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# PENNSYLVANIA BULLETIN

Volume 31

Number 29

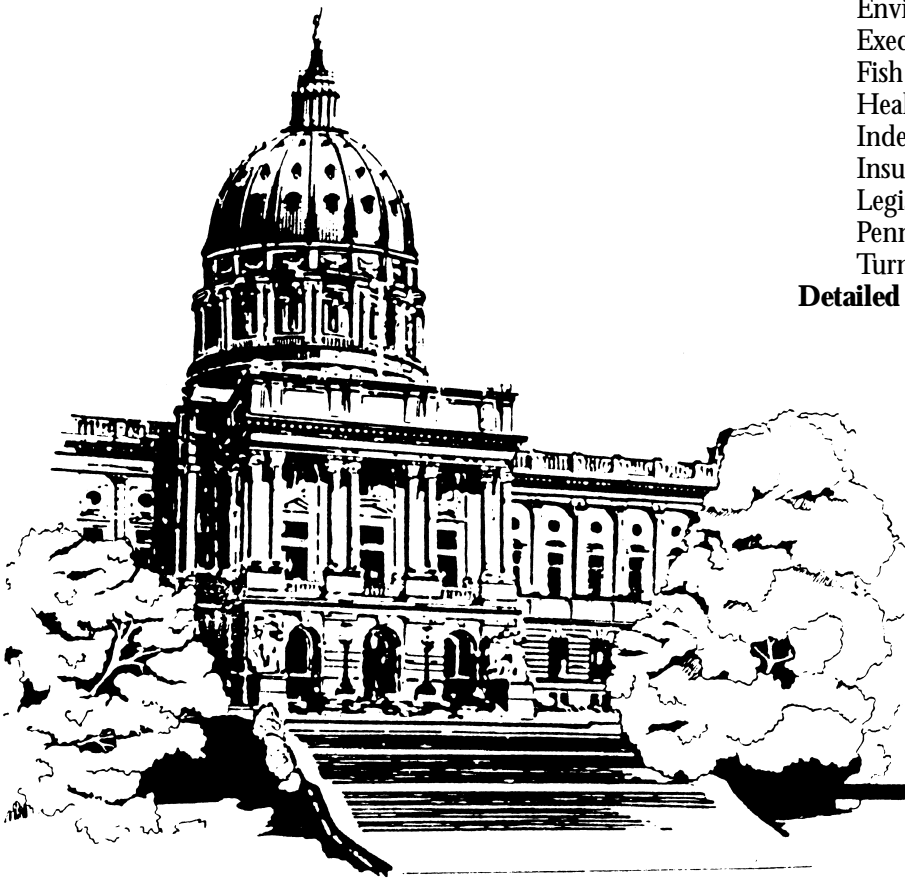
Saturday, July 21, 2001 • Harrisburg, Pa.

Pages 3863—4046

**Agencies in this issue:**

The Courts  
Delaware River Basin  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Transportation  
Environmental Quality Board  
Executive Board  
Fish and Boat Commission  
Health Care Cost Containment Council  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Pennsylvania Public Utility Commission  
Turnpike Commission

**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 320, July 2001**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

#### [231 PA. CODE PART II]

#### Amendment to Rule 14.5; No. 276; Supreme Court Rules Doc. No. 1

#### Order

*Per Curiam:*

Now, this 29th day of June, 2001 upon the recommendation of the Orphans' Court Procedural Rules Committee, this recommendation having been submitted without publication in the interest of justice pursuant to Pa.R.J.A. 103(a)(3):

*It is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the proposed amendment to Orphans' Court Rule 14.5 is adopted in the following form.

*This Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2001.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART II. ORPHANS' COURT RULES

#### RULE 14. INCOMPETENTS' ESTATE

#### Rule 14.5. Form of Citation and Notice.

\* \* \* \* \*

#### Official Note

**[Proposed]** Rule 14.5 prescribes the form of the uniform citation and notice to be served with a petition for adjudication of incapacity and appointment of guardian as required by Section 5511 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 5511.

The **[proposed]** rule is part of an ongoing process by which all existing subdivisions of Rule 14 are being revised to reflect current requirements.

[Pa.B. Doc. No. 01-1297. Filed for public inspection July 20, 2001, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Divorce Rules

#### Order

Reed, P.J.

June 28, 2001

The Local Divorce Rules (the "Local Divorce Rules") which follow are hereby adopted. Effective the date on

which the Local Divorce Rules become effective, all previously adopted local divorce rules are rescinded.

The Local Divorce Rules shall become effective thirty (30) days after their publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven (7) certified copies of this order and of the Local Divorce Rules, which follow, to the Administrative Office of Pennsylvania Courts; two (2) certified copies of this order, with the Local Divorce Rules attached, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy of this order, with the Local Divorce Rules attached, to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court; and one (1) certified copy of this order, with the Local Divorce Rules attached, to the Prothonotary of Beaver County, to be kept for public inspection and copying.

*By the Court*

ROBERT C. REED,  
*President Judge*

#### Rule L1920.43. Special Relief.

A party seeking special relief must give notice to opposing counsel, or to an unrepresented opposing party, of his or her intention to seek such special relief. The notice shall set forth the place and time at which the request for special relief will be presented, and it must be received by opposing counsel or an unrepresented opposing party at least three (3) calendar days before the request is to be presented. (The three (3) calendar day notice period will be computed in accordance with Pa.R.C.P. No. 106.) The notice shall be accompanied by a copy of the petition seeking relief and of the proposed order.

If immediate relief is requested, or if the request for relief is such as would likely be opposed, a copy of the notice, the petition, and the proposed order shall be delivered to the judge to whom the request is to be made at least three (3) calendar days before the request is to be presented.

When presented, the petition seeking relief must be accompanied by an affidavit of service setting forth that notice has been given in compliance with the provisions of this Rule L1920.43, which will be strictly enforced. If immediate relief is requested, or if the request for relief is such as would likely be opposed, and opposing counsel or an unrepresented opposing party has not appeared, the party presenting the petition must be prepared to place on the record any communication with opposing counsel or the unrepresented opposing party, or the nature of any unsuccessful attempt to engage in such communication.

#### Rule L1920.50. Pre-Trial Conference.

When a divorce case which contains contested claims is at issue, either party may present to the judge assigned to divorce matters a motion for a pre-trial conference. A party requesting a pre-trial conference must first have filed an inventory prepared in compliance with Pa.R.C.P. No. 1920.33(a); the motion requesting the pre-trial conference must so certify.

Advance notice must be given. The notice shall set forth the place and time at which the motion will be presented, and it must be received by opposing counsel or an unrepresented opposing party at least three (3) calendar days before the motion is to be presented. (The three (3) calendar day notice period will be computed in accordance with Pa.R.C.P. No. 106.) The notice shall be accompanied by a copy of the motion.

At least five (5) calendar days prior to a scheduled pre-trial conference, each party shall file, serve, and deliver to the trial judge a pre-trial statement prepared in compliance with Pa.R.C.P. No. 1920.33(b). This requirement will be strictly enforced. (The five (5) calendar day period will be computed in accordance with Pa.R.C.P. No. 106.)

The issues to be addressed at a pre-trial conference shall include settlement, simplification of any unresolved issues, and whether the court or a Master will hear any unresolved issues.

#### **Rule L1920.51. Proceedings Before Master.**

If a party seeks to continue a hearing or other proceeding which has been set by the Master, and the other party opposes the continuance, the motion requesting a continuance of the matter pending before the Master shall be presented to the judge who appointed the Master.

Advance notice must be given. The notice shall set forth the place and time at which the motion will be presented, and it must be received by opposing counsel or an unrepresented opposing party at least three (3) calendar days before the motion is to be presented. (The three (3) calendar day notice period will be computed in accordance with Pa.R.C.P. No. 106.) The notice shall be accompanied by a copy of the motion.

#### **Rule L1920.55. Exceptions to a Master's Report.**

Counsel or an unrepresented party who files exceptions to a Master's Report shall, concurrently with the filing, deliver a copy of the exceptions to the judge who appointed the Master.

#### **Rule L1920.76. Form of Divorce Decree.**

1. If no economic claims have been raised in the pleadings, and the party seeking a divorce decree is entitled to it, the decree shall read, in full, as follows:

#### **DECREE**

And now, \_\_\_\_\_, 200 \_\_, it is ordered and decreed that \_\_\_\_\_, plaintiff, and \_\_\_\_\_, defendant, are divorced from the bonds of matrimony.

2. If economic claims have been raised in the pleadings, and the parties have consented both to a divorce and to the entry of a bifurcated decree, the bifurcated decree shall be in the form prescribed by Pa.R.C.P. No. 1920.76.

3. Where economic claims have been raised in the pleadings, a bifurcated decree has previously been entered, and the parties have now entered into a marriage settlement agreement ("MSA") which resolves the economic issues, a request for entry of the MSA shall be by motion and decree. The motion shall set forth the date on which the bifurcated decree was entered and a request

that the MSA be entered. The decree shall enter the MSA as a part of the divorce decree, whether merged into it or not.

[Pa.B. Doc. No. 01-1298. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **CARBON COUNTY**

#### **Adoption of CARB.C.R.CRIM.P. 528(D)(3), 530 and 531(A)(2) and Rescission of CARB.C.R.CRIM.P. 528.1—528.6 and 529.1; No. 77 MI 01**

#### **Administrative Order No. 17-2001**

*And Now*, this 2nd day of July, 2001, it is hereby

*Ordered and Decreed* that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Adopts* Local Rules of Criminal Procedure CARB.C.R.CRIM.P. 528(D)(3) governing Realty as Bail, CARB.C.R.CRIM.P. 530 governing Duties and Powers of a Bail Agency, and CARB.C.R.CRIM.P. 531(A)(2) governing the Qualification of Surety and *Rescinds* Local Rules of Criminal Procedure CARB.C.R.CRIM.P. 528.1 governing the Valuation of Bail Bonds, CARB.C.R.CRIM.P. 528.2 governing the Ten Percent (10%) Cash Bail, CARB.C.R.CRIM.P. 528.3 governing Realty as Bail, CARB.C.R.CRIM.P. 528.4 governing Justification of Personal Surety, CARB.C.R.CRIM.P. 528.5 governing the Qualification of Surety, CARB.C.R.CRIM.P. 528.6 governing Corporate Surety, and CARB.C.R.CRIM.P. 529.1 governing Bail Reduction.

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

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

*By the Court*

RICHARD W. WEBB,  
*President Judge*

#### **Rule 528(D)(3). Realty as Bail.**

A. The defendant, or a third party surety, may post realty as security for bail. In this event, the following must be provided:

1. A written appraisal by a licensed real estate broker in the County in which the property is located.
2. Proof of entry of the bail bond as a lien in favor of the County of Carbon in the Prothonotary's Office of the County in which the property is situated.

3. If the property is mortgaged, a letter from the mortgagee indicating any unpaid balance due.

4. A current lien and judgment search by an attorney or reputable Title Insurance Company.

5. Affidavit of justification of surety as provided in paragraph (d).

B. Upon review of the above documents, a determination must be made that the actual net value of the property is equal to the amount of the bond. Only after the information requested above is supplied and a determination is made that the actual net value is at least equal to the amount of the bond, will realty be accepted as consideration for bail.

C. A given piece of realty shall only be used as bail under this rule if it has not been posted or is not presently being used for bail for any other charges for defendants unless allowed by Court Order.

D. If realty is offered as surety, the owner shall present justification for such by filing an affidavit containing the following information for such surety:

1. Owners name, address, age and occupation.
2. A general description of the real estate which is offered as surety.
3. A statement of the manner in which the title is obtained, including the deed or will book reference of the recording of such instrument of title.
4. A statement of all encumbrances, including taxes upon said real estate.
5. A statement of the assessed market value and any rental being paid.
6. A statement of the assessed market and rental value of the real estate.
7. A statement that the real estate is not being contemplated or actually negotiated for in any sale.

**Rule 530. Duties and Powers of a Bail Agency.**

The Pretrial Services Division of the Adult Probation Office shall be appointed the bail agency for the Court of Common Pleas of Carbon County to monitor and assist defendants released on bail pursuant to Pa. R.Cr.P. 530, except for administering the percentage cash bail.

**Rule 531(A)(2). Qualification of Surety.**

Residents or owners of realty in order to be qualified to act as sureties must own realty within the Commonwealth of Pennsylvania. In all cases of realty owned outside Carbon County, the surety must provide the following:

1. Affidavit of Justification of such surety;
2. Written appraisal by a reputable licensed real estate broker in the county in which the property is situate;
3. Proof of entry of the bond in favor of the Commonwealth in the Prothonotary's Office of the county in which the property is situate;

4. Letter from the mortgage company indicating the unpaid balance due on the mortgage covering the said property, if any;

5. A lien and judgment search by a reputable title insurance company.

[Pa.B. Doc. No. 01-1299. Filed for public inspection July 20, 2001, 9:00 a.m.]

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**CARBON COUNTY**

**Appointment of Liaison Between Carbon County Court of Common Pleas and the Pennsylvania Sexual Offenders Assessment Board; No. 76 MI 01**

**Administrative Order 18—2001**

*And Now*, this 2nd day of July, 2001, it is hereby

*Ordered and Decreed* that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, Joseph J. Berke, Deputy Chief Adult Probation Officer, be and is hereby *Appointed* to act as a liaison between this Court and the Pennsylvania Sexual Offenders Assessment Board, 1101 South Front Street, Suite 5700, Harrisburg, Pennsylvania, 17104-2533, in order to expedite assessment requests for sexually violent predators.

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

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

*By the Court*

RICHARD W. WEBB,  
*President Judge*

[Pa.B. Doc. No. 01-1300. Filed for public inspection July 20, 2001, 9:00 a.m.]

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**MONROE COUNTY**

**Promulgation of Local Rules of Civil Procedure and Domestic Relations**

**Order**

*And Now*, June 27, 2001, the Local Rules of Civil Procedure are adopted to be effective September 1, 2001.

All Local Rules of Civil Procedure heretofore adopted are rescinded effective September 1, 2001.

*By the Court*

RONALD E. VICAN,  
*President Judge*

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**General Rules**

Any rules not set forth in the following are repealed.

**1900. Domestic Relations Action.**

1. All actions for Protection From Abuse commenced pursuant to 1901.3 Pa.R.C.P., actions for Support commenced pursuant to 1910.4 Pa.R.C.P., actions for Custody or Visitation commenced pursuant to Pa.R.C.P.1915.3 Pa.R.C.P., and actions for Divorce commenced pursuant to 1920.3 Pa.R.C.P. shall be captioned as follows:

COURT OF COMMON PLEAS OF MONROE COUNTY  
43RD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

MARY DOE,	:	NO. ____ Domestic
Plaintiff	:	Relations 200 ____
vs.	:	
JOHN DOE,	:	IN DIVORCE (or Custody)
Defendant	:	(or Support) (or P.F.A.)

2. Any party or attorney commencing a new action of the type herein above enumerated between the same parties involved in other pending actions governed by this Rule shall notify the Prothonotary of the number of such pending action. The new action shall be filed to the same number as the other pending actions involving the same parties.

**Rule 1900.1. Procedure to Recover Exhibits.**

If no Exceptions or Appeal follow a Master’s Hearing or Report, within forty-five (45) days of the filing of the Master’s Report or the resolution of Exceptions, the parties shall recover their hearing exhibits from the Prothonotary or Court Reporter. If a party has not recovered hearing exhibits within sixty (60) days, the Prothonotary or Court Reporter shall notify Counsel to the parties or the parties themselves if they do not have Counsel, in writing by U. S. mail, first class, at their addresses of record that the exhibits will be destroyed thirty (30) days from the date of such notice. Any exhibits not retrieved timely shall thereafter be destroyed or otherwise disposed of by the Prothonotary or Court Reporter.

**Actions in Support/Alimony Pendente Lite**

**Rule 1910.1. Support and Alimony Pendente Lite.**

These Support Rules shall control all actions or proceedings for support or alimony pendente lite.

**Rule 1910.4. Commencement of Action.**

An action shall be commenced by filing a Complaint in the Monroe County Domestic Relations Office. Thereafter the original and one copy of all pleadings, petitions, briefs and Exceptions shall be filed in the Monroe County Domestic Relations Office which office shall promptly forward all original pleadings, petitions, briefs and Exceptions to the Monroe County Prothonotary.

**Rule 1910.10. Alternative Hearing Procedure.**

Hearings shall follow the procedure set out in Pa.R.Civ.P. 1910.12. The Support Master shall serve as the Monroe County Hearing Officer.

**Rule 1910.12. Hearings, Continuances and Exceptions.**

(a) Any requests for continuance of the office conference or of the Master’s Hearing shall be made in writing to Monroe County Domestic Relations Office. Requests for continuance shall:

1. Bear the signature of both parties or both attorneys, or include any written agreement of the parties to the continuance, or set out the reason for the request for continuance if there is no agreement between the parties or their counsel.

(b) The Monroe County Domestic Relations Office shall have the discretion to grant or deny any continuances of office conferences. Master's Hearings shall only be continued upon good cause shown after review by the assigned Judge.

(c) Following hearing, the Support Master shall retain possession of any exhibits admitted at hearing. Upon the filing of the Support Master's Report, the Support Master shall return the exhibits to the Court Reporter. When the Court Reporter files the original transcript of hearing in the Office of the Prothonotary, the Court Reporter shall file the exhibits with the transcript.

(d) Within ten days after the date of the Support Master's Report, any party may file Exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each Exception shall set forth a separate objection precisely and without discussion. Matters not covered by Exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file Exceptions raising those matters. If Exceptions are filed, any other party may file Exceptions within ten days of the date of service of the original Exceptions. All Exceptions shall be filed in the Monroe County Domestic Relations Office.

Exceptions shall be accompanied by the following:

1. Attorney's check, certified check or money order payable to Domestic Relations for \$50.00, or \$50.00 in cash;

2. Attorney's check, certified check or money order payable to the Office of the Prothonotary for \$60.00, or \$60.00 in cash;

3. A Praecipe for Argument listed on the first argument date occurring more than thirty days following the filing of Exceptions; in the form set out at 43 J.D.R.C.P. 211;

4. The Order of Court set out at Rule 1910.12-A

5. Briefs shall be filed in accordance with Monroe County Rules of Civil Procedure, 43 J.D.R.C.P. 210. Failure to timely file Briefs or to appear at Argument may constitute a default for which the exceptions may be stricken or denied, as the Court may deem just and proper.

6. A Certificate of Service on opposing counsel or on opposing non represented parties certifying service of the Exceptions and the Praecipe for Argument.

7. The form order shall be attached to the Exceptions and the Praecipe for Argument shall be presented as a separate document.

**Rule 1910.12-A. Form—Exceptions Order.**

The following form order shall be filed with all Support Exceptions:

ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2001, Plaintiff/Defendant having filed Exceptions to the recommendation of the Support Master, it is ordered as follows:

1. Both parties shall comply with the provisions of 43 J.D.R.C.P. 1910.12.

2. The Court Reporter is directed to transcribe the Notes of Testimony of the Support Master's hearing held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_ and make a copy available to both parties or their counsel and file the transcript prior to \_\_\_\_\_.

