance with all conditions of Plan Approval 41-318-047 as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the requirements of 25 Pa. Code § 129.52 and the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the operation of the respective surface coating operation.

The following is a summary of the conditions the Department proposes to place in the operating permit to be issued to ensure compliance with all applicable requirements:

1. The spray booth in which the surface coating is performed shall be equipped with a full set of spray booth filters whenever surface coating is occurring.
2. The VOC 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 VOC-containing solvent or cleaning solution per 12 consecutive month period for cleanup associated with the surface coating operation.
4. The VOC emissions from the surface coating operation shall not exceed 6 tons per 12 consecutive month period and the total combined hazardous air pollutant emissions shall not equal or exceed 1 ton per 12 consecutive month period.



5. All spray guns shall utilize airless spray technology or an application technique having an equivalent transfer efficiency.

6. 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 VOC content of each material that was used and the hazardous air pollutant content of each material that was used.

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

**95-071: General Electric International, Inc.** (1040 East Erie Avenue, Philadelphia, PA 19124) for repair of industrial transformers, retrofitting and refilling of railroad transformers, large motor repair and rental of energy producing and HVAC equipment in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include four paint booths, rail bay open coating, surface coating operations outside paint booths for a motor generator department, nine particulate sources, nine combustion units each rated at 2 mmBtu/hr or less and a generator test stand. The facility's air emission control devices include two dust collectors, a cyclone and surface coating filters for particulate capture.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES

permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

### *Coal Applications Received*

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

**54860205R3. Cass Contracting Company** (101 North Centre Street, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in Norwegian Township, **Schuylkill County** affecting 33.0 acres. Receiving stream: none. Application received June 19, 2002.

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

**04970101 and NPDES Permit No. PA0201910. Kerry Coal Company** (R. D. 2, Box 2139, Wampum, PA 16157). Renewal application for continuous operation and reclamation of a bituminous surface mine located in Darlington Township, **Beaver County**, affecting 316.6 acres. Receiving streams: unnamed tributaries to Coalbank Run, North Fork Little Beaver Creek and Dillworth Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Greif Brothers Corporation. Renewal application received June 17, 2002.

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

**56920108 and NPDES Permit No. PA0212181. Godin Brothers, Inc.** (5433 Front Street, Stoystown, PA 15563). Permit renewal for reclamation only and for continued restoration of a bituminous surface mine and treated mine drainage in Jenner Township, **Somerset County**, affecting 71.7 acres. Receiving streams: unnamed tributary to Hoffman Run, Hoffman Run and Quemahoning Creek, all to Quemahoning Creek to Stony Creek to Conemaugh River classified for the following uses: CWF and WWF. The first downstream potable water supply intake from the point of discharge is Cambria/Somerset Municipal Authority Stonycreek #1 (Border Dam). Application received June 14, 2002.

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

**10860118 and NPDES Permit No. PA 0107611. C & K Coal Company** (P. O. Box 69, Clarion, PA 16214). Renewal for an existing bituminous surface strip operation in Allegheny Township, **Butler County** affecting 124.0 acres. Receiving streams: unnamed tributary to North Branch Bear Creek to Bear Creek, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received June 18, 2002.

*Noncoal Applications Received*

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

**25020305. Erie Aggregates, Inc.** (8923 Wattsburg Road, Erie, PA 16509). Commencement, operation and restoration of a sand, gravel and topsoil operation in Waterford and Amity Townships, **Erie County** affecting 97.4 acres. Receiving streams: six unnamed tributaries to French Creek, classified for the following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. Application to include a land use change from unmanaged natural habitat to an unmanaged water impoundment on lands of Mervin Troyer. Application received June 14, 2002.

**2138-25020305-E-1. Erie Aggregates, Inc.** (8923 Wattsburg Road, Erie, PA 16509). Application for a stream encroachment to reconstruct an existing temporary stream crossing over unnamed tributary 8 to French Creek in Amity and Waterford Townships, **Erie County**. Receiving streams: French Creek. Application received June 14, 2002.

**2138-25020305-E-2. Erie Aggregates, Inc.** (8923 Wattsburg Road, Erie, PA 16509). Application for a stream encroachment to reconstruct an existing temporary stream crossing over unnamed tributary 9 to French Creek in Amity and Waterford Townships, **Erie County**. Receiving streams: French Creek. Application received June 14, 2002.

**2138-25020305-E-3. Erie Aggregates, Inc.** (8923 Wattsburg Road, Erie, PA 16509). Application for a stream encroachment to reconstruct an existing temporary stream crossing over unnamed tributary 1 to French Creek in Amity and Waterford Townships, **Erie County**. Receiving streams: French Creek. Application received June 14, 2002.

*Noncoal Applications Returned*

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

**53010804. Roger Long** (242 West Branch Road, Galeton, PA 16922). Commencement, operation and restoration of a Small Industrial Mineral (Flagstone) permit located in West Branch Township, **Potter County** affecting 3 acres. Receiving streams: Osgood Hollow, tributary to Pine Creek. Application received June 27, 2002. Application returned: June 20, 2002.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to

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

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

Persons with a disability who wish to attend a 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

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

**E48-324. CTHL-1, Inc.**, 824 Eighth Avenue, Bethlehem, PA 18018, in Palmer Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall structure consisting of a 10-foot x 5-foot concrete box culvert and associated energy dissipater in Bushkill Creek (HQ-CWF) for the purpose of conveying stormwater run-off from the proposed Tatamy Hunt and the Villages at Mill Race residential subdivision. The project is located approximately 1,500 feet north of the intersection of Bushkill Drive and Newlins Road (Easton, PA-NJ Quadrangle N: 19.5 inches; W: 17.0 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E12-130. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 263012. Dominion LN-50 Gas Transmission Line, in Gibson and Grove Townships, **Cameron County**, ACOE Baltimore District (Driftwood, PA Quadrangle N: 8.7 inches; W: 3.9 inches).

To replace, operate and maintain an existing 24-inch pipeline over 18 miles within an existing 75-foot right-of-way for the transmission of natural gas. Replacement or maintenance of the 24-inch diameter pipeline may require the four stream crossings that are as follows:

<i>Stream Name</i>	<i>Water Quality Designation</i>	<i>Pipeline Station Location</i>
Red Run	HQ-CWF	3721+82
Unnamed tributary to Sanders Draft	HQ-CWF	377+82
Laurel Draft	HQ-CWF	3935+25
Sinnemahoning Creek	WWF	4210+61

All gas transmission lines under streambeds shall be replaced so that there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 14 mile pipeline right-of-way; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary. For the purposes of submerged lands of this Commonwealth, this permit incorporates the submerged land license agreement and its fees that are referenced by Permit No. 16655 by the former Department of Forest and Waters.

**E17-372. Pennsylvania Department of Transportation, Engineering District 2-0**, P. O. Box 342, Clearfield, PA 16830. SR 0219, Section 229 Bridge Replacement, in the City of DuBois and Sandy Township, **Clearfield County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle N: 0.9 inch; W: 4.8 inches).

To realign 66 feet of Clear Run, remove two existing bridges and construct, operate and maintain a single span concrete adjacent box beam bridge to carry SR 0219, Section 229 across Clear Run (CWF) to improve public highway safety. The prestressed concrete bridge shall be constructed with a minimum normal span of 32.8 feet, underclearance of 4.4 feet, skew of 83°. The bridge replacement project will not impact wetlands while impacting 136 feet of waterway that is located on SR 0219 approximately 1.1 mile east of SR 0830 and SR 0219 intersection.

**E18-146A. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 263012. Dominion LN-50 Gas Transmission Line, East Keating and Leidy Townships, **Clinton County**, ACOE Baltimore District (Hammersley, PA Quadrangle N: 5.2 inches; W: 8.2 inches).

A major amendment to Permit No. E18-146 to replace, operate and maintain an existing 24-inch pipeline over 14 miles within an existing 75 foot right-of-way for the transmission of natural gas. Replacement or maintenance of the 24-inch diameter pipeline may require the following ten stream crossings:

<i>Stream Name</i>	<i>Water Quality Designation</i>	<i>Pipeline Station Location</i>
Beaverdam Run	EV	4781+15
Kettle Creek	EV	4857+04
Hevner Run	EV	4964+76
Road Hollow	EV	5049+22
Turtle Point Hollow	EV	5094+62
Austin Hollow	EV	5156+18
Manning Hollow	EV	5191+93
Merriman Hollow	EV	5213+07
Renz Hollow	EV	5241+10
Scoval Hollow	HQ-CWF	5373+25

All gas transmission lines under streambeds shall be replaced so that there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 14 mile pipeline right-of-way; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary. Since Beaverdam Run is a wild trout stream, no replacement or maintenance work shall be conducted in or along the stream channel between October 1 and April 1 without prior written approval from the Fish and Boat Commission. Since Kettle Creek is a TSF, no replacement or maintenance work shall be conducted in or along the stream channel between March 1 and June 15 without prior written approval from the Fish and Boat Commission.

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

**E02-1381. Township of Hampton**, 3101 McCully Road, Allison Park, PA 15101, Hampton Township, **Allegheny County**, ACOE Pittsburgh District. To remove the existing structures, to construct and maintain a Conspan Bridge having a span of 24 feet and underclearance of 8.5 feet and to construct and maintain an outfall structure to Crouse Run (TSF). The project is located on South Pioneer Road approximately 30 feet south of its intersection with West Bardoner Road (Glenshaw, PA Quadrangle N: 18.9 inches; W: 10.3 inches).

**E02-1382. Township of Hampton**, 3101 McCully Road, Allison Park, PA 15101, Hampton Township, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing structures, to construct and maintain a Conspan Bridge having a span of 20 feet and underclearance of 5.2 feet and to construct and maintain an outfall structure to Crouse Run (TSF). The project is located on South Pioneer Road approximately 500 feet north of its intersection with West Bardoner Road (Glenshaw, PA Quadrangle N: 19.1 inches; W: 10.3 inches).

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**ACTIONS**


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**FINAL ACTIONS TAKEN UNDER  
THE CLEAN STREAMS LAW AND THE  
FEDERAL CLEAN WATER  
ACT—NPDES AND WQM PART II  
PERMITS**
**INDUSTRIAL WASTE AND  
SEWERAGE WASTEWATER**

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

**NPDES Permit No. PA0222046**, Sewage, **Rodger B. Conklin and Marcia J. McCormack**, 2398 West Washington Street, Bradford, PA 16701. This proposed facility is located in Corydon Township, **McKean County**.

Description of Proposed Action/Activity: This project is authorized to discharge to unnamed tributary to Willow Creek.

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

**NPDES Permit No. PA0103586**, Sewage, **Keith A. Whittenberger**, 300 Three Degree Road, Renfrew, PA 16053-9732. This proposed facility is located in Penn Township, **Butler County**.

Description of Proposed Action/Activity: This project is authorized to discharge to unnamed tributary to Thorn Creek.

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

**NPDES Permit No. PA0238775**, Sewage, **Rob Kurczewski**, 8843 Ennis Drive, Erie, PA 16509. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: This project is authorized to discharge to unnamed tributary of Walnut Creek.

**WQM Permit No. 2502401**, Sewerage, **Rob Kurczewski**, 8843 Ennis Drive, Erie, PA 16509. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to unnamed tributary of Walnut Creek.

**APPROVALS TO USE NPDES AND/OR OTHER  
GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Carbon County Lower Towamensing Township	PAR101335	Stoney Ridge PRC c/o Glenn Hahn 595 Hahns Dairy Rd. Palmerton, PA 18071	Fireline Creek CWF	Carbon County Conservation District (610) 377-4894
Carbon County Towamensing Township	PAR101336	Jerusalem Evangelical Lutheran Church 545 Church Dr. Palmerton, PA 18071	Buckwha Creek CWF, MF	Carbon County Conservation District (610) 377-4894
Lackawanna County City of Scranton	PAR10N130	George Parker City of Scranton 340 N. Washington Scranton, PA 18503	Roaring Brook CWF	Lackawanna County Conservation District (570) 281-9495
Lackawanna County Jermyn Borough	PAR10N137	Ken Powell 1305 Justus Blvd. Clarks Summit, PA 18411	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Northampton County Washington Township	PAR10U183	James Ohland 1070 Five Points Richmond Road Bangor, PA 18013	Martins Creek TSF, MF	Northampton County Conservation District (610) 746-1971
Northampton County Lehigh Township	PAR10U179	Robert Keegan, Jr. Carbon-Lehigh Intermediate Unit 21 4750 Orchard Road Schnecksville, PA 18078	Lehigh River WWF	Northampton County Conservation District (610) 746-1971

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Hatfield Township Montgomery County	PAR230067	Praxair, Inc. 2929 Township Line Rd. Souderton, PA 18964	Neshaminy Creek 2F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Upper Merion Township Montgomery County	PAR800073	Federal Express Corporation 3620 Hacks Cross Rd. Bldg. B, 2nd Floor Memphis, TN 38125	Schuylkill River 3F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Whitpain Township Montgomery County	PAR200029	Yarway Corp. 480 Norristown Rd. Blue Bell, PA 19422	Plymouth Creek 3E Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Tredyffrin Township Chester County	PAR800063	United States Postal Service 2970 Market St. Philadelphia, PA 19104	UNT to Trout Creek 3F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Herndon Borough Northumberland County	PAR324803	Creative Playthings, LTD P. O. Box 306 Rt. 147 Main Street Herndon, PA 17830	Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*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>
Richmond Township Tioga County	PAG045144	William R. Adrian 1612 Petes Court Crofton, MD 21114	UNT to Canoe Camp Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

## PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

**Operations Permit** issued to **Magic Chef Mobile Home Park**, 1977 Sheaffer Road, Elizabethtown, PA 17022, PWS #7360024, Mt. Joy Township, **Lancaster County** on May 23, 2002, for the operation of facilities approved under Construction Permit No. 3601514.

**Operations Permit** issued to **The Jay Group**, 2021 Horseshoe Road, Lancaster, PA 17062, PWS #7360324, East Lampeter Township, **Lancaster County** on June 10, 2002, for the operation of facilities approved under Construction Permit No. 3601516.

**Operations Permit** issued to **Regency Woods Mobile Home Park**, 107 Texaco Road, Mechanicsburg, PA 17055, PWS #7210057, Middlesex Township, **Cumberland County** on June 10, 2002, for the operation of facilities approved under Construction Permit No. 2101504.

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

**Operations Permit** issued to **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507, PWS #6250028, Millcreek Township, **Erie County** on June 13, 2002, for the operation of facilities approved under Construction Permit 2570501-T1-MA2.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**Miller Property (3655 William Penn Highway), Palmer Township, Northampton County.** David A. Everitt, III, Senior Environmental Scientist, MEA Inc., 201 Center Street, Stockertown, PA 18083 submitted a Final Report (on behalf of Barry Miller, Zinfadel Court West, Easton, PA) concerning the remediation of soils found or suspected to have been contaminated with leaded and/or unleaded gasoline. The report demonstrated attainment of the Statewide health standard and was approved on June 18, 2002.

## HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Bonds reduced 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.**

### *Intent to Reduce a Bond*

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. PAD004835146. MAX Environmental Technologies, Inc.,** R. D. 1, Box 135A, Cemetery Road, Yukon, PA 15698-9703, South Huntingdon Township, **Westmoreland County.** On May 21, 2002, the Department received a request for a bond reduction from MAX Environmental Technologies, Inc. for its closing of hazardous waste Impoundment No. 5. The Department has reviewed the request and has determined that it is consistent with 25 Pa. Code § 265a.165.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

## AIR QUALITY

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**09-0123A: Better Materials Corp.** (262 Quarry Road, Ottsville, PA 18942) on June 18, 2002, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County.**

**46-0037M: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on June 20, 2002, for operation of a large scrubber in Douglass Township, **Montgomery County.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**01-05017B: Quebecor World Fairfield, Inc.** (100 North Miller Street, Fairfield, PA 17320) on June 17, 2002, for construction of a two-unit double web offset lithographic printing press with two natural gas-fired

heatset dryers (Web No. 7) at its Fairfield Plant in Fairfield Borough, **Adams County**.

**36-03074A: Colonial Metals Co.** (217 Linden Street, Columbia, PA 17512) on June 18, 2002, for modification of the existing scrap metal recycling facility in Columbia Borough, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart M—Standards of Performance for Secondary Brass and Bronze Production Plants.

**36-05088A: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on June 17, 2002, for installation of a fabric collector on an existing recycled asphalt pavement system of a batch asphalt plant at the Silver Hill Quarry in Brecknock Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**03-00023: Allegheny Energy Supply Co., LLC** (4350 Northern Pike, Monroeville, PA 15146) on June 19, 2002, for installation of NOx control system at the Armstrong Power Station in Washington Township, **Armstrong County**.

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

**02057: Thermo-Dopolymerization Process LLC** (4599 Basin Bridge Road, Philadelphia, PA 19112) for processing waste tires, mixed plastics and presorted municipal solid waste in their pilot plant in the City of Philadelphia, **Philadelphia County**.

**02040: Sun Co., Inc.—Belmont Terminal** (2700 West Passyunk Avenue, Philadelphia, PA 19145) for operation of an air stripper in the City of Philadelphia, **Philadelphia County**.

**02073: Gracie Corp.** (4000 Pulaski Street, Philadelphia, PA 19140) for operation of a temporary concrete crusher at 3700 South Broad Street, 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.*

**15-0027D: Johnson Matthey** (434 Devon Park Drive, Wayne, PA 19087) on June 12, 2002, for operation of Coating Line #7 and SCR in Tredyffrin Township, **Chester County**.

**46-0185: Fairhill Fabricators, Inc.** (831 West Fifth Street, Lansdale, PA 19446) on June 12, 2002, for operation of a paint spray booth in Lansdale Borough, **Montgomery County**.

**15-0115: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on June 12 2002, for operation of two 12.55 mmBtu/hr gas/fuel boilers in West Goshen Township, **Chester County**.

**09-0063A: New Hope Crushed Stone Co.** (6970 Phillips Mill Road, New Hope, PA 18938) on June 17, 2002, for operation of a stone crushing plant in Solebury Township, **Bucks County**.

**09-320-050: Superpac, Inc.** (1220 Industrial Boulevard, Upper Southampton, PA 18966) on June 17, 2002, for operation of a flexographic printing press in Upper Southampton Township, **Bucks County**.

**09-0123: Better Materials Corp.** (262 Quarry Road, Ottsville, PA 18942) on June 14 2002, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County**.

**23-0012: Epsilon Product Co., LLC** (Post Road and Blueball Avenue, Marcus Hook, PA 19061) on June 18, 2002, for operation of Plant 2 and a thermal oxidizer in Marcus Hook Borough, **Delaware County**.

**46-0015A: Occidental Chemical Corp.** (375 Armand Hammer Boulevard, Pottstown, PA 19464) on June 18, 2002, for operation of Process Line No. 6 in Lower Pottsgrove Township, **Montgomery County**.

**23-0001J: Sunoco, Inc. (R and M)** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on June 20, 2002, for operation of 21 storage tanks in Marcus Hook Borough, **Delaware County**.

**09-0007A: Waste Management Disposal Service of PA** (1513 Bordentown Road, Morrisville, PA 19067) on June 20, 2002, for operation of a solid waste landfill expansion in Falls Township, **Bucks County**.

**09-0087A: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on June 20, 2002, for operation of an ammonia scrubber in Falls Township, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**21-05029A: Sunoco Partners Marketing and Terminals LP** (1801 Market Street (15/10 PC), Philadelphia, PA 19103) on June 15, 2002, for installation of a vapor combustion unit to control loading rack at its Mechanicsburg Terminal in Hampden Township, **Cumberland County**. This plan approval was extended.

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

**53-0003D: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on June 12, 2002, for operation of a 12.8 million Btu per hour natural gas-fired regeneration heater, two 3,200 horsepower natural gas-fired reciprocating internal combustion compressor engines, a 536 horsepower natural gas-fired emergency generator and a 3.0 million Btu per hour natural gas-fired boiler on a temporary basis until October 10, 2002, at the Greenlick Compressor Station in Stewardson Township, **Potter County**. This plan approval was extended.

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

**03-055C: Homer City OL1—OL8 LLC** (1750 Power Plant Road, Homer City, PA 15748) on June 18, 2002, for change of ownership of the Unit 1, Unit 2 of the selective catalytic reduction units and Unit 3 flue gas desulfurization scrubber at Homer City Power Plant in Center Township, **Indiana County**.

**32-055D: Homer City OL1—OL8 LLC** (1750 Power Plant Road, Homer City, PA 15748) on June 18, 2002, for change of ownership of the anhydrous ammonia handling system at Homer City Power Plant in Center Township, **Indiana 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 Elmerston Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**07-03036: Forscht Concrete Products** (R. R. 4 Box 568, Altoona, PA 16601-9710) for operation of a human crematory in Logan Township, **Blair County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

*Coal Permits Actions*

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

**56010105. Godin Brothers, Inc.** (5433 Front Street, Stoystown, PA 15563), commencement, operation and restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 34.8 acres. Receiving streams: Quemahoning Creek and unnamed tributaries to Quemahoning Creek classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is the Quemahoning Reservoir. Application received September 7, 2001. Permit issued June 13, 2002.

**32010108 and NPDES Permit No. PA0249017, Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage, in Center Township, **Indiana County**, affecting 50.0 acres. Receiving streams: Yellow Creek and unnamed tributary to Yellow Creek; to Two Lick Creek to Blacklick Creek to Conemaugh River classified for the following uses: TSF. There are no potable water supply intakes within 10 miles downstream. Application received July 25, 2001. Permit issued June 13, 2002.

*Noncoal Permits Actions*

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

**8275SM5C5 and NPDES Permit #PA0595381. Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit in East Cocalico Township,

**Lancaster County**. Receiving stream: Stoney Run. Application received May 3, 2002. Renewal issued June 20, 2002.

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

**14022801. Two Rock Stone Company**, P. O. Box 496, Port Matilda, PA 16870. Commencement, operation and restoration of a Small Industrial Mineral (Sandstone) permit, located in Howard and Marion Townships, **Centre County** affecting 5 acres. Receiving streams: Lick Run and Bald Eagle Creek, tributary to Bald Eagle Creek. Application received February 4, 2002. Permit issued June 18, 2002.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**36024052. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Ephrata Township, **Lancaster County** with an expiration date of June 22, 2007. Permit issued June 17, 2002.

**15024017. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in the City of Coatesville, **Chester County** with an expiration date of October 27, 2002. Permit issued June 17, 2002.

**36024053. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Manheim Township, **Lancaster County** with an expiration date of March 22, 2003. Permit issued June 17, 2002.

**09024017. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Hilltown Township, **Bucks County** with an expiration date of June 27, 2003. Permit issued June 17, 2002.

**52024014. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Lehman Township, **Pike County** with an expiration date of May 14, 2003. Permit issued June 17, 2002.

**45024034. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of May 14, 2003. Permit issued June 17, 2002.

**39024010. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in North Whitehall Township, **Lehigh County** with an expiration date of June 29, 2003. Permit issued June 17, 2002.

**38024014. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Heidelberg Township, **Lebanon County** with an expiration date of December 31, 2002. Permit issued June 17, 2002.

**35024012. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), demolition blasting in Ransom Township, **Lackawanna County** with an expiration date of May 18, 2003. Permit issued June 18, 2002.

**38024017. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in North Lebanon Township, **Lebanon County** with an expiration date of December 31, 2002. Permit issued June 18, 2002.

**46024032. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in City of Pottstown, **Montgomery County** with an expiration date of July 4, 2002. Permit issued June 18, 2002.

**67024016. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Newberry Township, **York County** with an expiration date of July 29, 2002. Permit issued June 18, 2002.

**28024020. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Guilford Township, **Franklin County** with an expiration date of September 5, 2002. Permit issued June 18, 2002.

**23024006. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in Chaddsford Township, **Delaware County** with an expiration date of October 2, 2002. Permit issued June 18, 2002.

**28024019. Fayetteville Contractors, Inc.** (P. O. Box FCI, Fayetteville, PA 17222), construction blasting in Antrim Township, **York County** with an expiration date of April 30, 2003. Permit issued June 18, 2002.

**15024018. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in East Caln Township, **Chester County** with an expiration date of October 3, 2002. Permit issued June 19, 2002.

**48024009. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Palmer Township, **Northampton County** with an expiration date of July 3, 2003. Permit issued June 19, 2002.

**35024013. EJW Corporation** (R. R. 2 Box 189, Kingsley, PA 18826), construction blasting in Moosic Borough, **Lackawanna County** with an expiration date of September 3, 2002. Permit issued June 19, 2002.

**52024013. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Blooming Grove Township, **Pike County** with an expiration date of May 18, 2003. Permit issued June 19, 2002.

**36024054. ABEL Construction Company, Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of May 17, 2003. Permit issued June 19, 2002.

**09024018. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting in Warrington Township, **Bucks County** with an expiration date of January 4, 2003. Permit issued June 19, 2002.

**09024019. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting in Richland Township, **Bucks County** with an expiration date of January 4, 2003. Permit issued June 19, 2002.

**45024035. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Stroud Township, **Monroe County** with an expiration date of May 22, 2003. Permit issued June 19, 2002.

**06024030. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Wernersville Borough, **Berks County** with an expiration date of June 30, 2003. Permit issued June 20, 2002.

**06024031. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Muhlenberg Township, **Berks County** with an expiration date of December 31, 2003. Permit issued June 20, 2002.

**67024017. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Conewago Township, **York County** with an expiration date of December 31, 2003. Permit issued June 20, 2002.

**28024021. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Guilford Township, **Franklin County** with an expiration date of December 31, 2003. Permit issued June 20, 2002.

**22024006. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in East Hanover Township, **Dauphin County** with an expiration date of September 30, 2002. Permit issued June 20, 2002.

**45024036. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Stroud Township, **Monroe County** with an expiration date of May 24, 2003. Permit issued June 20, 2002.

**21024035. Brubacher Excavating, Inc.** (825 Reading Road, Bowmansville, PA 17507), construction blasting in Silver Spring Township, **Cumberland County** with an expiration date of June 30, 2003. Permit issued June 20, 2002.

**15024019. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in West Bradford Township, **Chester County** with an expiration date of July 6, 2003. Permit issued June 20, 2002.

**36024055. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in Warwick Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued June 20, 2002.

**36024056. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in Manor Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued June 20, 2002.

**36024057. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued June 20, 2002.

**36024058. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued June 20, 2002.

**36024059. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued June 20, 2002.

**36024060. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in Manheim Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued June 20, 2002.

**38024015. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in North Cornwall Township, **Lebanon County** with an expiration date of June 30, 2007. Permit issued June 20, 2002.

**49024001. Barletta Materials & Construction** (P. O. Box 550, Tamaqua, PA 18252), construction blasting in Rush and Mayberry Townships, **Northumberland and Montour Counties**, with an expiration date of November 30, 2002. Permit issued June 21, 2002.

**35024014. NAPCON, Inc.** (190 Mundy Street, Wilkes-Barre, PA 18702), construction blasting in Jessup Borough, **Lackawanna County** with an expiration date of January 12, 2003. Permit issued June 21, 2002.

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

**14024013. Triangle Construction** (1076 E. Bishop Street, Bellefonte, PA 16823), construction blasting located in Walker Township, **Centre County**, with an expected duration of 12 days. Permit issued June 14, 2002. Permit expires: June 28, 2002.

**14024014. Triangle Construction** (1076 E. Bishop Street, Bellefonte, PA 16823), construction blasting located in Spring Township, **Centre County** with an expected duration of 25 days. Permit issued June 18, 2002. Permit expires: July 24, 2002.

**14024015. H. R. I., Inc.** (P. O. Box 155, State College, PA 16804), construction blasting located in Patton Township, **Centre County**, with an expected duration of 2 years. Permit issued June 20, 2002. Permit expires: July 2004.

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

**02024004. Kozik Brothers, Inc.** (144 Martin Road, Gibsonia, PA 15044). Permit issued for Baymont Development Housing Plan, located in Collier Township, **Allegheny County**, with an expected duration of 6 months. Permit issued June 17, 2002.

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

**56024001. Mostoller Landfill, Inc.** (7095 Glades Pike, Somerset, PA 15501), construction blasting of overburden for a new cell in landfill, Somerset Township, **Somerset County** and expected duration is 70 days. Permit issued June 3, 2002.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

*Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Permits Issued and Actions on 401 Certifications:*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E48-321. Brian and Sandra Lower**, One Cambridge Place, Catasauqua, PA 18032-1010. Allen Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To maintain a private footbridge having a single span of approximately 34 feet and a maximum underclearance of approximately 4.1 feet across Catasauqua Creek. The project is located 450 feet southeast of Township Road T482 (Bullshead Road), approximately 0.4 mile south of SR 3017 (Weaversville Road) (Catasauqua, PA Quadrangle N: 10.6 inches; W: 11.0 inches).

**E48-317. Ashley Development Corporation**, 559 Main Street, Bethlehem, PA 18018. Bethlehem Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments in or across a tributary to Bushkill Creek: (1) a stream enclosure consisting of three 36-inch diameter polyethylene pipes having a length of approximately 640 feet; (2) a channel change, downstream of the stream enclosure, consisting of a grass lined trapezoidal channel having a length of approximately 280 feet, a bottom width of 10 feet and 3:1 side slopes; (3) two 8-inch diameter water line stream crossings; and (4) an 8-inch diameter sanitary sewer line stream crossing. The project is associated with the Cross Hills Residential Development, a proposed 55-lot subdivision located at the northeast quadrant of the intersection of SR 0022 and SR 0033 (Nazareth, PA Quadrangle N: 11.9 inches; W: 4.5 inches).

**E48-322. Tatamy Borough**, 423 Broad Street, P. O. Box 218, Tatamy, PA 18085. Tatamy Borough, **Northampton County**, Army Corps of Engineers Philadelphia District.

To maintain two 36-inch diameter stormwater outfall structures projecting into Bushkill Creek. The projects are located approximately 1,200 feet apart, between SR 1002 and the Tatamy Borough boundary (Easton, PA-NJ Quadrangle N: 21.0 and 20.3 inches; W: 17.0 and 16.9 inches).

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

**E17-371. Michael J. Errigo**, 619 Mill Road, Clearfield, PA 16830. Errigo dwelling in floodway of West Branch, Susquehanna River, in Clearfield Borough, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle N: 2.6 inches; W: 10.1 inches).

To construct, operate and maintain a single residential dwelling in the floodway of the West Branch,

Susquehanna River. The dwelling shall be constructed with a first floor elevation at or above an elevation of 1,107.5 feet. Backfilling around the completed dwelling shall be limited to the minimum required width and depth of fill needed to slope final grades away from the structure. The project is located along the northern right-of-way of SR 0879 approximately 400-feet north of Wells Street and SR 0879 intersection. This permit was issued under section 105.13(e) "Small Projects."

**E18-342. Aquilla Stoltzfus**, 122 Nate Lane, Mill Hall, PA 17751. Chesapeake Bay Waste Storage Structure, in Lamar, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 13.38 inches; W: 14.50 inches).

To construct and maintain a 65-foot diameter 12-foot high concrete manure storage structure on the left 100-year floodway/floodfringe boundary of Fishing Creek located at the end of Nate Lane (Mill Hall, PA Quadrangle N: 13.38 inches; W: 14.50 inches) in Lamar Township, Clinton County. This permit was issued under section 105.13(e) "Small Projects."

**E49-260. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Shamokin Creek SR 0054 bridge replacement, in Mount Carmel Township, **Northumberland County**, ACOE Susquehanna River Basin District (Mount Carmel, PA Quadrangle N: 6.2 inches; W: 9.0 inches).

To remove an existing structure and construct and maintain a four span prestressed concrete I-beam bridge on a 70° skew measuring 430-foot by 30-foot over Shamokin Creek and the defunct Lehigh Valley Railroad. The project is located along SR 0054 in the northern extent of the Borough of Mount Carmel, Mount Carmel Township, Northumberland County. This permit also authorizes the construction, operation, maintenance and removal of temporary cofferdams. All temporary structures shall be constructed of clean rock that is free of fines. Upon completion of culvert construction, all temporary structures shall be removed with the areas of river channel and floodplain restored to original geometry, contours and elevations.

**E53-374. Pennsylvania Department of Transportation, Engineering District 2-0**, P. O. Box 342, Clearfield, PA 16830. SR 0244, Section A03, Bridge Replacement, in Genesee Township, **Potter County**, ACOE Pittsburgh District (Ellisburg, PA Quadrangle N: 19.8 inches; W: 0.4 inch).

To remove an existing structure and construct, operate and maintain a single span prestressed concrete spread box beam bridge to carry SR 0244, Section A03, across Irish Settlement Brook to improve public highway safety. The single span bridge shall be constructed with a minimum clear span of 38.5 feet, underclearance of 2.92 feet and a skew of 90°. Since Irish Settlement Brook is a wild trout stream, no construction or future repair work shall be conducted in or along the stream channel from October 1 to April 1 without prior written approval of the Fish and Boat Commission. The bridge replacement project is located on SR 0244 approximately 330 feet west of SR 4016 and SR 0244 intersection. This permit also authorizes the construction, operation, maintenance and removal of temporary road crossings, cofferdams and stream diversions. All temporary structures shall be constructed with clean rock that is free of fines. Upon completion of the bridge construction, all temporary structures shall be removed and all areas of disturbance restored to original contours and elevations.

**E59-426. Babb Creek Watershed Association**, 2538 Highway Route 405, Muncy, PA 17756. Anna S. Mine Complex AMD Treatment (Babb Creek Watershed), in Morris Township, **Tioga County**, ACOE Baltimore District (Morris, PA Quadrangle N: 22 inches; W: 7.5 inches).

To construct, operate and maintain an acidic water collection system, which is in the Wilson Creek watershed. The system includes acid mine flows in Basswood Run, an unnamed tributary to Basswood Run and an unnamed tributary to Wilson Creek. The normal flows in Basswood Run and the unnamed tributary to Basswood Run will be collected, conveyed through an 8-inch collection conduit pipeline to the treatment facilities, allowed to filter through the facilities then directed to an unnamed tributary to Wilson Creek. The unnamed tributary to Wilson Creek normal flows will also be collected, routed to the treatment facilities, allowed to filter through the facilities then directed back into the unnamed tributary to Wilson Creek 900 linear feet southeast from its collection point. All flows greater than the treatment facility design will bypass and flow through the existing natural stream channels. This permit also authorizes stream impacts including placement of two 48-inch culvert pipes, upgrading an existing low flow crossing which are both located on Basswood Run and three temporary wetland impacts for installation of the conduit lines, which will transport the collected acidic water. This project also involves nonregulated activities for construction of wetland treatment facilities, which will filter the collected acidic water through a series of wetlands then release them into the unnamed tributary to Wilson Creek. The wetland treatment facilities shall be constructed on upland areas and will not be constructed in any floodways. This permit is located at the old Anna S. Mine Complex along SR 0287.

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

**E03-405. Wayne Township**, R. D. 1, Dayton, PA 16222. Wayne Township, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 1.0-foot depressed 19.4 foot by 6.9 foot corrugated metal box culvert in Scrubgrass Creek (CWF) for the purpose of improving transportation safety and roadway standards. The project is located on T-633 (Distant, PA Quadrangle N: 4.6 inches; W: 14.87 inches).

**E04-278. Big Beaver Falls Area School District, Administrative Office**, 820 16th Street, Beaver Falls, PA 15010. City of Beaver Falls, **Beaver County**, ACOE Pittsburgh District.

To place and maintain fill within the left bank floodway and flood plain of Walnut Bottom Run (WWW) for the purpose of constructing new baseball and football fields and to provide additional parking. The project is located at the existing Beaver Falls Elementary School on the northwest side of the intersection of 8th Avenue and Fifteenth Street (Beaver Falls, PA Quadrangle N: 1.6 inches; W: 10.0 inches).

[Pa.B. Doc. No. 02-1175. Filed for public inspection July 5, 2002, 9:00 a.m.]

## Mineral Resources Advisory Board Meeting

The Mineral Resources Advisory Board (Board) will hold a meeting on Friday, July 12, 2002, at 8 a.m. in the Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA.

Questions concerning these meetings or agenda items should be directed to Marylinda Freyermuth at (717) 783-5338 or e-mail at mfreyermt@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marylinda Freyermuth at (717) 783-5338 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-1176. Filed for public inspection July 5, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Abington Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Abington Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.3E9 (relating to patient care space in Newborn Intensive Care Units).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1177. Filed for public inspection July 5, 2002, 9:00 a.m.]

**Application of Gettysburg Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Gettysburg Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1178. Filed for public inspection July 5, 2002, 9:00 a.m.]

**Application of Jeanes Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Jeanes Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 10.6.A (relating to dining, recreation and day spaces for inpatients and residents), 10.15.A2 (relating to minimum room areas for patient rooms in nursing unit), 10.15.A6 (relating to patient access to toilets rooms) and 10.15.A7 (relating to wardrobe/closet/locker in patient rooms of nursing unit).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1179. Filed for public inspection July 5, 2002, 9:00 a.m.]

**Application of Phoenixville Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Phoenixville Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1180. Filed for public inspection July 5, 2002, 9:00 a.m.]

**Application of Sacred Heart Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Sacred Heart Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.6.C (relating to seclusion treatment rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1181. Filed for public inspection July 5, 2002, 9:00 a.m.]

## Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under Act 89 of 2001, will hold a public meeting on Friday, July 12, 2002. The meeting will be held in Conference Room B12, Department of Health, 7th and Forster Streets, Harrisburg, PA, in Conference Room 812, from 10 a.m. to 3 p.m.

For additional information, contact Karl Hoffman, Program Administrator, Hearing Program, Division of Newborn Disease Prevention and Identification, at (717) 783-8143.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact the Newborn Hearing Screening Program at (717) 783-8143. Speech and/or hearing impaired persons should call V/TT (717) 783-6514 or the AT&T Relay Services at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1182. Filed for public inspection July 5, 2002, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Designated Exceptional Durable Medical Equipment

On February 9, 2002, the Department of Public Welfare (Department) announced the adoption of amendments to Chapter 1187 (relating to nursing facility services). These amendments were adopted under sections 201 and 443.1 of the Public Welfare Code (act) (62 P. S. §§ 201 and 443.1) and sections 1396a and 1396r of the Social Security Act (42 U.S.C.A. §§ 1396a and 1396r). The amendments expand the Department's exceptional payment policy to authorize additional payments to nursing facilities for nursing facility services provided to certain MA residents who require medically necessary exceptional durable medical equipment (DME). See 32 Pa.B 734 (February 9, 2002).

The amendments require the Department to publish an annual list of exceptional DME by notice in the *Pennsylvania Bulletin* in July of each year. The public may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

Exceptional DME is defined as DME that has an acquisition cost of \$5,000 or more and is either specially adapted DME or other DME that is designated as exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

Specially adapted DME is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the

particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of Exceptional DME that has been designated by the Department is as follows.

### (1) Air fluidized beds

The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

### (2) Powered air flotation bed (low air loss therapy)

A semi-electric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover;

(b) Inflated cell height of the air cells through which air is being circulated is five inches or greater;

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out;

(d) A surface designed to reduce friction and shear;

(e) May be placed directly on a hospital bed frame; and

(f) Automatically re-adjusts inflation pressures with change in position of bed (for example, head elevation, and the like).

### (3) Augmentative communication devices

Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

### (4) Ventilators and related supplies

Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

Interested persons are invited to submit written comments regarding this notice to the Department within 30 days of publication in the *Pennsylvania Bulletin*. Public comments may be sent to: Gail Weidman, Long Term Care Policy Section, Department of Public Welfare, Division of Long Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-324. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 02-1183. Filed for public inspection July 5, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Magic Numbers 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 Magic Numbers.

2. *Price:* The price of a Pennsylvania Magic Numbers instant lottery game ticket is \$3.00.

3. *Play Symbols:*

(a) Each Pennsylvania Magic Numbers instant lottery game ticket will contain four play areas known as "Game 1," "Game 2," "Game 3" and "Game 4" respectively. Each game is played separately. Each Pennsylvania Magic Numbers instant lottery game ticket will also contain a "Bonus Game" area.

(b) The play symbols and their captions located in the "Magic Number" area and in the four play areas 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 "Bonus Game" area are: Clover Symbol (CLOVER), Leprechaun Symbol (LPCHN), Crystal Ball Symbol (BALL), Rabbit Symbol (RABBIT), Horse Shoe Symbol (SHOE), Rainbow Symbol (RNBOW), Wish Bone Symbol (WSHBN) and Penny Symbol (PENNY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the four "Prize" areas are: \$1<sup>00</sup> (ONE DOL), \$3<sup>00</sup> (THR DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$18\$ (EGHTN), \$24\$ (TWY FOR), \$30\$ (THIRTY), \$36\$ (TRY SIX), \$48\$ (FRY EGT), \$72\$ (SVY TWO), \$144 (HUNFRYFOR), \$288 (TWOEGTEGT) and \$30,000 (TRY THO).

5. *Prizes:* The prizes that can be won in "Game 1," "Game 2," "Game 3" and "Game 4" are \$1, \$3, \$6, \$9, \$12, \$15, \$18, \$24, \$30, \$36, \$48, \$72, \$144, \$288 and \$30,000. The prize that can be won in the "Bonus Game" is \$12 for each Rabbit Symbol uncovered. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Magic Numbers instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$30,000 (TRY THO) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$288 (TWOEGTEGT) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$288.

(c) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$144 (HUNFRYFOR) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$144.

(d) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$72\$ (SVY TWO) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$72.

(e) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$48\$ (FRY EGT) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$48.

(f) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$36\$ (TRY SIX) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$36.

(g) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$30\$ (THIRTY) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$24\$ (TWY FOR) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$24.

(i) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$18\$ (EGHTN) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$18.

(j) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets with a Rabbit Symbol (RABBIT) play symbol in the "Bonus Game" area, on a single ticket, shall be entitled to a prize of \$12.



(l) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$12<sup>00</sup> (TWELV) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$12.

(m) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$9<sup>00</sup> (NIN DOL) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$9.

(n) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$6.

(o) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets where three play symbols matching the "Magic Number" appear in the play area to form a row, column or diagonal in the same "Game," and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area for that game, 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:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$1 × 3	\$3	1:10	360,000
\$3	\$3	1:14.29	252,000
\$3 × 2	\$6	1:100	36,000
\$6	\$6	1:100	36,000
\$3 × 3	\$9	1:100	36,000
\$9	\$9	1:100	36,000
\$3 × 4	\$12	1:100	36,000
\$6 × 2	\$12	1:333.33	10,800
\$12	\$12	1:1,000	3,600
1 Rabbit	\$12	1:38.46	93,600
\$15	\$15	1:500	7,200
\$1 × 3 + 1 Rabbit	\$15	1:333.33	10,800
\$3 + 1 Rabbit	\$15	1:200	18,000
\$6 × 3	\$18	1:500	7,200
\$9 × 2	\$18	1:500	7,200
\$18	\$18	1:1,000	3,600
\$3 × 2 + 1 Rabbit	\$18	1:200	18,000
\$6 × 4	\$24	1:1,000	3,600
\$12 × 2	\$24	1:1,000	3,600
\$24	\$24	1:1,000	3,600
2 Rabbits	\$24	1:1,000	3,600
\$6 × 2 + 1 Rabbit	\$24	1:1,000	3,600
\$15 × 2	\$30	1:3,333	1,080
\$30	\$30	1:3,333	1,080
\$3 × 2 + 2 Rabbits	\$30	1:1,714	2,100
\$6 + 2 Rabbits	\$30	1:1,714	2,100
\$6 × 3 + 1 Rabbit	\$30	1:1,714	2,100
\$18 + 1 Rabbit	\$30	1:1,714	2,100
\$9 × 4	\$36	1:24,000	150
\$12 × 3	\$36	1:24,000	150
\$18 × 2	\$36	1:24,000	150
\$36	\$36	1:24,000	150
3 Rabbits	\$36	1:24,000	150
\$3 × 4 + 2 Rabbits	\$36	1:24,000	150
\$6 × 2 + 2 Rabbits	\$36	1:24,000	150
\$6 × 4 + 1 Rabbit	\$36	1:24,000	150

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$12 × 2 + 1 Rabbit	\$36	1:24,000	150
\$24 + 1 Rabbit	\$36	1:24,000	150
\$12 × 4	\$48	1:60,000	60
\$24 × 2	\$48	1:60,000	60
\$48	\$48	1:120,000	30
4 Rabbits	\$48	1:30,000	120
\$6 × 2 + 3 Rabbits	\$48	1:30,000	120
\$12 + 3 Rabbits	\$48	1:30,000	120
\$6 × 4 + 2 Rabbits	\$48	1:30,000	120
\$24 + 2 Rabbits	\$48	1:30,000	120
\$18 × 4	\$72	1:120,000	30
\$24 × 3	\$72	1:120,000	30
\$36 × 2	\$72	1:120,000	30
\$72	\$72	1:120,000	30
\$6 × 4 + 4 Rabbits	\$72	1:60,000	60
\$12 × 2 + 4 Rabbits	\$72	1:120,000	30
\$24 + 4 Rabbits	\$72	1:120,000	30
\$36 × 4	\$144	1:120,000	30
\$48 × 3	\$144	1:120,000	30
\$72 × 2	\$144	1:120,000	30
\$144	\$144	1:120,000	30
\$48 × 2 + 4 Rabbits	\$144	1:120,000	30
\$72 × 4	\$288	1:600,000	6
\$144 × 2	\$288	1:600,000	6
\$288	\$288	1:1,200,000	3
\$30,000	\$30,000	1:1,200,000	3

Rabbit = Win \$12 instantly

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Magic Numbers 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 Magic Numbers, prize money from winning Pennsylvania Magic Numbers 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 Magic Numbers 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 Magic Numbers or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-1184. Filed for public inspection July 5, 2002, 9:00 a.m.]

### **Pennsylvania Powerball The Game Show 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 Powerball The Game Show.

2. *Price:* The price of a Pennsylvania Powerball The Game Show instant lottery game ticket is \$3.00.

3. *Play Symbols:* Each Pennsylvania Powerball The Game Show instant lottery game ticket will contain one play area featuring a "Powerball Numbers" area and a

"Your Numbers" area. The play symbols and their captions located in the "Powerball 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) and 20 (TWENT). The play symbols and their captions located in 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) and a Television Symbol (TV). Each Pennsylvania Powerball The Game Show instant lottery game ticket will also contain a "Power Play" area. The play symbols and their captions located in the "Power Play" area are: 2X (2 TIMES), 3X (3 TIMES), 4X (4 TIMES), 5X (5 TIMES) and NO BONUS.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area 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), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$18\$ (EGHTN), \$24\$ (TWY FOR), \$30\$ (THIRTY), \$36\$ (TRY SIX), \$60\$ (SIXTY), \$120 (ONEHUNTWY), \$15,000 (FTN THO) and ENTRY (TV SHOW).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$6, \$9, \$12, \$15, \$18, \$24, \$30, \$36, \$60, \$120, \$15,000 and the ability to mail in for a chance to either appear on the weekly televised Powerball Instant Millionaire Game Show or be designated as an official at-home player. The player can win up to 10 times on a ticket.

6. *Television Entry Drawings:* The Pennsylvania Lottery will conduct drawings as necessary to provide sufficient contestants and at-home players for the Powerball Instant Millionaire television game show as provided in section 11.

7. *Approximate Number of Tickets Printed for the Game:* Approximately 3,240,000 tickets will be printed for the Pennsylvania Powerball The Game Show instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols and a prize play symbol of \$15,000 (FTN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols, a prize play symbol of \$60\$ (SIXTY) appears under the matching "Your Numbers" play symbol and a 2X (2 TIMES) play symbol appears in the "Power Play" area, on a single ticket, shall be entitled to a prize of \$120.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols, a prize play symbol of \$30\$ (THIRTY) appears under the matching "Your Numbers" play symbol and a 4X (4 TIMES) play symbol appears in the "Power Play" area, on a single ticket, shall be entitled to a prize of \$120.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols, a prize play symbol of \$24\$

(TWY FOR) appears under the matching "Your Numbers" play symbol and a 5X (5 TIMES) play symbol appears in the "Power Play" area, on a single ticket, shall be entitled to a prize of \$120.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols and a prize play symbol of \$120 (ONEHUNTWY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$120.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols, a prize play symbol of \$30\$ (THIRTY) appears under the matching "Your Numbers" play symbol and a 2X (2 TIMES) play symbol appears in the "Power Play" area, on a single ticket, shall be entitled to a prize of \$60.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols, a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol and a 4X (4 TIMES) play symbol appears in the "Power Play" area, on a single ticket, shall be entitled to a prize of \$60.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols, a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol and a 5X (5 TIMES) play symbol appears in the "Power Play" area, on a single ticket, shall be entitled to a prize of \$60.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols and a prize play symbol of \$60\$ (SIXTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols, a prize play symbol of \$18\$ (EGHTN) appears under the matching "Your Numbers" play symbol and a 2X (2 TIMES) play symbol appears in the "Power Play" area, on a single ticket, shall be entitled to a prize of \$36.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols, a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol and a 3X (3 TIMES) play symbol appears in the "Power Play" area, on a single ticket, shall be entitled to a prize of \$36.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols, a prize play symbol of \$9<sup>00</sup> (NIN DOL) appears under the matching "Your Numbers" play symbol and a 4X (4 TIMES) play symbol appears in the "Power Play" area, on a single ticket, shall be entitled to a prize of \$36.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols and a prize play symbol of \$36\$ (TRY SIX) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$36.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball



(hh) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols and a prize play symbol of \$3<sup>.00</sup> (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(ii) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(jj) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Powerball Numbers" play symbols and a prize play symbol of \$1<sup>.00</sup>

(ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(kk) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Television Symbol (TV), on a single ticket, shall be entitled to mail their tickets in for a chance to appear on the weekly televised Powerball Instant Millionaire Game Show or be designated as an official at-home player.