3. Pending adjudication of the Exceptions, in accordance with Pennsylvania Rule of Civil Procedure 1910.12, the order dated (order date) is a temporary order with which the Plaintiff/Defendant must comply.

4. The parties must file their written statements or briefs with the Court in accordance with 43 J.D.R.C.P. 210.

5. The parties or counsel must appear in person for Argument Court on \_\_\_\_\_ at 9:00 a.m. in Courtroom No. \_\_\_\_\_, Monroe County Court House, 7th & Monroe Streets, Stroudsburg, PA 18360.

BY THE COURT:

\_\_\_\_\_ J.

cc: (both parties)  
(all counsel of record)  
(court reporter)  
(Richard D. James, Esquire, Support Master)

**Actions in Custody**

**1915.1. Definitions.**

"Conciliator" shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

"Conciliation Conference" shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator.

"Evidentiary Hearing" shall be an evidentiary hearing before a judge of the Court of Common Pleas of Monroe County.

"Program" shall be the Monroe County Co-Parent Education Program.

"Provider" shall be the provider of the Monroe County Co-Parent Education Program.

**1915.3. Commencement of Action. Complaint. Order. Fees.**

(a) All Complaints for custody, partial custody, visitation or modification of custody, and contempt of a custody order and all Motions for Conciliation Conference shall be filed with the Prothonotary and shall be forwarded promptly to the Court Administrator.

Complaints and Motions for Conciliation Conference shall be accompanied by a Scheduling Order and by the Co-Parent Information and Registration forms in the form set forth at Rule 1915.15 below.

(b) Upon the filing of any complaint, petition or motion relating to child custody, partial custody or visitation, the moving party shall pay a fee to the Prothonotary (in addition to the fees required by 43 J.D.R.C.P. 1940.5) in an amount set forth in the fee schedule adopted by the Court.

**1915.3-1. Co-Parent Education Program.**

1. In all custody actions, including initial complaints, petitions for modification and contempt, the adult parties shall attend and complete the four hour program entitled Co-Parent Education Program.

2. The parties shall register for the Program using the Registration Form set out in these Rules and served with the Complaint. The moving party must register for the Program within fifteen days after filing the Complaint or Motion for Conciliation Conference and must complete the Program within sixty days of such filing. The responding party must register for the Program within fifteen days after service of the Complaint or Motion for Conciliation Conference and must complete the Program within sixty days of registration. The Provider shall certify the parties' attendance by filing a Certificate of Attendance with the Prothonotary.

3. No Evidentiary hearing shall be held until all parties have attended and completed the Program unless the requirement is waived by the Court for good cause shown.

4. Failure to comply with the Co-Parent Education Order may result in the Court's taking any appropriate action, including sanctions and/or contempt.

**1915.4-1. Conciliation Conference.**

1. All parties and all children specifically ordered to attend shall attend the Conciliation Conference. At the Conciliation Conference, the Conciliator shall meet with the parties and their counsel to conciliate all claims and may meet with the children if deemed appropriate in the discretion of the Conciliator. The Conciliator shall also screen for referral of the appropriate cases to mediation.

2. To facilitate conciliation and to encourage frank, open and meaningful exchanges between the parties and their counsel, statements made by the parties, children, counsel or the Conciliator at the conciliation conference shall not be admissible as evidence in court. The Conciliator shall not be competent to serve as a witness for or against any party nor shall there be any testimony taken at the Conciliation Conference. The Conciliator shall not be subject to subpoena to compel testimony regarding information revealed at the Conciliation Conference.

3. Promptly following the Conciliation Conference, the Conciliator shall file a Recommendation with the Court setting forth the terms of a Consent Agreement reached by the parties or setting forth a recommendation for a Temporary Order that may include a requirement that the parties undergo a specific period of counseling with a licensed psychologist or a certified mediator. In appropriate cases, the Conciliator may recommend mediation pursuant to P.A.R.C.P. 1940.1 et seq.

4. Where it appears that the resolution of the matter will require an evidentiary hearing, the Conciliator shall recommend family social studies. The Agency issuing the family social study shall mail the written study to the judge and to counsel of record for the parties or to the parties if there are no attorneys of record, pursuant to Pa.R.C.P.1915.8.

5. Where it appears that the resolution of the matter will require an evidentiary hearing, the Conciliator may make any additional recommendations for mental health evaluations, drug and alcohol evaluations, the appointment of experts, guardians ad litem or counsel for the child or for any other prehearing matters the Conciliator deems necessary or appropriate.

6. No exceptions may be taken from the Recommendation of the Conciliator.

**1915.5. Motions and Petitions.**

1. Motions for the scheduling of a Conciliation Conference shall be in accordance with 43 J.D.R.C.P. 206(a).

**1915.8. Disclosure of Expert Evaluations.**

A party to a custody, partial custody or visitation action shall not disclose the contents of an expert report pursuant to Pa. R.C.P. 1915.8, including home study evaluations, mental and physical evaluations, and drug and alcohol evaluations, to anyone except their attorney. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

**1915.10. Evidentiary Hearing.**

Upon the completion of all Family Social Studies and any evaluations ordered by the Court, either party may move for an evidentiary hearing that shall be held before a Judge of the Court. The motion for evidentiary hearing shall be filed with the Prothonotary and shall be accompanied by a proposed Order scheduling a prehearing conference and the evidentiary hearing in accordance with the form set forth in Rule 1915.15 below. Prior to any evidentiary hearing, counsel to the parties shall appear for a prehearing conference to be scheduled by the assigned judge. Parties need not attend prehearing conferences but shall be available for consultation by telephone.

**1915.12. Civil Contempt for Disobedience of a Custody Order.**

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with 43 J.D.R.C.P. 1915.3(a) and may be scheduled for a conference before the Conciliator. If the contempt matter is not resolved at conference, then the Conciliator shall refer the matter to the Judge for appropriate action.

**1915.15. Forms.**

1. The Scheduling Order on Complaints and Motions for Conciliation Conferences shall be in the form attached hereto.

2. The Co-Parent Information and Registration forms shall be in the forms attached hereto.

3. The Order for prehearing conference and final hearing shall be in the form attached hereto.

COURT OF COMMON PLEAS OF MONROE COUNTY  
 FORTY-THIRD JUDICIAL DISTRICT  
 COMMONWEALTH OF PENNSYLVANIA

Plaintiff : No.  
 :  
 :  
 vs. :  
 :  
 :  
 Defendant : CUSTODY

**O R D E R**

You, Plaintiff/Defendant, have been sued in court to obtain/modify custody, partial custody or visitation of the minor child(ren), (names and ages of child(ren)).

AND NOW, upon consideration of the attached Complaint/Petition, it is hereby Ordered that the parties and their respective counsel appear before \_\_\_\_\_, Esquire, Custody Conciliator, on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, in the Conciliation Room, second floor, Monroe County Courthouse at \_\_\_\_\_ .m. for a conciliation conference. At such conference, an effort will be made to resolve the issues in dispute; or, if this



cannot be accomplished, to define and narrow the issues to be heard by the Court and to enter into an Interim Order. Failure to appear at the Conference may provide grounds for the entry of a Temporary Order.

You are further ordered to take (bring) the following children to the conference:

NOTE: Children under the age of eight (8) need not attend.

If you fail to appear as provided by this Order, or to bring with you the minor child(ren), an Order for custody may be entered against you by the Court or the Court may issue a warrant for your arrest.

ALL PARTIES ARE FURTHER ORDERED to attend a program entitled the Co-Parent Education Program and to bring with you the Certificate of Completion you will receive at the program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days from the date of this Order.

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

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

MONROE COUNTY BAR ASSOCIATION  
LAWYER REFERRAL SERVICE  
913 MAIN STREET  
P. O. BOX 786  
STROUDSBURG, PENNSYLVANIA 18360  
(570) 424-7288

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

Dated: \_\_\_\_\_ J.

cc:

2001 CO-PARENT EDUCATION PROGRAM

In cases involving minor children, attendance at a four-hour Co-Parent Education Program is required of the parties in custody and divorce actions. MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM.

PROGRAM CONTENT

The program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well-being during the periods

of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

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

b) Handling the Feelings: Identifying feelings; Anger in divorce: toward your co-parent, from your children, toward your children; Feeling and healing.

II. a) Video segments and Discussion: Explaining divorce, warning parents, visitation problems, new relationships, etc.

b) Mediation: Explanation of mediation process and its applicability to divorce and custody matters.

WHEN

The Program is offered every other month on Saturday morning from 9:00 a.m. until 1:00 p.m. or every month on Tuesday evening from 5:30 p.m. until 9:30 p.m.

WHERE

The Program will be presented in the Jury Assembly Room of the Monroe County Courthouse, 7th & Monroe Streets, Stroudsburg, Pennsylvania.

ATTENDANCE

Attendance at the Program is required of parties to a case where the interests of children under the age of eighteen years are involved. Additional interested persons may attend the seminar upon prior approval of Family/Divorce Services.

PRESENTERS

Qualified counselors, educators and trainers selected by Family/Divorce Services will present the Program pursuant to arrangements with the Court of Common Pleas of Monroe County.

NOTIFICATION

A copy of the Order requiring the parties to attend the Program and Registration Form will be provided to the parties at the time of the filing of the action or service of the applicable pleading.

FEEES

A fee of \$25.00 per party for the Program is required and will be used to cover all program costs including the presenters fees, handouts and administration. The fee must be submitted with the registration form.

Registration

The registration form must be received by Family/Divorce Services at least seven (7) days prior to the Program date selected. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through Family/Divorce Services.

Verification of Attendance

Upon proof of identification at the Program, Family/Divorce Services will record the party as "present" and provide to the Prothonotary of Monroe County a Certificate of Completion, which shall be filed of record. Each person successfully completing the program will be given a Certificate of Attendance.

Security

Upon entering the Courthouse each person will be subject to search and will go through a metal detector, therefore please limit your items.

The Monroe County Sheriff's Office will provide an armed, uniformed deputy at each Program immediately prior to, during and immediately after each presentation.

Evaluation

Each participant shall complete a written evaluation of the Program upon its conclusion.

2001 REGISTRATION FORM—CO-PARENT EDUCATION PROGRAM

The Program is held in the Jury Assembly Room of the Monroe County Courthouse, Stroudsburg, PA. The Sheriff's Office provides security.

Upon entering the Courthouse each person will be subject to search and will go through a metal detector, therefore please limit your items.

You can choose a Saturday morning or a Tuesday evening session. You should attend the program within 60 days of filing or receiving a divorce/custody complaint, or within 60 days of being ordered to attend. The cost of the program is \$25 per person.

Requests for an extension of time to attend or questions can be directed to Family/Divorce Services at 610-366-8868.

An adult who resides with the party, or a relative who provides substantial childcare, may attend the Program with you, free of charge, if registered below as a guest.

A videotape to view and return is available only to parties who reside more than 90 minutes driving time from Stroudsburg. See registration below.

Please register 7 days in advance of the date you want to attend.

Confirmations are NOT sent. Come to the class you choose.

Children shall NOT be brought to the Program. Please be prompt. Latecomers will not be admitted and will have to re-schedule.

In case of a snowstorm, listen to the radio for cancellations-WSBG at 93.5FM or WVPO at 840AM or TV at WYOU news.

If you are disabled and need special assistance, call ahead to make arrangements to meet your needs.

YOU MUST REGISTER BY MAIL: Choose the dated you want to attend, complete the form below and send it with check or money order, payable to: FAMILY/DIVORCE SERVICES, P. O. Box 318, Trexlertown, PA 18087. DOCKET NUMBER: of divorce/custody case: (you may have two) MUST be filled in. Include numbers, letters, year of your file number.

Your name: \_\_\_\_\_

Guest (name and relationship to child) \_\_\_\_\_

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

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Choose a Saturday OR Tuesday session: \_\_\_\_\_

SATURDAYS 9am-1pm TUESDAYS 5:30 p.m.-9:30 p.m.

___ February 10, 2001	___ January 9, 2001	
___ April 7	___ February 13	___ March 13
___ June 9	___ April 10	___ May 8
___ August 4	___ June 12	___ July 10
___ October 6	___ August 7	___ Sept 11
___ December 8	___ October 9	___ Nov 13
	___ December 11	

\_\_\_ VIDEO: Cost is \$54 (fee plus S&H plus Deposit) The \$25 deposit is refunded upon return of the video.

COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

Plaintiff : NO.
VS. :
Defendant : IN CUSTODY

ORDER

AND NOW, this day of , 200 , upon consideration of the attached Motion for Evidentiary Hearing, a full Evidentiary Hearing is scheduled for the day of , 200 at M., in Courtroom No. , Monroe County Courthouse, Stroudsburg, Pennsylvania.

Further, a Prehearing Conference is scheduled for the day of , 200 at .M. in Chambers. The parties shall be available to the Court, in person or by telephone, at the date and time set for prehearing conference.

On or before counsel for each party shall provide to the Court and to opposing counsel a written Prehearing Memorandum which shall include the following:

- 1. Name of client, name and telephone number of attorney.
2. A statement of all legal and evidentiary issues anticipated at hearing and citation to legal authorities relied upon by counsel.
3. The names and addresses of all witnesses to be called at hearing with a notation of their specific purpose.
4. A list of all exhibits to be used at hearing and a statement certified by counsel that all exhibits were furnished to opposing counsel as part of the Prehearing Memorandum.
5. The estimated length of hearing time necessary for counsel to present evidence.

Counsel shall provide to the Court at the time of trial proposed findings of fact, conclusions of law, applicable legal authority and a proposed order.

BY THE COURT:

\_\_\_\_\_ J.

cc:

**Actions in Divorce**

**1920.12. Filing and Service of Complaint; Costs; Co-Parent Education Program.**

1. With the filing of a Complaint in Divorce, the Plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

2. In addition to all other information required by law, each Complaint in Divorce shall contain one of the following averments:

- a) Plaintiff avers that there are no children of the marriage under the age of eighteen; or
- b) Plaintiff avers that there are children of the marriage under the age of eighteen (list names, ages and dates of birth);

3. Immediately following the initial page of the Complaint which contains the Notice to Plead, each Divorce Complaint shall contain the Co-Parent Education Order set out in these rules if there are children of the marriage under the age of eighteen.

4. The Affidavit of Service or Acceptance of Service filed shall include an acknowledgment that the Co-Parent Education Order, a Co-Parent Program Registration Form and a Co-Parent Program description as set out in these rules were served with the Complaint.

**1920.12(1). Mandatory Co-Parent Education Program.**

1. In all actions in divorce or annulment where there are children of the marriage under the age of eighteen, the parties shall attend and complete a four hour program entitled Co-Parent Education Program.

2. The parties shall register for the Program using the Registration Form set out in these Rules and served with the Complaint.

3. No Master's Hearing shall be held nor any divorce decree entered until all parties have attended and completed the Program unless the requirement is waived by the Court for good cause shown. Refusal of the non-moving party to attend the program shall constitute good cause.

4. Failure to comply with the Co-Parent Education Order may result in the dismissal of the Divorce action, the striking of pleadings, or other appropriate action, including sanctions and/or contempt.

**1920.43. Motions and Petitions.**

1. Motions practice shall be in accordance with 43 J.D.R.C.P. 206(a).

2. All Divorce Motions or Petitions including Praecepta for a Master's Hearing shall be filed with the Prothonotary.

**1920.51. Proceedings Before the Master.**

1. Monroe County shall follow the Master's Hearing procedure set out at Pa.R.C.P. 1920. 55-2.

2. Upon the compliance by both parties with the requirements of Pa.R.C.P 1920.31 and 1920.33(a) and the deposit of the required fee with the Prothonotary as set forth in the fee schedule adopted by the Court, either party may file a Praecepta in the form set out in these Rules, requesting the appointment of a Divorce Master.

3. The Court Administrator shall assign the Master for each case who shall promptly recommend the amount of any additional court costs to be posted by one or both of

the parties. In the event additional hearings are necessary, the Master shall file a request with the Court Administrator identifying the number of additional hearing days and the amount of additional court costs to be posted by the parties. No hearing date shall be scheduled prior to the payment of court costs.

4. Promptly upon appointment, the Master shall issue a Notice scheduling a Pretrial Conference and setting a deadline for the filing and service of Pretrial Statements in accordance with Pa.R.C.P. 1920.33(b). Counsel of record shall attend the Pretrial Conference; parties shall not attend but shall be available to consult with their counsel by telephone. The Notice of the time and date of the Pretrial Conference and the deadline for the filing of Pretrial Statements shall be served by the Master upon counsel of record, any unrepresented parties and the Court. In the event that counsel for either party fails to attend the Pretrial Conference, or fails to file a Pretrial Statement, the Master may recommend that the Court impose sanctions.

5. If a Pretrial Conference or any portion of a hearing day is held, the Master shall receive a fee in the amount to be determined by the fee schedule adopted by the Court, payable from the court cost deposits. The Master shall be compensated for any additional full or partial days of hearings.

6. The Praecepta for Master's Hearing shall be in the form set out as follows:

COURT OF COMMON PLEAS OF  
MONROE COUNTY  
43RD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

\_\_\_\_\_ NO. \_\_\_\_\_  
 \_\_\_\_\_ NO. \_\_\_\_\_  
 \_\_\_\_\_  
 VS. PRAECEPTA FOR MASTER'S  
 \_\_\_\_\_ HEARING IN DIVORCE  
 \_\_\_\_\_

TO THE PROTHONOTARY OF SAID COURT:

Kindly request the Court Administrator to schedule a Master's Hearing in the above divorce case.

- ( ) The case is now at issue.
- ( ) Estimated time required for Hearing is \_\_\_\_\_ days.
- ( ) Approximate value of marital assets is \$ \_\_\_\_\_.

This case to be tried by and notices sent to:

Attorney(s) for Plaintiff(s)	Attorney(s) for Defendant(s)
Address	Address
Telephone Number	Telephone Number
Attorney I.D. Number	Attorney I.D. Number

I hereby certify that the above entitled case is at issue and ready for Hearing; that discovery is complete or foreclosed; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed; that Inventories have been filed; that the Co-Parenting Education Program has been completed or properly waived; that the attorneys of record are named above; and that an initial filing fee of \$750.00 has previously been paid, and that the per diem Hearing Fee and Costs Deposit, previously determined by the Court Administrator, has concurrently been deposited with the Court.

\_\_\_\_\_ , 200 \_\_\_\_\_

Attorney for \_\_\_\_\_

#### **1920.54. Settlement Before Scheduled Hearing.**

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the Master and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the Master an executed Divorce Settlement Agreement and Affidavits of Consent.

Where parties settle on the record or by the filing of a written Divorce Settlement Agreement, the Master shall file a Report and Recommendation within thirty days of the scheduled hearing date.

#### **1920.55-2. Master's Report.**

Following the conclusion of the final hearing, the Master shall file the Record and the Report and Recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file Briefs or Memoranda of Law within fifteen days after the filing of the transcript. The service of the Master's Report and Recommendations and the filing of Exceptions shall follow the procedures set out in Pa.R.Civ.P. 1920.55-2. The parties shall serve a copy of any Exceptions they file upon the Master, by regular mail or by personal service by a competent adult at the Master's principal office.

#### **1920.72. Form of Complaint.**

1. Complaints in Divorce shall include the following Notice if there are children of the marriage under the age of eighteen.