9. *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 Any of the Powerball Numbers, Win With Prize(s) of:*

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,240,000 Tickets</i>
TV Entry	1:10	324,000
\$3	1:41.67	77,760
\$1 x 3	1:47.62	68,040
\$1 (3 x PP)	1:22.22	145,800
\$4	1:34.48	93,960
\$1 x 4	1:34.48	93,960
\$1 (4 x PP)	1:37.04	87,480
\$6	1:200	16,200
\$1 x 6	1:200	16,200
\$3 (2 x PP)	1:100	32,400
\$9	1:500	6,480
\$1 x 9	1:500	6,480
\$3 x 3	1:500	6,480
\$3 (3 x PP)	1:250	12,960
\$12	1:1,000	3,240
\$2 x 6	1:1,000	3,240
\$3 x 4	1:1,000	3,240
\$4 x 3	1:1,000	3,240
\$9 + \$3	1:1,000	3,240
\$3 (4 x PP)	1:1,000	3,240
\$4 (3 x PP)	1:500	6,480
\$6 (2 x PP)	1:500	6,480
\$15	1:200	16,200
\$3 x 5	1:200	16,200
\$3 (5 x PP)	1:200	16,200
\$5 (3 x PP)	1:200	16,200
\$24	1:1,000	3,240
\$3 x 8	1:1,000	3,240
\$4 x 6	1:1,000	3,240
\$6 x 4	1:1,000	3,240
\$12 x 2	1:1,000	3,240
\$6 (4 x PP)	1:500	6,480
\$12 (2 x PP)	1:333.33	9,720
\$30	1:1,200	2,700
\$3 x 10	1:1,200	2,700
\$6 x 5	1:1,200	2,700
\$15 x 2	1:1,200	2,700
\$6 (5 x PP)	1:1,200	2,700
\$15 (2 x PP)	1:1,200	2,700
\$36	1:6,000	540
\$4 x 9	1:6,000	540
\$6 x 6	1:6,000	540
\$9 x 4	1:6,000	540
\$12 x 3	1:6,000	540
\$9 (4 x PP)	1:6,000	540
\$12 (3 x PP)	1:6,000	540

*When Any of Your Numbers Match Any of the Powerball Numbers, Win With Prize(s) of:*

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,240,000 Tickets</i>
\$18 (2 × PP)	\$36	1:6,000	540
\$60	\$60	1:17,143	189
\$6 × 10	\$60	1:20,000	162
\$15 × 4	\$60	1:20,000	162
\$30 × 2	\$60	1:20,000	162
\$12 (5 × PP)	\$60	1:20,000	162
\$15 (4 × PP)	\$60	1:20,000	162
\$30 (2 × PP)	\$60	1:20,000	162
\$120	\$120	1:120,000	27
\$12 × 10	\$120	1:30,000	108
\$15 × 8	\$120	1:120,000	27
\$24 × 5	\$120	1:120,000	27
\$30 × 4	\$120	1:120,000	27
\$60 × 2	\$120	1:120,000	27
\$24 (5 × PP)	\$120	1:120,000	27
\$30 (4 × PP)	\$120	1:120,000	27
\$60 (2 × PP)	\$120	1:120,000	27
\$15,000	\$15,000	1:1,080,000	3

PP = Multiplier of 2×, 3×, 4× or 5×

#### 10. Television Game Show Drawing Requirements:

(a) To qualify for a television game show drawing, the player must reveal a television symbol captioned by (TV) with a prize play symbol of ENTRY captioned by (TV SHOW) when the latex covering is removed from the Pennsylvania Powerball The Game Show instant lottery game ticket. Any tickets not containing a revealed television symbol captioned by (TV) with a prize play symbol of ENTRY captioned by (TV SHOW) will be ineligible for the television game show drawings.

(b) The back of the television game show entry ticket must be completed by the player in a legible manner, including the player's name, complete address, telephone number and signature.

(c) The player shall affix proper postage to the ticket and mail same to the Powerball The Television Game Show address shown in the lower right portion of the ticket back.

(d) Television game show entry tickets received in envelopes will be disqualified.

(e) Participants in the television game show shall be at least 18 years of age or older.

(f) Pennsylvania Powerball The Game Show instant lottery tickets that win cash prizes and that are submitted to the television game show address will not be paid or honored.

(g) Television game show entry tickets must be received by the Pennsylvania Lottery no later than the deadline announced by the Secretary.

#### 11. Television Game Show Drawing Procedures:

(a) Frequency. The television game show drawings will be held at Lottery Headquarters. The drawings will be held as required by the Multi-State Lottery Association (MUSL) to provide sufficient contestants and at-home players to satisfy the Powerball Instant Millionaire television game show requirements. For each Powerball Instant Millionaire television show produced, one on-air con-

stant will be selected as well as a specific number of at-home players as predetermined by the MUSL.

(b) Eligibility for television game show drawings. To be eligible for the television game show drawings, a player must have complied with the requirements of section 10.

(1) The Lottery will make a reasonable effort to ensure that each television game show entry is entered into one of the drawings. The Lottery assumes no responsibility for a lost or misplaced entry not entered into the television game show drawing.

(2) A television game show entry is eligible for only one television game show drawing.

(3) If a television game show entry is rejected during or following a TV game show drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) Manner of conducting the television game show entry drawings.

(1) Entries will be placed approximately equally by weight in a number of containers equal to the number of game shows to be staffed with contestants.

(2) The entry tickets in the container for the first show's contestants will be placed in a rotary drum mechanical drawing device. The rotary drum will be spun a number of times to ensure a random mix. An entry ticket will be selected, and if valid, the owner of the ticket will be the on-air contestant for the first show. Additional entry tickets equal to the predetermined number of at-home players for the first show will then be drawn in the same manner, and if valid, the owner of the ticket will be the at-home players.

(3) As each entry is selected, it will be verified. If the selected entry is declared invalid, another entry ticket will be selected from the same container until a valid entry has been chosen.

(4) In addition, a sufficient number of alternate entry tickets will be drawn and validated for each week's show, in the event there is need to replace ineligible players.

The alternates may become eligible to participate as on-air contestants or as at-home players.

(5) Duplicate tickets selected in the same week will be disqualified.

(6) When all examination and validation procedures are complete, the first set of tickets will be removed from the rotary drum mechanical drawing device and the entry tickets for the second week's container will be placed inside the drawing device and the drawing process repeated for the second week's game show.

(7) This process will be repeated until all the necessary on-air contestants and at-home players have been selected for the number of shows to be produced.

(d) The payment of a prize awarded in the television game show drawing to a person who dies before receiving the prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

#### 12. *On-Air Contestants and At-Home Players:*

(a) An on-air contestant will receive air transportation to Las Vegas, lodging, \$750 expense money and a chance to win up to \$1,000,000 on the Powerball Instant Millionaire Game Show.

(b) An at-home player will win a minimum of \$100 and up to a maximum of \$10,000 based on the winnings of the Pennsylvania on-air contestant and MUSL rules.

#### 13. *Game Show Travel, Restrictions and Proxy Information:*

(a) Game show travel arrangements include:

(1) Coach air transportation for up to 2 persons, including the game show contestant. Contestant and guest must fly from the same airport on the same flight and must return under similar travel arrangements.

(2) Ground transportation from the arrival airport to the designated hotel, and return to the airport.

(3) One hotel room, double occupancy, for 3 nights.

(4) Ground transportation as necessary from the hotel to the game show taping and return to the hotel.

(5) A check in the amount of \$750 payable to the game show contestant that may be used for any other expenses incurred during the trip.

(b) Restrictions:

(1) Travel package is subject to hotel and coach class availability.

(2) If the on-air contestant fails to show at the designated time of departure, the entire travel portion may be forfeited, at the option of the Pennsylvania State Lottery.

(3) Gratuities, meals and all other incidentals are not included.

(4) On-air contestants are responsible for all taxes and governments filings that may be required associated with the travel package.

(5) The travel package is not transferable, cannot be redeemed for cash and may not be resold.

(6) The MUSL and the Pennsylvania Lottery shall not be responsible for cancelled or delayed travel due to causes beyond their control, including but not limited to inclement weather, act of God, war, civil disturbance, court order or action of any air carrier.

(c) Proxy:

(1) In the event that a contestant does not wish to or cannot participate on the game show, the contestant may select a proxy to act on their behalf. All proxy selections must be approved by the MUSL and the Pennsylvania State Lottery. If the contestant fails to select a proxy that is acceptable to the Pennsylvania State Lottery and the MUSL, then the Pennsylvania State Lottery or the MUSL shall appoint a proxy to act on the contestant's behalf.

(2) In the event that a contestant or a contestant's designated proxy does not appear by the required time prior to the television game show taping, the MUSL will appoint a proxy to act on behalf of the contestant. In the event a contestant is unable to continue play during the taping of the game show, the MUSL will appoint a proxy to act on behalf of the contestant.

(3) The proxy appointed by the game show contestant, the MUSL or the Pennsylvania State Lottery shall act on behalf of the selected game show contestant. By participating in the Pennsylvania Powerball The Game Show instant lottery game, the contestant agrees to accept all game show decisions made by the proxy. All prizes won by the proxy during the television game show will be awarded to the contestant.

14. *At-Home Player Information:* The Lottery will send each at-home player a letter outlining the details regarding the Powerball Instant Millionaire Game Show. Pennsylvania on-air contestant winner results for each week will be posted on the Lottery's website [www.palottery.com](http://www.palottery.com). Each at-home player will receive his or her winnings by mail from the Lottery.

15. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Powerball The Game Show instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

16. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Powerball The Game Show, prize money from winning Pennsylvania Powerball The Game Show 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 Powerball The Game Show 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.

17. *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.

18. *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 Powerball The Game Show or through normal communications methods.

LARRY P. WILLIAMS,  
Secretary

[Pa.B. Doc. No. 02-1185. Filed for public inspection July 5, 2002, 9:00 a.m.]

# GOVERNOR'S OFFICE

## Regulatory Agenda

Executive Order 1996-1, which was signed by Governor Ridge on February 6, 1996, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the thirteenth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ADMINISTRATION</b>			
No regulations being developed or considered at this date.			
<b>AGING</b>			
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	April 2003, as proposed.	This regulation is being reviewed for consolidation with regulations from DPW and DOH with the intent to publish as part of regulations to be proposed as Adolescent and Adult Part-Day Licensing Regulations. Review is also occurring as a result of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 15 Protective Services For Older Adults	Published final rulemaking May 2002,	This regulation was reviewed as a result of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. Amendments were published as proposed rulemaking in the <i>Pennsylvania Bulletin</i> on November 27, 1999. On December 27, 2001, the Final Rulemaking package was submitted to IRRC and the legislative oversight committees. IRRC approved the final-form regulations at its public meeting on January 24, 2002. Published final rulemaking on May 18, 2002.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	June 2003, as proposed.	A review of these regulations will be coordinated with the Adult Residential Facilities initiative being led by the Office of Licensing and Regulatory Management, Department of Public Welfare.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 3 Fair Hearings and Appeals	March 2003, as proposed.	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1.	Robert Hussar 717-783-6207
<b>AGRICULTURE</b>			
Agricultural Conservation Easement Purchase Program/Agricultural Security Areas	August 2002, as final.	Act 138 of 1998 and Act 14 of 2001 amended the Agricultural Area Security Law. The regulations at 7 Pa. Code Chapter 138e must be revised to implement these statutory changes. This regulation would also replace the outdated regulations at 7 Pa. Code Chapter 138, relating to agricultural security areas.	Russell C. Redding (717) 787-3418



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
The Food Code	September 2002, as final.	This regulation would provide the retail food industry needed and requested guidance for the safe handling of food. The Food Act (31 P. S. §§ 20.1—20.18) and the Public Eating and Drinking Places Law (35 P. S. §§ 655.1—655.13) form the statutory basis for this regulation.	Sheri Dove (717) 772-8353
Maple Products	December 2002, as proposed.	This regulation is required by the Maple Products Act (3 Pa.C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Lenchen Radle (717) 772-3234
Amusement Rides	August 2002, as proposed.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	Charles Bruckner (717) 787-9089
Harness Racing Commission	September 2002, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196
Land application of soil and groundwater contaminated with agricultural chemicals	October 2002, as final.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands. Numerous comments have been received with respect to drafts of this regulation, and will be addressed as the regulation proceeds.	Phillip M. Pitzer (717) 772-5206
Fruit Tree Improvement Program	November 2004, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 787-5609
Certification of Virus-Tested Geraniums	September 2004, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically- important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 787-5609

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Dog Law	September 2002, as proposed.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23,25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Richard Hess (717) 787-4833
Dog Law—Lifetime Licenses	August 2002, as final.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. We are amending 7 Pa. Code §§ 21.51—21.57 to allow the Department to implement the use of microchipping for lifetime dog licenses.	Richard Hess (717) 787-4833
Domestic Animals	September 2002, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	John Enck, DVM (717) 772-2852
Aquaculture Development	September 2002, as final.	The Aquacultural Development Law requires the Department to develop an "Aquaculture Development Plan" through regulation.	Leo Dunn (717) 783-8462
Pasteurized Milk "Sell by" Date	August 2002, as proposed.	This will extend the maximum "sell-by" date for pasteurized milk by three days, from its current 14 days from the date of pasteurization to 17 days from date of pasteurization.	James Dell (717) 787-4316
<b><i>BANKING</i></b>			
Amendments to Banking regulations in 10 Pa. Code Part II to comply with amendments to the Banking Code made by Act 89 of 2000	December 2002	Act 89 of 2000 substantially amended the Banking Code. Accordingly, some banking regulations need to be amended in order to conform to the statutory amendments.	Reginald S. Evans (717) 787-1471
<b><i>BUDGET</i></b>			
No regulations being developed or considered at this date.			
<b><i>COMMUNITY &amp; ECONOMIC DEVELOPMENT</i></b>			
Industrialized Housing and Components 12 Pa. Code Chapter 145 (proposed regulation)	Fall 2002	The regulation will further clarify and strengthen the Department's and third party's role in monitoring the installation of industrialized housing; adopt the ICC International Building Code; update definitions to bring them into conformance with current terminology and with proposed changes to the placement of insignia of certification; place the determination regarding the frequency of inspection reports on the inspection agency; require manufacturers to ensure that instructions for installation are given to those installing industrialized housing; and increase the fees charged by the Department to offset increases in the cost of administering and enforcing the industrialized housing program.	Jill B. Busch (717) 720-7314
Certified Provider (proposed new regulation)	Fall 2002	In accordance with the Job Enhancement Act of 1996, the regulation will establish professional and organizational standards that must be met in order for providers to continue packaging loans on behalf of the Department.	Jill B. Busch (717) 720-7314

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>COMMISSION ON CRIME AND DELINQUENCY</b>			
Bureau of Victims' Services, Victims Compensation Division (formerly Crime Victim's Compensation Board)—Deletion of 37 Pa. Code Chapter 191, replacement with new Chapter 211	August 2002, as proposed	To create a new chapter reflecting elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by section 4 of Act 1997-57; and citation changes resulting from Act 1998-111 and its relocation of the Crime Victims Act from Title 71 of Purdon's Statutes Title 18. The act at 18 P. S. § 11.312(3) gives the Bureau of Victims' Services the authority, subject to the approval of PCCD, to promulgate regulations to carry out the purposes of the act as it relates to compensation.	Lynn Shiner (717) 783-5153 ext. 3210
Constables' Education and Training Board—New Chapter 431 to Title 37 Pa. Code	September 2002, as final	To implement the authority of Act 1994-44, 42 Pa.C.S.A. §§ 2944—2948, as to program content and administration of basic training and continuing education, standards for qualification to carry firearms in the performance of constable duties, and qualification for schools and instructors.	John Pfau (717) 705-3693 ext. 3083
Deputy Sheriffs' Education and Training Board—Amendments to 37 Pa. Code Chapter 421	October 2002, as final	To amend existing regulation to further increase hours of basic training that were increased by Statement of Policy in 2000. Proposed pursuant to the Deputy Sheriffs' Education and Training Act, 71 P. S. §§ 2105—2106, this rulemaking would add 200 hours of new topics, including vehicle code enforcement, to the basic training curriculum.	Don Numer (717) 705-3693 ext. 3041
Commission on Crime and Delinquency—Amendments to 37 Pa. Code Chapter 401 (General Provisions), Chapter 405 (Grant Management) and Chapter 407 (Administrative Proceedings)	December 2002, as final omitted	To update existing regulations to reflect current operations and eliminate language that is obsolete due to operational or statutory change.	Gerard Mackarevich (717) 705-0888 ext 3034
<b>CONSERVATION &amp; NATURAL RESOURCES</b>			
Conservation of Native Wild Plants (Chapter 45)	Publish proposed rulemaking January 2004.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Chris Firestone, Mike Lester and Dan Devlin 717-783-3227
State Parks Rules and Regulations (Chapter 11)	Publish proposed rulemaking March 2002. Final rulemaking January 2003.	This revision to state parks rules and regulations will take place after extensive public outreach. Updates are necessary to reflect changes for more efficient operations, increase opportunities for public recreation, and an effort to improve visitor services and to promote good stewardship of public parks. Eight state-wide regional public meetings were held in the summer of 2000 to begin to gather input on possible regulatory changes. Parks also conducted roundtable discussions. Legal basis for these regulations is Act 18 of 1995.	Gary Smith 717-783-3303

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Forest Picnic Area Rules and Regulations (Chapter 23)	Publish proposed rulemaking June 2002. Final rulemaking May 2003.	General State Forest rules and regulations were updated in 1998. Chapter 23 pertaining to State Forest Picnic Areas needs to be updated and revised to conform with Title 17 general regulation changes.	Bill Slippey 717-783-7941
Snow & All Terrain Vehicle Registration and Operations (Chapter 51)	Publish proposed rulemaking September 2002. Final rulemaking August 2003.	This chapter needs to be updated to implement recent amendments to Chapter 77 of the Vehicle Code and to reflect the Department's current registration and titling procedures.	Bill Slippey 717-783-7941 Bureau of Forestry (Recreation) Lynn Loudenslager 717-783-3751 Bureau of Admin Services (Registration & Titling)
<b><i>CORRECTIONS</i></b>			
Revisions to regulations governing the Department, 37 Pa. Code Chapters 91, 93 and 94.	Fall, 2002, as proposed	The regulations will be revised to eliminate unnecessary regulations and to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	John S. Shaffer, Ph.D. (717) 975-4998
Revisions to the regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	Fall, 2002, as proposed	The regulations will be revised to eliminate unnecessary regulations and modernize necessary regulations. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for county correctional institutions that are not inconsistent with law.	William M. Reznor (717) 975-4876
<b><i>EDUCATION</i></b>			
22 Pa. Code Chapter 155—Board of State College and University Directors—Personnel  Chapter 161—School Administrators Handbook  Chapter 181—Mentally Retarded Exceptional Children  Chapter 251—Postsecondary Education Planning Commission—Rules & Regulations  Chapter 329—Computation of Subsidy	The State Board did not take action and therefore the regulations will be resubmitted to be published in January 2003, as final omitted.	Chapter 155—This chapter was issued under Section 2 of the Act of February 1970 (P. L. 24, No. 13) (24 P. S. § 20—2002) (Repealed). It was adopted June 12, 1975, 5 Pa. B. 1548.  Chapter 161—Statutory authority for this chapter is 71 P. S. § 352.  Chapter 181—Taken from the <i>PA Bulletin</i> (Vol. 3, No. 39-9/15/73, p. 2069), the authority was contained in the Act of January 14, 1970, P. L. (1969) 468 (24 P. S. § 13—1372).  Chapter 251—The Postsecondary Education Planning Commission, formerly known as the 1202 Commission and also known as the 1203 Commission, was authorized by 20 U.S.C., Section 1143 and established by the Governor upon recommendation of the State Board of Education through its resolution of March 15, 1974.  Chapter 329—This chapter provided procedures for calculating the instruction subsidy described in Sections 2502, 2502.5 and 2502.6 of the School Code.	Ernest Helling (717) 787-5500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Pupil Personnel Services, Attendance and Students 22 Pa. Code, Chapters 7, 11, 12	July 2002, as proposed.	These regulations define the elements of student services programs, delineate the rights and responsibilities of students and establish provisions regarding school attendance. Specific revisions are necessary to make the regulations consistent with current statute and court decisions as well as current practices in student services. These regulations are promulgated under the authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Jim Buckheit (717) 787-3787
Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 31, 36, 40, 42	December 2002, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No.14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Jim Buckheit (717) 787-3787
Certification of Professional Personnel 22 Pa. Code, Chapter 49	December 2002, as final omitted.	Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999 which requires continuing professional development for all certificated educators. Since these revisions will be technical to incorporate a statutory change, they will be promulgated as final rulemaking with the public comment phase omitted.	Jim Buckheit (717) 787-3787
Charter School Services, General Provisions	November 2002, as proposed.	Working on statutory changes for charter schools, including cyber schools. Regulations are promulgated under the authority of the Charter School Law, 24 P. S. § 17-1701-A et seq. 1949, March 10, P. L. 30, No. 14, Article XVII-A, § 1701-A, added 1997, June 19, P. L. 225, No. 22, § 1.	Kerri McCarthy (717) 705-2558
Academic Standards (Civics and Government, Economics, Geography and History; Arts and Humanities; Family and Consumer Science; Health, Safety and Physical Education) 22 Pa. Code, Chapter 4	July 2002, as proposed.	Chapter 4 sets forth requirements for instruction, graduation, strategic planning, and assessment based on academic standards. These additional sets of standards will revise Chapter 4 by their inclusion. These regulations are promulgated under the authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Jim Buckheit (717) 787-3787
General Vocational Education Standards 22 Pa. Code, Chapter 339	September 2002, as proposed.	Educational institutions offering vocational programming have evolved substantially since their inception. Many of the standards defining and governing those institutions were conceived over 30 years ago. A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18 on Vocational Education and section 2502.8 on Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the <i>Pennsylvania Code</i> , section 4.32(a).	John C. Foster (717) 787-5530

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
22 Pa. Code, Chapter 233 Professional Standards and Practices Commission By-Laws	June 2002, as proposed.	Revisions to the Commission's by-laws were published as final in the <i>Pa Bulletin</i> on May 4, 2002.	Carolyn Angelo (717) 787-6576
22 Pa. Code, Chapter 237 Professional Standards and Practices Commission Definitions	May 2002, as final.	These are proposed revisions to the definitions of terms used in the Professional Educator Discipline Act.	
22 Pa. Code, Chapter 21 School Facilities	July 2002, as proposed.	Proposed revisions to State Board of Education regulations on school facilities.	Jim Buckheit (717) 787-3787
Standards for Approved Private Schools 22 PA Code Chapter 171 Subchapters A & B	The Secretary intends to submit revised standards in the Regulatory Review Process in 2002 since the current standards are outdated. The revised standards will reflect the changes in Chapter 14 and IDEA.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, NO 14, March 16, 1949, P. S. Section 1-101, et. seq.	Richard Brown (717) 783-6906
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 61 and 63	The Board intends to adopt amendments as proposed in June 2002.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. section 6701 et. seq.)	Eugene Heyman (717) 783-5146
<b>EMERGENCY MANAGEMENT AGENCY</b>			
No regulations being developed or considered at this time.			
<b>ENVIRONMENTAL HEARING BOARD</b>			
PA Code Title 25 Chapter 1021 Practice and Procedure	June/July 2002, as final	Proposed rulemaking number 106-6 relates to the following: 1) electronic filing and service of legal documents; 2) withdrawal of appearance by counsel; 3) number of copies of documents to be filed with the Board; 4) attachment of proposed orders to motions and responses; 5) discovery; 6) reconsideration; and 7) composition of the certified record on appeal to the Commonwealth Court. In addition, the Board is proposing a reorganization of its rules of practice and procedure in order to make the rules more user-friendly for practitioners before the Board. Final rulemaking is expected to be published in the <i>Pennsylvania Bulletin</i> in June or July 2002.	Mary Anne Wesdock (412) 565-5245
PA Code Title 25 Chapter 1021 Practice and Procedure	October 2002	Proposed rulemaking number 106-7 relates to the following: 1) signing of documents; 2) dispositive motions; 3) applications for award of attorney's fees and costs; 4) special actions; 5) withdrawal of appeals; and 6) composition of the certified record on appeal to the Commonwealth Court. No. 106-7 was published as proposed rulemaking in the <i>Pennsylvania Bulletin</i> in April 2002.	Mary Anne Wesdock (412) 565-5245

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ENVIRONMENTAL PROTECTION</b>			
Stream Redesignations— Oysterville Creek, et al. Clean Streams Law	February 2003 as final	This stream redesignation package includes six streams or segments that were evaluated for redesignation as HQ or Exceptional Value (EV) Waters. Oysterville Creek and a portion of the West Branch Perkiomen Creek (Berks Co.) were petitioned by the Berks County Conservancy and District Township. Two private citizens submitted a rulemaking petition for Trout Run (York Co.). Another private citizen petitioned for the redesignation of an unnamed tributary to Chester Creek (Delaware Co.). Rambo Run (York Co.) was evaluated in response to a request from the PFBC. The lower reaches of Cove Creek (Bedford Co.), previously petitioned by Friends of Cove Creek, was restudied based on DEP's recent change to the Percent Dominant Taxon biological metric used in HQ/EV evaluations. A 45-day public comment period on the proposal closed on June 18, 2002. However, a public meeting/hearing has been scheduled for August 7 in Topton on the proposed redesignations for Oysterville and West Branch Perkiomen Creeks. Therefore, the public comment period for these two streams has been extended to August 21, 2002.	Bonita Moore 717-787-9637
Stream Redesignations— Brushy Meadow Creek, et al. Clean Streams Law	February 2003 as proposed	This stream redesignation package includes 13 streams or segments that were evaluated for redesignation as Cold Water Fishes (CWF), HQ or EV Waters. Brushy Meadow Creek in Northampton County was evaluated due to a request from DEP's Northeast Regional Office and the PFBC. Crum Creek in Chester and Delaware Counties, Frya Run in Northampton County, and Green Lick Run in Fayette County were evaluated as a result of petitions. Hay Creek in Berks County was evaluated due to public concern following a 1999 final rulemaking that resulted in an EV designation in portions of Hay Creek. The Little Juniata River in Blair and Huntingdon Counties and Spring Creek in Dauphin County were evaluated due to a request from DEP's Southcentral Regional Office. Pine Creek in Crawford and Warren Counties and Dunbar Creek in Fayette County were evaluated due to requests from the PFBC. In addition, four streams not currently listed in Chapter 93 were evaluated to determine proper use designations. A 45-day public comment period will be recommended.	Bonita Moore 717-787-9637
Stream Redesignations— Class A Wild Trout Streams Clean Streams Law	July 2002 as final	Nearly 70 streams were evaluated in response to a request from the Pennsylvania Fish and Boat Commission (PFBC) under Section 93.4b of DEP's antidegradation regulations, which includes in subsection (a)(2)(ii) that a surface water designated as a Class A wild trout stream by the PFBC following public notice and comment qualifies for High Quality (HQ) designation. DEP independently reviewed the trout biomass data in the PFBC reports for these streams to ensure that the Class A criteria were met. A 45-day public comment period on the proposed rulemaking closed January 22, 2002.	Bob Frey 717-787-9637

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 93—Great Lakes Initiative (GLI) Federal Clean Water Act	September 2002 as final	The amendment to Section 93.8a(j) (relating to requirements for the Great Lakes System) consists of the elimination of the words “except Subpart C” in the current GLI to provide consistency with the federal guidance promulgated by USEPA on November 15, 2000, for the Great Lakes System. The proposed rulemaking will provide greater protection for the Great Lakes System by eliminating the use of mixing areas for discharges of toxic and persistent chemicals known as bioaccumulative chemicals of concern (BCCs). Examples of BCCs are mercury, PCBs and dioxin. The proposed rulemaking was published on January 26, 2002, with a 45-day public comment period that closed on March 12, 2002. The Water Resources Advisory Committee (WRAC) reviewed the draft final rulemaking on May 8, 2002.	Carol Young 717-787-9637
Chapter 96—Water Quality Standards Implementation Clean Streams Law	September 2002 as final	Chapter 96 is being amended to make the application of the sulfate and chloride criteria consistent with that already provided for total dissolved solids, nitrate, phenol and fluoride under Section 96.3(d). The proposed rulemaking was published on January 26, 2002, with a 45-day public comment period that closed on March 12, 2002. A public hearing was held February 26 in Harrisburg. WRAC reviewed the draft final rulemaking on May 8, 2002.	Carol Young 717-787-9637
Radionuclides Rule Safe Drinking Water Act	November 2002 as proposed	This proposal will amend Chapter 109 to incorporate the provisions of the recently-published federal Radionuclides Rule, which establishes a new Maximum Contaminant Level (MCL) for uranium and retains the current existing MCLs for gross alpha, combined radium-226/228 and beta and photon activity and establishes new monitoring requirements. The Radionuclides Rule applies to community water systems and does not include radon. WRAC and the Small Water Systems Technical Assistance Center Board (TAC) will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski 717-772-4018
Arsenic Rule Safe Drinking Water Act	November 2002 as proposed	This proposal will lower the MCL for arsenic from 0.05 mg/L to 0.01 mg/L at public water systems in order to eliminate or minimize the harmful health effects that are caused by arsenic. The proposed Arsenic Rule will affect all community water systems (approximately 2,190) and nontransient noncommunity water systems (approximately 1,280) in Pennsylvania. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski 717-772-4018



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Filter Backwash Recycling Rule Safe Drinking Water Act	November 2002 as proposed	This proposal will amend Chapter 109 to incorporate the provisions of the recently-promulgated federal Filter Backwash Recycling Rule, which governs the recycling of the filter backwash water within the treatment process of public water systems (PWSs). The Rule will apply to all PWSs that use a surface water source or groundwater under the direct influence of surface water, utilize direct or conventional filtration and recycle spent filter backwash water, sludge thickener supernatant or liquids from dewatering processes. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski 717-772-4018
Microbial and Disinfection Byproducts (M/DBP) Corrective Amendments Safe Drinking Water Act	November 2002 as proposed	This proposal will amend various provisions of the recently promulgated Interim Enhanced Surface Water Treatment Rule (IESWTR) and the Disinfectants and Disinfection Byproducts Rule (D/DBPR) for either clarification or to ensure consistency with federal regulations. The IESWTR and the D/DBPR were published in the <i>Pennsylvania Bulletin</i> on July 21, 2001. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	John Wroblewski 717-772-4018
Long Term 1 Enhanced Surface Water Treatment Rule Safe Drinking Water Act	May 2003 as proposed	This proposal will amend Chapter 109 to incorporate the provisions of the recently promulgated federal Long Term 1 Enhanced Surface Water Treatment Rule. The Rule is intended to improve the control of microbial pathogens at public water systems serving less than 10,000 people that use surface water or ground water under the direct influence of surface water. Key provisions include strengthened combined and individual filter effluent turbidity performance standards, and disinfection benchmark provisions. WRAC and TAC will review drafts of the proposed amendments. A 30-day public comment period will be recommended.	Phil Consonery 717-772-2184
Chapter 105—Dam Safety and Waterway Management Clean Streams Law; Dam Safety and Encroachments Act	July 2003 as proposed	Revisions will be proposed to simplify and clarify the regulations, streamline the process for minor wetland encroachments, establish discretion to issue expedited permit decisions during site visits, simplify the application fee schedule, and clarify the Chapters 105 and 106 programs by consolidating rules and procedures for stream channels, floodways and floodplains into one regulation. The Wetlands Protection Advisory Committee (WetPAC) is thoroughly reviewing the issues. The Agricultural Advisory Board (AAB) will also be briefed on developments.	Ken Reisinger 717-787-6827

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 245—Storage Tank Amendments Storage Tank and Spill Prevention Act	December 2002 as proposed	With the exception of Subchapter D (Corrective Action Process), this proposal represents comprehensive amendments to all other aspects of the Storage Tank and Spill Prevention Program provisions of Chapter 245, which was last updated in 1997. The amendments have been identified through implementation of the program over the past five years. In addition, a general review of Chapter 245—which is necessary to obtain state program authorization for the underground storage tank program from the USEPA—occurred in the past year, and this review identified other potential revisions. The Storage Tank Advisory Committee (STAC) is reviewing the draft amendments.	Ray Powers 717-772-5551
Amendments to the Hazardous Waste Regulations Solid Waste Management Act; Clean Streams Law	September 2002 as final	This proposal includes minor modifications to the hazardous waste amendments that were finalized on May 1, 1999, to address changes in the federal regulations since that time and for EPA approval as a federally authorized program. The modifications include minor “housekeeping” issues such as exceptions to the blanket substitution of DEP for USEPA where the federal authority cannot be delegated to a state. Other changes include correcting typographical errors and adding clarification or consistency in certain sections. A 30-day public comment period on the proposed rulemaking closed on January 14, 2002. The Solid Waste Advisory Committee (SWAC) reviewed the draft final rulemaking.	Rick Shipman 717-787-6239
Provisions for the Management of Safe Fill Solid Waste Management Act; Clean Streams Law; Land Recycling and Environmental Remediation Standards Act	December 2002 as final	This proposal revises Chapter 287 of the residual waste regulations to address the unrestricted use of uncontaminated soil, including rock and stone, as safe fill provided that the soil has not been subject to a spill or release and there are no visible staining, odors or other sensory nuisances associated with the soil. The current definition of “clean fill” would be replaced with a new definition for “safe fill.” The proposal will also include permit-by-rule requirements allowing restricted use of contaminated soils resulting from urbanization, pesticide use in fruit orchards, historic fill materials and Act 2 remediated soils. The proposed rulemaking was published February 2, 2002, with a 60-day public comment period and 3 public meetings and 3 public hearings. SWAC will review the draft final rulemaking.	William Pounds 717-787-7381
Prohibition on Open Burning of Recyclable Materials Air Pollution Control Act	December 2002 as proposed	This proposal will revise the open burning provisions of Section 129.14(c) to prohibit the burning of leaves, yard wastes and other recyclable materials in areas that have curbside recycling programs. The Air Quality Technical Advisory Committee (AQTAC) is reviewing the draft proposal.	Terry Black 717-787-9495
Architectural and Industrial Maintenance (AIM) Coatings Air Pollution Control Act	December 2002 as final	This proposal will set specific volatile organic content (VOC) limits in grams/liter for 46 categories of AIM coating and require compliance by January 1, 2005. Compliance with these new limits would be reached through either reformulating products or substituting products with compliant coatings that are currently on the market. A 69-day public comment period on the proposed rulemaking concluded February 22, 2002. AQTAC will review the draft final rulemaking in September 2002.	Terry Black 717-787-9495

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Portable Fuel Containers Air Pollution Control Act	July 2002 as final	This proposal is part of Pennsylvania's strategy to attain and maintain the one-hour National Ambient Air Quality Standard (NAAQS) for ozone. Based on the Ozone Transport Commission rule and the California Air Resources Board (CARB) program, the proposal will control VOC emissions from portable fuel containers by establishing permeability requirements designed to reduce the loss of gasoline through fuel container walls. The proposal also reduces gasoline loss due to spillage by adding "no-spill" fill spout requirements. Manufacturers will be responsible for developing and distributing compliant products for sale in Pennsylvania by January 1, 2003. The proposal does not affect portable fuel containers currently in use. A 67-day public comment period on the proposed rulemaking closed January 16, 2002. AQTAC reviewed the draft final rulemaking.	Terry Black 717-787-9495
Consumer Products Air Pollution Control Act	July 2002 as final	This proposal is also part of Pennsylvania's strategy to attain and maintain the NAAQS for ozone. This proposal will set specific VOC content limits for approximately 80 consumer product categories, and it will apply more stringent VOC content limits than the Federal rule. The compliance date for the limits would be January 1, 2005. Manufacturers would ensure compliance with the limits by reformulating products and substituting products with compliant products that are currently available. The proposal will include some flexibility options. A 67-day public comment period on the proposed rulemaking closed January 16, 2002. AQTAC reviewed the draft final rulemaking.	Terry Black 717-787-9495
Chapter 121, 129 and 145 Small NO <sub>x</sub> , Stationary Internal Combustion Engines and Cement Kilns Air Pollution Control Act	September 2002 as proposed	This proposal will establish a program to limit NO <sub>x</sub> emissions from smaller boilers, turbines and stationary internal combustion engines in the southeast portion of Pennsylvania. These controls are needed to attain and maintain the health-based one-hour ozone standard. In addition, the proposal will establish control requirements on a statewide basis for large stationary internal combustion engines and cement kilns. These controls are needed to meet the Commonwealth's remaining obligation to reduce ozone transport throughout the eastern United States. AQTAC is reviewing the draft proposed regulations. A 60-day public comment period and three public hearings will be recommended.	Dean Van Orden 717-787-9495

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
New Source Review Air Pollution Control Act	Contingent on EPA action	The Department's existing new source review (NSR) regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits (ERCs). The Department will incorporate proposed changes in the Federal NSR requirements as necessary. Drafts of the proposal will be reviewed by the AQTAC. EPA has proposed in its draft NSR regulations a number of mechanisms related to generation and use of ERCs and the use of an "area wide" plant-wide applicability limit (PAL) to address trading issues. The proposed rules were issued in July 1996; however, EPA has not yet issued final rules. With the uncertainty of the nature of the final rules, the Department cannot proceed with revisions of the existing trading regulations until the final EPA rule is promulgated.	Terry Black 717-787-9495
Chapter 86—Coal Mining Amendments Surface Mine Conservation and Reclamation Act	January 2003 as final	This proposal adds new Section 86.6 to clarify existing statutory requirements and ensure the regulations are no more stringent than federal requirements. This amendment provides an exemption to the regulatory requirements for coal extraction incidental to federal, state and local government-financed highway construction and reclamation projects. The exemption currently exists in Pennsylvania's Surface Mine Conservation and Reclamation Act. A 45-day public comment period closed on June 18, 2002. The Mining and Reclamation Advisory Board (MRAB) will review the draft final rulemaking in September 2002.	Evan Shuster 717-783-9888
Chapter 207— Underground Noncoal Mines General Safety Law	September 2002 as final	This proposal consolidates the regulatory provisions implementing Section 2(f) of the General Safety Law, which regulates worker safety in noncoal mines, into Chapter 207 (Noncoal Mines). Most of these provisions were promulgated by the Department of Labor and Industry over 30 years ago and are found at Title 34, <i>Pennsylvania Code</i> , Chapter 33. DEP's Chapter 207 addresses the use of explosives at noncoal mines and has not been amended since its adoption in 1972. The amendments address effective safety practices in noncoal mines based on changes in the industry and DEP's administration of the program. The proposal incorporates by reference the U.S. Mine Safety and Health Administration's (MSHA) regulations found at 30 CFR Part 57 and includes provisions to address certification of foremen as well as the licensing and duties of blasters. A 60-day public comment period on the proposed rulemaking closed February 6, 2002.	Richard Stickler 724-439-7469
<b>GENERAL SERVICES</b>			
Responsibility 4 Pa. Code, Chapter 60	Fall, 2002, as proposed	This chapter must be amended to conform with the legislative changes required by Act 57 and to provide for uniform Commonwealth agency debarment and suspension procedures.	Gary Ankabrandt (717) 783-1982
Instructions to Bidders 4 Pa. Code, Chapter 61	Fall, 2002, as proposed	This chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the department as well as bidders.	Merle H. Ryan (717) 787-7095

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	Fall, 2002, as proposed	See comment for Chapter 61.	Merle H. Ryan (717) 787-7095
State Art Commission 4 Pa. Code, Chapter 65	Fall, 2002, as final	The legislation creating the State Art Commission was sunsetted.	Merle H. Ryan (717) 787-7095
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Fall, 2002, as proposed	The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61.	Merle H. Ryan (717) 787-7095
Contract Compliance 4 Pa. Code, Chapter 68	Fall, 2002, as proposed	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	Sheri Phillips (717) 783-8720
Methods of Awarding Contracts 4 Pa. Code, Chapter 69	Fall, 2003, as proposed	With the enactment of the Commonwealth Procurement Code (Act 57) it is necessary to confirm this chapter with the changes in the law and to address other procurement areas affected by Act 57.	Sharon P. Minnich (717) 787-5295
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Fall, 2002, as proposed	Amendments are required because parking locations have been changed.	James W. Martin (717) 783-5028
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Fall, 2002, as proposed	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state-licenses.	Sharon P. Minnich (717) 787-5295
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code, Chapter 81	Fall, 2002, as proposed	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and order for the <i>Pennsylvania Code</i> .	Sheri Phillips (717) 783-8720
First Amendment Rights 4 Pa. Code, Chapter 86	Fall, 2002, as proposed	The amendment will extend coverage of the statement of policy to the Philadelphia State Office Building, Pittsburgh State Office Building, Scranton State Office Building, and Reading State Office Building	Gregory C. Santoro (717) 787-5599
Prequalification 4 Pa. Code, Chapter 60	Fall, 2002, as proposed	Under the authority granted in the Commonwealth Procurement Code, the department will initiate prequalification of public works contractors for Commonwealth projects. The regulations will provide factors to be considered in determining whether to prequalify contractors as well as provisions for suspending or revoking prequalification if contractors do not comply with prequalification standards.	Jan Matthew Tamanini (717) 787-6789
<b>HEALTH</b>			
Testing Blood and Alcohol Specimens Taken From Persons Who Die as a Result of a Vehicle Accident 28 Pa. Code §§ 29.21 and 29.22	October 2002, as proposed.	The amendments to existing regulations will update testing procedures and make the regulations consistent with the authorizing statute. Pursuant to the section 3749 of the Vehicle Code, 75 Pa.C.S. § 3749, and Reorganization Plan No. 4 of 1981 (71 P. S. § 751-31).	Kenneth E. Brody 717-783-2500
Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	November 2002, as final-omitted.	Existing regulations in chapters on health planning (federal program and certificate of need) will be repealed as statutory authority for both chapters has terminated. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	James T. Steele, Jr. 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Reporting of Certain HIV Test Results, CD4 T-Lymphocyte Counts Below a Certain Level, and Perinatal Exposure of Newborns to HIV 28 Pa. Code §§ 27.1—27-2, 27.21—27.22, 27.32, 27.32a—27.32d	July 2002, as final.	The amendments to existing regulations will add reporting of certain HIV test results, CD4 T-lymphocyte counts below a certain level, and perinatal exposure of newborns to HIV to the list of diseases, infections and conditions reportable to the Department of Health. The amendments will specify who is required to report these conditions and how the reporting is to be done. The amendments will also require clinical laboratories to report all reportable diseases, infections and conditions to the Department electronically. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Yvette M. Kostelac 717-783-2500
Public Bathing Place Lifeguard Requirements 28 Pa. Code § 18.1; § 18.42	October 2002, as proposed.	The amendments to existing regulations will provide lifeguard requirements for recreational swimming establishments, and add requirements for lifeguard certification and factors to be considered in determining adequate lifeguard coverage. Pursuant to Act 75 of 1998, amending 35 P. S. §§ 672—680 (the Public Bathing Law).	Grace R. Schuyler 717-783-2500
Special Supplemental Food Program for Women, Infants and Children (WIC Program) 28 Pa. Code § 1101.1 et seq.	September 2002, as proposed.	The amendments to existing regulations will bring the State regulations into compliance with changes in the Federal regulations (7 C.F.R. § 246) published December 29, 2000, relating to vendor selection criteria, training requirements, monitoring requirements and compliance investigations, and the vendor appeals process.	Karin Simpson Gutshall 717-783-2500
Health Facility Licensure/Hospices 28 Pa. Code § 651.1 et seq.	April 2003, as proposed.	These new regulations will provide standards for the licensing and regulation of hospices. They will contain health and safety standards as well as standards set forth in Federal regulations for hospices certified as providers under the Medicare Program. Pursuant to Act 95 of 1998, amending the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	Karen Kroh 717-787-7425
Hearing Aid Sales and Registration/Continuing Education 28 Pa. Code § 25.201 et seq.	July 2002, as proposed.	The amendments to existing regulations will include continuing education requirements for hearing aid fitters, provide for 30-day money back written guarantees on hearing aids, and revise certification fees for consistency with the statute. Pursuant to Act 153 of 1998, amending the Hearing Aid Sales Registration Act, 35 P. S. §§ 6700-101—6700-802.	Tanya Leshko 717-783-2500
Narcotic Treatment Standards 28 Pa. Code §§ 701 and 715	September 2002, as final.	The amendments to existing regulations will repeal 4 Pa. Code § 263, transfer regulations to Title 28, and amend and update narcotic treatment standards, including methadone treatment standards. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690-101—1690.115.	Keith Fickel 717-783-2500
Prevention Activities 28 Pa. Code §§ 701 and 713 (rescission)	July 2002, as final.	Existing regulations imposing standards for approval of drug and alcohol prevention activities will be repealed. Pursuant to the Pennsylvania Drug and Alcohol Abuse Control Act, 71 P. S. §§ 1690-101—1690.115.	Keith Fickel 717-783-2500
Optometric Drugs 28 Pa. Code § 6.2	July 2002, as final.	The amendments to existing regulations will add substances to the list of drugs that may be used by certain optometrists. Pursuant to section 244.2 of the Optometric Practice and Licensure Act, 63 P. S. § 244.2.	Keith Fickel 717-783-2500

**HOUSING FINANCE AGENCY**

No regulations being developed or considered at this date.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
No regulations being developed or considered at this date.			
<b>INSURANCE</b>			
Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1—51.61	Winter 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1—64.14	Fall 2002, as proposed.	Repeal pursuant to Executive order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21—28	Winter 2002, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1—91	Fall 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Variable Life Insurance, 31 Pa. Code, Chapter 82, §§ 82.1—91	Fall 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Disclosure in Solicitation of Life Insurance, 31 Pa. Code, Chapter 83, §§ 83.1—57	Fall 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Annuity Disclosure, (NEW Chapter 83a)	Summer/Fall 2002, as final.	A new regulation to eliminate misleading illustrations, make illustrations more understandable and to standardize the disclosure statement language to be use with the selling of annuities.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Variable Annuity & Accumulation Contracts, 31 Pa. Code, Chapter 85, §§ 85.1—85.40	Fall 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42	Fall 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Life Insurance Illustrations (New Chapter 87a)	Summer 2002, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Individual Accident & Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1—88.195	Winter 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Requirements for All Policies and Forms, 31 Pa. Code, Chapter 89, §§ 89.1—89.5, 89.11, 89.17 and 89.21—89.23 and new General Filing Requirements and General Contents of Forms §§ 89a.1—89a.6	Fall 2002, as final.	Changes will be promulgated regarding the deregulation of rates and forms filings for accident and health insurance, as a result of Act 159 of 1996. Changes will be made pursuant to the health care provisions of the Federal Health Insurance Portability and Accountability Act of 1996. Life, annuities and property and casualty general filing requirements are being combined in the new regulation.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Preparation of Forms, 31 Pa. Code, Chapter 89, §§ 89.12-16, 89.18—89.62	Fall 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Prior Approval of Forms Required, 31 Pa. Code, Chapter 89, § 89.101	Fall 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Public Adjusters, 31 Pa. Code, Chapter 115, §§ 115.1—115.8	Summer/Fall 2002, as final.	The regulation was initially promulgated to clarify the requirements of public adjuster contracts. The authorizing statute, Act 72, was amended in 1983 (63 P. S. §§ 1601—1608), and the Insurance Department seeks to modify Chapter 115 to be consistent with the revised statutory language. Licensing requirements are being proposed to be added to this regulation.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Winter 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10	Fall 2002, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Privacy of Consumer Health Information, 31 Pa. Code, Chapter 146b	Summer 2002, as final.	NEW. This implements the NAIC model privacy regulation with respect to health information in accordance with the health privacy regulations of the U.S. dept. of health and Human Services and the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.).	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Annual Audited Insurers' Financial Report Required, 31 Pa. Code, Chapter 147	Winter 2002, as proposed.	Amend to prohibit a person or firm from being recognized as a qualified independent certified public accountant if the person or firm has entered into an agreement of indemnity or release from liability with respect to an audit of an insurer.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Securities Held Under Custodial Agreements, 31 Pa. Code, Chapter 148, §§ 148.1—148.4	Summer/Fall 2002, as final.	Amend to eliminate unnecessary forms, add uniform requirements relating to custodial agreements and duties of custodians and update provisions relating to permissible custodians.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Health Maintenance Organizations, 31 Pa. Code, Chapters 301, §§ 301.1—301.126	Winter 2002, as proposed.	Amend pursuant to Executive order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Workers' Compensation Security Fund Assessment Regulation, 31 Pa. Code, Chapter 165 (new chapter)	Summer 2002, as proposed.	HB 1370 passed the GA in 2000 allowing the Fund to develop a regulatory scheme to finance the obligations of the Fund. The proposed regulation will establish reporting requirements for licensed worker's compensation carriers and assessment calculations.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Premium Finance Companies (new chapter)	Fall 2002, as proposed.	New regulation addressing issues pertaining to Premium Finance Companies.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
<b>LABOR AND INDUSTRY</b>			
Workers' Compensation Bureau, Workers' Compensation Judges, and Workers' Compensation Appeal Board regulations at 34 Pa. Code Chapters 131, 121, and 111.	Proposed rulemaking was published on 3/23/02. Public comments have been received. Anticipate submission as final-form regulation by the end of 2002.	These rules have not been updated in many years and need to reflect the changes in the law and practice of workers' compensation.	Thomas J. Kuzma (717) 783-4467
Underground Storage Facilities	Anticipate submitting as proposed rulemaking in Fall, 2003.	This regulation will address requirements for natural or man-made caverns used for Liquefied Petroleum Gas storage.	Edward Leister (717) 787-3329
Unemployment Compensation Appeal Amendments	Signed by Secretary. Submitted as proposed rulemaking	The proposed rulemaking will update rules for filing and allow filings through private mail carriers, fax and electronic transmission.	Kelly Smith (717) 787-4186
Unemployment Compensation Regulations, Title 34. Labor & Industry Regulations	Final-form regulation sent to Secretary Butler for signature on 6/18/02.	The proposed regulation will clarify the meaning of reasonable assurance as it applies to the eligibility of the employees of educational institutions during regularly scheduled non-school periods.  Under Section 402.1 of the PA UC Law, a school employee is not eligible for benefits based on school employment during a regularly scheduled non-school period when the individual performed services for a school employer prior to the break and has a reasonable assurance of performing such services following the break.	Jeri Morris (717) 787-6337

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Asbestos Occupations Accreditation and Certification	Published in proposed form. Received numerous comments. Rulemaking was withdrawn L&I re-writing in accordance with federal EPA Model Plan. Will resubmit as proposed rulemaking in early 2003.	Act of December 19, 1990, P. L. 05, No. 194, 64 P. S. §§ 2101—2112. This regulation established the Department's worker certification and training provider accreditation program. It also sets up training course requirements. It will be based on the Environmental Protection Agency's model plan.	Sharon Lawson (717) 772-3396
Uniform Construction Code (UCC) regulations. Act 45 of 1999.	The Training and Certification portion was published as a final form regulation and will take effect on 7-15-02. Anticipate submitting Administrative and Enforcement regulations as proposed rulemaking in Summer, 2002.	Act 45 of 1999, providing for a uniform statewide building code, requires the Dept. of L&I to promulgate regulations. Because this measure in effect repealed the Dry Cleaning Law, Elevator Law and Fire & Panic Act, the regulations relating to each (including those for Personal Care Homes), were withdrawn and will be addressed through regulations for Act 45. Personal Care Home regs, previously submitted to OGC, were withdrawn and its provisions not addressed in Act 45 regs will be addressed through legislative measure.	Edward L. Leister (717) 787-3323
<b>MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND</b>			
No regulations being developed or considered at this date.			
<b>MILITARY AND VETERANS AFFAIRS</b>			
State Veterans Home 43 Pa. Code Section 7.1 et. seq.	July 2003, as proposed.	This regulation is necessary to update current regulations to make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Eclenus Wright, Jr. 717-861-8503
<b>BOARD OF PARDONS</b>			
No regulations being developed or considered at this time.			
<b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>			
See Public School Employees' Retirement System.			
<b>PROBATION AND PAROLE</b>			
No regulations being developed or considered at this date.			
<b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</b>			
22 Pa. Code Chapter 213	Became effective upon publication May 11, 2002	Conforms the board's regulations with the policy adopted by the board at its December 2, 1998 meeting allowing actuarial debt reduction for purchase of service.	Frank Ryder (717) 720-4733