##### **Notice of Mandatory Co-Parent Education Program**

ALL PARTIES ARE ORDERED to attend a program entitled the Co-Parent Education Program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days from the date of this Order.

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

No Master's Hearing shall be held or Divorce Decree granted where there are children under the age of eighteen of the marriage until all adult parties have attended the Program.

### **Electronic Testimony in Support/Alimony Pendente Lite**

#### **Rule 1930.3. Testimony by Electronic Means before the Support Master.**

1. No testimony by electronic means shall be permitted except by court order issued prior to the hearing. All Motions for testimony by electronic means shall be filed at least 30 days prior to a hearing with the Prothonotary and forwarded to the Judge assigned to hear support matters. Pa.R.C.P. 1930.3 shall apply. A copy of the request shall be served upon the Domestic Relations Office and the opposing party or opposing counsel of record and a Certificate of Service shall be filed with the Motion.

2. Motions for testimony by electronic means shall state with particularity the relief requested, the basis for the request and shall identify whether the parties agree to the relief requested in the Motion. Any party opposing a Motion for testimony by electronic means shall file written objections within 5 calendar days of receipt of service of the Motion. Objections shall state with particularity the reason for the objections. The Motion shall be decided without hearing or argument, upon the Court's review of the Motion and any Objections timely filed.

3. The Petition shall include the telephone number where the Petitioner shall be contacted during the hearing. The Domestic Relations Office shall have the discretion to impose a fee for long distance telephone services which shall be paid before hearing.

4. The equipment used by the witness must be capable of and actually produce clear transmission satisfactory to the Master. The Master shall have the authority to terminate the testimony and grant one continuance for the taking of the testimony if the equipment used by the witness does not satisfactorily transmit. If the equipment function is unsatisfactory to the Master at the continued hearing, the requesting party shall have forfeited the entitlement to offer electronic testimony.

5. The witness to be examined by electronic means shall be available and ready to be sworn and begin testimony immediately upon the case being called. Parties testifying by electronic means shall be sworn in by the Court Reporter present at the hearing. Experts and other third-party witnesses shall be sworn in by a person duly authorized in that jurisdiction to administer the oath to the witness. The party proffering the electronic testimony shall be responsible to secure the presence of the person authorized to administer oaths. Experts and other third-party witnesses shall produced satisfactory photo identification to the person who administers the oath. Not less than 5 days before the hearing, the name of this individual and their qualifications to administer the oath in their jurisdiction shall be delivered to the Domestic Relations Office and the other party or their attorney.

6. True and correct copies of any and all documents to be relied upon by either party during their electronic testimony shall be marked as exhibits and exchanged by the parties or their attorneys at least five (5) days before the hearing with copies provided to Domestic Relations for the Master's use.

#### **Mediation in Custody Actions**

#### **1940.3. Order for Orientation Session and Mediation. Selection of Mediator.**

(a) Upon the commencement of an action for custody, partial custody or visitation of minor children, or the filing of a petition seeking modification or contempt of an

existing order for custody, partial custody or visitation, at the time of the conciliation conference, the Conciliator shall screen the case and identify those cases suitable for referral to mediation.

(b) The Conciliator shall, in his recommendation, refer all cases that he deems appropriate to a mediation orientation session.

(c) Mediation may be recommended after a conciliation conference when deemed appropriate by the Conciliator.

(d) All cases ordered to mediation by the court shall be scheduled for an initial orientation session. This initial orientation/mediation session shall be scheduled for one to two hours. Upon agreement of the parties, additional mediation sessions may be scheduled. The parties' attorneys shall not attend the orientation or any mediation sessions.

**Rule 1940.4. Minimum Qualifications of the Mediator.**

A mediator is a person approved by the Monroe County Court of Common Pleas who has met the requirements of Pa.R.C.P. 1940.4 and any additional qualifications this court may from time to time require, and who has been approved by the court to perform mediator services hereunder. All mediators shall adhere to the mediator standards of practice adopted by the Academy of Family Mediators and the American Bar Association.

**Rule 1940.5. Fees.**

A fee authorized by 23 Pa.C.S. 3902(a) and a mediation fee adopted by the Court in its fee schedule shall be paid to the Prothonotary at the time of filing of any complaint in divorce which contains a count for custody or a separate complaint for custody.

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### Rules of Construction

#### RULE 51—TITLE AND CITATION OF RULES.

These Rules shall be known as “Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania, Rules of Civil Procedure” and may be cited as “43 J.D.R.C.P. \_\_\_\_\_.”

#### RULE 52—EFFECTIVE DATE.

Each Rule adopted by the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania shall become effective upon the date specified by the Court in promulgating such Rule.

#### RULE 76—DEFINITIONS.

Unless the context clearly indicates otherwise, each word or phrase set forth in any Rule promulgated by the Court of Common Pleas of Monroe County shall have the same meaning as that word or phrase is given in the Pennsylvania Rules of Civil Procedure with the exception of the following words or phrases:

(a) “Court” shall signify the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania.

(b) “Rule” shall signify any Rule promulgated by the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania.

(c) “Party” or “Parties” shall signify the party or parties appearing in any action or the attorney or attorneys of record for such party or parties, whichever the context requires;

(d) “Prothonotary” shall signify the Prothonotary of the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania.

(e) “Court Administrator” shall mean the person, including assistants, appointed by the Court to facilitate the disposition of court business.

#### RULE 101—PRINCIPLES OF INTERPRETATION.

When interpreting any Rule, the Principles of Interpretation, Rules of Construction, and Presumptions in Ascertaining Intent set forth in the Pennsylvania Rules of Civil Procedure shall be applied.

### Business of Courts

#### RULE 201—COURT SESSIONS.

The Court shall annually promulgate the official judicial calendar for each calendar year. The court calendar shall list all regularly scheduled sessions of the Court to be held during the year and shall be made available to all attorneys practicing in this Court by the Court Administrator. All attorneys practicing in this Court shall be available at the times and dates set forth in the court calendar for all matters in which they are a participant, unless excused by the Court for good cause shown.

#### RULE 203—ADMISSION TO THE BAR OF THIS COURT.

1. The Prothonotary shall maintain a record of the dates of admission to the Bar of this Court of all members of this Bar, which record shall be conclusive as to the seniority of the members of this Bar.

2. Admissions to the Bar of this Court shall be by petition of the applicant, presented by a member of this Bar, which petition shall show that the applicant (a) has been admitted to the Bar of the Supreme Court of Pennsylvania; (b) that he or she is a person of good moral character; (c) either that he or she is a bona fide resident of Monroe County or that he or she maintains an office for the practice of law in Monroe County.

3. Nothing contained in this Rule shall prevent any attorney who is in good standing as a member of the Bar of the Supreme Court of Pennsylvania from practicing in this Court.

4. All members of the bar shall participate in the compulsory arbitration process as set forth in 43 J.D.R.C.P. 1302.

#### RULE 204—COMMUNICATIONS WITH THE COURT.

Ex parte communications with the Court are prohibited. Written correspondence on matters of substance, other than pleadings, is discouraged.

#### RULE 205A—FORM AND FILING OF DOCUMENTS.

All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake shall be conclusive evidence of such date and time of filing.

(a) No pleading, papers, affidavits or other documents may be filed in any office of the Court on paper other than 8 1/2" x 11" in size.

(b) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed, or typewritten in print no smaller than typewriting with lines (except quotations) not closer than typewriting double spacing; contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding and the name of the paper. All papers filed shall be endorsed with the name, address, telephone number and I.D. number of the attorney filing it or the name, address and telephone number of the party if there is no attorney. The caption of any paper filed subsequent to a Complaint need only state the name of the first party on each side with an appropriate indication of the other parties.

(c) While the use of backers is not required, it is strongly encouraged as a means to assist the Court in readily identifying and reviewing filed documents.

(d) All papers and other documents shall be securely affixed at the top.

(e) A proposed order shall accompany all motions or other requests for relief.

(f) No original documents shall be faxed to the prothonotary's office without prior leave of court.

#### RULE 205B—REMOVING PAPERS.

(a) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or staff without a written order signed by the President Judge requiring the return of such record or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force and effect. In cases where the President Judge authorizes the removal of records or documents, the Prothonotary or staff, as the case may be, shall take a written receipt for the records

or documents removed and shall cause the same to be noted in a book maintained for such purpose and filed with the record papers in the case, which receipt shall be cancelled upon return of the records or documents removed.

(b) In cases pending in this Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or staff may deliver record papers or dockets to the appointed officer of the Court, accepting in return such officer's written receipt which shall be noted and filed as herein before set forth.

(c) The delivery provisions of this Rule do not apply to Judges, Judge's staff, Court Administrator and members of Court Administrator's staff.

**RULE 206A. MOTION PRACTICE.**

(a) All Motions shall be in writing and shall be filed in the Office of the Prothonotary. The signing of a Motion by the attorney of record shall constitute a certification that he or she has read the Motion and that, to the best of their knowledge, information and belief there are good grounds to support it and that it is not interposed merely for delay.

(b) All Motions shall state with particularity the grounds on which they are based and shall precisely state the relief which is being sought and shall cite any statute or procedural Rule authorizing the grant of such relief.

(c) Except for Motions enumerated in subsection (e), all Motions shall contain a certification by counsel for the

moving party that concurrence in the Motion has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the Motion. Failure to comply with this provision shall constitute sufficient grounds for the Court to deny the Motion.

(d) For cause shown, any moving party may request expedited disposition of any Motion filed with the Prothonotary. If expedited disposition is requested, a praecipe shall be filed with the Motion explaining the grounds for requesting such expedited disposition. Upon receipt of a praecipe for expedited disposition, the Court Administrator shall promptly notify the moving party of the Judicial assignment. It shall be the responsibility of the moving party to arrange a teleconference among the Judge and all other counsel interested in the subject of the Motion within three business days of the time the Motion is presented.

(e) Motions authorized by Pa.R.C.P. 1028 (preliminary objections), 1034 (judgment on the pleadings), 1035.1 (summary judgment), 1509 (preliminary objections-equity) and 227 (post trial relief) shall be filed with the Prothonotary. At the time of filing such Motions with the Prothonotary, the moving party shall also file a Praecipe to place the matter on the first Argument List occurring more than 30 days following the date of filing the Motion or Petition. Failure to comply with this provision may be sufficient basis for the Court to deny the Motion.

COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

(Plaintiff's Name) : (NO. CIVIL )  
:  
Plaintiff :  
:  
vs. :  
:  
(Defendant's name) :  
:  
Defendant : (SUBJECT)

P R A E C I P E

TO THE COURT ADMINISTRATOR:

Expedited Disposition of attached Motion is requested for the following reasons:

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

\_\_\_\_\_  
ATTORNEY FOR (Plaintiff or Defendant)

FOR COURT ADMINISTRATOR ACTION ONLY

\_\_\_\_\_  
MOTION OR PETITION ASSIGNED TO JUDGE \_\_\_\_\_  
\_\_\_\_\_  
COUNSEL FOR MOVING PARTY NOTIFIED OF JUDICIAL ASSIGNMENT

**RULE 206B. PETITION AND RULE TO SHOW CAUSE PRACTICE.**

(a) A petition and rule to show cause may be used to bring before the court any proper matter for which no other specific procedure is authorized or in which only a Petition is prescribed as the authorized procedure for bringing such matter before the court for disposition.

(b) A rule to show cause shall be issued at the discretion of a judge of the court as contemplated by Pa.R.C.P. 206.5. The court, upon its own initiative, may schedule an

evidentiary hearing on disputed issues of material fact and may, in its discretion, provide for disposition of the matter on briefs, without the necessity of oral argument. In such instances, the court shall establish a briefing schedule in its initial order.

(c) All petitions shall contain a certification by counsel for the moving party that concurrence in the petition has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of oppos-

ing counsel shall be attached to the petition.

(d) All petitions, except those made in the course of trial or hearing, shall be in writing. All written petitions shall be signed by counsel and may be filed at any time during regular business hours with the prothonotary. Counsel's signature upon a petition shall constitute a certification that counsel has read the Petition and that, to the best of counsel's knowledge, information and belief, it is supported by sufficient legal or factual grounds and that it is not interposed merely for delay. The prothonotary shall deliver daily a petitions list with accompanying petitions to the court administrator to monitor and assign to a judge.

(e) All petitions and answers thereto, shall comply with the provisions of Pa.R.C.P. 206.1 through 206.3.

(f) The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the court order entering the rule and specifying a return date, along with a copy of the underlying petition, upon each attorney of record and unrepresented party in the manner prescribed by Pa.R.C.P. 440. An affidavit of service shall be filed within five (5) days from the date of the order setting the rule with the prothonotary.

(g) If no answer is filed on or before the return date, the moving party may file a motion to make the rule absolute. A motion to make the rule absolute shall evidence compliance with the service requirements of Pa.R.C.P. 440 setting forth the time, place and nature of service. No rule shall be made absolute without certification that the petition and rule to show cause have been served in compliance with Pa.R.C.P. 440. Counsel or the moving party shall make such certification under oath or in conformance with Pennsylvania Rules of Civil Procedure.

(h) Failure to comply with any provision of this rule may constitute sufficient grounds for the court to dismiss the petition and/or deny any requested relief.

**RULE 207—PRAECIPE FOR ARGUMENT.**

All praecipes for argument shall be listed on the first argument date occurring more than thirty days following the filing of the motion, petition or exceptions to the recommendation of the master.

Praecipes requesting the scheduling of argument outside the parameters of this rule are prohibited.

**RULE 210—BRIEFS.**

(a) *Form.* Each brief shall be typewritten, printed or otherwise duplicated, endorsed with the name of the case, the Court, the term and number, and the name, address and telephone number of the attorney.

(b) *Content.* The brief shall include a statement of the facts, a statement of the question involved, and the argument.

(1) The statement of the facts shall, depending upon the nature of the case, consist of an abstract of the testimony or of the pleadings or both, and shall include a procedural history of the case showing how the issue is made up and how the case arises before the Court.

(2) The statement of questions involved must be so drawn that the Court may quickly determine all the legal questions to be decided.

(3) The argument shall be divided into as many parts as there are questions involved. Citations of authority shall be accurately designated, shall set forth the volume and page number where they appear, and shall set forth

the exact citation of the principles for which they are cited. Whenever a Pennsylvania statute is cited, the pertinent title and section number of Purdon's Statutes shall also accompany said citation.

(4) Whenever testimony is abstracted or referred to, it must contain reference to the pages of the transcript where the supporting evidence may be found.

(c) *Filing.* Fifteen (15) days before the date set for argument, the moving party shall deliver a copy of his brief to the adverse party and file a copy with the Prothonotary. The respondent shall deliver his brief to the moving party and file a copy with the Prothonotary five (5) days before the date for argument. No supplemental brief shall be filed except upon special allowance by the Court and within such time as the Court may direct.

(d) In all other proceedings scheduled for hearing before the Court, all counsel shall provide the Court with a brief or memorandum of law setting forth legal authorities relied upon. Such brief or memorandum of law shall be provided to the Court at the time of the hearing unless otherwise specified by these Rules or by Order of Court.

(e) *Penalty for Noncompliance.* Failure to substantially comply with any requirement of this rule shall constitute a default for which the cause may be continued or stricken off the list or the application of the parties in default refused, as the Court may deem just and proper.

(f) *Informal Letter Briefs.* Notwithstanding this Rule, the Court may in any case allow counsel to file an informal letter brief.

**RULE 211—ORAL ARGUMENT.**

(a) *Nature of Case.* The Prothonotary shall prepare an argument list consisting of all cases ordered thereon either by the Court or by praecipe filed in accordance with the court calendar. The attorney who praecipes the case for argument shall give notice thereof upon filing to the opposing party or pro se litigant.

(b) *Oral Argument.* Cases on the argument list must be submitted upon oral arguments and briefs unless the Court agrees to consider the case on briefs without argument. The Court encourages submission on briefs with respect to matters not raising substantial or novel issues.

(c) *Notice.* A copy of the praecipe and notice of argument date shall be forwarded by the moving party to opposing counsel or pro se litigant

(d) *Form of Praecipe.* The following form shall be used in accordance with this Rule.

COURT OF COMMON PLEAS OF MONROE COUNTY  
43RD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

Plaintiff No. \_\_\_\_\_  
Vs  
Defendant

TO: PROTHONOTARY, MONROE COUNTY  
PRAECIPE FOR ARGUMENT

Place the above captioned case on the Argument List for the \_\_\_\_ day of \_\_\_\_\_ 2000.

Issue (s) to be argued: \_\_\_\_\_

\_\_\_\_\_

Rules 43 J.D.R.C.P. 206(E), 207, 210 and 211 are applicable.



\_\_\_\_\_  
Signature of Moving Party

\_\_\_\_\_  
Printed Signature

\_\_\_\_\_  
Address of Moving Party

\_\_\_\_\_  
Telephone Number

A copy of this praecipe has been provided to the following by the moving party.

Name:	Address:
_____	_____
_____	_____

**RULE 212—PRETRIAL PROCEDURE.**

1. No case shall be entered on the Civil Trial List until (1) the expiration of 90 days from the most recent service either of (a) the complaint upon an original or an additional defendant; or (b) a counterclaim upon the plaintiff; and (2) unless counsel for the moving party certifies at the time of filing of praecipe for the trial list that:

- a. All preliminary objections have been finally determined;
- b. Counsel for the moving party has completed all discovery and knows of no pending discovery on the part of opposing counsel which will delay trial;
- c. The moving party and witnesses are available and ready to proceed to trial;
- d. Counsel has given 15 days written notice of their intention to list the case for trial to all other parties and shall provide and file an affidavit that the notice provisions of this section have been complied with.

2. A case shall be listed for civil trial by filing a praecipe in the form attached to this rule.

3. If opposing counsel has no objection, they need do nothing. Alternatively, if opposing counsel objects to the listing, the objecting party shall file with the court a statement of objections which shall include the basis for objection and a statement of when the case will be ready for listing, along with a praecipe for argument. All of the foregoing shall be served on opposing counsel.

4. Forty-five days prior to the first day of each Civil Trial Term as scheduled on the Court Calendar, the Prothonotary shall place upon the Civil Trial List all the cases for which praecipes have been filed, without successful objection thereto, in accordance with the foregoing provisions. The list shall be kept in the Prothonotary's Office for the inspection of all concerned and shall be sufficient notice of trial to the parties concerned in all cases contained therein. Said list shall be printed, together with the jurors for the term and copies thereof furnished, without charge, to all members of the bar who have entered appearances in the cases set forth on said list. Said list shall also be published in the *Monroe County Legal Reporter* and the Monroe County Bar Association and web site.

5. The assigned judge shall notify all counsel of the date and place of the pretrial conference and said information shall be listed on the Monroe County Bar Association web site. At least five (5) days prior to the pretrial conference with the Court, all counsel who desire to participate in the pretrial conference with the Court shall confer in person, and not by telephone, and shall provide

to each other all of the information required to be set forth in the pretrial memorandum hereinafter described. Counsel who placed the case on the trial list shall be responsible for arranging conference of counsel.

6. In any case requiring Court Approval of Settlement, a copy of any Contingent Fee Agreement in any case scheduled for a pretrial conference shall be made available for inspection by the Judge conducting the pretrial conference.

7. Only counsel who attend the conference of counsel and the pretrial conference with the Court shall be permitted to conduct trial before the Court.

8. At least 24 hours prior to the pretrial conference with the Court, counsel for each party shall provide the Judge conducting the pretrial conference with a written pretrial memorandum which shall include, inter alia, the following:

- a. Trial list number, name of client, name and phone number of attorney who will try the case;
- b. In jury cases, the demand and offer of settlement which shall be binding upon the parties for purposes of Rule 238(e) of the Pennsylvania Rules of Civil Procedure; the name and coverage limits of any insurance carrier;
- c. A statement of all legal or evidentiary issues anticipated at trial and citation to legal authorities relied upon by counsel in respect thereto;
- d. The names and addresses of all witnesses to be called at trial with a notation of their purpose, e.g. liability, damages, etc.;
- e. A list of all exhibits to be used at trial. A statement certified by counsel that all exhibits were furnished to all opposing counsel at the counsel conference and the admissibility of which exhibits will be contested at trial;
- f. A list of all special damage claimed by any party seeking recovery;
- g. The estimated length of trial time necessary for counsel to present his or her evidence.

9. At trial, the parties will be limited to those witnesses, exhibits and documents disclosed in the pretrial memorandum, unless opposing counsel waives such restrictions or the Court finds such limitation to be unjust. If a party has indicated that he or she will call a specific witness, they will be expected to produce that witness at trial unless they have given opposing counsel at least three days written notice prior to trial that they do not intend to call such witness.

10. Any party may request a status or settlement conference with the Court by filing an appropriate motion.

**RULE 213—EQUITY PRETRIAL PROCEDURE.**

- 1. Equity cases shall not be listed on civil trial lists.
- 2. Equity cases may be listed for trial by any party by filing a motion requesting listing for equity trial.
- 3. The motion for equity trial shall include all matters required for jury trial listing by Rule 212(1)(a) through (d).
- 4. Objection procedures shall be the same specified by 212.
- 5. The Court may schedule a pretrial conference in which case the parties shall comply with the requirements of Rule 212(5), (7), and (8).

**RULE 217—COSTS.**

1. Costs shall follow the verdict or decree, unless the Court orders otherwise.

2. Taxation of costs. A party entitled to costs shall file a bill of costs, accompanied by an affidavit as to correctness, with the Prothonotary, and serve a copy thereof upon all other parties. If no objections to the bill of costs are filed by any party within ten (10) days of the date of filing with the Prothonotary, costs shall be taxed by the Prothonotary.

3. An appeal taken to the Court from the Prothonotary's taxation of a bill of costs must be filed within 30 (thirty) days from the date of the filing of the Prothonotary's taxation.

4. The Court, upon motion of any party, or on its own motion, may tax as costs the following:

(a) Jury costs, including mileage and per diem, if the Court finds that any party or lawyer in any case before the Court has acted in bad faith or has failed to exercise reasonable diligence in the settlement of such case at the earliest practicable time.

(b) Reasonable counsel fees as a sanction for dilatory, obdurate or vexatious conduct, if the Court finds a party or lawyer has so acted.

(c) Costs contemplated by Pa.R.C.P. 217.

**RULE 223—CONDUCT OF THE TRIAL.**

(a) *Time.* The time to be occupied in examining a witness and addressing the jury may be regulated by the trial judge.

(b) *Number of Attorneys.* The trial judge may limit the number of attorneys representing the same party or the same group of parties who may actively participate in the trial of the case or may examine or cross-examine a witness or witnesses, and also the number of witnesses whose testimony is similar or cumulative.

**RULE 225—OPENING ADDRESSES AND CLOSING ARGUMENTS.**

1. The opening addresses and closing arguments of counsel engaged in trial shall be in accordance with the following principals:

(a) Unless the trial Judge shall otherwise permit, only one (1) attorney may present an opening address or a closing argument for any party.

(b) Opening remarks shall consist only of a succinct statement, without argument, of the positions and contentions of the party represented by the speaker and a brief recital of the supportive evidence intended to be introduced.

(c) Counsel for the party having the burden of proof of the issue on the pleadings shall open the case and shall be followed by opposing counsel and by third parties in the order in which they appear in the caption of the action, unless otherwise agreed.

(d) Counsel for defendant or any third party defendant may elect to make the opening address prior to the presentation of evidence by the defense, unless the trial judge in a particular case requires such opening address by the defense counsel to be made at a particular time.

(e) At the conclusion of the evidence, closing argument shall be presented by counsel in the reverse order in which counsel was entitled to open, so that counsel for the party having the burden of proof shall close last.

**RULE 226—POINTS FOR CHARGE.**

Points for charge shall be provided to the Court as early as practicable and may be supplemented prior to closing arguments of counsel. For each requested point for charge, counsel shall cite legal authority in support of the requested point for charge. At request of counsel, conferences may be held prior to closing arguments on points for charge and specific judicial rulings may be requested.

**RULE 227.1—POST-TRIAL RELIEF.**

(a) A copy of any Motions for Post-Trial Relief shall be delivered to the trial judge, the official court reporter and the adverse party within twenty-four (24) hours after filing them with the Prothonotary. Counsel shall assign specific reasons for each motion and shall state whether a partial or full transcript of the testimony is required and set forth the reason therefor. Upon receipt of the post-trial motions the trial judge may determine what portions of the testimony shall be transcribed.

(b) In motions requesting a new trial, particular reasons shall be assigned; general reasons will not be considered. Reasons relating to rulings on evidence shall be separately designated.

**RULE 236—NOTICE BY PROTHONOTARY OF ENTRY OF ORDER, DECREE OF JUDGMENT.**

When filing any order, decree or judgment, a party shall list on the document the name and address of each attorney of record and each unrepresented party.

**RULE 250C—COSTS OF TRANSCRIPT/DEPOSITS OF FEE FOR TRANSCRIPT.**

Transcripts ordered by a party or required by any general rule to be filed by any party shall be paid for by the party at the usual and customary rate established by the Court. The Court may require a deposit for a transcript, which deposit shall be made directly to the reporter.

No transcript shall be furnished to a party until expenses of transcription are paid.

Any reproduction of an official transcript without prior court approval is prohibited.

**RULE 250D—BANKRUPTCY—NOTICE OF STAY.**

Whenever a party in a pending civil action files a federal bankruptcy proceeding entitling the party to an automatic stay, said party shall file written notice thereof in the office of the Prothonotary. The notice shall contain the caption and number of the pending action and include a photocopy of the face sheet of the bankruptcy petition certified by the Clerk of the Bankruptcy Court showing the filing number and date. The moving party shall provide a copy of said notice to all parties and the assigned judge.

Upon termination of the stay, any party may move to reactivate the pending proceeding.

Failure to give notice as required by this rule may result in the imposition of sanctions, including costs.

**RULE 400.1—SERVICE OF ORIGINAL PROCESS.**

Original process shall be served within the Commonwealth:

(a) by the sheriff or a competent adult in actions in equity, partition, prevent waste and declaratory judgment when declaratory relief is the only relief sought; and

(b) by the sheriff in all other actions.

**RULE 430—NOTICES AND SERVICES BY PUBLICATION.**

(a) *Form.* All notices shall be in writing.

(b) *Legal Periodical.* The *Monroe County Legal Reporter* shall be the legal periodical for the publication of all notices.

(c) *Notice Where Manner Not Otherwise Prescribed.* Whenever notice is required to be given and the manner thereof is not prescribed by statute or rule of Court, the notice shall be published once in one newspaper of general circulation published in the county, and once in the *Monroe County Legal Reporter* immediately preceding the event.

(d) Prior to requesting service pursuant to this rule, the moving party must demonstrate compliance with Pa.R.C.P. 430.

**RULE 500—DISPOSITION OF EVIDENCE.**

Within thirty (45) days from the date that an action is finally concluded, each party which has introduced evidence during a hearing at the trial of a matter shall recover their trial exhibits from the court reporter.

If a party has not recovered an exhibit or exhibits offered at trial within sixty (60) days from the date the action is finally concluded, the court reporter shall notify counsel for the parties, or the parties themselves if they do not have counsel, in writing by U.S. first class mail at their addresses of record, that the exhibits will be destroyed thirty (30) days thereafter.

If the exhibits are not retrieved during that time period, the court reporter shall destroy or otherwise dispose of the exhibits.

**Actions at Law  
Civil Actions**

**RULE 1012—APPEARANCE; WITHDRAWALS.**

1. The signing of a pleading or motion by an attorney shall be deemed to constitute that attorney's entry of appearance, whether or not the signature is made on behalf of a professional corporation, or partnership or similar entity. Appearances by attorneys or parties not signing pleadings or motions shall be made by written praecipe filed with the Prothonotary of Monroe County.

2. Appearances of counsel may not be withdrawn, except by substitution of counsel by means of praecipe endorsed by each substituted attorney and the withdrawing attorney, or by leave of Court, in which case, a Rule to Show Cause shall be issued to the client represented by the movant and to all other parties to the litigation or proceeding.

3. All changes in counsel shall be evidenced by an appropriate praecipe filed in the office of the Prothonotary. Change of counsel will not be a basis for continuance of any proceeding unless specifically allowed by the Court.

**PLEADINGS**

**RULE 1018.1—NOTICE TO DEFEND.**

In accordance with Pa.R.C.P. 1018.1 (c), the Monroe County Bar Association Lawyer Referral Service, 913 Main Street, P. O. Box 786, Stroudsburg, Pennsylvania 18360, telephone (570) 424-7288, fax (570) 424-8234, is hereby designated as the agency to be named in the Notice To Defend and in any similar notice required by any other applicable Rule of Civil Procedure.

**RULE 1019—PLEADING OF STATUTES, ORDINANCES, REGULATIONS AND RULES.**

When any right, claim or defense is asserted to be founded upon a specific statute of this or another jurisdiction or upon an ordinance, governmental regulation or rule of court, the first pleading in which such right, claim or defense is asserted shall cite, for the information of the Court, the statute, ordinance, regulation or rule so relied upon.

**RULE 1021—MONEY DAMAGES.**

When a party claims relief in the form of liquidated money damages, he or she shall in his pleading state the manner in which the damages claimed by him are computed, and if entitled to interest, the date or dates from which interest thereon or on any part thereof is claimed.

**RULE 1025—ENDORSEMENT—CHANGE OF ADDRESS.**

(a) *Praecipe.* Any party may file with the Prothonotary a praecipe, which shall be noted upon the appearance docket and form part of the record in the case, setting forth a new address other than that appearing as an endorsement on a pleading theretofore filed.

(b) *Making of Endorsement.* No paper shall be filed until it has first been endorsed, showing the title of the paper, the number and term and the name of the parties to the action. If the paper is presented by an attorney it shall be endorsed by him.

**RULE 1029—ACTION ON BOOK ACCOUNT.**

In actions in which book accounts may be offered in evidence, if a legible copy thereof is attached to any pleading, it shall not be necessary to produce the books at the trial, unless a responsive pleading shall allege that the account or copy is incorrect, stating particulars, or that the books are not books of original entry, and shall demand the production of the books at the trial; otherwise, the copy shall be admitted as evidence without further proof.

**RULE 1037—OPENING DEFAULT JUDGMENTS.**

1. *Petition.* All proceedings to open judgment by default shall be in accordance with 43 J.D.R.C.P. 206(B). Petitions to open a judgment by default shall be accompanied by an answer to the complaint in cases where an answer is required. In other cases the petition shall disclose the nature and character of all grounds for relief as fully as in an answer.

2. *Stay Order.* A rule to show cause under this rule will not include a stay of proceedings unless ordered by the Court.

**Action in Ejectment**

**RULE 1051—COMMENCING ACTION BY PRAECIPE.**

Where an action is commenced by filing with the Prothonotary a praecipe for a writ of summons, a copy of the legal description of the land as recorded in the office of the Monroe County Recorder of Deeds shall be filed with the praecipe and shall be incorporated in the writ.

**Compulsory Arbitration**

**RULE 1301—SCOPE.**

1. All civil cases where the amount in controversy (exclusive of interest and costs) shall be Twenty Five Thousand (\$25,000.00) Dollars or less except those involving title to real estate, equity cases, mandamus, quo

warranto and mortgage foreclosure, shall first be submitted to a Board of Arbitrators in accordance with Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361. The amount in controversy shall be determined from the pleadings or by agreement of counsel. The Court may of its own motion or upon the motion of any parties strike from the trial list and certify for arbitration any case which should have been arbitrated in the first instance.

2. No case shall be scheduled for arbitration until (1) the expiration of 30 days from the most recent service either of (a) the complaint upon an original or an additional defendant; or (b) a counterclaim upon the plaintiff; and (2) unless counsel for the moving party certifies at the time of filing of praecipe for the trial list that:

a. All preliminary objections have been finally determined;

b. Counsel for the moving party has completed all discovery and knows of no pending discovery on the part of opposing counsel which will delay hearing;

c. The moving party and witnesses are available and ready to proceed to hearing;

3. Form: A case shall be listed for arbitration by filing a praecipe in the form attached to this rule.

4. Notice: Notice of the date, time and place of arbitration shall be provided to counsel for the parties or if unrepresented, to the party directly by the Court Administrator, and shall include the following provision pursuant to Pa.R.C.P. 1303(a)(2):

"This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

COURT OF COMMON PLEAS OF MONROE COUNTY  
43RD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

\_\_\_\_\_  
\_\_\_\_\_  
vs.  
\_\_\_\_\_

No. \_\_\_\_\_  
PRAECIPE FOR ARBITRATION  
43 J.D.R.C.P. 1301

TO THE PROTHONOTARY OF SAID COURT:

ARBITRATION NO. \_\_\_\_\_

- Appoint arbitrators in the above case
- ( ) Amount in controversy is \$25,000.00 or less.
- ( ) The case has been at issue more than thirty days.
- ( ) Order of the Court.
- ( ) Judgment has been entered Sec Leg, Assessment of Damages only.
- ( ) Estimated time required for hearing is \_\_\_\_\_ hours.
- ( ) There is Companion Case No. \_\_\_\_\_
- ( ) Other

This case is to be tried by and notices sent to:

\_\_\_\_\_  
\_\_\_\_\_  
Attorney(s) for Plaintiff(s) or Pro Se Plaintiff  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
\_\_\_\_\_  
Attorney(s) for Defendant(s) or Pro Se Defendant  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Phone Number

I CERTIFY that all preliminary objections have been finally determined; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed.

I CERTIFY that a copy of this praecipe has been provided to the following by the moving party.

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

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

Dated: \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Attorney for the

**RULE 1302—SELECTION AND COMPENSATION OF ARBITRATORS.**

1. The attorneys admitted to the Bar of the Court shall constitute a list of members qualified to act as arbitrators. The Court Administrator shall select from said list three (3) arbitrators for each action; the chairperson shall have been a member of the Bar of this Court for at least five (5) years.

2. If any attorney wishes to be replaced as an arbitrator in any particular hearing, the attorney shall file a motion with the Court at least seven (7) days before the scheduled hearing, except where excused by the Court for exigent circumstances. In the event that an attorney, without leave of Court, fails to serve as an arbitrator after having been notified of his appointment by mail by the Court Administrator, the attorney may be subject to sanctions.

3. The Court Administrator shall mail a copy of the notice of appointment to each attorney of record and to each arbitrator appointed. In the event that any party is not represented by an attorney, the Court Administrator shall send such copy to the party at his last known address. The address of the unrepresented party is to be

furnished to the Court Administrator when the attorney files the praecipe for arbitration.

4. The President Judge or his designee shall have the power to grant continuances and all applications for continuances shall be in motion form as set forth in Rule 206A/B and filed at least seven (7) business days prior to the date of the hearing.

5. If a party fails to appear, no default judgment shall be entered. The arbitrators shall proceed to hear the case and enter an appropriate award upon the conclusion of the evidence. The arbitrators shall in all respects comply with Pa.R.C.P. 1303, 1304, 1305, 1306.

6. The compensation for each member of the Board of Arbitrators to be paid by the County shall be established from time to time by the Court. When more than one hearing becomes necessary, additional amounts may be allowed at the discretion of the Court upon petition by the Chairperson on behalf of the Board. If there is concurrence, the motion shall include a certification that all participants are in concurrence with the motion and shall set forth a hearing date mutually agreed upon by counsel, the parties and the arbitrators.

Court of Common Pleas of Monroe County  
43RD Judicial District  
Commonwealth of Pennsylvania  
NO.

VS.

OATH OF ARBITRATORS

NOW, The \_\_\_\_\_ day of \_\_\_\_\_, 200 , we, the undersigned, having been named Arbitrators in the above cause, do hereby swear that we will hear the evidence and allegations to the parties, justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty days of the date of hearing the same.

Sworn to and subscribed before me

This \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Panelist

\_\_\_\_\_  
Panelist

Appearing for Plaintiff \_\_\_\_\_

Appearing for Defendant \_\_\_\_\_

REPORT AND AWARD OF ARBITRATORS

AND NOW, the \_\_\_\_\_ day of \_\_\_\_\_, 200 , we the undersigned arbitrators chosen in the above case, after having been duly sworn, and having heard the evidence and allegations of the parties, do award and find for the: \_\_\_\_\_

in the sum of: \_\_\_\_\_

Hearing held: \_\_\_\_\_

Substitution of Arbitrators as follows: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Panelist

\_\_\_\_\_  
Panelist

**RULE 1311—PROCEDURE ON APPEAL**

An appeal taken from an award shall be duly listed for trial. The attorney taking the appeal shall file a praecipe for trial within thirty days and the Prothonotary shall note the fact that an appeal is from arbitration on each appeal action appearing on the trial list.

**Minors as Parties****RULE 2039—COMPROMISE SETTLEMENT AND PHYSICIAN'S STATEMENT OF EXTENT OF INJURY.**

In cases involving personal injury, a written statement by the attending physician as to the nature and extent of the minor's injuries, the present condition, and prognosis shall be annexed to said petition, and no compromise order shall be entered by the Court unless said minor shall have appeared in court or shall have been excused from such appearance by the Court.

A copy of any contingent fee agreement shall be made available for inspection by the Court prior to the distribution of any fees and shall be annexed to the settlement petition.

**Incompetents as Parties****RULE 2064—COMPROMISE SETTLEMENT AND PHYSICIAN'S STATEMENT OF EXTENT OF INJURY.**

In cases involving personal injury, a written statement by the attending physician as to the nature and extent of the incapacitated person's injuries, the present condition, and prognosis shall be annexed to said petition, and no compromise order shall be entered by the Court unless said incapacitated person shall have appeared in Court or shall have been excused from such appearance by the Court.

A copy of any contingent fee agreement shall be made available for inspection by the Court prior to the distribution of any fees and shall be annexed to the settlement petition.

**Actions for Wrongful Death****RULE 2206—SETTLEMENT, COMPROMISE, DISCONTINUANCE AND JUDGMENT NOTICE TO THE DEPARTMENT OF REVENUE CONTENTS OF THE PETITION DEPARTMENT'S RESPONSE.**

A. When a petition is presented seeking an order permitting a compromise of a claim, whether in suit or not, by an estate or when a petition is presented pursuant to Pa.R.C.P. 2206, the Court shall set a date for hearing. Petitioner shall provide a copy of the petition and notice of the hearing date to the Office of Chief Counsel, Department of Revenue, Commonwealth of Pennsylvania, at least twenty-one (21) days prior to the hearing date.