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b><i>PUBLIC WELFARE</i></b>			
Child Protective Services Law 55 Pa. Code Chapter 3490	October 2002, as final	This regulation incorporates the amendments to the Child Protective Services Law as a result of Act 127 of 1998. The major changes include: convening of an investigative team for the investigation of suspected child abuse; increased communication between county agencies and law enforcement officials; increased requirements for multi-disciplinary teams; increasing the length of time unfounded reports are retained; and expanded reporting requirements by county agencies to law enforcement officials.	Ruth O'Brien (717) 783-2800
Adolescent and Adult Part Day Regulations 28 Pa. Code Chapters 704 and 709 (Subchapters C, H and I) (3 facility types) Staffing Requirements for Drug and Alcohol Treatment Facilities Standards for Licensure of Freestanding Treatment Facilities 55 Pa. Code Chapter 2390 Vocational Facilities 55 Pa. Code Chapter 2380 Adult Training Facilities 55 Pa. Code Chapter 5200 Psychiatric Outpatient Clinics 55 Pa. Code Chapter 5210 Partial Hospitalization 6 Pa. Code Chapter 11 Older Adult Daily Living Centers	February 2003, as proposed	DPW, DOH and PDA are consolidating nine sets of regulations into one chapter of regulations. Each agency will retain its statutory authority. Regulations will include common administrative standards and common health and safety standards for all facilities included, as well as unique program standards for each facility type.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Adult Residential Regulations 28 Pa. Code Chapters 704 and 709 (Subchapters C and E) (2 facility types) Staffing Requirements for Drug and Alcohol Treatment Facilities Standards for Licensure of Freestanding Treatment Facilities 55 Pa. Code Chapter 6500 Family Living Homes 55 Pa. Code Chapter 5310 Community Residential Rehabilitation Services for the Mentally Ill 55 Pa. Code Chapter 5320 Long Term Structured Residence 55 Pa. Code Chapter 2620 Personal Care Home Licensure Also (no current regs.—regulated under Article X): Residential Treatment Facilities for Adults Residential Crisis Intervention</p>	<p>August 2002, as proposed</p>	<p>DPW and DOH are consolidating eight sets of regulations into one chapter of regulations. Each agency will retain its statutory authority. Regulations will include common administrative and health and safety standards for all facilities included, as well as unique program standards for each facility type. However, at this time, the Department has prioritized Personal Care Home Licensure regulations for proposed publication.</p>	<p>Ruth O'Brien (717) 783-2800</p>
<p>Subsidized Child Day Care Eligibility 55 Pa. Code Chapter 3040</p>	<p>October 2002, as proposed</p>	<p>This regulation is proposed in order to clarify existing regulations relating to eligibility requirements for day care subsidy.</p>	<p>Ruth O'Brien (717) 783-2800</p>
<p>Continuation of Medical Assistance Throughout Pregnancy 55 Pa. Code Chapters 140, 181</p>	<p>March 2003, as proposed</p>	<p>This regulation codifies the provision that Medical Assistance coverage will be continued for pregnant women throughout their pregnancy and postpartum period, regardless of changes in family income that occur after the authorization of MA or cash assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.</p>	<p>Ruth O'Brien (717) 783-2800</p>
<p>Workfare/Community Service 55 Pa. Code Chapters 166, 275</p>	<p>June 2003, as proposed</p>	<p>The revisions clarify who may be assigned and the priority and factors to be considered in making Workfare program assignments, define responsibilities of county assistance offices and project operators regarding participation expenses and program requirements, and provide for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation package. This regulation will be reviewed by representatives of community legal services agencies, the welfare rights organization, and other similar client advocacy groups.</p>	<p>Ruth O'Brien (717) 783-2800</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Real Property Liens 55 Pa. Code Chapters 101, 121, 177, 183, 257, 297	June 2003, as proposed	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. The Department intends to rescind 55 Pa. Code Chapter 257, regarding Reimbursement. Instead, the Department will propose a new chapter governing reimbursement policy for cash assistance recipients and applicants who own personal property. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Criminal History * 55 Pa. Code Chapters 125, 133, 141	March 2003, as proposed	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs, and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Act 1996-35—Provisions Effective March 3, 1997 * 55 Pa. Code Chapters 105, 125, 133, 140, 141, 145, 151, 153, 165, 168, 177, 178, 181, 183, 187, 255	August 2002, as final	This regulation incorporates provisions of the TANF program implemented 3/3/97 by NORC including establishing RESET; requiring applicants and recipients to enter into an agreement of mutual responsibility with the department; and further defining Title IV-D cooperation requirements and procedures for TANF and GA applicants and recipients. Act 1996-35 provisions applicable to the TANF program may not be implemented until federal approval is received. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Support Rights 55 Pa. Code Chapter 187	March 2003, as proposed	This regulation will require Medical Assistance applicants/ recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800

## NOTICES

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Annuity Rule 55 Pa. Code Chapter 178	February 2003, as proposed	This regulation codifies the provision that in addition to the current provision permitting the institutionalized spouse to provide part of his monthly income to the community spouse whose income is below the minimum monthly maintenance needs allowance, either the institutionalized spouse or their representative may file an appeal and seek an administrative order permitting the protection of additional resources to enable the community spouse to purchase an annuity that will generate sufficient income to bring her income up to the minimum monthly maintenance needs allowance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501	March 2003, as proposed	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Employment Requirements for Two-Parent Households: Definition of Unemployment * 55 Pa. Code Chapters 153, 178	August 2002, as final	This regulation codifies the provision in the current Temporary Assistance for Needy Families (TANF) State Plan that DPW is revising the definition of unemployment so that working parents who meet financial eligibility requirements and are otherwise eligible may receive TANF until their income exceeds eligibility limits or they exhaust their 60 months of TANF. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Family Violence Option 55 Pa. Code Chapter 187	March 2003, as proposed	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification, and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Lump Sum Income (Cash) 55 Pa. Code Chapter 183	December 2002, as Final	This regulation codifies provisions to specify that lump sum is considered income in the month of receipt and a resource in subsequent months. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
OBRA '90 55 Pa. Code Chapters 140, 178, and 181	February 2003, as proposed	This regulation codifies changes resulting from OBRA '90 that affect the SSI program and, therefore, the SSI-related program in the areas of income and resources. OBRA '90 also provides a mandatory change to the post-eligibility requirements for institutionalized Medicaid eligibles who will have their VA pension reduced to \$90 but that will now not be counted in determining cost of care. Thus, SSI and Medicaid recipients will be positively impacted. The reduction that veterans will contribute toward cost of care will increase federal/state costs but will not affect service delivery. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
20% Hardship Exemption for TANF 55 Pa. Code Chapter 141	September 2002, as final	This regulation codifies provisions that extend TANF beyond 60 months to up to 20% of the average monthly caseload based on hardship or domestic violence issues. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Increases in Payment for Burial and/or Cremation* 55 Pa. Code Chapter 285	February 2003, as proposed	This regulation codifies an increase to the maximum payment for burial and/or cremation for eligible persons. A deceased person of any age who received or was eligible to receive a money payment—TANF, General Assistance, State Blind Pension, or Supplemental Security Income—may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance for Workers with Disabilities 55 PA. Code Chapter 140	October 2002, as proposed	This regulation provides Medicaid benefits to Workers with Disabilities who would otherwise not be eligible, effective January 1, 2002. The Ticket to Work and Work Incentives Improvement Act of 1999 (P. L. 106-170) gave states the option of providing categorically needy Non-Money Payment Medicaid benefits to workers with disabilities who have higher incomes and resources than the current Medicaid standards. Pennsylvania exercised this option by passing Act 2001-77 of June 26, 2001 (P. L. 755), also known as the Tobacco Settlement Act, which establishes MAWD. MAWD is intended to provide individuals with disabilities the opportunity to enter and remain in the workforce while receiving Medicaid coverage. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Breast and Cervical Cancer Prevention and Treatment Program 55 Pa. Code Chapter 140	October 2002, as proposed	This regulation provides Medicaid benefits to individuals diagnosed with Breast and Cervical Cancer, effective January 1, 2002. The BCCPT Act of 2000 amended Title XIX of the Social Security Act by giving states the option of providing full Medicaid benefits to a new group of individuals. This regulation provides healthcare coverage for treatment of breast and cervical cancer, including pre-cancerous conditions of the breast and cervix, in addition to full Medicaid benefits. Specifically, uninsured and underinsured women under the age of 65, screened and diagnosed with either breast or cervical cancer, including pre-cancerous conditions of the breast or cervix, by a provider or facility funded in full or part by the Centers for Disease Control and Prevention under its National Breast and Cervical Cancer Early Detection Program, will be eligible for Medicaid benefits. Pennsylvania has chosen the Department of Health Healthy Woman Project as the screening entity for this program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Semi-annual Budgeting 55 Pa. Code Chapters 142, 168, 175, and 183	February 2003, as proposed	This regulation will change the manner of reporting and adjusting earned income for employed clients. Reporting of earned income will be required for specific periods within six-month intervals. Benefits will be adjusted on a post-adjustment basis so that income reported for period A will affect benefits received in period B, etc. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Establishment of Parental Income Limit—Children with Disabilities 55 Pa. Code Chapters 140, 178 and 181	October 2002, as proposed	This regulation will change the eligibility requirements to deem parental income to a child with a disability for the Medicaid Program. Previously, there was no provision to permit the use of parental income in the eligibility determination process for these children. This regulation will permit an income disregard under § 1902(r)(2) of the Social Security Act prior to deeming parental income using standard Supplemental Security Income deeming of income methodologies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Limitations in Spend-down Eligibility 55 Pa. Code Chapter 181	October 2002, as proposed	This regulation will change the spend-down procedure within the Medicaid eligibility determination process. The change will affect the Nonmoney Payment category by the elimination of the spend-down process and the Medically Needy Only category by limiting unpaid medical expenses used as a deduction to those incurred during the retroactive period. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Minor Changes in Nursing Care Eligibility 55 Pa. Code Chapters 178 and 181	October 2002, as proposed	This regulation will change the eligibility requirements for applicants and recipients in long-term care facilities. Recipients of Medicaid Program benefits will be required to contribute more toward the cost of long-term care services. Applicants for Medicaid Program benefits will be required to use more of their own resources to pay for their care prior to being authorized eligible for the Medicaid Program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Ruth O'Brien (717) 783-2800
Early and Periodic Screening Diagnosis Treatment (EPSDT) * 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	December 2003, as final omitted	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance (Medical Assistance) State Plan. This regulation will be reviewed by the medical assistance advisory committee (MAAC) which includes representatives of professional provider associations, providers, the health law project, the welfare rights organization, consumers, and client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance Case Management Services * 55 Pa. Code Chapter 1239	January 2004, as final omitted	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the MAAC, as noted above.	Ruth O'Brien (717) 783-2800
OMNIBUS MA * 55 Pa. Code Chapters 1101, 1121, 1149	March 2003, as final omitted	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service; and (3) prescription drugs except legend birth control drugs. This regulation also implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. In addition, this regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the MAAC, as noted above.	Ruth O'Brien (717) 783-2800
OMNIBUS Pharmacy * 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	December 2002, as final omitted	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation will be reviewed by the MAAC, as noted above.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Residential Treatment Facilities (RTF) for Mental Health Services* 55 Pa. Code Chapters 1157, 1165	February 2003, as proposed	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the MAAC on 3/28/02. The Department received comments from 6 agencies. These comments are currently under review by the Department.	Ruth O'Brien (717) 783-2800
Early Intervention Services* 55 Pa. Code Chapters 4225, 4226	December 2002, as final	This regulation will establish program regulations for early intervention services in keeping with the Federal regulations under the Individuals with Disabilities Education Act (IDEA) and Act 212 of 1990. Early intervention services regulations are called for by the Legislative Budget and Financing Committee Report on early intervention services.	Ruth O'Brien (717) 783-2800
Behavioral Health Rehabilitation Services* 55 Pa. Code Chapter 1154	January 2003, as proposed	This regulation codifies requirements necessary to receive reimbursement for medically necessary outpatient wraparound mental health services for individuals under 21 years of age with a diagnosis of mental illness or emotional disturbance. This regulation will be reviewed by the MAAC, as noted above.	Ruth O'Brien (717) 783-2800
Physician Assistant/Midwife* 55 Pa. Code Chapter 1141	December 2002, as final omitted	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the MAAC, as noted above.	Ruth O'Brien (717) 783-2800
Discontinuance of the Mandatory Second Opinion Program* 55 Pa. Code Chapter 1150	December 2002, as final omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the MAAC, as noted above.	Ruth O'Brien (717) 783-2800
Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187	July 2003, as proposed	This regulation takes the policy as set forth in the Statement of Policy and promulgates it into the regulations. This regulation will be reviewed by the MAAC.	Ruth O'Brien (717) 783-2800
New Definition of "Emergency Medical Condition"* 55 Pa. Code Chapters 1101, 1141, 1150, 1221	December 2002, as final omitted	This final regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the MAAC, as noted above.	Ruth O'Brien (717) 783-2800
Definition of Medically Necessary 55 Pa. Code Chapter 1101	February 2003, as proposed	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation will be reviewed by the MAAC, as noted above.	Ruth O'Brien (717) 783-2800
Provision of Drug and Alcohol Treatment 55 Pa. Code Chapter 1223	December 2002, as final omitted	This final regulation eliminates the need for the supervisory physician to perform a physical exam within 15 days following intake and before the provision of treatment. This regulation will be reviewed by the MAAC, as noted above.	Ruth O'Brien (717) 783-2800
Invoicing for Services 55 Pa. Code Chapter 1101	December 2002, as final omitted	This regulation revises the invoice submission requirements for nursing facilities. This regulation will be reviewed by the MAAC.	Ruth O'Brien (717) 783-2800
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	March 2003, as final omitted	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by MAAC.	Ruth O'Brien (717) 783-2800
Dental Services 55 Pa. Code Chapter 1149	December 2002, as final omitted	This final regulation will provide coverage for core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by MAAC.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Preadmission Requirements for Nursing Facility Services (Mandatory 12 month spend-down) 55 Pa. Code Chapter 1187	September 2002, as proposed	This regulation will require nursing facilities to have all individuals applying for nursing facility services, evaluated by the Department or an independent assessor if it is likely that the applicant will use Medical Assistance as a payer source within 12 months of admission. The purpose of this regulation is to allow an individual to remain in the community by delaying or eliminating the need for admission to a nursing facility. This regulation will be reviewed by the MAAC.	Ruth O'Brien (717) 783-2800
<b>REVENUE</b>			
Cash 5/Super 6 Lotto 61 Pa. Code §§ 816.106, 816.110, 870.3, 870.5, 870.6, 870.8 and 870.9	December 2002, as final.	Amendment to the Cash 5 and Super 6 Lotto games will delete the provision that allows for the cancellation of a ticket after purchase but prior to the drawing. Amendment necessary to make the on-line games consistent with the Powerball game. Other minor amendments made for clarity.	Douglas A. Berguson 717-787-1382
Employer Returns and Other Withholding Provisions 61 Pa. Code §§ 113.2, 113.3, 113.3a, 113.3b, 113.3c, 113.4, 113.4a, 113.7 and 121.16	December 2002, as final.	The Department is proposing amendments to various withholding regulatory sections, including requiring an employer who is required to file 250 or more withholding statements, to forward to the Department the reconciliation statement with such withholding statements via electronic or magnetic media as specified in the instructions of the Department. In addition, § 121.16 is amended to delete language relating to the filing of a W-2 with Form PA-40 as evidence of taxes withheld.	Douglas A. Berguson 717-787-1382
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21	December 2002, as proposed.	The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Douglas A. Berguson 717-787-1382
Master Settlement Agreement 61 Pa. Code §§ 71.31—71.33	December 2002, as final.	On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement," with the Commonwealth. On June 22, 2000, Act 54-2000, known as the Tobacco Settlement Agreement Act, was signed into law. Pursuant to Act 54, the Department is proposing a regulation which describes the responsibilities for participating and nonparticipating tobacco product manufacturers and cigarette stamping agents.	Douglas A. Berguson 717-787-1382
Partial Refunds For Bad Debts 61 Pa. Code §§ 33.3 and 33.5	October 2002, as final.	This regulation explains the application of section 247.1 of the TRC (72 P. S. § 7247.1) relating to partial refund of sales tax attributed to bad debts.	Douglas A. Berguson 717-787-1382
Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91	March 2003, as proposed.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Douglas A. Berguson 717-787-1382
Small Games of Chance Amendments 61 Pa. Code, Part VII	January 2003, as proposed.	The regulation contains comprehensive amendments to Part VII to incorporate legislative changes made to the Local Option Small Games of Chance Act (10 P. S. §§ 311—328) in 1990 and 2000 and to codify policy and administrative changes regarding games of chance.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Support Offset and Other Personal Income Tax Provisions	December 2002, as proposed	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas A. Berguson 717-787-1382
<b>SECURITIES COMMISSION</b>			
"Banking institution; savings and loan institution" 64 Pa. Code § 102.041 Proposed Rulemaking	December 2002	The Commission plans to amend this regulation to conform its provisions with federal law.	G. Philip Rutledge (717) 783-5130
"Institutional investor" 64 Pa. Code § 102.111 Proposed Rulemaking	December 2002	The Commission plans to amend this regulation to include a 1985 Interpretive Opinion on qualifications for IRAs, KEOGHs and SEPs to be an institutional investor.	G. Philip Rutledge (717) 783-5130
"Real property units" 64 Pa. Code § 102.202 Proposed Rulemaking	December 2002	The Commission plans to repeal this regulation which is overly narrow.	G. Philip Rutledge (717) 783-5130
"Exchange" 64 Pa. Code § 102.241 Proposed Rulemaking	December 2002	The Commission plans to revise language to make it conform to federal law.	G. Philip Rutledge (717) 783-5130
"Private activity bonds" 64 Pa. Code § 202.010 Proposed Rulemaking	December 2002	The Commission plans to amend this regulation to conform its requirements to the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
"Commercial paper" 64 Pa. Code § 202.030 Proposed Rulemaking	December 2002	The Commission plans to amend this regulation to conform its requirements to the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
"Commercial paper issued by bank holding companies" 64 Pa. Code § 202.032 Proposed Rulemaking	December 2002	The Commission plans to repeal this regulation in reliance a single regulation dealing with the commercial paper exemption.	G. Philip Rutledge (717) 783-5130
"Guaranties of debt securities exempt compensation" 64 Pa. Code § 304.051 Proposed Rulemaking	December 2002	The Commission plans to amend this regulation to conform its requirements to the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
<b>STATE</b>			
State Board of Accountancy—General Revisions— 49 Pa. Code, Chapter 11. (16A-559)	Summer 2002, as Proposed.	The regulation would repeal outdated and unnecessary requirements; clarify certain issues relating to examination, certification and practice; and make editorial changes. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3(10)—(12).	Dorna Thorpe (717) 783-1404
State Architects Licensure Board—Examination Fees and Annual Filing Fee for Registered Architecture Firms— 49 Pa. Code, Chapter 9. (16A-416)	Summer 2002, as Final.	The regulation would modify the Board's regulations regarding examinations. The regulation also would provide for a \$50 annual filing fee collected biennially for registered partnerships, professional associations, professional corporations or business corporations, which is permitted under the Architects Licensure Law, but has never been implemented. Statutory Authority: Sections 8 and 13(h) of the Law, 63 P. S. §§ 34.8, 34.13(h).	Dorna Thorpe (717) 783-3397
—Firm practice— 49 Pa. Code § 9.162 (16A-417)	Summer 2002, as Proposed.	The regulation would establish requirements for the practice of architecture as a limited liability company or limited liability partnership. Statutory Authority: 63 P. S. §§ 34.6(a) and 34.13(j).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Auctioneer Examiners— Deletion of Reference to Examination Fees— 49 Pa. Code § 1.41. (16A-645)	Summer 2002, as Proposed.	The regulation would delete references to examination fees. Statutory Authority: Section 6(a) of the Act, 63 P. S. § 734.6(a)	Tammy Radel (717) 783-3397
State Board of Barber Examiners— Sanitation/General Revisions— 49 Pa. Code, Chapter 3. (16A-424)	Summer 2002, as Final.	The Board proposes to revise and update its entire chapter and repeal antiquated provisions, particularly with regard to standards for disinfection and sanitation. Statutory Authority: Section 15-A.4(b) of the Barber License Law, 63 P. S. § 566.4(b).	Sara Sulpizio (717) 783-3402
—Deletion of Examination Fees— 49 Pa. Code, Chapter 3. (16A-425)	Summer 2002, as Proposed.	The regulation would delete licensing examination fees. Statutory Authority: Section 14 of the Law, 63 P. S. § 564.	
State Board of Chiropractic— Chiropractic specialties— 49 Pa. Code Ch. 5 (number not yet assigned)	Summer 2002, as Proposed.	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. See 63 P. S. §§ 625.506(a)(17) and 625.702(12). The regulation would identify the certifications acceptable to the Board. Statutory Authority: 63 P. S. § 625.302(3).	Deborah Smith (717) 783-7155
—Adjunctive procedures— 49 Pa. Code § 5.14 (number not yet assigned)	Summer 2002, as Proposed.	The regulation would clarify the types of procedures for which an adjunctive procedures certificate is required. Statutory Authority: 63 P. S. § 625.302(3).	
—Patient records— 49 Pa. Code § 5.51 (number not yet assigned)	Summer 2002, as Proposed.	The regulation would clarify the requirements for patient records. Statutory Authority: 63 P. S. § 625.302(3).	
Commissioner, BPOA— Schedule of Civil Penalties— 49 Pa. Code § 43b.8 (16-29)	Summer 2002, as Proposed.	The regulation would amend the schedule of civil penalties for the Real Estate Commission that was initially published as a Statement of Policy and later codified as a regulation pursuant to Act 48 of 1993. Statutory Authority: 63 P. S. § 2205(a).	Cynthia K. Montgomery (717) 783-7200
Bureau of Commissions, Elections & Legislation— Statewide Registry— 4 Pa. Code, Chap. 183	Summer/Fall, as Final, Proposed-Omitted.	These regulations would create a Statewide Uniform Registry of Electors, as required by Act 3 of 2002. Statutory Authority: Section 2 of Act 3 of 2002.	L. Lawrence Boyle (717) 787-6458

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Cosmetology— Deletion of Examination Fees— 49 Pa. Code § 7.2. (16A-4510)</p> <p>—Sanitation/ Disinfection— 49 Pa. Code §§ 7.90—7.101 (16A-454)</p> <p>—General Revisions— 49 Pa. Code §§ 7.1—7.142. (16A-459) (Includes previous 16A-457)</p> <p>—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)</p>	<p>Fall 2002, as Final.</p> <p>Fall 2002, as Proposed.</p> <p>Winter 2002, as Proposed.</p> <p>Summer 2002, as Statement of Policy.</p>	<p>The regulation would amend the Board's fee schedule by deleting references to examination fees, which are determined by contract. Statutory Authority: Sections 11 and 16 of the Law, 63 P. S. §§ 517, 522.</p> <p>The proposed regulation would update the Board's sanitation and disinfection requirements for manicuring, cosmetician and cosmetology shops and schools. Statutory Authority: 63 P. S. §§ 517 and 520.</p> <p>The Board plans a comprehensive amendment to Chapter 7 to bring existing regulations up-to-date and to clarify requirements for sanitation and the provisions of advanced aesthetic services. Statutory Authority: Section 11 of the Law, 63 P. S. § 517.</p> <p>The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Beauty Culture Law and the Board's regulations. Statutory Authority: Section 5(a) of the Act, 63 P. S. § 2205(a).</p>	<p>Sara Sulpizio (717) 783-7130</p>
<p>State Board of Dentistry— Administration of General Anesthesia, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia— 49 Pa. Code §§ 33.331—33.344. (16A-4610)</p> <p>—Sexual Misconduct— 49 Pa. Code, Chapter 33. (16A-4613)</p> <p>—Update of Application Fee for Dental Radiology— 49 Pa. Code, Chapter 33. (16A-4611)</p> <p>—Expanded Function Dental Assistants— 49 Pa. Code § 33.103. (16A-4612)</p>	<p>Fall 2002, as Final.</p> <p>Summer 2002, as Proposed.</p> <p>Fall 2002, as Final.</p> <p>Summer 2002, as Proposed.</p>	<p>This regulation would amend requirements for administration of anesthesia/analgesic in response to a Commonwealth Court case and legislative concerns. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p> <p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Section 3(o) of the Law, 63 P. S. § 122(o).</p> <p>This regulation would amend the Board's fee schedule to reflect the actual cost incurred by the Board to authorize applicants to perform radiologic services. Statutory Authority: Section 3(o) of the Law, 63 P. S. § 122(o).</p> <p>This regulation would eliminate the clinical examination component with respect to expanded function dental assistants. Statutory Authority: Section 3(o) of the Law, 63 P. S. § 122(o).</p>	<p>Lisa Burns (717) 783-7162</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Funeral Directors— Unprofessional Conduct— 49 Pa. Code § 13.201, 202. (16A-483)	Summer 2002, as Proposed.	The amendment would add to the Board's standards of practice and conduct. Statutory Authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).	Michelle Demerice (717) 783-3397
—Advertising— 49 Pa. Code §§ 13.191 to 13.196 (16A-484)	Fall 2002, as Proposed.	The amendments would update the Board's regulations related to advertising. Statutory authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).	
—Application— 49 Pa. Code, Chap. 13 (16A-485)	Summer 2002, as Proposed.	This regulation revises the procedures for applying for licensure as a funeral establishment. Statutory authority: 63 P. S. § 479.16(a).	
—Facility— 49 Pa. Code, Ch. 13 (16A-486)	Fall 2002, as Proposed.	The amendments would update facility requirements for funeral establishments. Statutory authority: 63 P. S. § 479.16(a).	
—Qualifications— 49 Pa. Code, Ch. 13 (16A-487)	Fall 2002, as Proposed.	The amendments would update qualifications for licensure under the Act. Statutory authority: 63 P. S. § 479.16(a).	
—Supervisor— 49 Pa. Code, Chap. 13 (16A-488)	Summer 2002, as Proposed.	This regulation amends the procedures for licensure as a supervisor and clarifies the responsibilities of a funeral supervisor. Statutory authority: 63 P. S. § 479.16(a).	
—Continuing Education— 49 Pa. Code, Ch. 13 (16A-489)	Summer 2002, as Proposed.	This regulation is being promulgated to comply with the requirement of Act 48 of 2000 that the Board promulgate regulations to implement continuing education, as now required by Section 10(b) of the Law. Statutory Authority: 63 P. S. § 479.10(b).	
—Limited License— 49 Pa. Code §§ 13.1, 13.12, and 13.77 (16A-4810)	Summer 2002, as Proposed.	This regulation is being promulgated to implement Act 48 of 200 that authorized the Board to enter into agreements with other states to issue limited licenses to funeral directors from other states. Statutory Authority: 63 P. S. § 479.9(c).	
—Renewal fees— 49 Pa. Code § 13.12 (16A-4811)	Summer 2002, as Proposed.	This regulation would update the Board's biennial renewal fee. Statutory Authority: 63 P. S. § 479.10(a).	
State Board of Landscape Architects— Deletion of Reference to Examination Fees— 49 Pa. Code § 15.12. (16A-616)	Fall 2002, as Proposed.	The regulation would delete references to examination fees. Statutory Authority: Section 4(2) of the Law, 63 P. S. § 904(2).	Shirley Klinger (717) 772-8528
—General Revisions— 49 Pa. Code, Chapter 15. (Number not yet assigned)	Fall 2002, as Proposed.	The regulation would entail general revisions of the Board's current regulations. Statutory Authority: 63 P. S. § 904(9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine— General Delegation— 49 Pa. Code, Chap. 16 (16A-4912)	Fall 2002, as Final.	This regulation would establish standards for the delegation of medical services to qualified personnel. Statutory Authority: Section 17(b) of the Medical Practice Act, 63 P. S. § 422.17(b).	Joanne Troutman (717) 783-1400
—Sexual Misconduct— 49 Pa. Code, Chap. 16 (16A-497)	Summer 2002, as Final.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Section 8 of the Act, 63 P. S. § 422.8.	
—Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-4914)	Fall/Winter 2002, as Proposed.	This regulation would implement the act of March 20, 2002 (P. L. __, No. 13) (Act 13). Act 13 requires the Board to promulgate regulations establishing CME requirements for physicians, including training in patient safety and risk management. Statutory Authority: Section 910 of Act 13.	
—License Renewal Fees— 49 Pa. Code § 16.13 (16A-4913)	Summer 2002, as Final, Proposed-Omitted Regulation.	Act 13 of 2002 will significantly increase the Board's operating expenses, requiring the Board to raise the renewal fee from \$125 to \$360 to cover its increased costs. Statutory Authority: 63 P. S. § 422.6.	
—Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-4915)	Fall 2002, as Proposed.	This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92, 63 P. S. §	
Navigation Commission for the Delaware River and Its Navigable Tributaries— General Revisions— 13 Pa. Code, Chapters 201-209. (16A-662)	Summer 2002, as Final	Comprehensive revisions would enhance navigational safety, eliminate obsolete regulations and reflect statutory changes. Statutory Authority: 55 P. S. § 31 and 71 P. S. § 670.2(4).	L. Lawrence Boyle (717) 787-6458



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing— RN General Revisions— 49 Pa. Code §§ 21.1—21.126. (16A-516)	Summer 2002, as Final.	This regulation would update or repeal outdated provisions pertaining to registered nurses and consolidate all regulatory provisions pertaining to registered nurse education programs. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	Ann Steffanic (717) 783-7142
—Conscious Sedation— 49 Pa. Code § 21.14. (16A-5114)	Summer 2002, as Proposed.	This regulation would embody the statement of policy on conscious sedation at 49 Pa. Code § 21.413(d). Statutory Authority: Section 2.1(k) of the Law, 63 P. S. § 212.1(k).	
—Oral Orders— 49 Pa. Code §§ 21.14; 21.145. (16A-5115)	Summer 2002, as Final.	This regulation would delete the prohibition on LPNs accepting oral orders in other than urgent circumstances. Statutory Authority: Section 2.1(k) of the Law, 63 P. S. § 212.1(k), and Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
—CRNP Programs— 49 Pa. Code §§ 21.260-278, 286-289. (16A-5119)	Fall/Winter 2002, as Proposed.	This regulation would establish requirements for CRNP education programs approved by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Update of CRNP Prescriptive Authority Fees— 49 Pa. Code § 21.253. (16A-5116)	Summer 2002, as Proposed.	This regulation would revise the Board's schedule of fees to reflect the actual cost of the services provided. Statutory Authority: Section 11.2 of the Law, 63 P. S. § 221.2.	
—CRNP Prescriptive Authority Continuing Education— 49 Pa. Code § 21.253. (16A-5117)	Summer 2002, as Proposed.	This regulation pertains to continuing education requirements associated with the prescriptive authority of CRNPs. Statutory Authority: Section 2.1(k) of the Law, 63 P. S. § 212.1(k).	
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2002, as Statement of Policy.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Professional Nursing Law. Statutory Authority: 63 P. S. §§ 225.4 and 664(4).	
State Board of Examiners of Nursing Home Administrators— Deletion and Correction of Fees— 49 Pa. Code § 39.72. (16A-628)—	Summer 2002, as Proposed.	This regulation would delete licensing examination fees. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).	Christina Stuckey (717) 783-7155
—Requirements for Admission to Examination— 49 Pa. Code § 39.5. (16A-627)	Summer 2002, as Proposed.	This regulation would update and revise the requirements for admission to the licensing examination. Statutory Authority: Section 4(c) of the Act, 63 P. S. § 1104(c).	
State Board of Occupational Therapy Education and Licensure— Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2002, as Statement of Policy.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Occupational Therapy Practice Act and Board's regulations. Statutory Authority: Section 5(b) of the Act, 63 P. S. § 1505(b).	Lisa Burns (717) 783-1389
State Board of Optometry— General Revisions— 49 Pa. Code §§ 23.1, 23.33, 23.34, 23.42, 23.64, 23.71. (16A-528)	Winter 2002, as Proposed.	The Board proposes general revisions to its current regulations, including requirements that must be met for contact lens prescriptions provided at the discretion of the licensee. Statutory Authority: Sections 3(a)(2.1) and (b)(14) of the Optometric Practice and Licensure Act, 63 P. S. §§ 244.3(a)(2.1), (b)(14).	Deborah Smith (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Continuing Education— 49 Pa. Code, §§ 23.82, 23.83, 23.87 (16A-529)	Fall 2002, as Proposed.	This regulation would amend the continuing education requirements of licensees. Statutory Authority: Section 3(b)(12) and Section 4.1(b) of the Act, 63 P. S. §§ 244.3(b)(12), 244.4a(b).	
State Board of Osteopathic Medicine— Sexual Misconduct— 49 Pa. Code, Chapter 25. (16A-539)	Fall 2002, as Final.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	Gina Bittner (717) 783-4858
—Continuing Medical Education— 49 Pa. Code, Chap. 16 (16A-5313)	Fall/Winter 2002, as Proposed.	This regulation would implement the act of March 20, 2002 (P. L. __, No. 13) (Act 13). Act 13 requires the Board to promulgate regulations requiring osteopathic physicians to complete CME in patient safety and risk management. Statutory Authority: Section 910 of Act 13.	
—License Renewal Fees— 49 Pa. Code § 16.13 (16A-5311)	Summer 2002, as Final, Proposed- Omitted.	Act 13 of 2002 will significantly increase the Board's operating expenses, requiring the Board to raise the renewal fee from \$140 to \$440 to cover its increased costs. Statutory Authority: 63 P. S. § 271.13a.	
—Athletic Trainers— 49 Pa. Code, Chap. 16 (16A-5312)	Fall 2002, as Proposed.	This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92, 63 P. S. §	
—Delegation— 49 Pa. Code, Chap. 16 (number not yet assigned)	Summer 2002, as Proposed.	This regulation would establish standards for the delegation of osteopathic medical services to qualified personnel. Statutory Authority: 63 P. S. § 271.16.	
State Board of Pharmacy— Technology Regulations— 49 Pa. Code, Chapter 27. (16A-5410)	Fall 2002, as Proposed.	The proposal would address issues raised by new technology now available in the field of pharmacy to allow the use of such technology while ensuring consumer safety. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Act, 63 P. S. §§ 390-4(j), 390-6(k)(1), (9).	Melanie Zimmerman (717) 783-7156

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Physical Therapy— Physical Therapists— 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21-40.24. (16A-659)</p> <p>—Sexual Misconduct— 49 Pa. Code, Chapter 40. (16A-656)</p> <p>—Authorization to Practice Physical Therapy Without a Referral— 49 Pa. Code Chap. 40 (number not yet assigned)</p>	<p>Summer 2002, as Proposed.</p> <p>Summer 2002, as Final.</p> <p>Fall/Winter 2002, as Proposed.</p>	<p>The regulation would correct and revise existing regulations regarding physical therapists. Statutory Authority: Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).</p> <p>Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting from a professional relationship. Statutory Authority: Sections 3, 5 and 10.2 of the Act, 63 P. S. §§ 1303, 1305 and 1310.2.</p> <p>This regulation would implement the act of Feb. 21, 2002 (P. L. ___, No. 6) (Act 6), which enables licensees to seek a certificate of authorization to practice physical therapy without a referral from a physician. Statutory Authority: Section 2 of Act 6 of 2002; 63 P. S. § 1303.</p>	<p>J. Robert Kline (717) 783-7134</p>
<p>State Board of Podiatry— Update of Biennial Renewal Fees— 49 Pa. Code, Chapter 29. (16A-445)</p> <p>—Continuing Education— 49 Pa. Code, Chapter 29. (16A-446)</p>	<p>Summer 2002, as Final.</p> <p>Summer 2002, as Proposed.</p>	<p>This regulation would increase the biennial license renewal from \$175 to \$395. Section 14(a) of the Act requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a two-year period. Section 14(b) of the Act requires the Board to increase fees by regulation in the amount that adequate revenues are raised to meet the required enforcement efforts, when the fees established by the Board are inadequate to meet the minimum enforcement efforts required by the Act. Statutory Authority: Sections 14(a) and (b) of the Act, 63 P. S. §§ 42.14(a), (b).</p> <p>This regulation would amend the current continuing education provision at 49 Pa. Code § 29.61 to include pre-approved course providers. Statutory Authority: Section 9 and 9.1 of the Act, 63 P. S. §§ 42.9 and 42.9a.</p>	<p>Gina Bittner (717) 783-4858</p>
<p>State Board of Psychology— Computerized Examination— 49 Pa. Code §§ 41.41, 41.42. (16A-6310)</p> <p>—Ethics Principles— 49 Pa. Code § 41.61. (Number not yet assigned.)</p> <p>—Doctoral Degrees in Psychology— 49 Pa. Code § 41.31 (16A-6313)</p>	<p>Summer 2002, as Final.</p> <p>Fall 2002, as Proposed.</p> <p>Fall 2002, as Proposed.</p>	<p>This regulation would update current regulations at Sections 41.41 and 41.42 to reflect changes associated with the computerization of the national and state examinations. Statutory Authority: Section 3.2 of the Act, 63 P. S. § 1203.2(2).</p> <p>This regulation would amend Principles 2(b) and 7(i) of the Board's Code of Ethics. Statutory Authority: 63 P. S. 1203.2(2).</p> <p>This proposed regulation would address the accreditation requirements for doctoral degrees in fields related to psychology. Statutory Authority: 63 P. S. §§ 1203.2(1) and 1206(a)(2)(ii).</p>	<p>Christina Stuckey (717) 783-7155</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Certified Real Estate Appraisers—Experience Options for Certification, Duties of Supervising Appraiser—49 Pa. Code §§ 36.13 and 36.14. (16A-706)	Summer 2002, as Proposed.	The regulation would revise qualifying experience for certification as an appraiser; impose supervisory and record-keeping duties on appraisers who supervise appraisal assistants; and require appraisal reports submitted as qualifying experience to conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulations are consistent with standards established for state appraiser boards by the federal Appraiser Qualification Board (AQB). Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).	Michelle Demerice (717) 783-4866
—Standards of Practice— 49 Pa. Code § 36.51. (16A-7012)	Summer 2002, as Proposed.	The regulation would require all certified general appraisers, residential appraisers and broker/appraisers to comply with the USPAP unless the Board has adopted supplemental practice standards. Statutory Authority: Section 5(2) of the Act, 63 P. S. § 457.5(2).	
—Update of Application and Related Fees— 49 Pa. Code § 36.6. (16A-7011)	Summer 2002, as Final.	The regulation would revise the Board's schedule of fees to reflect the actual costs of the services provided. Statutory Authority: Section 9 of the Act, 63 P. S. § 457.9.	
—Continuing Education— 49 Pa. Code § 36.41. (Number not yet assigned)	Fall 2002, as Final, Proposed-Omitted	The regulation would establish continuing education requirements for broker/appraisers pursuant to Act 103 of 2000 and revise existing continuing education requirements for appraisers pursuant to mandatory directives of the federal Appraiser Qualifications Board. Statutory Authority: Section 10(b) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.10(b).	
—Biennial Renewal Fee— 49 Pa. Code § 36.6. (Number not yet assigned)	Summer 2002, as Proposed.	The regulation would establish a biennial renewal fee for broker/appraisers and a revised biennial renewal fee for broker/appraisers and revised biennial renewal fees for other certificate holders of the Board. Statutory Authority: Sections 5(6), 9 of the Real Estate Appraisers Certification Act, 63 P. S. §§ 457.5(6) and 457.9.	
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2002, as Statement of Policy.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Real Estate Appraisers Certification Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Real Estate Commission—Education— 49 Pa. Code, Chapter 35. (16A-561)	Summer 2002, as Proposed.	This regulation proposes changes to the current pre-Licensure and continuing education requirements and adds distance education. Statutory Authority: Section 404.1(a) of the Act, 63 P. S. §§ 455.404a.(a).	Deborah Sopko (717) 783-3658
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2002, as Statement of Policy.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Real Estate Licensing and Registration Act and the Commission's regulations. Statutory Authority: Section 5(a) of the Act, 63 P. S. § 2205(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors— Update of Existing Fees and Establishment of Fees for New Licensure Classes— 49 Pa. Code, Ch. 47. (16A-695)	Summer 2002, as Final.	The regulation would update the schedule of fees for Licensed Social Workers and Continuing Education providers and establishes fees for Licensed Clinical Social Workers, Marriage and Family Therapists and Professional Counselors. Statutory Authority: Section 18(c) of the Act, 63 P. S. § 1918(c).	Clara Flinchum (717) 783-1389
—Exemption from Exam Requirement— 49 Pa. Code § 49.15 (16A-696)	Summer 2002, as Final-Omitted	The regulation would exempt from the examination requirement applicants for licensure who are certified as Master Addiction Counselors by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC). Statutory Authority: 63 P. S. §§ 1906(2) and 1909(c).	
State Board of Examiners in Speech—Language and Hearing— Continuing Education— 49 Pa. Code, Chapter 45. (Number not yet assigned)— Assistant Regulations— 49 Pa. Code §§ 45.301—308. (16A-6801)	Fall 2002, as Proposed.	This regulation would establish continuing education requirements to comply with Act 71 of 2000. Statutory Authority: Section 5(7) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(7).	Clara Flinchum (717) 783-1389
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Fall 2002, as Proposed.	This amendment would update the regulatory provisions pertaining to assistants. Statutory Authority: Section 5(8) of the Act, 63 P. S. § 1705(8).	
	Summer 2002, as Statement of Policy.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Speech-Language and Hearing Licensure Act and the Board's regulations. Statutory Authority: Section 5(2) of the Act, 63 P. S. § 1705(2).	
State Board of Vehicle Manufacturers, Dealers and Salespersons— Consignment Sales— 49 Pa. Code § 19.19. (16A-601)	Winter 2002, as Proposed.	This regulation would set forth the standards by which dealers may engage in consignment sales. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	Teresa Woodall (717)783-1697
—General Revisions— 49 Pa. Code § 19.1 et seq. (16A-602)	Summer 2002, as Final.	This regulation would update the Board's regulations consistent with the 1996 amendments to the Act. Statutory Authority: Section 4(9) of the Act, 63 P. S. § 818.4(9).	
—Auction License— 49 Pa. Code § 19.21. (16A-603)	Summer 2002, as Proposed.	This regulation would set out standards for licensure as a vehicle auction, a new category of licensure created by the 1996 amendments to the Act. Statutory Authority: Section 4(9) of the Act, 63 P. S. § 818.4(9).	
—Display Requirements— 49 Pa. Code § 19.18. (16A-604)	Summer 2002, as Proposed.	This regulation would create an exception in the Board's regulations to permit a vehicle dealer to display up to five vehicles in a non-conforming area so long as the public is not permitted to enter the non-conforming area. Statutory Authority: Section 4(9) of the Act, 63 P. S. § 818.4(9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Unlicensed Locations— 49 Pa. Code § 19.18. (16A-605)	Winter 2002, as Proposed.	This regulation would define the term “display” as used in the Act to be consistent with the Commonwealth Court’s holding in <i>Spankey Auto Sales</i> , 773 A.2d 206 (Pa. Cmwlth. Ct. 2001). The regulation permits vehicle dealers to (1) display a single vehicle, or series of single vehicles, at an unlicensed location if no sales activity is occurring at that location and (2) store vehicles at an unlicensed location if no sales activity is occurring at that location. Statutory Authority: 63 P. S. §§ 818.2, 818.4(4), 818.4(9), and 818.5(e).	
—Emergency Vehicles— 49 Pa. Code Ch. 19 (16A-606)	Fall 2002, as proposed.	The proposed regulation would exempt dealers of emergency vehicles from complying with display area regulations. Statutory Authority: 63 P. S. § 818.4(9).	
—Act 48 of 1993 Civil Penalties— 49 Pa. Code, Chapter 43b. (16-29)	Summer 2002, as Statement of Policy.	The regulation would establish a schedule of Act 48 of 1993 civil penalties for violations of the Board of Vehicles Act and the Board’s regulations. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	
State Board of Veterinary Medicine— Prescription Drugs— 49 Pa. Code § 31.21, Principle 8. (16A-5712)	Summer 2002, as proposed.	This regulation would require veterinarians to meet specified standards regarding dispensing, packaging and labeling of prescription drugs and will mandate that veterinarians use only current, unexpired drugs. Statutory Authority: Section 5(1) and (2) of the Act, 63 P. S. §§ 485.5(1), 485.5(2).	J. Robert Kline (717) 783-7134
<b>STATE EMPLOYEES’ RETIREMENT SYSTEM</b>			
Revisions to Optional Alternate Retirement Program Regulations: 4 Pa. Code § 249.58	Winter 2002	Amend to eliminate language that permits current members of SERS to withdraw from SERS to join an alternate retirement plan established under Act 2001-35.	Brian McDonough Sean Sanderson 787-6293
<b>STATE POLICE</b>			
Vehicle Code Regulations, Title 75, Section 3328	The proposed regulation is expected to be completed and approved in final form by December 2003.	Promulgate regulations for the use of unmarked vehicles by police officers. The regulation establishes the procedure to be used by a police officer in an unmarked vehicle when stopping a motorist, require the use of audible and visual signals which meet the requirements and standards set forth in this title, establish requirements for the wearing of an official police uniform and display of official police identification.	Major Jeffrey B. Miller (717) 787-1426
Crimes Code Regulations, Title 18, Section 5704 (16) and 5706	The proposed regulation is expected to be completed and approved in final form by December 2003.	Promulgate regulations in consultation with the Attorney General setting forth the procedures to be followed by law enforcement officers regarding the interception, maintenance and destruction of recordings made under 5704 (16).	Major Jeffrey B. Miller (717) 787-1426
<b>TRANSPORTATION</b>			
177—Emission Inspection	July 2001	This regulation is currently under review and amendments are being drafted to address anticipated program changes.	Mark Navarro 717-783-8750
178—Enhanced Emission Inspection	July 1997	This regulation was reviewed in its entirety in 1997. It was repealed in October 97. Chapter is reserved.	Mark Navarro 717-783-8750
43—Temporary Registration Cards and Plates	April 2000	Due to changes in the temporary plate issuance program, revision will be required. Revisions have been advanced for consideration. Revisions currently in the Office of Chief Counsel.	Mark Navarro 717-783-8750

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
171—School Buses and School Vehicles	November 2001	This regulation was published in the <i>PA Bulletin</i> , March 16, 2002. This Regulation is anticipated to be fully promulgated by August 2002. IRRC has reviewed this Regulation and we are in the process of responding to their comments.	Mark Navarro 717-783-8750
175—Vehicle Equipment and Inspection	September 2001	Notice of intent to change was published July 2001. Comments received as a result of notice of intent indicate stakeholder input is needed before proceeding with notice of proposed rulemaking.	Mark Navarro 717-783-8750
73—Photographic Driver's License	September 1996	Sixty percent of this regulation has been reviewed. At this point, it is recommended that the regulation be repealed.	Mark Navarro 717-783-8750
75—Driver's License Exam	September 1996	Eighty percent of this regulation has been reviewed. No additional review required.	Mark Navarro 717-783-8750
79—Restrictions on Driver's License	October 1996	Twenty-five percent of this regulation has been reviewed—amendments are called for. This regulation should be reviewed every two years by the Medical Advisory Board.	Mark Navarro 717-783-8750
21—Odometer Read Disclosure Statements	December 1998	This regulation has been reviewed in its entirety as of December 1998. This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
23—Delivery of Certificates of Title	April 2001	This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
53—Manufacturers, Dealers and Misc. Motor Vehicle Business Registration Plates	December 2001	Legal Counsel is reviewing this regulation. Recommended for full review in 2002.	Mark Navarro 717-783-8750
95—Sale, Publication or Disclosure of Driver, Vehicle & Accident Records and	Information 2000	This regulation has been reviewed in its entirety as of June 2002. Chapter 95 is recommended for amendment. This regulation is recommended for full review in 2004.	Mark Navarro 717-783-8750
157—Established Sound Levels	December 1998	This regulation is recommended for review in 2002. This will be reviewed by 12/02 for possible changes.	Mark Navarro 717-783-8750
159—New Pneumatic Tires	December 1998	This regulation has been reviewed in its entirety as of December 1998.	Mark Navarro 717-783-8750
161—Glazing Materials	December 1998	This regulation has been reviewed in its entirety as of December 1998.	Mark Navarro 717-783-8750
163—Warning Devices	December 1998	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
165—Slow Moving Vehicle Identification Emblem	December 1998	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
169—Diesel Smoke Measurement Procedure	December 1998	This regulation is recommended for full review when EPA establishes cost effective means to test.	Mark Navarro 717-783-8750
227—Seizure of Registration Plate and Card and Driver License	December 1998	This regulation has been reviewed in its entirety as of December 1998. This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
251—Location of Replacement Vehicle Identification Number (VIN) Plates	December 2001	This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
13—Special Mobile Equipment	December 2000	This regulation is scheduled for full review in 2002.	Mark Navarro 717-783-8750
17—Authorization to Verify ID Numbers	November 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
11—Implements of Husbandry	November 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
19—Specially Constructed Vehicles and Street Rods	December 1998	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
41—Registration Criteria	December 2001	This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
47—Display of Registration Plates	January 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
49—Personal Plates	November 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
51—Transfer, Exchange & Reclassification of Registration	November 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
55—Registration Class Stickers	May 2001	Recommended for full review in 2003.	Mark Navarro 717-783-8750
57—Staggered Registration	May 2001	This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
59—Confidential Registration	October 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
60—Permanent Registration of Fleet Vehicles	December 2000	Amendments prepared and are to be forwarded for review in 2002.	Mark Navarro 717-783-8750
63—Proportional Registration of Fleet Vehicles	December 2000	Amendments prepared and are to be forwarded for review in 2002.	Mark Navarro 717-783-8750
65—Permit Agents	May 2001	This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
67—Antique and Classic Vehicles	June 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
69—Temporary Weight Increase Registration Permits	My 2001	This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
71—School Bus Drivers	November 2001	The regulation was published in the <i>PA Bulletin</i> , March 16, 2002. This Regulation is anticipated to be fully promulgated by August 2002. IRRC has reviewed this Regulation and we are in the process of responding to their comments.	Mark Navarro 717-783-8750
81—Reports to Bureau of Driver Licensing	December 2000	This regulation has been reviewed in its entirety as of June 2002. This regulation is recommended for full review in January 2004.	Mark Navarro 717-783-8750
83—Physical & Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers	November 2001	This regulation is scheduled for notice publication in 2002. The draft is being reviewed by the Office of Chief Counsel and the program area.	Mark Navarro 717-783-8750
84—Dual Control Learner's Permit	December 2000	This regulation has been reviewed in its entirety as of December 2000. This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
85—Actual Name on Certificate of Title, Driver's License, and ID Card	November 1997	Sixty percent of this regulation was reviewed at this point it was determined that the correct course of action was to repeal this regulation.	Mark Navarro 717-783-8750
87—Special Driver Exam	December 2000	This regulation has been reviewed in it entirety as of December 2000. This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
89—Receipt of Driver's License	December 2000	This regulation has been reviewed in its entirety as of June 2002. This regulation is recommended for full review in 2004.	Mark Navarro 717-783-8750
91—ID Cards	December 2000	This regulation has been reviewed in its entirety as of December 2000. This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
93—Surrender & Cancellation of Driver's License	December 2000	Full review completed in 2000; next review should be 2002.	Mark Navarro 717-783-8750
97—Proof of Payment of Federal Heavy Vehicle Use Tax	May 2001	This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
105—Mechanical Electrical and Electronic Speed Timing Devices	December 1998	This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
107—Motor Cycle Helmets	December 2000	This regulation has been reviewed in its entirety as of December 2000. This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
153—Lamps, Reflective Devices & Associated Equipment	December 1998	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
155—Use & Display of Illuminated Signs	December 1998	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
167—Portable Emergency Warning Devices	December 1998	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
173—Flashing or Revolving Lights on Emergency and Authorized Vehicles	December 1998	This regulation is for review in 2003. Review will be done by PSP & PENNDOT.	Mark Navarro 717-783-8750
195—Tow Truck ID Signs	December 2001	This regulation is recommended for full review in 2003.	Mark Navarro 717-783-8750
207—Retention of Records	December 2000	This regulation is recommended for full review in 2004.	Mark Navarro 717-783-8750
219—Proof of Financial Responsibility	January 1999	This regulation has been recommended for full review in 2002.	Mark Navarro 717-783-8750
221—Obligations of Insurer and Vehicle Owner	January 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
223—Self Insurance	December 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
225—Installment Payment of Judgments	December 2000	This regulation has been reviewed in its entirety as of December 2000. Recommend Chapter 225 for amendment. This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
253—Salvors	February 2000	This regulation is recommended for full review in 2002.	Mark Navarro 717-783-8750
255—Messenger Services	June 2000	This regulation is currently being reviewed. Amendments will be required	Mark Navarro 717-783-8750
401—Mobile Home Titling	May 2001	Amendments to be prepared and forwarded for review.	Mark Navarro 717-783-8750
179—Oversize & Overweight Loads & Vehicles	January 2000	Complete—no action required	Dan Smyser 717-787-7445
181—Hold Down and Tie-Down Devices for Junked Vehicle Hulks	January 2000	Complete—To be published as proposed deletion in approximately 12/02	Dan Smyser 717-787-7445
183—Hold-Down and Tie-Down Devices for Metal Cargo and Logs	January 2000	Complete—To be published as proposed deletion in approximately 12/02	Dan Smyser 717-787-7445
185—Axle Weight Table	January 2000	Complete—no action required	Dan Smyser 717-787-7445
187—Movement of Special Vehicles Upon State Highways	January 2000	Complete—no action required	Dan Smyser 717-787-7445