B. Said petition shall contain the following information:

1. the extent, if any, of the decedent's conscious pain and suffering resulting from the incident giving rise to the decedent's claim;
2. a copy of an accident report, if available;
3. the medical expenses incurred resulting from the incident giving rise to the decedent's claim;
4. name, age, relationship to decedent, and the extent of financial dependence upon decedent of wrongful death beneficiaries of decedent;

5. Non-minor decedent's probable future earned income less cost of maintenance discounted to present worth (attach supporting economist's report, if available).

C. Counsel for the Department of Revenue shall notify the petitioner's counsel at least seven (7) days prior to the hearing date whether or not the Department agrees with the proposed apportionment.

**Substitution of Parties****RULE 2353—SERVICE BY PUBLICATION.**

If the residence and whereabouts of such successor is not known, notice shall be given by publication as provided by Rule 430.

**Confession of Judgment for Money****RULE 2959—PROCEDURE FOR PETITION TO OPEN OR STRIKE-OFF JUDGMENT-DEPOSITIONS.**

Where a petition is filed to open a judgment, the petitioner shall within thirty (30) days from the time the rule to show cause issues proceed to the taking of depositions where the allegations raise questions of fact which make such steps necessary; unless the petitioner within thirty (30) days schedules the taking of depositions, the petition to open judgment may be stricken from the record upon written motion of any party.

**RULE 3252.b—ORGANIZATION NAMED IN NOTICE OF WRIT OF EXECUTION.**

The name, address and telephone number of the organization to be set forth in the notice attached to a writ of execution shall be:

MONROE COUNTY BAR ASSOCIATION  
LAWYER REFERRAL SERVICE  
913 MAIN STREET  
P. O. BOX 786  
STROUDSBURG, PA 18360  
(570) 424-7288

**Discovery****RULE 4005—LIMITATION ON NUMBER OF INTERROGATORIES.**

Except upon leave of Court or agreement of the parties, interrogatories, including subpart thereto, shall not exceed twenty-five (25) in number.

**RULE 4007.1—OBJECTIONS AT ORAL DEPOSITIONS.**

1. Counsel making an objection during an oral deposition shall state the word "objection" and state the legal basis for the objection.

2. Any amplification of the objection, or argument of the objection, shall take place only after the witness has been excused from the deposition room. Argument shall be on the record unless all counsel agree to go off record. The witness shall return to the deposition room only after argument has been completed.

3. An instruction by counsel for a witness that the witness shall not answer a question shall be sufficient basis for other counsel to suspend the deposition pending presentation of the propriety of the instruction not to answer to a judge. Counsel shall make every effort to contact a judge by telephone to promptly present the issue raised by the instruction not to answer.

**RULE 4017.1—OBJECTIONS AT VIDEOTAPE DEPOSITIONS.**

1. When counsel makes an objection, he or she shall merely state the word "objection" and request that the

video operator stop the videotape. Any arguments on objections shall be made on the written transcript but off camera.

2. Once the video is stopped, counsel should first summarize the reasons for the objection in a word or phrase. Counsel may then proceed with argument on the transcript and off the camera or may merely state the summary grounds for the objection. Arguments should be brief, and should consist of no more than the reason for the objection, an answer to the reason for the objection, and brief rebuttal. If requested by Counsel for any party, the witness must leave the deposition room while the arguments are made.

3. Counsel shall review the transcript together before presentation to the trial judge to resolve whatever objections can be resolved. They shall present to the judge a list by page and line of the objections that still need rulings at the time of the pretrial conference.

**RULE 4017.D—FILING OF CERTIFICATE OF DEPOSITION.**

(1) Upon completion of the stenographic transcription of any deposition, the stenographer before whom the deposition has been taken shall prepare a Certificate of

Deposition which shall be filed with the Prothonotary by the moving party. The Certificate of Deposition shall contain the following information and shall substantially conform to the form shown in Appendix A:

- (a) the name(s) of the person(s) deposed;
- (b) that the witness was duly sworn;
- (c) the total number of pages in each deposition;
- (d) the date, time, and place deposition was taken;
- (e) the counsel present at deposition; and
- (f) the name of counsel who has received the original transcription and copies thereof.

(2) The Prothonotary shall promptly file the certificate and record its filing on the docket.

(3) Custody and responsibility for original deposition. This responsibility shall remain with the attorney who has received the original transcription until the case is terminated or the deposition has been filed pursuant to paragraph (4) herein.

(4) The attorney having custody of the original deposition shall forthwith file the entire original deposition with the Prothonotary whenever filing is directed by the Court.

(APPENDIX A)

COURT OF COMMON PLEAS OF MONROE COUNTY  
 FORTY-THIRD JUDICIAL DISTRICT  
 COMMONWEALTH OF PENNSYLVANIA

CAPTION

CERTIFICATE OF DEPOSITION

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 200 , the following person(s) appeared before me and gave deposition under oath:

NAME: \_\_\_\_\_  
 \_\_\_\_\_

NO. OF PAGES:

Further, I certify that counsel listed below were present at the deposition and that distribution was made by me as indicated:

NAME: \_\_\_\_\_  
 \_\_\_\_\_

ORIGINAL OR COPY:

\_\_\_\_\_  
Stenographer/Reporter

Date: \_\_\_\_\_

[Pa.B. Doc. No. 01-1301. Filed for public inspection July 20, 2001, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 93]

### Corrective Amendment to 25 Pa. Code § 93.9f

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9f (relating to Drainage List F) as deposited with the Legislative Reference Bureau and as published at 27 Pa.B. 3050, 3052 (June 28, 1997), and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 274), and as cur-

rently appears in the *Pennsylvania Code*. When the amendments made by the Department at 27 Pa.B. 3050 were codified, the water quality standards for several streams were reflected incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.9f. The corrective amendment to 25 Pa. Code § 93.9f is effective as of September 6, 1997, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9f appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE II. WATER RESOURCES

#### CHAPTER 93. WATER QUALITY STANDARDS

#### § 93.9g. Drainage List F.

#### Delaware River in Pennsylvania *Schuylkill River*

Stream	Zone	County	Water Uses Protected	Exception To Specific Criteria
2—Schuylkill River	Main Stem, Little Schuylkill River to Head of Tide	Philadelphia	WWF, MF	None
3—Unnamed Tributaries to Schuylkill River	Basins, Little Schuylkill River to Berks-Chester-Montgomery County Border	Schuylkill-Berks	WWF	None
3—Mill Creek	Basin	Berks	TSF	None
3—Pigeon Creek	Basin	Berks	WWF	None
3—Irish Creek	Basin	Berks	WWF	None
3—Maiden Creek	Basin, Source to Pine Creek	Berks	CWF	None
4—Pine Creek	Basin, Source to Farthest Downstream Crossing of T 803	Berks	HQ-CWF	None
4—Pine Creek	Basin, Farthest Downstream Crossing of T 803 to Mouth	Berks	CWF	None
3—Maiden Creek	Main Stem, Pine Creek to Moselem Creek	Berks	TSF	None
4—Unnamed Tributaries to Maiden Creek	Basins, Pine Creek to Moselem Creek	Berks	TSF	None
4—Furnace Creek	Basin	Berks	TSF	None
4—Maiden Creek Tributary	Basin	Berks	TSF	None
4—Sacony Creek	Basin, Source to SR 1029 Bridge in Rockland Township	Berks	EV	None
4—Sacony Creek	Basin, SR 1029 Bridge in Rockland Township to SR 1029 Bridge in Kutztown	Berks	CWF	None
4—Sacony Creek	Basin, SR 1029 Bridge in Kutztown to Mouth	Berks	TSF	None



Stream	Zone	County	Water Uses Protected	Exception To Specific Criteria
4—Moselem Creek	Basin	Berks	HQ-CWF	None
3—Maiden Creek	Basin, Moselem Creek to Tailwaters of Lake Ontelaunee	Berks	WWF	None
3—Maiden Creek	Main Stem, Lake Ontelaunee	Berks	WWF	None
4—Unnamed Tributaries to Maiden Creek	Basins, Lake Ontelaunee	Berks	WWF	None
4—Bailey Creek	Basin	Berks	WWF	None
4—Peters Creek	Basin	Berks	EV	None
3—Maiden Creek	Basin, Lake Ontelaunee Dam to Willow Creek	Berks	WWF	None
4—Willow Creek	Basin	Berks	CWF	None
3—Maiden Creek	Basin, Willow Creek to Mouth	Berks	WWF	None
3—Laurel Run	Basin, Source to Upstream Border of Temple Borough	Berks	CWF, MF	None
3—Laurel Run	Basin, Upstream Border of Temple Borough to Mouth	Berks	WWF, MF	None
3—Bernhart Creek	Basin	Berks	WWF	None

\* \* \* \* \*

[Pa.B. Doc. No. 01-1302. Filed for public inspection July 20, 2001, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**[25 PA. CODE CH. 93]**  
**Corrective Amendment to 25 Pa. Code § 93.9g**

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.9g (relating to Drainage List G), as deposited with the Legislative Reference Bureau and as published at 28 Pa.B. 4510 (September 5, 1998) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 288) and as currently appears in the *Pennsylvania Code*. When the amendments made by the Department at 28 Pa.B. 4510 were codified, an entry for the West Branch Brandywine Creek was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.9g. The corrective amendment to 25 Pa. Code § 93.9g is effective as of November 8, 1998, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9g appears in Annex A, with ellipses referring to the existing text of the regulation.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE II. WATER RESOURCES**  
**CHAPTER 93. WATER QUALITY STANDARDS**

**§ 93.9g. Drainage List G.**

Stream	Zone	County	Water Uses Protected	Exception To Specific Criteria
3—Brandywine Creek				
4—West Branch Brandywine Creek	Basin Source to T 437 Bridge	Chester	HQ-TSF, MF	None
4—West Branch Brandywine Creek	Main Stem, T 437 Bridge to Dam at Valley Station	Chester	TSF, MF	None

\* \* \* \* \*

Stream	Zone	County	Water Uses Protected	Exception To Specific Criteria
5—Unnamed Tributaries to West Branch Brandywine Creek	Basins, T 437 Bridge to Dam at Valley Station (except those in West Brandywine Township)	Chester	TSF, MF	None
5—Unnamed Tributaries to West Branch Brandywine Creek	Basins, in West Brandywine Township	Chester	HQ-TSF, MF	None
5—Birch Run	Basin, Source to Hibernia Park Dam	Chester	HQ-CWF	None
5—Birch Run	Basin, Hibernia Park Dam to Mouth	Chester	TSF, MF	None
5—Unnamed Tributary to West Branch Brandywine Creek at RM 21.2 (UNT # 00215)	Basin	Chester	HQ-CWF, MF	None
5—Rock Run	Basin	Chester	TSF, MF	None

\* \* \* \* \*

[Pa.B. Doc. No. 01-1303. Filed for public inspection July 20, 2001, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD  
[25 PA. CODE CH. 109]**

**Disinfectants and Disinfection Byproducts Rule**

The Environmental Quality Board (Board) by this order amends Chapter 109 (relating to safe drinking water). The amendments will establish maximum residual disinfectant levels (MRDLs) and monitoring requirements for free chlorine, combined chlorine and chlorine dioxide. Maximum contaminant levels (MCLs) and monitoring requirements will be established for five haloacetic acids, chlorite and bromate. The MCL for total trihalomethanes will be lowered. The amendments will also establish prefiltration treatment techniques for public water systems that use conventional filtration in order to reduce source water total organic carbon (TOC), which serves as a precursor to disinfection byproducts.

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

*A. Effective Date*

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

*B. Contact Persons*

For further information, contact Jeffrey A. Gordon, Chief, Division of Drinking Water Management, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 772-4018 or Pamela Bishop, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

*C. Statutory Authority*

The final-form rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the

provision of drinking water to the public, and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-7 and 510-20).

*D. Background of the Amendments*

The public health benefits of disinfection are significant and well-recognized. However, these very disinfection practices pose health risks of their own. Although disinfectants such as chlorine, hypochlorites and chlorine dioxide are effective in controlling many harmful microorganisms, they react with organic and inorganic matter in the water to form disinfection byproducts (DBPs), which pose health risks at certain levels.

The first DBPs discovered in public drinking water were halogenated methanes in 1974. As a result, the United States Environmental Protection Agency (EPA) promulgated an MCL for the composite sum of four individual DBP species: chloroform, bromodichloromethane, dibromochloromethane and bromoform. This composite sum was termed "Total Trihalomethanes" (TTHMs) and had an MCL of 0.1 mg/L which was applied only to community water systems serving at least 10,000 people. This MCL is currently in effect today.

Since the discovery of TTHMs in drinking water in 1974, other DBPs have been identified and studied for their health effects. Many of these studies have shown DBPs to be carcinogenic and/or to cause reproductive or developmental effects in laboratory animals. Studies have also shown that high levels of the disinfectants themselves may cause health problems over long periods of time, including damage to both the blood and the kidneys. While many of these studies have been conducted at high doses, the weight of the evidence indicates that DBPs present a potential public health problem that must be addressed.

In 1992, the EPA initiated a rulemaking process to address public health concerns associated with disinfectants, DBPs and microbial pathogens. As part of this rulemaking process, the EPA established a Regulatory Negotiation (Reg/Neg) Committee which included representatives of state and local health and regulatory agencies, public water systems, elected officials, consumer groups and environmental groups.

The EPA's most significant concern in developing regulations for disinfectants and DBPs was the need to ensure that adequate treatment be maintained for controlling risks from microbial pathogens. One of the major goals addressed in the rulemaking process was to develop an approach that would reduce the level of exposure from disinfectants and DBPs without undermining the control of microbial pathogens. The intention was to ensure that drinking water is microbiologically safe at the limits set for disinfectants and DBPs and that these chemicals do not pose an unacceptable health risk at these limits. Thus, the Reg/Neg Committee also considered a range of microbial issues and agreed that EPA should also propose a companion microbial rule, the Interim Enhanced Surface Water Treatment Rule (IESWTR).

Following months of intensive discussions and technical analysis, the Reg/Neg Committee recommended the development of three sets of rules: a two-stage rule to address disinfectants and DBPs (D/DBPs), the IESWTR and an Information Collection Rule (ICR). The approach used in developing these proposals considered the constraints of simultaneously treating water to control microbial contaminants, disinfectants and DBPs. The Reg/Neg Committee agreed that the schedule for the IESWTR should be linked to the schedule of the first stage of the D/DBP rule to assure simultaneous compliance and a balanced risk-risk based implementation. The Reg/Neg Committee also agreed that additional information on health risk, occurrence, treatment technologies and analytical methods needed to be developed to better understand the risk-risk tradeoff, and how to accomplish an overall reduction in health risks to both pathogens and D/DBPs. Finally the Reg/Neg Committee agreed that to develop a reasonable set of rules and to understand more fully the limitations of the current Federal Surface Water Treatment Rule, additional field data were critical. Thus, a key component of the regulation negotiation agreement was the promulgation of the ICR.

The Federal Disinfectants and Disinfection Byproducts Rule (D/DBPR) (40 CFR Parts 9, 141 and 142), which was promulgated on December 16, 1998, was developed based on the outcome of this rulemaking process, as well as a wide range of technical comments from stakeholders and members of the public. The D/DBPR is intended to regulate treatment practices at public water systems in order to eliminate or minimize disinfectant levels and disinfection byproducts that may cause harmful health effects. The D/DBPR is applicable to all community and nontransient noncommunity water systems that use a chemical disinfectant or oxidant, as well as to all transient noncommunity water systems that use chlorine dioxide. The D/DBPR will establish MRDLs for free chlorine, combined chlorine and chlorine dioxide. MCLs will also be established for five haloacetic acids, chlorite and bromate. The current MCL for TTHMs will be lowered from 0.1 mg/L to 0.08 mg/L and will be applied to all community and nontransient noncommunity water systems, regardless of the population that is served. The D/DBPR will also regulate prefiltration treatment techniques for public water systems that use conventional filtration in order to reduce source water TOC, which serves as a precursor to disinfection byproducts.

On January 16, 2001, the EPA promulgated corrective amendments to both the D/DBPR and the IESWTR. These corrective amendments are minor in nature (such as, change in compliance date from December 17, 2001, to January 1, 2002) and are reflected in this final-form rulemaking.

Other Federal rules will be promulgated in the future as a follow-up to both the D/DBPR and the IESWTR. These rules will be the Stage 2 D/DBPR, the Long Term 1 Enhanced Surface Water Treatment Rule (LT1), the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) and the Filter Backwash Rule (FBR). The LT1 and FBR rules are expected in 2001. The LT2 and Stage 2 D/DBPR rules are expected in 2002.

The Board proposes to incorporate the provisions of both the Federal D/DBPR and the January 16, 2001, Federal corrective amendments into Chapter 109 to obtain primary enforcement responsibility (primacy) for this rule.

The proposed rulemaking was approved by the Board on July 18, 2000. The proposed rulemaking was published at 30 Pa.B. 4596 (September 2, 2000). The 30-day public comment period concluded on October 2, 2000. No public meetings or hearings were held on the proposed rulemaking.

The Technical Assistance Center Advisory Board (TAC) and the Water Resources Advisory Committee (WRAC) were each briefed on the comments received during the public comment period. The WRAC reviewed and discussed the final regulation on January 10, 2001. The WRAC commented that the 30-day approval requirement in § 109.701(e) (relating to reporting and recordkeeping) for approving monitoring plans might be unrealistic. The WRAC suggested that the 30-day requirement be revised to either 60 or 90 days, or that the approval requirement be removed altogether. After discussion with the WRAC, the Department decided to remove the approval requirement. The WRAC then approved the final-form regulations for recommendation to the Board. TAC reviewed and discussed the final-form regulations on January 25, 2001. TAC had no comments and approved the final-form regulations for recommendation to the Board.

The Federal Safe Drinking Water Act (42 U.S.C.A. § 300g-2(a)) requires that primary enforcement responsibility states, such as the Commonwealth, adopt EPA regulations no later than 2 years after the EPA promulgation. The EPA may approve an extension of up to 2 years for states that: 1) lack legislative or regulatory authority to enforce the new regulations; or 2) lack program capability to implement the new regulations; or 3) are adopting two or more EPA regulations at the same time.

On November 28, 2000, the Department submitted a primacy extension request to the EPA to adopt regulations implementing both the Federal IESWTR and the Federal D/DBPR by no later than August 31, 2001. It is expected that the EPA will grant the extension because the State is adopting two or more the EPA regulations at the same time, which is one of the criteria specified for the EPA to grant an extension. If EPA grants the August 31, 2001, extension, then failure to adopt the D/DBPR by this extension date may result in this Commonwealth losing its primary enforcement responsibility.

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

The amendments reflect, and are no more stringent than, both the new Federal D/DBPR requirements and the January 16, 2001, Federal corrective amendments.

##### *§ 109.1. Definitions.*

A commentator asked what an "unacceptable possibility of adverse health effects" is, as stated in the definition of "MRDL." The "unacceptable possibility of adverse health effects" is reflected by the actual value of the MRDL. This

value is derived from the appropriate risk assessment analysis that determines the “unacceptable” level.

Representatives of the bottled water industry expressed concern that a “consumer’s tap,” as stated in the definition of “MRDL,” does not exist at a bottled water plant. The Board has decided to amend the definition of “MRDL” to clarify that, for bottled, vended, retail and bulk hauling water systems, the “consumer’s tap” shall mean the entry point.

The definition of “sedimentation” was amended to be consistent with the Federal definition of “sedimentation” in 40 CFR 141.2.

The definition of “TTHM” was added because the term is used repeatedly throughout the text of the final-form regulations. The TTHM definition is consistent with the Federal definition in 40 CFR 141.2.

*§ 109.202(a). Primary MCLs*

Regarding the compliance date extension offered in § 109.202(a)(3), a commentator questioned how a water system would apply for an extension and what criteria would the Department use in granting this extension. Water systems are to apply for compliance date extensions through the appropriate Department regional office. The water system will need to propose a schedule for compliance and demonstrate to the Department’s satisfaction that the appropriate technology is being installed for the appropriate purpose. In accordance with the Federal requirements at 40 CFR 141.64(b)(2), the Department must set a schedule for compliance, including any interim measures that the system must take. The Department will use both a permit amendment for the construction or installation of the technology and a consent order and agreement to set the compliance schedule on a case-by-case basis.

Representatives of the bottled water industry requested that § 109.202(a)(3) include language clarifying that compliance date extensions are also available to bottled water systems. The Board declined to make this amendment because it feels that the availability of compliance date extensions to bottled water systems is adequately conveyed by way of reference throughout §§ 109.1, 109.1002(a) and 109.1003(a), wherein bottled water systems are considered to be public water systems and are subject to the same requirements as public water systems.

Section 109.202(a)(3) was amended to correct a typographical error.

*§ 109.202(g). Treatment technique requirements for disinfection byproduct precursors.*

Regarding the enhanced coagulation requirements referenced in § 109.202(g)(1), a commentator questioned if negative TOC percent removal values were to be recorded as zero or as the actual negative value. The correct procedure is to record the actual negative value.

A commentator requested clarification on where the “finished water” sampling, as specified in § 109.202(g)(2)(ii)(F), is to be conducted. This sampling is to be conducted prior to the addition of any disinfectants or oxidants.

The Board has decided to delete § 109.202(g)(2). The Board feels that the language in this paragraph concerning alternative compliance criteria was potentially misleading to water systems with respect to compliance strategies. In addition, the Board feels that some of the sampling points that were specified in § 109.202(g)(2)

could be potentially confusing to water systems. The Board feels that this information would be better presented by way of reference to the Federal regulations in 40 CFR 141.135, as well as in future guidance.

The deletion of § 109.202(g)(2) removes the “(1)” from § 109.202(g)(1) so that § 109.202(g) now simply contains a one-paragraph body.

*§ 109.301. General monitoring requirements.*

Representatives of the bottled water industry have interpreted that the January 1, 2004, D/DBPR compliance date stated in § 109.301(12) for systems using groundwater sources also applies to bottled water systems that use groundwater sources. This interpretation is correct.

Section 109.301(12)(i)(A)(I)(-a-) was amended to require quarterly sampling of TTHMs and haloacetic acids as opposed to monthly sampling. This section was also amended at the EPA’s request to clarify that the non-maximum residence time samples need to collectively be representative of the entire distribution system. Both of these revisions are consistent with the Federal regulations in 40 CFR 141.132(b)(1)(i).

Section 109.301(12)(i)(B)(I)(-a-)-(c-) were amended at the EPA’s request to delete the language “Systems on reduced monitoring are not required to monitor source water TOC.” This language was inconsistent with Federal requirements.

A commentator requested clarification on where the treated TOC sampling, as specified in § 109.301(12)(iv)(A) and (B), is to be conducted. The treated TOC samples may be taken at any location after sedimentation treatment. The combined filter effluent is the preferable location. Entry point sampling must first receive Department approval. Section 109.301(12)(iv)(A) and (B) were amended to clarify where treated TOC samples may be taken. These new locations reflect recent D/DBPR implementation decisions made by the EPA.

Section 109.301(13)(i) was amended to correct a typographical error.

*§ 109.403(d). Description and content of notice.*

The Board has deleted this proposed subsection. The EPA had informed the Department that the 40 CFR Subpart O references in this subsection had changed since the promulgation of the Federal D/DBPR. The EPA also informed the Department that this Federal requirement may be included in the Department’s future Consumer Confidence Rule. The EPA stated that including this language in a future rulemaking would not jeopardize the Department’s efforts to obtain primary enforcement responsibility for the D/DBPR.

*§ 109.701(a). Reporting requirements for public water systems.*

Section 109.701(a)(8) was amended at the EPA’s request to include minor EPA reporting requirements that were omitted in the proposed rulemaking. The reporting requirements in this section are now consistent with the Federal requirements.

Section 109.701(a)(9)(ii)(A) was amended at the EPA’s request to delete the “entry point” specification of sample results that are to be reported. The amended language is now consistent with the Federal requirements.

*§ 109.701(e). Monitoring plans for disinfectants, disinfection byproducts and disinfection byproduct precursors.*

This subsection was amended to specify a submittal deadline for monitoring plans of 30 days prior to the

established reporting deadline. This submittal deadline will provide both the Department and the water system time to discuss any questions or suggestions regarding the monitoring plan.

Section 109.701(e)(2) was amended to delete references to Department approval of the monitoring plan. The Department will not be approving monitoring plans. Approval of the monitoring plan is not required by the Federal D/DBPR.

*§ 109.1003(a). General monitoring requirements.*

Representatives of the bottled water industry requested clarification as to where the "entry point," as specified for monitoring in § 109.1003(a)(1), is for bottled water systems. They further recommended that a "product type" be designated as the "entry point" for bottling plants in order to be consistent with Federal Food and Drug Administration requirements. The Board declined to make this amendment because it feels that the entry point for bottled water systems is adequately defined in § 109.1003(c)(1) as being "each finished bottled water product."

Representatives of the bottled water industry questioned whether the entire D/DBPR is applicable to bottled water systems, or just the bromate monitoring provisions in § 109.1003(a)(1)(viii). They asserted that the requirements for chlorine-based DBPs should not apply to bottled water systems since chlorine is typically not used by bottled water systems. The Board has amended the monitoring section. If a bottled water system does not use chlorine-based chemicals and does not use a source that has been treated with chlorine-based chemicals, then that system will not need to comply with the monitoring requirements for TTHM and HAA5. Otherwise, all D/DBPR provisions will still apply to bottled water systems.

Representatives of the bottled water industry requested that routine monitoring for bromate be quarterly rather than monthly, as stated in § 109.1003(a)(1)(viii)(A). They also requested that reduced monitoring for bromate be annually rather than quarterly, as stated in § 109.1003(a)(1)(viii)(B). The Board declined to make this amendment because the bromate monitoring requirements are consistent with the Federal D/DBPR requirements.

The Board has decided to amend § 109.1003(a)(1) to include the monitoring requirements for TTHMs, haloacetic acids and chlorite in addition to the originally proposed bromate requirements. This will clarify the DBP monitoring requirements for bottled, vended, retail and bulk hauling water systems.

Representatives of the bottled water industry requested that D/DBPR compliance determination procedures be clarified in Chapter 109. The Board declined to make this amendment because it feels that the procedures for determining compliance for the various MCLs and MRDLs are adequately conveyed in § 109.1002(a) and § 109.1003(a) by way of reference to § 109.202 and § 109.301, respectively, which reference the Federal regulations.

*§ 109.1003(c). Sampling requirements.*

Section 109.1003(c)(1) was amended to correct a typographical error.

*§ 109.1003(d). Repeat monitoring for microbiological contaminants.*

Representatives of the bottled water industry requested that a more detailed check-sample procedure be developed

for total-coliform positive samples for inclusion into § 109.1003(d)(3). The Board declined to make this amendment because it feels that an adequate check-sample procedure is required in § 109.1003(d)(1)(i).

*§ 109.1009(c). Disinfectant residual requirements.*

Representatives of the bottled water industry asserted that with the ongoing development of alternative disinfection technologies, such as ultraviolet light, and with the proper sealing of bottled water products, there is no need to mandate residual disinfectant levels in bottled water products. The MRDL requirements of the D/DBPR apply to bottled water systems if chlorine, chloramination or chlorine dioxide is used. If a bottled water system uses only ozone, then that system will not be subject to any MRDL requirements. While the MRDL sets a maximum disinfectant level, the Department determines the minimum acceptable residual on a case-by-case basis as per the provisions of § 109.1009(c).

*F. Benefits, Costs and Compliance*

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

*Benefits*

The public health benefits of disinfection practices are significant and well-recognized. Disinfection, however, poses its own health risks. The amendments will implement standards that will either minimize or eliminate harmful disinfectant levels and disinfection byproducts in public water systems.

The amendments will affect 2,565 public water systems that serve a total population of over 10.4 million Commonwealth residents. These 10.4 million people will benefit from a reduction in health risks associated with disinfection practices, such as bladder cancer and kidney damage.

The EPA has estimated that the Nation may realize a total annual benefit of up to \$4 billion as a result of avoiding up to 2,232 cases of bladder cancer per year. In this Commonwealth, this translates into a total annual benefit of up to \$175 million in avoiding up to 98 cases of bladder cancer per year.

*Compliance Costs*

The EPA has estimated that a total annual cost of almost \$684 million will be borne by the regulated community, Nationwide, as a result of this rule. It is estimated that water systems in this Commonwealth will bear over \$23 million of this total annual cost.

The \$23 million estimate will include up-front capital costs associated with process modifications. These process modifications may involve the dose or type of disinfectant chemical, the process locations of disinfectant addition, technologies or treatment techniques that reduce source water TOC, technologies or treatment techniques that remove DBPs and new source development activities.

The \$23 million estimate also includes ongoing costs associated with operations and maintenance. These costs will include maintenance activities of any new technologies or sources that are installed because of this rule. These costs will also include the routine compliance expenses of monitoring, reporting and recordkeeping.

*Compliance Assistance Plan*

The Safe Drinking Water Program utilizes the Commonwealth's PENNVEST Program to offer financial assistance to eligible public water systems. This assistance is in the form of a low-interest loan, with some augment-

ing grant funds for hardship cases. Eligibility is based upon factors such as public health impact, compliance necessity and project/operational affordability.

The Safe Drinking Water Program has established a network of regional and central office training staff that is responsive to identifiable training needs. The target audience in need of training may be either program staff or the regulated community.

In addition to this network of training staff, the Bureau of Water Supply and Wastewater Management has a division dedicated to providing both training and outreach support services to public water system operators. The Department's Internet site also provides a link to the Drinking Water & Wastewater Treatment System Operator Information Center Internet site, which provides a bulletin board of timely, useful information for treatment plant operators.

*Paperwork Requirements*

The amendments will require that water systems comply with two to four new contaminant standards, as well as with one to three new disinfectant residual standards. In order to comply with these standards, the water system will need to monitor and report these contaminants and disinfectant residuals. Water systems which treat with conventional filtration will also need to monitor and report total organic carbon, both in the source water and in the treated water.

It is anticipated that this additional monitoring and reporting should be facilitated by Department's current data reporting forms and that little, if any, additional data forms or paperwork will be necessary.

*G. Sunset Review*

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

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 2000, the Department submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 4596, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on May 29, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 7, 2001, and approved the final-form regulations.

*I. Findings of the Board*

The Board finds that:

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

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

(3) These final-form regulations do not enlarge the purpose of the proposal published at 30 Pa.B. 4596.

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

*J. Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 109, are amended by amending §§ 109.1, 109.202, 109.203, 109.301—109.304, 109.401—109.403, 109.503, 109.505—109.507, 109.602, 109.605, 109.611, 109.612, 109.701, 109.704, 109.710, 109.801, 109.810, 109.901, 109.903, 109.1002—109.1006, 109.1009 and 109.1105 to read as set forth in Annex A.

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

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

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

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

DAVID E. HESS,  
*Chairperson*

*(Editor's Note For the of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 3370 (June 23, 2001).)*

**Fiscal Note:** Fiscal Note 7-359 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 109. SAFE DRINKING WATER**

**Subchapter A. GENERAL PROVISIONS**

**§ 109.1. Definitions.**

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

*Act*—The Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Administrator*—The Administrator of the EPA.

*ANSI*—The American National Standards Institute, Inc. of New York, New York.

*BAT—Best Available Technology*—The best technology, treatment techniques or other means which the Administrator finds are available for achieving compliance with maximum contaminant levels.

*Bottled water system*—A public water system which provides water for bottling in sealed bottles or other sealed containers. The term includes, but is not limited

to, the sources of water and treatment, storage, bottling, manufacturing and distribution facilities. The term does not include a public water system which provides only a source of water supply for a bottled water system and excludes an entity providing only transportation, distribution or sale of bottled water in sealed bottles or other sealed containers.

**Bulk water hauling system**—A public water system which provides water piped into a carrier vehicle and withdrawn by a similar means into the user's storage facility or vessel. The term includes, but is not limited to, the sources of water, treatment, storage or distribution facilities. The term does not include a public water system which provides only a source of water supply for a bulk water hauling system.

**CPE—Comprehensive performance evaluation**—A thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices.

(i) The CPE is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.

(ii) The CPE shall consist of at least the following components:

- (A) Assessment of plant performance.
- (B) Evaluation of major unit processes.
- (C) Identification and prioritization of performance limiting factors.
- (D) Assessment of the applicability of comprehensive technical assistance.
- (E) Preparation of a CPE report.

**CT**—The product of residual disinfectant concentration (C) measured in mg/L in a representative sample of water prior to the first customer, and disinfectant contact time (T); that is, "C" x "T." If disinfectants are applied at more than one point prior to the first customer, the CT is determined for each disinfectant sequence prior to the first customer to determine the total percent inactivation achieved by disinfection prior to the first customer. In determining the total percent inactivation, the residual disinfectant concentration of each disinfection sequence and corresponding contact time before subsequent disinfection application points shall be determined.

**Coagulation**—A process using coagulant chemicals and mixing by which colloidal and suspended material are destabilized and agglomerated into settleable or filterable flocs, or both.

**Collection**—The parts of a public water system occurring prior to treatment, including source, transmission facilities and pretreatment storage facilities.

**Community water system**—A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

**Compliance cycle**—A 9-year calendar year cycle during which public water suppliers shall monitor for contaminants. The first compliance cycle begins January 1, 1993, and ends December 31, 2001.

**Compliance period**—A 3-year calendar year period within a compliance cycle. Each compliance cycle is made up of three 3-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, through December 31, 1995.

**Confluent growth**—Bacterial growth, with or without sheen, covering the entire membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

**Consecutive water system**—A public water system which obtains all of its water from another public water system and resells the water to a person, provides treatment to meet a primary MCL or provides drinking water to an interstate carrier. The term does not include bottled water and bulk water systems.

**Contaminant**—A physical, chemical, biological or radiological substance or matter in water.

**Conventional filtration**—The series of processes for the purpose of substantial particulate removal consisting of coagulation, flocculation, sedimentation and filtration.

**Corrosion inhibitor**—A substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

**Cross-connection**—An arrangement allowing either a direct or indirect connection through which backflow, including backsiphonage, can occur between the drinking water in a public water system and a system containing a source or potential source of contamination, or allowing treated water to be removed from any public water system, used for any purpose or routed through any device or pipes outside the public water system, and returned to the public water system. The term does not include connections to devices totally within the control of one or more public water systems and connections between water mains.

**Diatomaceous earth filtration**—A process for the purpose of substantial particulate removal in which a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and while the water is filtered by passing through the cake on the septum, additional filter media, known as body feed, is continuously added to the feed water, to maintain the permeability of the filter cake.

**Direct filtration**—A series of processes for the purpose of substantial particulate removal consisting of coagulation and filtration. The term normally includes flocculation after coagulation, but does not include sedimentation.

**Disinfectant contact time**—The time in minutes that it takes for water to move from the point of disinfectant application to the point where residual disinfectant concentration is measured. Contact time in pipelines is calculated based on plug flow by dividing the internal volume of the pipeline by the flow rate through that pipeline. Contact time within mixing basins and storage reservoirs is determined by tracer studies or an equivalent demonstration. Guidance for making these determinations appears in the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources" (U. S. EPA, Office of Drinking Water, Criteria and Standards Division).

**Disinfection**—A process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents, such as ultraviolet light.

**Disinfection profile**—The summary of daily *Giardia lamblia* inactivation through the treatment plant as determined through procedures and measurement methods established by this chapter.

**Enhanced coagulation**—The addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

*Enhanced softening*—The improved removal of disinfection byproduct precursors by precipitative softening.

*Entry point*—A point acceptable to the Department at which finished water representative of each source enters the distribution system.

*Environmental acts*—The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Air Pollution Control Act (35 P. S. §§ 4001—4015), the Radiation Protection Act (35 P. S. §§ 7110.101—7110.703), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31), the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326), section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17), the Dam Safety and Encroachment Act (32 P. S. §§ 693.1—693.27), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Plumbing System Lead Ban and Notification Act (35 P. S. §§ 723.1—723.17) and any other State or Federal statutes relating to environmental protection or to the protection of the public health, safety and welfare.

*Facility*—A part of a public water system used for collection, treatment, storage or distribution of drinking water.

*Federal act*—The Safe Drinking Water Act (42 U.S.C.A. §§ 300f—300j-10).

*Federal regulations*—The National Primary Drinking Water Regulations and the National Secondary Drinking Water Regulations.

*Filter profile*—A graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

*Filtration*—A process for removing particulate matter from water by passage through porous media.

*Finished water*—Water that has been treated in compliance with the treatment technique requirements established in this chapter by a permitted public water system and is ready for consumption by the public.

*First-draw sample*—A 1-liter sample of tap water collected in accordance with § 109.1103 (relating to monitoring requirements), that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

*Flocculation*—A process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable or filterable particles through gentle stirring by hydraulic or mechanical means.

*GUDI*—Groundwater under the direct influence of surface water—

(i) Any water beneath the surface of the ground with the presence of insects or other macroorganisms, algae, organic debris or large diameter pathogens such as *Giardia lamblia* and *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions.

(ii) The term does not include finished water.

*HAA5*—Haloacetic acids (five)—The sum of the concentrations in milligrams per liter of the haloacetic compounds (monochloroacetic acid, dichloroacetic acid,

trichloroacetic acid, monobromoacetic acid and dibromoacetic acid), rounded to two significant figures after addition.

*IBWA*—The International Bottled Water Association, Alexandria, Virginia 22314.

*IOC*—Inorganic chemical.

*Initial compliance period*—The first full 3-year compliance period during which a public water supply is required to monitor for a contaminant.

*Innovative technology*—A method, process or equipment for the treatment of drinking water which is not designated as BAT under EPA regulations and the effectiveness of which has not been commercially demonstrated in the water supply industry.

*Lead service line*—A service line made of lead which connects a water main to a building inlet and a lead pigtail, gooseneck or other fitting which is connected to the lead line.

*MCL*—Maximum Contaminant Level—The maximum permissible level of a contaminant in water which is delivered to a user of a public water system, and includes the primary and secondary MCLs established under the Federal act, and MCLs adopted under the act. For MCLs incorporated into this chapter by reference, the term refers to the numerical value and the means of determining compliance with that value and does not refer to the EPA applications to specific types of public water systems or sources.