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
189—Hauling in Excess of Posted Weight Limit	January 2000	Complete—no action required	Dan Smyser 717-787-7445
191—Authorization to Use Bridges Posted Due to Traffic Conditions	January 2000	Complete—no action required	Dan Smyser 717-787-7445
193—Authorization to Use Highways Posted Due to Traffic Conditions	January 2000	Complete—no action required	Dan Smyser 717-787-7445
209—Requests for Reasonable Access to the Designated Network	January 2000	Complete—no action required	Dan Smyser 717-787-7445
213—Snow Emergency Routes	January 2000	Complete—no action required	Dan Smyser 717-787-7445
229—Interstate Motor Carrier Safety Requirements	December 1996	Complete—need to develop rulemaking notice due to changes in Federal Motor Carrier Safety Regulations. Anticipate proposed rulemaking approximately 12/02.	Dan Smyser 717-787-7445
231—Intrastate Motor Carrier Safety Requirements	December 1996	Complete—need to develop rulemaking notice due to changes in Federal Motor Carrier Safety Regulations. Anticipate proposed rulemaking approximately 12/02.	Dan Smyser 717-787-7445
403—Hazardous Materials Transportation	August 1996	Complete—need to develop rulemaking notice due to changes in Federal Motor Carrier Safety Regulations. Anticipate proposed rulemaking approximately 12/02.	Dan Smyser 717-787-7445
441—Access to & Occupancy of Highways by Driveways & Local Roads	December 1996	Complete—need to finalize details of proposed rulemaking. Anticipate publication approximately 12/02.	Dan Smyser 717-787-7445
443—Roadside Rest Area	February 1997	Complete—no further action.	Dan Smyser 717-787-7445
453—Distribution of Highway Maintenance Funds	December 1996	Complete—This regulation was deleted on 12/08/01.	Dan Smyser 717-787-7445
459—Occupancy of Highways by Utilities	June 1996	Complete—no further action.	Dan Smyser 717-787-7445
15—Authorized Vehicles and Special Operating Privileges	January 2000	Complete—some changes are recommended. Anticipate preparing proposed rulemaking by approximately 6/02.	Art Breneman 717-787-3620
77—Equipment and Training Required for Administering Chemical Tests	January 2000	Complete—no action required at this time.	Art Breneman 717-787-3620
101—Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic	January 2000	Complete—some editing may be proposed.	Art Breneman 717-787-3620
103—Vehicles Required to Stop at Railroad Crossings	January 2000	Complete—This chapter will be published as proposed deletion.	Art Breneman 717-787-3620
104—School Bus Loading Zones	January 2000	Complete—some changes will be proposed.	Art Breneman 717-787-3620
201—Engineering & Traffic Studies	December 1998	Complete—This chapter to be published as proposed deletion approximately 12/02.	Art Breneman 717-787-3620
203—Work Zone Traffic Control	December 1998	Complete—This chapter to be published as proposed deletion approximately 12/02.	Art Breneman 717-787-3620
205—Municipal Traffic Engineering Certification	January 2000	Complete—no action required	Art Breneman 717-787-3620

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
211—Official Traffic Control Devices	December 1998	Complete—This chapter to be published as proposed deletion approximately 12/02.	Art Breneman 717-787-3620
215—Special Highway Conditions	January 2000	Complete—awaiting development of repeal.	Art Breneman 717-787-3620
217—Posting of Private Parking Lots	January 2000	Complete—no action required	Art Breneman 717-787-3620
447—Hazardous Walking Routes	January 2000	Complete—no action required	Art Breneman 717-787-3620
457—Pre-qualification of Bidders	October 2000	Complete—Notice of proposed rulemaking is on hold.	Art Breneman 717-787-3620
445—Outdoor Advertising Devices	November 2000	Complete—changes adopted on 7/28/01. No further action required.	Art Breneman 717-787-3620
451—Control of Junkyards & Automotive Dismantlers & Recyclers	November 2000	Complete—no action required	Art Breneman 717-787-3620
455—Consultant Highway Design Errors	February 2000	Complete—awaiting development of repeal rulemaking. Anticipate publication approximately 6/02.	Art Breneman 717-787-3620
495—Leasing of Real Property	November 2000	Complete—no action required	Art Breneman 717-787-3620
471—Airport Rating and Licensing	April 1997	The Bureau of Aviation is putting the finishing touches on its recommended changes to the regulation. The proposed regulation has been shared with key customers to obtain their input prior to publication in the <i>Pennsylvania Bulletin</i> for the official comment period. Scheduled publication will be August-September 2002.	Kathy Reitz 717-705-1234
473—Aviation Development Grants	April 1997	The Bureau of Aviation is putting the finishing touches on its recommended changes to the regulation. The proposed regulation has been shared with key customers to obtain their input prior to publication in the <i>Pennsylvania Bulletin</i> for the official comment period. Scheduled publication will be August-September 2002.	Kathy Reitz 717-705-1234
477—Local Real Estate Tax Reimbursement	April 1997	The Bureau of Aviation is putting the finishing touches on its recommended changes to the regulation. The proposed regulation has been shared with key customers to obtain their input prior to publication in the <i>Pennsylvania Bulletin</i> for the official comment period. Scheduled publication will be August-September 2002.	Kathy Reitz 717-705-1234
479—Obstruction to Aircraft	April 1997	The Bureau of Aviation is putting the finishing touches on its recommended changes to the regulation. The proposed regulation has been shared with key customers to obtain their input prior to publication in the <i>Pennsylvania Bulletin</i> for the official comment period. Scheduled publication will be August—September 2002.	Kathy Reitz 717-705-1234
257—Inspection & Certification of Electric Mass Transit Vehicles	February 1999	Review complete—no changes.	Joe Daversa/Sherri Zimmerman 717-787-3921/ 717-705-1331
425—Shared-Ride Transportation	December 1998	Department review is in process.	Joe Daversa/Sherri Zimmerman 717-787-3921/ 717-705-1331

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
449—Liquid Fuels Tax	May 2002	Sent to Office of General Counsel for review. Still pending in the Office of General Counsel for review. Publication contingent on their approval.	Joe Daversa/ Sherri Zimmerman 717-787-3921/ 717-705-1331
491—Administrative Practice & Procedure	July 2001	Approved 3/13/01 by IRRC. Published as Final Rulemaking in July 2001.	Stephen F. J. Martin 717-787-6485
493—Service, Acceptance & Use of Legal Process & Legal Proceedings	August 2001	Completed	Stephen F. J. Martin 717-787-6485

[Pa.B. Doc. No. 02-1186. Filed for public inspection July 5, 2002, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Scheduled

The following meetings of the Health Care Cost Containment Council (Council) have been scheduled: Wednesday, July 10, 2002, Data Systems Committee Meeting—9 a.m., Education Committee Meeting—10:30 a.m.; Thursday, July 11, 2002, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodations due to a disability and wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 02-1187. Filed for public inspection July 5, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5(d)) provides that the designated standing Committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the Committee comment period. The Commission comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#106-7	Environmental Hearing Board Practice and Procedure (32 Pa.B. 1980 (April 20, 2002))	5/20/02	6/20/02
#2-116	Department of Agriculture Application of Soil and Groundwater Contaminated with Agricultural Chemicals to Agricultural Lands (32 Pa.B. 1965 (April 20, 2002))	5/20/02	6/20/02
#7B-3	Department of Conservation and Natural Resources State Parks; General Provisions (32 Pa.B. 1611 (March 23, 2002))	5/22/02	6/21/02

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**Environmental Hearing Board Regulation No. 106-7**  
**Practice and Procedure**  
**June 20, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Environmental Hearing Board (Board) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. General.—Clarity.**

Sections 1021.71—1021.73 (relating to complaints filed by the Department; complaints filed by other persons; and transferred matters) include the phrase “Service of the complaint or petition shall be by personal service or by any form of mail requiring a receipt . . . .” The Board should clarify the phrase “any form of mail,” what qualifies as “receipt” and what types of delivery services, aside from the United States Postal Service, would be acceptable for delivery of service.

**2. Section 1021.31. Signing.—Clarity.**

*Subsection (c)*

This subsection states, “The Board may impose an appropriate sanction for a bad faith violation of subsection (b).” What sanctions does the Board consider “appropriate”? For clarity, the Board should include a cross-reference or citation that outlines the Board’s sanctions.

**3. Section 1021.73. Transferred matters.—Clarity.**

*Subsection (b)*

This subsection provides that a party who initiates a transferred action shall file a complaint “Within the time period directed to do so by the Board.” This phrase is vague. What are the minimum and maximum amounts of time the Board will allow a party to file a complaint?

**4. Section 1021.94. Dispositive motions.—Clarity.**

*Service*

Subsection (c) includes the requirements for dispositive motions, including signatories, format and service. However, there are no instructions as to how service should be made. For clarity, the Board should include a cross-reference to § 1021.34 (relating to certificate of service). If there are special requirements for service in this section similar to those contained in § 1021.72(b) or § 1021.73(c), the Board should include those requirements.

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**Department of Agriculture Regulation No. 2-116**  
**Application of Soil and Groundwater Contaminated**  
**with Agricultural Chemicals to Agricultural Lands**  
**June 20, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Department of Agriculture (Department) must respond to these comments when it submits the final-form regulation. If the

final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Legislative Comment.—Legislative Intent; Reasonableness.**

Representatives Raymond Bunt and Peter Daley, Majority and Democratic Chairpersons of the House Agriculture and Rural Affairs Committee respectively, wrote to express concern with this regulation. Representative Bunt states that the regulation, as written, “unduly complicates . . . a very straightforward and scientifically defensible solution to a potential environmental problem.” He goes on to state that this complication was not envisioned when the legislation prompting this regulation was passed. Representative Daley asserts, “. . . this regulation is far in excess of what the legislature intended in drafting the bill.” He encourages the Department to change the regulation by simplifying the process.

We agree that this regulation, as drafted, establishes an overly complex manner of disposing of soil or groundwater contaminated with agricultural chemicals from the remediation of an agricultural chemical facility. Because of the additional burden this regulation imposes, we believe that this option will not be utilized, thus the beneficial use of the contaminated material will not be achieved. As written, the regulation would not accomplish the previously stated intent of the Legislature. The Department should address these concerns by creating a process that is less burdensome to those who may want to utilize the benefits of the regulation, but would not, due to its complexity.

**2. General.—Reasonableness; Clarity.**

As currently drafted, we believe that the Department could improve the reasonableness and clarity of this regulation by adding some clarifying language and changing the way it is organized. We offer the following suggestions:

- Commentators have noted that it is unclear which State agency has jurisdiction over decisions relating to the application of soil or groundwater contaminated with agricultural chemicals that are applied to agricultural lands. The final-form regulation should provide the applicant with a clear understanding of how this regulation will interact with the requirements of the regulations of the Department of Environmental Protection (DEP).

- The content of the regulation should be arranged in a streamlined, sequential manner that would mirror the requirements and duties of both the applicant and the Department. For example, a subchapter should be developed that consolidates the entire application process and outlines exactly what an applicant must do to meet all application requirements. We suggest organizing the regulation in the following manner:

- Subchapter A. General provisions.
- Subchapter B. Application requirements for permission to apply soil and groundwater contaminated with agricultural chemicals to agricultural land.
- Subchapter C. Application review procedures.
- Subchapter D. General operating requirements for land application of soil and groundwater contaminated with agricultural chemicals to agricultural land.
- Subchapter E. General requirements and exceptions for use and application of groundwater contaminated with agricultural chemicals as tank mix.
- Subchapter F. Closure.

*Advanced Notice of Final Rulemaking*

Commentators and our comments suggest major language and organization changes. To allow full consideration of amendments to this regulation, the Department should issue an advanced notice of final rulemaking. This would allow interested parties and the Department the opportunity to resolve as many concerns as possible prior to the submittal of the final-form regulation.

**3. Forms prepared by the Department.—Clarity.**

Four sections use a phrase similar to “on forms prepared by the Department.” The four sections are: §§ 130d.12(b), 130d.21(a), 130d.23(c) and 130d.51(a). However, the Department has not developed these forms. It is our understanding that these forms will dictate how this regulation is implemented. Before the final-form regulation is returned, those forms should be developed and the form names or numbers should be included in the regulation.

**4. Labs approved by the Department.—Need; Clarity.**

Under §§ 130d.13(d) and 130d.15(4), an applicant is required to use a lab approved by the Department and provide a record of the laboratory quality control procedures. We have three concerns.

First, how would an applicant know if a lab has been approved by the Department?

Second, since applicants must use laboratories approved by the Department, the requirement of submitting quality control procedures is not needed and should be deleted.

Third, Act 25 of 2002, the Environmental Laboratory Accreditation Act, was recently enacted. This law requires DEP to accredit all labs that wish to provide testing services to DEP or those that are regulated by DEP. Has the Department considered allowing testing to be performed by labs that are accredited by DEP?

**5. Other approvals by the Department.—Clarity.**

Sections 130d.16(c), 130d.62(7), 130d.63(a)(4) and (c), 130d.65(d) and 130d.68(8) refer to approvals of the Department and § 130d.66(a) refers to an authorization by the Department. The procedure for obtaining the approval or authorization of the Department is never specified. Are the approvals or authorizations part of the application process? If they are not, the final-form regulation should specify how an applicant would obtain the necessary approval or authorization and the criteria the Department will use to evaluate whether an approval or authorization is warranted.

**Subchapter A. GENERAL PROVISIONS****6. Section 130d.1. Definitions.—Clarity.***Agricultural chemical*

This definition cites 3 Pa.C.S. Chapter 67. However, 3 Pa.C.S. Chapter 67 was repealed. It appears that the appropriate citation would be 3 Pa.C.S. Chapter 68.

*Agricultural chemical facility*

This definition includes an address where one can obtain copies of cited material. This should be deleted from the definition and either moved to the body of the regulation or mentioned in the Preamble. In addition, it is our understanding that the United States Standard Industrial Classification (SIC) system has been replaced by the North American Industry Classification System (NAICS). While the Land Recycling and Environmental

Remediation Standards Act specifically references the SIC, we believe it would be useful to the regulated community if the final-form regulation also included the more current NAICS number for affected businesses.

*Agricultural land or farmland*

The definition includes the term “Land . . . that is capable of supporting . . .” The phrase “capable of supporting” is vague and could allow contaminated material to be applied to land not being used for farming. The final-form regulation should provide a more specific definition of where contaminated material can be applied.

*Cleanup or remediation*

The words “in order” should be inserted between “environment” and “to” to be consistent with the definition in the Act.

*General use pesticides*

This phrase is defined, but not used in the regulation. Therefore, it should be deleted.

*HAL*

The written definition of this term is “Health Advisory Level.” The Department should also define the phrase using the language from the definition in the Act.

*Land application proposal*

The phrase “agricultural facility” in this definition should be changed to “agriculture chemical facility” to be consistent with the defined term.

*MCL*

The written definition of this term is “Maximum contaminant level.” What is the maximum contaminant level? This should be included in the definition.

**7. Section 130d.2. Scope.—Reasonableness; Need; Clarity.**

We have two concerns. First, what is meant by the word “contaminated”? Does the mere presence of substances other than agricultural chemicals constitute contamination? If the nonagricultural chemicals detected are at a level less than the residential standards of the Land Recycling and Environmental Remediation Standards Act, is the material considered contaminated? The final-form regulation should include a definition of “contaminated.”

Second, subsection (c)(1)(i) and (ii) are not needed and should be deleted from the final-form regulation.

**Subchapter B. DUTIES OF APPLICATORS****8. Section 130d.11. Scope.—Need.**

This proposed Chapter already includes a “Scope” section at § 130d.2. If the Department believes the content of § 130d.11 is needed, it should be included in § 130d.2.

**9. Section 130d.12. Reports.—Need; Clarity.**

This section addresses filing requirements for the annual report and final report. We have five concerns. First, this section is out of sequence with the other requirements of the regulation. This section should be moved to a subchapter that follows the application requirements and the review process.

Second, this section does not specify when the reports must be submitted to the Department. The final-form regulation should include a time period for submitting the reports.

Third, subsection (a) requires a person who “solicits or receives approval from the Department” to file annual and final reports. However, these requirements would

only apply to someone whose application was approved. Therefore, the phrase “solicits or” should be deleted.

Fourth, subsection (b)(3) should provide a citation to the appropriate section that deals with the daily and annual records that are required.

Fifth, the information required in subsection (b)(4)(i) and (ii) is also required in the initial application. This requirement is duplicative and should be deleted.

**10. Section 130d.13. Chemical analysis of waste.—Clarity.**

This section addresses information that must be included in the land application proposal form. Therefore, it should be moved to that section.

Under subsection (e)(3), who decides that the material applied to the land at acceptable agronomic rates will not negatively affect productivity of the land or cause harm to the environment? How does one demonstrate this?

**11. Section 130d.14. Waste analysis plan.—Protection of public health; Clarity.**

Sections 130d.13 and 130d.14 address the analysis of waste at the remediation site. For clarity and to reduce repetition, the Department should combine these sections.

Remediation activities performed under the Act require extensive testing and analysis of the contaminated material. The testing and analysis requirements are outlined in current DEP regulations. To avoid possible conflict or duplication of existing DEP regulations, §§ 130d.13 and 130d.14 should cross reference the testing requirements of the relevant DEP regulations and add any additional requirements that may be necessary.

Paragraph (3) requires a sampling method to contain at least one sample from each soil pile or quantity of groundwater. DEP has sampling requirements in place, under Act 2. Paragraph (3) should be deleted and a cross-reference should be added to the appropriate section of DEP’s regulations.

**12. Section 130d.15. Application site analysis.—Need; Clarity.**

This section addresses information that must be included in the land application proposal form. Therefore, it should be moved to that section.

In addition, this section requires testing of soil in each field or plot on which material will be applied. What is considered a “field” or “plot”? How many samples will be required? Will more samples be required for larger fields or plots? Are the fields or plots predetermined before the results of the chemical analysis are obtained? Can the dimensions of the fields or plots be altered to better accommodate the material that is to be applied?

Paragraphs (1) and (2) address the same topic and should be consolidated into one paragraph.

Paragraphs (3) and (5) repeat information contained in the opening paragraph of this section. The duplicative information should be deleted from the opening paragraph.

Paragraph (4) requires the submittal of the quality control procedures of a lab approved by the Department to both the Department and the landowner. Since the Department has approved the lab, this requirement is unnecessary and should be deleted.

**13. Section 130d.16. Retained recordkeeping.—Need; Clarity.**

Subsection (b) says “shall be available for inspection or audit at *reasonable times* by the Department or its

authorized agents” (Emphasis added). What does the Department consider a “reasonable time”?

Subsection (c) contains the phrase, “5 years after the date on which the site closure plan and final report were submitted and approved by the Department.” With this language, there would be two different dates that could be used to determine when the 5-year clock starts. For clarity, the Department should clarify when the 5-year period begins.

In addition, why does the Department require the retention of records for 5 years?

**14. Section 130d.17. Public notice by applicant.—Clarity.**

This section states that an applicant must comply with the public notice requirements established by the Pennsylvania Pesticide Control Act of 1973 (Pesticide Control Act) (3 P. S. §§ 111.21–111.61) and the regulations in Chapter 128. The final-form regulation should include more specific citations to the relevant sections of the Pesticide Control Act and Chapter 128 pertaining to public notification.

**Subchapter C. GENERAL REQUIREMENTS FOR PERMISSION TO APPLY SOIL AND GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS TO AGRICULTURAL LAND**

**15. Section 130d.21. General requirements for land application proposal form.—Need; Clarity.**

Subsection (b) contains the phrase “and other data as may be required by the Department . . . .” What other data might the Department require that isn’t already set forth in the regulation? The final-form regulation should specify that any additional information needed by the Department will be requested in writing.

Subsection (c) is not needed because the requirements are in other sections.

The requirements of subsection (d) should be moved to §§ 130d.13 and 130d.14 (relating to chemical analysis of waste; and waste analysis plan) respectively.

The requirement of subsection (e) should be moved to § 130d.42 (relating to operating plan).

**16. Section 130d.22. Insurance.—Clarity**

This section states that an applicant must comply with the insurance requirements established by the Pesticide Control Act and the regulations in Chapter 128. The final-form regulation should include more specific citations to the relevant sections of the Pesticide Control Act and Chapter 128 pertaining to insurance.

**17. Section 130d.23. Right of entry and agreement with landowner.—Clarity**

Subsection (a) requires that a land application proposal shall contain a description of certain documents. The final-form regulation should allow the applicant to provide either a description or copies of those documents.

Subsections (a) and (b) require the same information to be included in the land application proposal. For clarity and to avoid repetition, these subsections should be consolidated into one subsection.

Subsection (b)(1) does not address a situation where the applicator and the landowner are the same person. However, § 130d.41(3) (relating to general requirements) states when the person responsible for the land applica-

tion of the contaminated material is the landowner, an agreement is not required. This section should contain a similar provision.

Subsection (c) addresses an “irrevocable written consent” that allows the Commonwealth and its authorized agents to enter the proposed application site. We have two concerns. First, why must a landowner grant access to the land “for up to 3 years after the final closure”?

Second, would the “irrevocable written consent” enable the Department to enter the proposed application site if the land was sold? If the land is sold, must the new owner be notified that agricultural chemicals from a remediation site were applied to the land?

**18. Section 130d.25. Compliance information.—Clarity.**

We have two concerns with this section.

First, what sort of documentation or information does the Department require to prove the land application will comply with all other Federal, State and local laws, rules and ordinances? The final-form regulation should require that the applicant attest or certify that they are in compliance with all applicable laws, rules and ordinances.

Second, what are the applicable Federal, State and local laws? If these can't be specified, this provision should be deleted.

**Subchapter D. LAND PROPOSAL REVIEW PROCEDURES**

**19. Section 130d.31. Criteria for approval or denial.—Clarity.**

There is a typographical error in subsection (a). The second sentence states, “. . . seek to apply soil of groundwater . . .” (Emphasis added). The word “of” should be changed to “or.”

Subsection (c) seems to conflict with the second paragraph of the Preamble which states, “The Department will not approve the land application of soil or groundwater contaminated with chemicals other than agricultural chemicals.” The Department should use consistent language throughout the regulation and the Preamble. Also, who is the “appropriate agency”? Is the Department referring to the DEP? Could there be any other agencies that would qualify as an “appropriate agency”?

**20. Section 130d.32. Receipt of land application proposal and completeness review.—Clarity.**

Subsection (c) states that an application is complete “if it contains all the necessary information, approvals, maps and other documents required by this chapter.” Similar to our concerns in our opening comment, the requirements in subsection (c) are found throughout this chapter. As currently drafted, an applicant would have a difficult time determining if all the forms, information, maps and other documents were included with the application. For clarity, these requirements should be listed in one place.

**21. Section 130d.33. Review period.—Clarity.**

Subsections (a) and (b) set forth a 60-day period for the Department to conduct its review of the land application proposal. However, subsection (c) states “Failure by the Department to comply with the timetable established in this section will not be construed or understood to constitute grounds for an automatic approval of a land application proposal.” What is the purpose of the 60-day period in subsections (a) and (b)?

Subsection (b) is entitled “Incomplete land application proposal.” For clarity, this subsection should be moved to § 130d.32 (relating to receipt of land application proposal and completeness review).

**22. Section 130d.34. Review process.—Clarity.**

Subsection (a)(2) states that if other chemicals are present in the material, the Department will review the application, but “will not give final approval to the land application proposal.” This conflicts with § 130d.31(c) which states “Where the soil or groundwater sought to be applied contains chemicals other than agricultural chemicals, the Department may approve the land application proposal contingent upon the applicant obtaining the necessary approvals or permits (when applicable) to land apply those chemicals from the appropriate agency.” The Department should use consistent language throughout the regulation.

We have three concerns with subsection (a)(3). First, the topics included in this subsection are different issues and should be in separate subsections.

Second, how will the Department notify the applicant of its decision? Will the Department issue an approval letter or order? Will DEP be issuing a permit or approval in conjunction with Departmental approval?

Third, if additional information is requested at this stage, does the applicant get 90 days to respond? Once the information is provided, does the Department get an additional 60 days to review the material?

Subsection (b) starts with “The decision of the Department to approve or deny a land application proposal is final . . .” There is no mention of an appeal process for a denied application in this regulation. The appeal process should be set forth in the regulations or by a cross reference to the applicable appeal procedures.

**Subchapter E. GENERAL REQUIREMENTS FOR LAND APPLICATION OF SOIL AND GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS**

**23. Section 130d.41. General.—Clarity.**

This section describes general requirements that include compliance with other subchapters. Since this section does not provide any new information or requirements, it should be deleted.

**24. Section 130d.42. Operating plan.—Need; Clarity.**

The beginning of paragraph (3), which states, “The general operating plan for the proposed operation, including” is not needed, because the heading, under which it is located, already explains that. For clarity, it should be deleted.

Also, what is the meaning of the phrase “proposed life of the operation”?