*MRDL*—Maximum Residual Disinfectant Level—The maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. The consumer's tap means the entry point for bottled water and vended water systems, retail water facilities and bulk water hauling systems.

*Method detection limit*—The amount of a substance which the EPA has determined to be the minimum concentration which can be measured and be reported with 99% confidence that the true value is greater than zero.

*NAMA*—The National Automatic Merchandising Association of Chicago, Illinois.

*NSF*—NSF International, Ann Arbor, Michigan 48105.

*NTU*—Nephelometric Turbidity Unit.

*National Primary Drinking Water Regulations*—Primary drinking water regulations and implementation regulations promulgated by the Administrator under the Federal act at 40 CFR Parts 141 and 142 (relating to national primary drinking water regulations; and national primary drinking water regulations implementation). The term includes interim, revised and final regulations.

*National Secondary Drinking Water Regulations*—Secondary drinking water regulations promulgated by the Administrator under the Federal act in 40 CFR 143.1—143.4.

*New source*—A source of water supply that is not covered by a valid permit issued under the act of April 22, 1905 (P. L. 260, No. 182) (35 P. S. §§ 711—716) (Repealed) or under this chapter as a regular source of supply for the public water system.

*Noncommunity water system*—A public water system which is not a community water system.



*Nontransient noncommunity water system*—A noncommunity water system that regularly serves at least 25 of the same persons over 6 months per year.

*Person*—An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of Federal or State government. The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government.

*Point-of-entry (POE) device*—A treatment device used as an alternative to central treatment that is installed on a public water line or service connection to a house, building or other facility for the purpose of reducing contaminants in the water distributed throughout the house, building or facility.

*Public water supplier*—A person who owns or operates a public water system.

*Public water system*—A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system. The term includes collection or pretreatment storage facilities not under control of the operator which are used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption. Water for human consumption includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

*Repeat compliance period*—A subsequent compliance period after the initial compliance period.

*Retail water facility*—A public water system which provides water for bottling without the use of a water vending machine by dispensing unit servings of water in containers whether or not the containers are provided by the customers.

*SOC*—Synthetic Organic Chemical.

*SUVA—Specific ultraviolet absorption at 254 nanometers (nm)*—An indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm ( $UV_{254}$ ) (in  $m^{-1}$ ) by its concentration of dissolved organic carbon (DOC) (in mg/L).

*Sanitary survey*—An onsite review and evaluation of a public water system's source, facilities and equipment and the operation and maintenance procedures used by a public water supplier for producing and distributing safe drinking water.

*Sedimentation*—A process for the removal of solids before filtration by gravity or separation.

*Slow sand filtration*—A process for the purpose of substantial particulate removal by physical and biological mechanisms during the passage of raw water through a bed of sand at low velocity—generally less than .4 meters per hour.

*Source*—The place from which water for a public water system originates or is derived, including, but not limited to, a well, spring, stream, reservoir, pond, lake or interconnection.

*Substantial modification*—A change in a public water system that may affect the quantity or quality of water

served to the public or which may be prejudicial to the public health or safety and includes the addition of new sources; the expansion of existing facilities; changes in treatment processes; addition, removal, renovation or substitution of equipment or facilities; and interconnections.

*Surface water*—Water open to the atmosphere or subject to surface runoff. The term does not include finished water.

*System*—

(i) A group of facilities used to provide water for human consumption including facilities used for collection, treatment, storage and distribution. The facilities shall constitute a system if they are adjacent or geographically proximate to each other and meet at least one of the following criteria:

(A) The facilities provide water to the same establishment which is a business or commercial enterprise or an arrangement of residential or nonresidential structures having a common purpose and includes mobile home parks, multi-unit housing complexes, phased subdivisions, campgrounds and motels.

(B) The facilities are owned, managed or operated by the same person.

(C) The facilities have been regulated as a single public water system under the Federal act or the act.

(ii) This definition may not be interpreted to require two or more currently-regulated public water systems to become one system.

*TOC—Total organic carbon*—The total organic carbon in mg/L measured using heat, oxygen, ultraviolet irradiation, chemical oxidants or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

*TTHM—Total trihalomethanes*—the sum of the concentrations in milligrams per liter of the trihalomethane compounds (trichloromethane, bromodichloromethane, dibromochloromethane and tribromomethane), rounded to two significant figures after addition.

*Too numerous to count*—Two hundred or more total bacterial colonies on a 47-mm diameter membrane filter.

*Transient noncommunity water system*—A public water system which is not a community, nontransient noncommunity, bottled or vended water system, nor a retail water facility or a bulk water hauling system.

*Transmission*—The movement of water from the source to a point of storage, treatment or distribution or from the point of treatment to the distribution system.

*Treatment technique*—A requirement which specifies a specific treatment method known to cause a reduction in the level of a contaminant which cannot practically be regulated by establishing an MCL. The term includes treatment technique requirements established under the Federal act, and treatment technique requirements adopted under the act.

*Type of product*—A particular kind of water for bottling characterized by its source or treatment process. Examples of the water include distilled water, mineral water, spring water and well water.

*VOC*—Volatile synthetic organic chemical.

*Vended water system*—A public water system which provides water for bottling through the use of one or more water vending machines.

*Waterborne disease outbreak*—An illness of the same etiology experienced by two or more persons and attributed to pathogenic organisms in which the public water system is implicated as the source of illness by the Department of Health.

*Water for bottling*—Artificial or natural mineral, spring or other water for bottling as drinking water.

*Water vending machine*—A self-contained, self-service device which, upon insertion of a coin, paper currency, token, card, key or other similar means or through manual operation, dispenses unit servings of water, either in bulk or in packages, without the necessity of replenishing the device between each vending operation.

*Wellhead protection area*—The surface and subsurface area surrounding a water well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source. A wellhead protection area shall consist of the following zones:

(i) *Zone I.* The protective zone immediately surrounding a well, spring or infiltration gallery which shall be a 100-to-400-foot radius depending on site-specific source and aquifer characteristics.

(ii) *Zone II.* The zone encompassing the portion of the aquifer through which water is diverted to a well or flows to a spring or infiltration gallery. Zone II shall be a 1/2 mile radius around the source unless a more detailed delineation is approved.

(iii) *Zone III.* The zone beyond Zone II that contributes surface water and groundwater to Zones I and II.

*Wellhead protection program*—A comprehensive program designed to protect a well, spring or infiltration gallery used by a public water system from contamination.

**Subchapter B. MCLS, MRDLS OR TREATMENT TECHNIQUE REQUIREMENTS**

**§ 109.202. State MCLS, MRDLS and treatment technique requirements.**

(a) *Primary MCLS.*

(1) A public water system shall supply drinking water that complies with the primary MCLS adopted by the EQB under the act.

(2) This subchapter incorporates by reference the primary MCLS in the National Primary Drinking Water Regulations, at 40 CFR Part 141, Subparts B and G (relating to maximum contaminant levels) as State MCLS, under authority of section 4 of the act (35 P. S. § 721.4), unless other MCLS are established by regulations of the Department. The primary MCLS which are incorporated by reference are effective on the date established by the Federal regulations.

(3) A public water system that is installing granular activated carbon or membrane technology to comply with the MCL for TTHMs, HAA5, chlorite (where applicable) or bromate (where applicable) may apply to the Department for an extension of up to 24 months past the applicable compliance date specified in the Federal regulations, but not beyond December 31, 2003. In granting the extension, the department will set a schedule for compliance and may specify any interim measures that the Department deems necessary. Failure to meet the schedule or interim treatment requirements constitutes a violation of National Primary Drinking Water Regulations.

(b) *Secondary MCLS.*

(1) A public water system shall supply drinking water that complies with the secondary MCLS adopted by the EQB under the act, except for the MCL for pH which represents a reasonable goal for drinking water quality.

(2) This subchapter incorporates by reference the secondary MCLS established by the EPA in the National Secondary Drinking Water Regulations, 40 CFR 143.3 (relating to secondary MCLS), as of January 30, 1991, as State MCLS, under the authority of section 4 of the act, unless other MCLS are established by regulations of the Department. The secondary MCL for copper is not incorporated by reference.

(3) A secondary MCL for aluminum of 0.2 mg/L is adopted as a State MCL.

(c) *Treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts.* A public water system shall provide adequate treatment to reliably protect users from the adverse health effects of microbiological contaminants, including pathogenic bacteria, viruses and protozoan cysts. The number and type of treatment barriers and the efficacy of treatment provided shall be commensurate with the type, degree and likelihood of contamination in the source water.

(1) A public water supplier shall provide, as a minimum, continuous filtration and disinfection for surface water and GUDI sources. The treatment technique shall provide at least 99.9% removal and inactivation of *Giardia lamblia* cysts, and at least 99.99% removal and inactivation of enteric viruses. Beginning January 1, 2002, public water suppliers serving 10,000 or more people shall provide at least 99% removal of *Cryptosporidium* oocysts. The Department, depending on source water quality conditions, may require additional treatment as necessary to meet the requirements of this chapter and to protect the public health.

(i) The filtration process shall meet the following performance requirements:

(A) *Conventional or direct filtration.*

(I) The filtered water turbidity shall be less than or equal to .5 NTU in 95% of the measurements taken each month under § 109.301(1) (relating to general monitoring requirements).

(II) The filtered water turbidity shall be less than or equal to 2.0 NTU at all times, measured under § 109.301(1).

(III) Beginning January 1, 2002, for public water systems serving 10,000 or more persons, the filtered water turbidity shall meet the following criteria:

(-a-) Be less than or equal to 0.3 NTU in at least 95% of the measurements taken each month under § 109.301(1).

(-b-) Be less than or equal to 1 NTU at all times, measured under § 109.301(1).

(B) *Slow sand or diatomaceous earth filtration.*

(I) The filtered water turbidity shall be less than or equal to 1.0 NTU in 95% of the measurements taken each month under § 109.301(1).

(II) The filtered water turbidity shall be less than or equal to 2.0 NTU at all times, measured under § 109.301(1).

(C) *Other filtration technologies.* The same performance criteria as those given for conventional filtration and

direct filtration in clause (A) shall be achieved unless the Department specifies more stringent performance criteria based upon onsite studies, including pilot plant studies, where appropriate.

(ii) The combined total effect of disinfection processes utilized in a filtration plant shall achieve at least a 90% inactivation of *Giardia* cysts and a 99.9% inactivation of viruses, as determined by CTs and measurement methods established by the EPA. The residual disinfectant concentration in the water delivered to the distribution system prior to the first customer may not be less than .2 mg/L for more than 4 hours, as demonstrated by measurement taken under § 109.301(1). Failure to maintain this level that extends beyond 4 hours constitutes a breakdown in treatment under § 109.402 (relating to emergency public notification).

(iii) For an unfiltered surface water source permitted for use prior to March 25, 1989, the public water supplier shall:

(A) Maintain a minimum residual disinfectant concentration in the water delivered to the distribution system prior to the first customer of 2.5 mg/L expressed as free chlorine or its equivalent as approved by the Department. The residual disinfectant concentration shall be demonstrated by measurements taken under § 109.301(2).

(I) For a system using disinfectants other than free chlorine, the water supplier shall maintain:

(-a-) A minimum concentration that provides, in terms of CTs achieved, a level of protection equivalent to that provided by 2.5 mg/L free chlorine, as determined by the available contact time between the point of application and the first customer, under peak flow conditions.

(-b-) At least .2 mg/L of disinfectant in the water delivered to the distribution system prior to the first customer.

(II) For a system with extended contact times, generally 60 minutes or more, between the point of application and the first customer, the Department may allow the water supplier to maintain a disinfectant residual concentration less than 2.5 mg/L free chlorine or its equivalent if the CTs established by the EPA are achieved.

(B) Provide continuous filtration and disinfection in accordance with this paragraph according to the following schedule:

(I) By December 31, 1991, for a public water system that, prior to March 25, 1989, had a waterborne disease outbreak or *Giardia* contamination in its surface water source.

(II) Within 48 months after the discovery of one of the following conditions, or by December 31, 1995, whichever is earlier, for a public water system that experiences the condition after March 25, 1989:

(-a-) A waterborne disease outbreak.

(-b-) *Giardia* contamination in its surface water source.

(-c-) A violation of the microbiological MCL, the turbidity MCL or the monitoring or reporting requirements for the microbiological MCL.

(-d-) A violation of the source microbiological or turbidity monitoring requirements under § 109.301(2)(i)(A) and (B) or the related reporting requirements.

(-e-) The source water fecal coliform concentration exceeds 20/100 ml or the total coliform concentration exceeds 100/100 ml in a source water sample collected under § 109.301(2).

(-f-) The source water turbidity level exceeds 5.0 NTU in a sample collected under § 109.301(2).

(-g-) The system fails to maintain a continuous residual disinfectant concentration as required under this subparagraph.

(III) By December 31, 1995, for other public water systems not covered by subclause (I) or (II).

(iv) For an unfiltered surface water source which is subject to subparagraph (iii)(B)(II) and (III), the public water supplier shall:

(A) Submit to the Department for approval a feasibility study which specifies the means by which the supplier shall, by the applicable deadline established in subparagraph (iii)(B), meet the requirements of this paragraph. The study shall identify the alternative which best assures the long-term viability of the public water system to meet drinking water standards. The study shall propose a schedule for completion of work, including the design, financing, construction and operation of one of the following alternatives:

(I) Permanent filtration treatment facilities that meet the requirements of this chapter.

(II) Abandonment of the unfiltered surface water source and one of the following:

(-a-) Permanent interconnection with another water supply which meets the requirements of this chapter.

(-b-) Permanent water treatment facilities, utilizing groundwater as the source of supply, which meet the requirements of this chapter.

(-c-) Provision for adequate supply from existing sources which meets the requirements of this chapter.

(B) Submit the feasibility study according to the following schedule:

(I) By March 31, 1992, for a supplier which prior to August 31, 1991, experienced a triggering event as specified in subparagraph (iii)(B)(II).

(II) By June 30, 1992, for a supplier which after August 31, 1991, but before January 1, 1992, experienced a triggering event as specified in subparagraph (iii)(B)(II).

(III) By August 31, 1992, for other suppliers.

(C) Submit a full and complete permit application for the means identified in the approved feasibility study by which the supplier shall meet the requirements of this paragraph, according to the following schedule:

(I) By the date set in the approved feasibility study for a supplier which, prior to January 1, 1992, experienced a triggering event as specified in subparagraph (iii)(B)(II).

(II) By June 30, 1993, for a supplier subject to the requirements of subparagraph (iii)(B)(III), except that a public water supplier serving fewer than 3,300 people may submit its permit application by December 31, 1993.

(D) Initiate construction of the means identified in the approved feasibility study by which the supplier shall meet the requirements of this paragraph, according to the following schedule:

(I) By the date set in the approved feasibility study for a supplier which, prior to January 1, 1992, experienced a triggering event as specified in subparagraph (iii)(B)(II).

(II) By June 30, 1994, for a supplier subject to the requirements of subparagraph (iii)(B)(III), except that a public water supplier serving fewer than 3,300 people may initiate construction by December 31, 1994.

(E) Complete construction and commence operation of the alternative identified in the approved feasibility study by the dates specified in subparagraph (iii)(B).

(v) The requirements of subparagraph (iv) do not modify, repeal, suspend, supersede or otherwise change the terms of a compliance schedule or deadline, established by an existing compliance order, consent order and agreement, consent adjudication, court order or consent decree. For purposes of this paragraph, the term "existing" means a compliance order, consent order and agreement, consent adjudication, court order or consent decree which was issued or dated before December 14, 1991.

(vi) For a source including springs, infiltration galleries, cribs or wells permitted for use by the Department prior to May 16, 1992, and determined by the Department to be a GUDI source, the public water supplier shall:

(A) Maintain a minimum residual disinfectant concentration in the water delivered to the distribution system prior to the first customer in accordance with subsection (c)(1)(iii)(A).

(B) Provide continuous filtration and disinfection in accordance with this paragraph within 48 months after the Department determines the source of supply is a GUDI source.

(C) Submit to the Department for approval a feasibility study within 1 year after the Department determines the source of supply is a GUDI source. The feasibility study shall specify the means by which the supplier shall, within the deadline established in clause (B), meet the requirements of this paragraph and shall otherwise comply with paragraph (1)(iv)(A).

(2) A community public water system shall provide continuous disinfection for groundwater sources.

(d) *Fluoride.* A public water system shall comply with the primary MCL for fluoride of 2 mg/L, except that a noncommunity water system implementing a fluoridation program approved by the Department of Health and using fluoridation facilities approved by the Department under § 109.505 (relating to requirements for noncommunity water systems) may exceed the MCL for fluoride but may not exceed the fluoride level approved by the Department of Health. The secondary MCL for fluoride of 2 mg/L established by the EPA under 40 CFR 143.3 (relating to secondary MCLs) is not incorporated into this chapter.

(e) *Treatment technique requirements for acrylamide and epichlorohydrin.* Systems which use acrylamide or epichlorohydrin in the water treatment process shall certify in accordance with § 109.701(d)(7) (relating to reporting and recordkeeping) that the following specified levels have not been exceeded:

- (1) Acrylamide = 0.05% dosed at 1 ppm (or equivalent).
- (2) Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent).

(f) *MRDLs.*

(1) A public water system shall supply drinking water that complies with the MRDLs adopted by the EQB under the act.

(2) This subchapter incorporates by reference the primary MRDLs in the National Primary Drinking Water Regulations, in 40 CFR Part 141, Subpart G (relating to maximum contaminant levels and maximum residual disinfectant levels) as State MRDLs, under the authority of section 4 of the act (35 P. S. § 721.4), unless other

MRDLs are established by regulations of the Department. The primary MRDLs which are incorporated by reference are effective on the date established by the Federal regulations.

(g) *Treatment technique requirements for disinfection byproduct precursors.* A public water system that uses either surface water or GUDI sources and that uses conventional filtration treatment shall provide adequate treatment to reliably control disinfection byproduct precursors in the source water. Enhanced coagulation and enhanced softening are deemed by the Department to be treatment techniques for the control of disinfection byproduct precursors in drinking water treatment and distribution systems. This subchapter incorporates by reference the treatment technique in 40 CFR 141.135 (relating to treatment technique for control of disinfection byproduct (DBP) precursors). Coagulants approved by the Department are deemed to be acceptable for the purpose of this treatment technique. This treatment technique is effective on the date established by the Federal regulations.

**§ 109.203. Unregulated contaminants.**

The Department may by order establish an MCL or treatment technique requirement on a case-by-case basis for a public water system in which an unregulated contaminant creates a health risk to the users of the public water system. An unregulated contaminant is one for which no MCL or treatment technique requirement has been established under § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements).

**§ 109.204. Disinfection profiling and benchmarking.**

The disinfection profiling and benchmarking requirements, established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.172 (relating to disinfection profiling and benchmarking) are incorporated by reference except as otherwise established by this chapter. The public water supplier shall conduct disinfection profiling in accordance with the procedures and methods in the most current edition of the *Disinfection Profiling and Benchmarking Guidance Manual* published by the EPA. The public water supplier required to conduct disinfection profiling shall submit the disinfection profiling data and the benchmark data to the Department by June 1, 2001, in a format acceptable to the Department.