Paragraph (8) states, “The use that will be made of the proposed application area and the crops that will be planted on each application plot for 3 years following the application.” We have two concerns.

First, will the Department monitor this to ensure compliance? What is the penalty for noncompliance?

Second, are there any prohibitions from the land being sold to a developer or rezoned for residential use?

**25. Section 130d.43. Maps and related information.—Clarity.**

Subsection (b) contains the phrase “other reliable data.” What does the Department consider to be “other reliable data”? This should be clearly set forth in the regulation.



**Subchapter F. GENERAL REQUIREMENTS AND EXCEPTIONS FOR USE AND APPLICATION OF GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS AS TANK MIX**

**26. Section 130d.51. General requirements.—Clarity.**

We have three concerns with this section. First, must an applicant “seeking approval to utilize and apply groundwater contaminated with agricultural chemicals generated as a result of remediation activities at an agricultural facility as tank mix” comply with all other requirements of this chapter? If not, what requirements must be met?

Second, how will the review process for this type of application work? Are the time frames and process the same as in Subchapter D?

Third, the word “with” should be inserted between the words “contaminated” and “agricultural” in subsection (b).

**27. Section 130d.52. General exceptions.—Clarity.**

This section allows the Department to waive certain requirements of this chapter. However, the procedure that must be followed by the applicant to obtain a waiver is not included. This should be set forth in the regulation.

**Subchapter G. GENERAL OPERATING REQUIREMENTS FOR LAND APPLICATION OF SOIL AND GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS**

**28. Section 130d.61. General provisions.—Need.**

This section sets forth the fact that the applicant must comply with “. . . the act and this chapter . . .” This provision is not needed and should be deleted.

**29. Section 130d.62. Standards for land application of soil and groundwater contaminated with agricultural chemicals.—Need; Clarity.**

The introduction to this section begins, “Persons seeking to apply . . .” For a person to apply the material, they must obtain the approval of the Department. Therefore, the opening phrase of the introduction should be changed to, “Persons approved to apply . . .”

Paragraphs (4) and (9)—(11) contain criteria or provisions that will be used by the Department to determine whether a land application proposal will be approved or disapproved. Therefore, the requirements of these paragraphs should be moved to a section that addresses application requirements.

The requirements of paragraph (1) are repeated in paragraphs (2) and (3). Therefore, paragraphs (2) and (3) should be deleted.

Paragraph (1) states that the “Department may require a safety factor of one-half the label application rate.” What factors will the Department consider when determining if half the label application rate would be appropriate?

Paragraph (6) requires the landowner to “account for the amount of nutrients being applied to the land as set forth in the *Pennsylvania Agronomy Guide*.” This requirement is not clear. Does the amount of nutrients refer to the material being land applied? Does it also include any additional nutrients that might be applied? Is the landowner required to submit this information to the Department?

In paragraph (8), what does the Department consider “minor amounts”? This term is only used in this section and it should be defined here.

What is “any applicable nutrient management plan,” as mentioned in paragraph (9)? If there are nutrient management plans that one is to comply with, these should be cross-referenced in the regulation.

Paragraph (12) is very similar to § 130d.25 (relating to compliance information). The Department should delete § 130d.25.

Paragraph (13) repeats the requirements of § 130d.72 (relating to final reports). Therefore, this paragraph should be deleted.

**30. Section 130d.63. Land application rates and procedures.—Clarity.**

Under subsection (a)(7) and (8), the methodology used to determine application rates is confusing. The variables used in the formulas are not explained or defined. The final-form regulation should provide accurate formulas and a step-by-step process that would allow a person to accurately calculate an application rate.

Subsection (b) addresses application rate considerations and procedures that are to be included in the applicants operation plan. This information will be used by the Department to review all land application proposals. Therefore, the requirements of this subsection should be moved to a section that addresses application requirements.

Subsection (b)(2) and (6) both address the total amount of pesticides that may be present in material that is to be applied to agricultural land. The subsection should be consolidated.

Under subsection (b)(4), what does the Department consider “valuable topsoil”? Also, how does one “. . . assure that valuable topsoil will not be lost . . .”? This should be set forth in the regulation.

**31. Section 130d.64. Additional application requirements.—Clarity.**

Will the Department monitor the landowner’s farming operation to ensure that the “crop rotation plan” and the “nutrient and pesticide management plan” are being followed? If one deviates from the plans submitted, what is the penalty? This should be set forth in the regulation.

**32. Section 130d.65. Limitations on land application of soil and groundwater contaminated with agricultural chemicals.—Need; Clarity.**

Under paragraph (6), if an applicator wants to employ spray irrigation equipment or aerial equipment, do they have to apply in writing, as is required for the application of contaminated groundwater via a tank mix process in Subchapter F?

Paragraph (8) prohibits the grazing of livestock on application areas for 5 years. Commentators have noted that livestock are commonly grazed on land on which agricultural chemicals have been applied. What is the reason for this prohibition? Since paragraph (9) requires that the application areas can only be used in a manner consistent with the labeling requirements of the pesticides contained in the contaminated material, paragraph (8) should be deleted.

**33. Section 130d.66. Prohibited applications.—Clarity.**

The term “water source” in subsection (b)(2) should be defined in § 130d.1 (relating to definitions).

The term “exceptional value wetland” in subsection (b)(4) should be defined in § 130d.1.

**34. Section 130d.68. Daily operational records.—Clarity.**

In subsection (a), what does the Department consider “generally accepted principles”? This phrase is also found in § 130d.69(a).

The term “generator” is used in subsection (b)(5). Who does the Department consider to be a “generator”? Is it the person who initially contaminated the material, the current owner of the remediation site or the person who excavated the contaminated material? For clarity, this term should be defined in § 130d.1. This term is also found in § 130d.69(b)(4).

**35. Section 130d.71. Site closure plan.—Clarity.**

We have two concerns with subsection (a). First, the Department does not define the “parties involved.” Does this apply to the landowner, the generator, the applicator and the hauler of the waste? For clarity, this term should be defined in this section.

Second, this subsection and subsection (b)(4) require the parties to report the results of the land application activity. The results to be reported should be moved to § 130d.72 (relating to final reports).

Also, this section does not state when the site closure plan is to be submitted to the Department. How long do the parties have to complete all required testing? For clarity, this should be set forth in the regulation.

**36. Section 130d.72. Final report.—Clarity.**

This section does not state when the final report must be submitted. Also, who is responsible for submitting the final report? These provisions should be set forth in the regulation.

**Department of Conservation and Natural Resources  
Regulation No. 7B-3**

**State Parks; General Provisions**

**June 21, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Department of Conservation and Natural Resources (Department) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 11.201. Definitions.—Reasonableness; Clarity.**

*Commercial activity*

Commentators contend that activities sponsored by charitable or nonprofit organizations are also defined as “commercial activity” if these organizations charge fees to cover their costs. The Department should consider adding a definition for activities sponsored by charitable or nonprofit organizations.

*Pet*

A pet is defined as “A dog, cat or other domestic animal.” It is unclear what other types of animals would qualify as domestic animals. For example, would the Department consider pet ferrets, birds and snakes as domestic animals? This definition should be amended to

clearly state which animals are considered pets and must meet the requirements of § 11.212.

**2. Section 11.203. State park waters.—Clarity; Consistency with statute.**

This section identifies areas of water that are under the jurisdiction of the Department. If this jurisdiction is established via statute, this section may be unnecessary. What new rules or procedures does this section establish that apply to members of the public? The Department should cite the specific statutory citations that provide for the jurisdiction described in paragraph (1) and for the specific bodies of water in paragraphs (2) and (3).

**3. General—Use of direct, positive statements.—Reasonableness; Clarity.**

The format of certain sections of the proposed regulation is confusing because the sections are written in the negative as lists of prohibitions. This negative format becomes even more complicated when an allowed activity is stipulated as an exception to the prohibition. Chapter 8 of the *Pennsylvania Code & Bulletin Style Manual (Manual)* recommends “directness” and the use of “positive ideas” rather than “exceptions” in drafting regulations. The Department should review these recommendations in the *Manual* as it develops the final-form regulation. The following sections are examples.

*Section 11.207. Traffic and parking.*

Section 11.207(a)(1) states, “Operation of a motor vehicle, as defined by the Vehicle Code, as follows is prohibited: On a State park road at a speed in excess of the posted limit or, where no speed limit is posted in excess of 25 miles per hour.” Alternatively, it could be direct, stand alone and read: “The maximum speed limit on a State park road is 25 miles per hour unless a different speed limit is posted.”

Similarly, subsection (b)(3) states, “The following activities are prohibited: . . . Parking a bus in an area that is posted as being closed for buses.” This could mean that every area in the park not intended for bus parking would need to be posted. As an alternative, the provision could be direct, stand alone and read: “Buses shall be parked only in posted bus parking areas or other areas designated by the State park.”

*Section 11.210. Fires.*

This section states, “The following activities are prohibited without the written permission of the Department: (1) Starting or maintaining a fire except in a fireplace, grill, stove or other facility designated by the Department for campfires. (2) Leaving a fire unattended. (3) Disposing hot charcoal except in a facility designated by the Department for charcoal disposal.” We have two concerns.

First, this section is confusing because the allowed activity is stated as an exception to the prohibition and the accompanying requirements are indirectly stated.

Second, the phrase “without written permission of the Department” is duplicative of the Department’s discretion stated in paragraphs (1) and (3). The phrase is also misleading because it implies the possibility the Department would grant written permission to leave a fire unattended.

This section would be clearer if it is written directly and in the positive. For example, it could state, “Fires are only permitted in fireplaces, grills, stoves or other facility designated by the Department. Fires must be attended at all times. Hot charcoal must be disposed in facilities designated by the Department for charcoal disposal.”

*Section 11.211. Natural resources.*

This section is confusing because subsection (1) is a prohibition that contains exceptions to the prohibition. The exceptions in paragraph (1)(i) and (ii) could stand alone as positive statements.

**4. Written permission of the Department.—Protection of public health and safety; Effect on natural resources; Reasonableness; Implementation procedure; Clarity.**

A number of provisions in this regulation include phrases such as “permission of the Department” or “approved by the Department.” However, there is no indication of how one may obtain this permission or approval. The regulation should inform the reader on how to apply for “approval” or indicate where this information is available. In certain cases, a reference to information on the Department’s website may be sufficient. The following sections are examples.

*Section 11.209. Miscellaneous activities.*

Subsection (a) is a list of activities, including commercial activities, that are prohibited without written permission of the Department. There is no indication of how this permission is obtained.

*Section 11.211. Natural resources.*

This section states that certain activities impacting natural resources are prohibited without written permission of the Department. There are two concerns.

First, it is unclear when and if written permission is required for activities listed in paragraph (1)(i) and (ii). This issue is similar to the format concern discussed in Issue #3.

Second, commentators expressed concerns with this provision. Is it the Department’s intent to allow removal of timber, plants, clay, sand or other natural resources from State parks? If so, what is the process for individuals or businesses to apply for permission? Is the public given notice and an opportunity to comment? What factors does the Department consider in determining whether to grant permission such as the extent of the project and its impact on recreational and natural resources?

*Section 11.213. Organized events; public assemblies; distribution of printed matter.*

This section prohibits organized events or exhibitions in State parks “without written permission of the Department.” To obtain this written permission, subsection (b) requires that an application be submitted on “a form prescribed by the Department.” The regulation should include information on how to obtain the application form.

*Section 11.217. Swimming.*

This section is a list of prohibitions. Subsection (3) prohibits the “use of underwater breathing apparatus or a snorkel” but adds the following caveat:

However, with *permission of the Department*, the equipment may be used by an emergency or rescue unit conducting a rescue operation or training or by a diver certified by an organization *approved by the Department*. (Emphasis added)

There are two concerns. First, the regulation provides no information on how these organizations may obtain or apply for permission of the Department. Second, does the Department maintain a list of approved organizations that certify divers? If so, how can one obtain a copy?

*Section 11.218. Camping; overnight facilities.*

This section states that camping or using a cabin or other overnight facility in a State park is prohibited without a valid permit. The regulation does not indicate how to obtain a valid permit.

*Section 11.224. Prices.*

Subsection (b) indicates that the Department may reduce or waive prices. There is no instruction on how to apply for a waiver or where applicants should submit a request for a waiver. The regulation should inform the reader of the process for obtaining a waiver or reduction.

**5. Section 11.207. Traffic and parking.—Reasonableness; Clarity.**

*Subsection (a) Traffic.*

This subsection references a “motor vehicle as defined in the Vehicle Code.” It should include the specific reference to this definition in section 102 of the Vehicle Code (75 Pa.C.S. § 102). As an alternative, the definition of a “motor vehicle” could be added to § 11.201 with a specific reference.

Subsection (a)(4) is vague. How will the Department interpret the phrase a “reasonable person of normal sensitivities”? This question also applies to § 11.209(b)(3).

Subsection (a)(5) is unclear and also needs a cross-reference to the Vehicle Code. It states, “Operation of a motor vehicle, as defined in the Vehicle Code, as follows is prohibited: . . . Not in obedience to traffic-control devices.” In addition to our concern with the negative format previously mentioned in Issue #3, this subsection should reference the definition of “official traffic-control devices” at 75 Pa.C.S. § 102.

*Subsection (b) Parking.*

Paragraph (1) uses the terms “a person with a disability” or “severely disabled veteran.” Paragraph (1)(i) and (ii) should be combined into one paragraph or subsection. The new subsection need only refer to a valid plate or placard issued in accordance with sections 1338 and 1342(a) and (b) of the Vehicle Code.

Paragraph (1)(i) and (ii) contain the phrase “or a substantially equivalent issuance from another state.” We have two concerns with this phrase. First, how would a person with an out-of-State plate know whether it is “substantially equivalent” to a Pennsylvania plate? Since other jurisdictions issue plates and placards, any valid plate or placard from another jurisdiction should be allowed. Our second concern is that the regulation should be expanded beyond “another state” to include jurisdictions such as Canadian provinces and the District of Columbia.

Paragraph (1)(iii) is confusing because it refers to a “placard . . . indicating issuance of authorization to operate the vehicle on State park land” with no reference to parking or people with disabilities. The paragraph does not include the word “disability.” It is our understanding that it is referring to a placard that is part of the Department’s policy for fostering greater access to State parks for persons with disabilities. People with disabilities who use a motor vehicle for personal mobility may obtain a placard from the Department to use their vehicle on pathways where other motor vehicles are prohibited. There are two concerns.

First, the Department should consider formalizing this policy by adding a new subsection to § 11.207 (relating to traffic and parking) indicating that persons with disabili-

ties who use this type of personal vehicle may apply to the Bureau of State Parks for this placard.

Second, subsection (b)(1)(iii) should be amended to explain that paragraph (1)(iii) is limited to people with disabilities that use a motor vehicle for personal mobility.

*Subsection (e) Parking tickets.*

Paragraphs (2) and (3) include citations to 234 Pa. Code. These should cite the specific rule(s) in 234 Pa. Code that apply.

*Subsection (f) Violations of parking provisions of the Vehicle Code.*

This subsection specifies that the fine for a parking ticket is \$15 and references sections 3351—3354 of the Vehicle Code. However, the minimum fine for parking in spaces reserved for a person with a disability is \$50 and fines may be greater under section 3354(f) and (g) of the Vehicle Code (75 Pa.C.S. §§ 3354(f) and (g)). The regulation should directly specify or reference the fines for violations of parking provisions of the Vehicle Code.

*Location of violations subsections*

Violations provisions are located separately in subsections (d) and (f). These violations provisions should be combined into one subsection that lists all violation provisions.

**6. Section 11.208. Schedule; closure.—Reasonableness.**

In the Preamble, the Department states:

New § 11.208 adds hunting, trapping and snowmobiling as activities that are permitted 24 hours a day. This provision reflects current Bureau policy.

There has been public comment questioning why these activities are allowed 24 hours per day when other activities are restricted to daylight hours. The Department should provide further explanation for why each of these activities should be allowed 24 hours per day. Does snowmobiling 24 hours per day have an impact on wildlife or overnight park visitors? Are snowmobiles limited to certain areas or designated trails? In addition, should this section include camping or use of overnight facilities as a 24-hour activity and reference § 11.218? Finally, what is the intent of subsection (h)? What types of activities may be prohibited? What notice will be provided to the public?

**7. Section 11.210. Fires.—Clarity.**

A State park may need to restrict fires in dry periods or drought to prevent forest fires. We recognize the general provisions to prohibit activities in § 11.208(h). We suggest that this section include notice that fires may be further restricted by a State park due to drought or dry forest conditions.

**8. Section 11.212. Pets.—Reasonableness; Clarity.**

Proposed subsection (d) states, “A pet is not permitted in an overnight area unless the area is designated by the Department for pets.” It appears that this is the same policy expressed in existing § 11.11(b). However, several commentators expressed concern that the Department is banning pets. The Department should explain whether the proposed regulation is a change in policy and what restrictions apply to pets in overnight areas. Additionally, if there is no change in policy, the Department should consider amending the language to state pets are permitted in overnight areas subject to restrictions.

Subsection (f) exempts hunting dogs from subsection (b)(1)—(5). Subsection (b)(3) does not allow a dog to “behave in a manner that may reasonably be expected to disturb or intimidate another person.” Subsection (b)(4) does not allow a pet to “behave in a manner that may cause damage to property.” Why are hunting dogs exempt from subsection (b)(3) and (4)?

**9. Section 11.213. Organized events; public assemblies; distribution of printed matter.—Reasonableness; Clarity.**

Subsection (a)(1) and (2) do not specify the minimum size of an event or group to which the restrictions in this section apply. For example, would a group of a dozen scouts be required to obtain permission 24 hours ahead as required by subsection (b)? There are two concerns.

First, subsection (a) should clearly state what specific activities require a permit. It should also specify the minimum number of people that constitute a group or event covered by this section.

Second, subsection (c) states that the Department “will grant or deny a permit without unreasonable delay.” What is “unreasonable delay”?

**10. Section 11.215. Weapons and hunting.—Consistency with other statutes; Public safety; Reasonableness; Clarity.**

Several subsections refer generally to the Game and Wildlife Code. The regulation should specifically reference the pertinent sections of the Game and Wildlife Code that apply.

Paragraphs (3) and (4) prohibit the use and possession of a firearm in a State park except for hunting or target shooting. However, section 6109 of the Pennsylvania Uniform Firearms Act of 1995 (18 Pa.C.S. § 6109) allows individuals to obtain a license to carry a firearm for purposes besides hunting or target shooting. The Department should consider including a reference to section 6109 of the Pennsylvania Uniform Firearms Act of 1995 in this section as an exception to the prohibition of using or possessing a firearm.

**11. Section 11.216. General recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes.—Clarity.**

Greater clarity would be achieved by combining subsection (b)(1) and (4) rather than using the reference to paragraph (4) in paragraph (1).

Subsection (c) should specifically reference the pertinent section(s) of the Motor Vehicle Code.

**12. Section 11.219. Boating.—Clarity.**

*Subsection (b) General.*

Subsection (b)(1) and (3) do not need to be listed as separate provisions. They should be combined by adding the word impoundment to subsection (b)(1) and deleting subsection (b)(3).

In subsection (b)(4)(iv) and (v), what is the intent of using the word “novelty-type” for different kinds of watercraft. The term is vague. The regulation needs to clarify the types of watercraft covered by this term.

The description of an inflatable device in subsection (b)(4)(vi) differs from the one used for “whitewater boating” in § 11.220(a)(2)(ii). What is the reason for the difference?

Should a provision be added to prohibit annoying others by causing loud noises similar to § 11.207(a)(4)?

*Subsection (c) Motorboats.*

The language in subsection (c)(3) is unclear. The regulation does not define or explain the phrase "personal watercraft, regardless of horsepower." A description of this type of watercraft can be found in the regulations of the Fish and Boat Commission (FBC) in 58 Pa. Code § 109.3(a). This subsection should cross-reference the description of "personal watercraft" in 58 Pa. Code § 109.3(a).

The FBC also lists safety requirements for personal watercraft in 58 Pa. Code § 109.3, including a requirement for a Boating Safety Education Certificate (58 Pa. Code § 109.3(h)). This proposed regulation should include or cross-reference the safety requirements at 58 Pa. Code § 109.3.

*Subsection (e) Mooring, anchoring and storing.*

In subsection (e)(1)(ii), the meaning of "temporarily" is vague. The Department should indicate the maximum time limit for mooring watercraft along the river wall during the day.

**13. Section 11.220. Whitewater boating.—Public safety; Reasonableness; Clarity.***Subsection (a) General requirements.*

Subsection (a)(2)(ii) uses the phrases "tough durable construction," "tough laminated material" and "commercial grade" to describe the requirements for inflatable watercraft for whitewater boating at specific State parks. These are vague standards. The regulation should specifically describe the minimum standards for inflatable watercraft.

*Subsection (c) Ohiopyle State Park.*

In subsection (c)(1)(iii)(C), what is meant by "watercraft must be other than commercially rented watercraft"? The intent and structure of this subsection are unclear.

Subsection (c)(1)(iv)(A) and (2)(iii)(B) waive watercraft requirements for "state park-licensed concession watercraft." Assuming the watercraft requirements are for safety, why are "state park-licensed concession watercraft" exempt?

There are three concerns with subsection (c)(1)(iv)(B). First, the intent of "other than commercially-rented watercraft" is unclear. Second, the regulation should provide information on how watercraft operators or owners could obtain approval for high performance watercraft. Third, what are the size or performance standards that qualify as "high performance" and require Departmental approval?

There are two concerns with subsection (c)(3). First, the subsection is written broadly and it could apply to any waterfall in this State park. The subsection reads: "Waterfall running is prohibited without written permission of the Department." Numerous commentators from this Commonwealth and other states expressed concerns with this subsection. It is our understanding that this prohibition applies only to one particular stretch of river before and just below the "Ohiopyle Falls." The subsection should be amended to specifically identify the river segment for which waterfall running requires written permission.

Second, this provision should be amended to identify the process and procedures for obtaining written permission. Can representatives of a group obtain approval or

written permission for group members or must each individual apply separately?

*Subsection (d) Lehigh Gorge State Park.*

Inflatable canoes and kayaks are exempted from the requirements of subsection (d)(2)—(4). What is the purpose of this exemption? What are the minimal standards for these types of watercraft?

**14. Section 11.224. Prices.—Reasonableness; Consistency with statute; Clarity.***Subsection (a) Schedule of prices.*

This subsection states: "the Department will establish, by publication in the *Pennsylvania Bulletin*, a schedule of prices for activities, uses and privileges." There are two concerns.

First, the regulation should state that the schedule of prices will be posted on the Department's website and should include the website address.

Second, the final-form regulation should include a reference to section 314 of the Conservation and Natural Resources Act (71 P. S. § 1340.314) (act). This section of the act places limitations on the setting of fees by the Department including the limitation that charges and fees "shall be used solely for the acquisition, maintenance, operation or administration of the State Park system . . . ."

*Subsection (c) Prices for goods and services.*

Subsection (c) states: "The Department will set reasonable prices for the sale of goods and services to the public." What is meant by the word "reasonable"? What factors will the Department consider in determining what is "reasonable"?

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 02-1188. Filed for public inspection July 5, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Independence Blue Cross; Basic Blue Cross Community-Rated Group Rate Increase; Filing No. 1-P-02

Independence Blue Cross requests Insurance Department approval for a 30.3% premium rate increase effective October 1, 2002, on the community-rated basic Blue Cross hospitalization program.

The proposed rate increase would impact approximately 3,657 contracts and produce additional annual premium income for IBC of \$5.3 million.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary,

Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Secretary*

[Pa.B. Doc. No. 02-1189. Filed for public inspection July 5, 2002, 9:00 a.m.]

**Provident Mutual Life Insurance Company Mutual-to-Stock Conversion and Subsequent Merger; Conclusion of Public Comment Period**

The Insurance Department (Department) published notice of receipt of the previously-referenced filings and notice of a 30-day comment period published at 31 Pa.B. 7085 (December 29, 2001). Through a subsequent notice published at 32 Pa.B. 401 (January 19, 2002), the public comment period was extended for an indefinite period of time to afford persons ample opportunity to provide written comments on the filings to the Department. At the conclusion of the Department's public informational hearing on May 23, 2002, the Department announced that the public comment period would remain open for at least 30 days from the date of the hearing.

The purpose of this notice is to announce the conclusion of the public comment period. Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Department on or before July 19, 2002. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; e-mail rbrackbill@state.pa.us. Comments received will be part of the public record regarding this filing.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1190. Filed for public inspection July 5, 2002, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Telecommunications**

**A-310633F7004. ALLTEL Pennsylvania, Inc. and Level 3 Communications, LLC.** Joint Petition of ALLTEL Pennsylvania, Inc. and Level 3 Communications, LLC for approval of an interconnection agreement under

section 252(e) of the Telecommunications Act of 1996.

ALLTEL Pennsylvania, Inc. and Level 3 Communications, LLC, by its counsel, filed on June 13, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the ALLTEL Pennsylvania, Inc. and Level 3 Communications, LLC Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1191. Filed for public inspection July 5, 2002, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210104F0019 and A-213440F2000. Pennsylvania Suburban Water Company and White Rock Water Corporation.** Joint Application of Pennsylvania Suburban Water Company and White Rock Water Corporation for approval of: 1) the acquisition by Pennsylvania Suburban Water of the water system assets of White Rock Water; 2) the right of Pennsylvania Suburban Water Company to begin to offer, render, furnish or supply water service to the public in a portion of Monroe and South Middleton Townships, Cumberland County, PA; and 3) the abandonment by White Rock Water Corporation of public water service within Monroe and South Middleton Townships, Cumberland County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 22, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania Suburban Water Company and White Rock Water Corporation

*Through and By Counsel:* Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010; and James D. Hughes, Esquire, Irwin, McKnight and Hughes, West Pomfret Professional Building, 60 West Pomfret Street, Carlisle, PA 17013-3222.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1192. Filed for public inspection July 5, 2002, 9:00 a.m.]