**Subchapter C. MONITORING REQUIREMENTS**

**§ 109.301. General monitoring requirements.**

The monitoring requirements established by the EPA under the National Primary Drinking Water Regulations, 40 CFR Part 141 (relating to national primary drinking water regulations), as of December 8, 1984, are incorporated by reference. Public water suppliers shall monitor for compliance with MCLs and MRDLs in accordance with the requirements established in the National Primary Drinking Water Regulations, except as otherwise established by this chapter unless increased monitoring is required by the Department under § 109.302 (relating to special monitoring requirements). Alternative monitoring requirements may be established by the Department and may be implemented in lieu of monitoring requirements for a particular National Primary Drinking Water Regulation if the alternative monitoring requirements are in conformance with the Federal act and regulations. The monitoring requirements shall be applied as follows:

- (1) *Performance monitoring for filtration and disinfection.* A public water supplier providing filtration and

disinfection of surface water or GUDI sources shall conduct the performance monitoring requirements established by the EPA under the National Primary Drinking Water Regulations, unless increased monitoring is required by the Department under § 109.302.

(i) Except as provided under subparagraphs (ii) and (iii), a public water supplier:

(A) Shall determine and record the turbidity level of representative samples of the system's filtered water at least once every 4 hours that the system is in operation, except as provided in clause (B).

(B) May substitute continuous turbidity monitoring and recording for grab sample monitoring and manual recording if it validates the continuous measurement for accuracy on a regular basis using a procedure specified by the manufacturer. For systems using slow sand filtration or filtration treatment other than conventional filtration, direct filtration or diatomaceous earth filtration, the Department may reduce sampling frequency to once per day.

(C) Shall continuously monitor and record the residual disinfectant concentration of the water being supplied to the distribution system and record both the lowest value for each day and the number of periods each day when the value is less than .2 mg/L for more than 4 hours. If a public water system's continuous monitoring or recording equipment fails, the public water supplier may, upon notification of the Department under § 109.402 (relating to emergency public notification), substitute grab sampling or manual recording every 4 hours in lieu of continuous monitoring. Grab sampling or manual recording may not be substituted for continuous monitoring or recording for longer than 5 days after the equipment fails.

(D) Shall measure and record the residual disinfectant concentration at representative points in the distribution system no less frequently than the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

(ii) For a public water supplier serving 3,300 or fewer people, the Department may reduce the residual disinfectant concentration monitoring for the water being supplied to the distribution system to a minimum of 2 hours between samples at the grab sampling frequencies prescribed as follows if the historical performance and operation of the system indicate the system can meet the residual disinfectant concentration at all times:

<i>System Size (People)</i>	<i>Samples/Day</i>
<500	1
500—1,000	2
1,001—2,500	3
2,501—3,300	4

If the Department reduces the monitoring, the supplier shall nevertheless collect and analyze another residual disinfectant measurement as soon as possible, but no longer than 4 hours from any measurement which is less than .2 mg/L.

(iii) For a public water supplier serving fewer than 500 people, the Department may reduce the filtered water turbidity monitoring to one grab sample per day, if the historical performance and operation of the system indicate effective turbidity removal is maintained under the range of conditions expected to occur in the system's source water.

(iv) A public water supplier providing conventional filtration treatment or direct filtration and serving 10,000

or more people and using surface water or GUDI sources shall, beginning January 1, 2002, conduct continuous monitoring of turbidity for each individual filter using an approved method under the EPA regulation in 40 CFR 141.74(a) (relating to analytical and monitoring requirements) and record the results at least every 15 minutes.

(A) The water supplier shall calibrate turbidimeters using the procedure specified by the manufacturer.

(B) If there is failure in the continuous turbidity monitoring equipment, the system shall conduct grab sampling every 4 hours in lieu of continuous monitoring.

(C) A public water supplier has a maximum of 5 days following the failure of the equipment to repair or replace the equipment.

(2) *Performance monitoring for unfiltered surface water and GUDI.* A public water supplier using unfiltered surface water or GUDI sources shall conduct the following source water and performance monitoring requirements on an interim basis until filtration is provided, unless increased monitoring is required by the Department under § 109.302:

(i) Except as provided under subparagraphs (ii) and (iii), a public water supplier:

(A) Shall perform fecal coliform or total coliform density determinations on samples of the source water immediately prior to disinfection. Regardless of source water turbidity, the minimum frequency of sampling for fecal or total coliform determination may be no less than the following:

<i>System Size (People)</i>	<i>Samples/Week</i>
<500	1
500—3,299	2
3,300—10,000	3
10,001—25,000	4
25,001 or more	5

(B) Shall measure the turbidity of a representative grab sample of the source water immediately prior to disinfection at least once every 4 hours that the system is in operation, except as provided in clause (C).

(C) May substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the Department.

(D) Shall continuously monitor the residual disinfectant concentration required under § 109.202(c)(1)(iii) (relating to State MCLs, MRDLs and treatment technique requirements) of the water being supplied to the distribution system and record the lowest value for each day. If a public water system's continuous monitoring equipment fails, the public water supplier may, upon notification of the Department under § 109.402, substitute grab sampling every 4 hours in lieu of continuous monitoring. Grab sampling may not be substituted for continuous monitoring for longer than 5 days after the equipment fails.

(E) Shall measure the residual disinfectant concentration at representative points in the distribution system no less frequently than the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

(ii) For a public water supplier serving 3,300 or fewer people, the Department may reduce the residual disinfectant concentration monitoring for the water being sup-

plied to the distribution system to a minimum of 2 hours between samples at the grab sampling frequencies prescribed as follows if the historical performance and operation of the system indicate the system can meet the residual disinfectant concentration at all times:

<i>System Size (People)</i>	<i>Samples/Day</i>
<500	1
500—1,000	2
1,001—2,500	3
2,501—3,300	4

If the Department reduces the monitoring, the supplier shall nevertheless collect and analyze another residual disinfectant measurement as soon as possible, but no longer than 4 hours from any measurement which is less than the residual disinfectant concentration approved under § 109.202(c)(1)(iii).

(iii) For a public water supplier serving fewer than 500 people, the Department may reduce the source water turbidity monitoring to one grab sample per day, if the historical performance and operation of the system indicate effective disinfection is maintained under the range of conditions expected to occur in the system's source water.

(3) *Monitoring requirements for coliforms.* Public water systems shall determine the presence or absence of total coliforms for each routine or check sample; and, the presence or absence of fecal coliforms or E. coli for a total coliform positive sample in accordance with analytical techniques approved by the Department under § 109.304 (relating to analytical requirements). A system may forego fecal coliform or E. coli testing on a total coliform-positive sample if the system assumes that any total coliform-positive sample is also fecal coliform-positive. A system which chooses to forego fecal coliform or E. coli testing shall, under § 109.402(1), notify the Department within 1 hour of when the system is first notified of the total coliform-positive sample result.

(i) *Frequency.* Public water systems shall collect samples at regular time intervals throughout the monitoring period as specified in the system distribution sample siting plan under § 109.303(a)(2) (relating to sampling requirements). Systems which use groundwater and serve 4,900 persons or fewer, may collect all required samples on a single day if they are from different sampling sites in the distribution system.

(A) Except as provided under § 109.705(b) (relating to sanitary surveys), the number of monthly total coliform samples that community water systems shall take is based on the population served by the system as follows:

<i>Population Served</i>	<i>Minimum Number of Samples per Month</i>
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10

<i>Population Served</i>	<i>Minimum Number of Samples per Month</i>
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

(B) Except as provided under § 109.705(c), the number of periodic total coliform samples that noncommunity water systems shall take is as follows:

(I) A noncommunity water system using only ground-water and serving 1,000 or fewer persons per day on a permanent basis, January through December each year, shall take one sample each calendar quarter that the system provides water to the public.

(II) A noncommunity water system using surface water (in total or in part) or serving more than 1,000 persons per day during a given month shall take the same number of samples as a community water system serving the same number of persons specified in clause (A) for each month the system provides water to the public, even if the population served is temporarily fewer than 1,000 persons per day. A groundwater system determined to be under the influence of surface water shall begin monitoring at this frequency 6 months after the Department determines that the source water is under the direct influence of surface water.

(C) A public water system that uses a surface water source and does not practice filtration in compliance with Subchapter B (relating to MCLs, MRDLs or treatment technique requirements) shall collect at least one total coliform sample at the entry point, or an equivalent location as determined by the Department, to the distribution system within 24 hours of each day that the turbidity level in the source water, measured as specified in paragraph (2)(i)(B), exceeds 1.0 NTU. The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the

sample analyzed within 30 hours of collection. A logistical problem outside the system's control may include a source water turbidity result exceeding 1.0 NTU over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time. These sample results shall be included in determining compliance with the MCL for total coliforms established under § 109.202(a)(2).

(ii) *Repeat monitoring.* A public water system shall collect a set of check samples within 24 hours of being notified of a total coliform-positive routine or check sample. The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the check samples analyzed within 30 hours of collection. A logistical problem outside the system's control may include a coliform-positive sample result received over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time.

(A) A system which collects more than one routine sample per monitoring period shall collect at least three check samples for each total coliform-positive sample found.

(B) A system which collects only one routine sample per monitoring period shall collect at least four check samples for each total coliform-positive sample found.

(C) The system shall collect at least one check sample from the sampling tap where the original total coliform-positive sample was taken, at least one check sample at a tap within five service connections upstream of the original coliform-positive sample and at least one check sample within five service connections downstream of the original sampling site. If a total coliform-positive sample occurs at the end of the distribution system or one service connection away from the end of the distribution system, the water supplier shall collect an additional check sample upstream of the original sample site in lieu of a downstream check sample.

(D) A system shall collect all check samples on the same day, except that a system with a single service connection may collect the required set of check samples all on the same day or consecutively over a 4-day period.

(E) If a check sample is total coliform-positive, the public water system shall collect additional check samples in the manner specified in this subparagraph. The system shall continue to collect check samples until either total coliforms are not detected in check samples, or the system determines that the MCL for total coliforms as established under § 109.202(a)(2) has been exceeded and notifies the Department.

(F) If a system collecting fewer than five routine samples per month has one or more valid total coliform-positive samples, the system shall collect at least five routine samples during the next month the system provides water to the public. The number of routine samples for the month following a total coliform-positive sample may be reduced by the Department to at least one sample the next month if the reason for the total coliform-positive sample is determined and the problem has been corrected or will be corrected before the end of the next month.

(G) Results of all routine and check samples not invalidated by the Department shall be included in determining compliance with the MCL for total coliforms as established under § 109.202(a)(2).

(iii) *Invalidation of total coliform samples.* A total coliform sample invalidated under this paragraph does not count towards meeting the minimum monitoring requirements of this section.

(A) The Department may invalidate a total coliform-positive sample if one of the following applies:

(I) The laboratory which performed the analysis establishes that improper sample analysis caused the total coliform-positive result.

(II) A domestic or other nondistribution system plumbing problem exists when a coliform contamination incident occurs that is limited to a specific service connection from which a coliform-positive sample was taken in a public water system with more than one service connection. The Department's determination to invalidate a sample shall be based on a total coliform-positive check sample collected at the same tap as the original total coliform-positive sample and all total coliform-negative check samples collected within five service connections of the original total coliform positive sample. This type of sample invalidation does not apply to public water systems with only one service connection.

(III) A total coliform-positive sample result is due to a circumstance or condition which does not reflect water quality in the distribution system. The Department's decision to invalidate a sample shall be based on evidence that the sample result does not reflect water quality in the distribution system. In this case, the system shall still collect all check samples required under subparagraph (ii) to determine compliance with the MCL for total coliforms as established under § 109.202(a)(2).

(B) A laboratory shall invalidate a total coliform sample if no total coliforms are detected and one of the following occurs:

(I) The sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined.

(II) The sample exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter.

(C) If a laboratory invalidates a sample because of interference as specified in clause (B), the laboratory shall notify the system within 1 business day to collect another sample from the same location as the original sample within 24 hours of being notified of the interference and have it analyzed for the presence of total coliforms. The system shall resample within 24 hours of being notified of interference and continue to resample every 24 hours until it receives a valid result. The Department may extend this 24-hour limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the resamples analyzed within 30 hours. A logistical problem outside the system's control may include a notification of a laboratory sample invalidation, due to interference, which is received over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time.

(iv) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement or repair, may not be used to determine compliance with the MCL for total coliform. Check samples taken under subparagraph (ii) are not considered special purpose samples, and shall be used to determine compliance with the monitoring and

MCL requirements for total coliforms established under this paragraph and § 109.202(a)(2).

(4) *Exception.* For a water system which complies with the performance monitoring requirements under paragraph (2), the monitoring requirements for compliance with the turbidity MCL do not apply.

(5) *Monitoring requirements for VOCs.* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for VOCs established by the EPA under 40 CFR 141.61(a) (relating to MCLs for organic contaminants). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.24(f) (relating to organic chemicals other than total trihalomethanes, sampling and analytical requirements), incorporated herein by reference, except as modified by this chapter. Initial or first year monitoring mentioned in this paragraph refers to VOC monitoring conducted on or after January 1, 1993.

(i) *Vinyl chloride.* Monitoring for compliance with the MCL for vinyl chloride is required only for groundwater entry points at which one or more of the following two-carbon organic compounds have been detected: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene or 1,1-dichloroethylene.

(ii) *Initial monitoring schedule.* The initial monitoring shall consist of four consecutive quarterly samples at each entry point in accordance with the following monitoring schedule during the compliance period beginning January 1, 1993, except for systems which are granted reduced initial monitoring in accordance with clauses (E) and (F). A system which monitors during the initial monitoring period, but begins monitoring before its scheduled initial monitoring year specified in this subparagraph, shall begin monitoring every entry point during the first calendar quarter of the year it begins monitoring, except as provided in clause (E).

(A) Systems serving more than 10,000 persons shall begin monitoring during the quarter beginning January 1, 1994.

(B) Systems serving 3,301 persons to 10,000 persons shall begin monitoring during the quarter beginning January 1, 1995.

(C) Systems serving 500 to 3,300 persons shall begin monitoring during the quarter beginning January 1, 1993.

(D) Systems serving fewer than 500 persons shall begin monitoring during the quarter beginning January 1, 1994.

(E) For systems serving 3,300 or fewer people which monitor at least one quarter prior to October 1, 1993, and do not detect VOCs at an entry point during the first quarterly sample, the required initial monitoring is reduced to one sample at that entry point. For systems serving 500 to 3,300 people to qualify for this reduced monitoring, the initial monitoring shall have been conducted during the quarter beginning January 1, 1993.

(F) For systems serving more than 3,300 people, which were in existence prior to January 1, 1993, initial monitoring for compliance with the MCLs for VOCs established by the EPA under 40 CFR 141.61(a) is reduced to one sample for each entry point which meets the following conditions:

(I) VOC monitoring required by the Department between January 1, 1988, and December 31, 1992, has been conducted and no VOCs regulated under 40 CFR 141.61(a) were detected.

(II) The first quarter monitoring required by this paragraph has been conducted during the first quarter of the system's scheduled monitoring year under this paragraph, with no detection of a VOC.

(G) Initial monitoring of new entry points associated with new sources which are permitted under Subchapter E (relating to permit requirements) to begin operation after December 31, 1992, shall conduct initial monitoring as follows:

(I) Entry points at which a VOC is detected during new source monitoring shall be monitored quarterly beginning the first quarter the entry points begin serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with subparagraph (iii)(D).

(II) Entry points at which no VOC is detected during new source monitoring shall begin initial quarterly monitoring during the first calendar quarter of the year after the entry point begins serving the public. If no VOC is detected during the first quarter of monitoring, first year monitoring is reduced to one sample at that entry point.

(iii) *Repeat monitoring for entry points at which a VOC is detected.*

(A) For entry points at which a VOC is detected at a level equal to or greater than its MCL during the first year of quarterly monitoring, the monitoring shall be repeated quarterly beginning the quarter following detection at a level equal to or greater than the MCL, for VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), until reduced monitoring is granted in accordance with clause (D).

(B) For entry points at which a VOC is detected, and reduced monitoring is granted in accordance with clause (D), and a VOC is thereafter detected at a level greater than the MCL, the monitoring shall be repeated quarterly beginning the quarter following detection at a level for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), until reduced monitoring is granted in accordance with clause (D).

(C) For entry points at which no VOC is detected during the first year of monitoring but a VOC is detected thereafter, the monitoring shall be repeated quarterly beginning the quarter following detection at a level for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), or until reduced monitoring is granted in accordance with clause (D).

(D) After analyses of four consecutive quarterly samples at an entry point, including initial quarterly samples, demonstrate that the VOC levels in each quarterly sample are less than the MCLs, the required monitoring is reduced to one sample per year at the entry point for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i).

(E) A confirmation sample shall be collected and analyzed for each VOC listed under 40 CFR 141.61(a) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of notification by the certified laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation sample will be used to



determine compliance. Monitoring shall be completed by the deadline specified for VOC compliance monitoring.

(iv) *Repeat monitoring for entry points at which no VOC is detected.*

(A) For entry points at which VOCs are not detected during the first year of quarterly monitoring, or annual monitoring if only one sample was required at an entry point for first year monitoring under subparagraph (ii) (E), (F) or (G)(II), required monitoring is reduced to one sample per entry point per year.

(B) For groundwater entry points where VOCs are monitored in accordance with this paragraph, but are not detected during 3 years of quarterly or annual monitoring, or both, required monitoring is reduced to one sample per entry point during each subsequent compliance period. Reduced monitoring shall be conducted at 3-year intervals from the year of required initial monitoring.

(v) *Reduced monitoring.* When reduced monitoring is provided under subparagraph (iii)(D), or subparagraph (iv)(A) or (B), the system shall monitor the entry point during the calendar year quarter of highest anticipated VOC levels or as specified by the Department. The reduced monitoring option in subparagraph (iv)(B) does not apply to entry points at which treatment has been installed for VOC removal. Quarterly performance monitoring is required for VOCs for which treatment has been installed.

(vi) *Waivers.* Waivers under 40 CFR 141.24(f) will not be available for the VOC monitoring requirements in this paragraph.

(6) *Monitoring requirements for SOCs (pesticides and PCBs).* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for SOCs established by the EPA under 40 CFR 141.61(c). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.24(h), incorporated herein by reference except as modified by this chapter.

(i) *Initial monitoring schedule.* Initial monitoring shall consist of four consecutive quarterly samples at each entry point beginning during the quarter beginning January 1, 1995, except for systems which are granted an initial monitoring waiver in accordance with subparagraph (v). Systems which monitor during the initial monitoring period but begin monitoring before 1995 shall begin monitoring during the first calendar quarter of the year.

(A) New entry points associated with new sources which are vulnerable to SOC contamination, as determined in accordance with subparagraph (v), and which begin operation after March 31, 1995, and do not detect an SOC during new source sampling shall begin initial quarterly monitoring during the first calendar year quarter of the year after the entry point begins serving the public.

(B) New entry points associated with new sources which are vulnerable to SOC contamination as determined in accordance with subparagraph (v), at which an SOC is detected during new source sampling shall begin initial quarterly monitoring the first quarter the entry point begins serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with subparagraph (ii)(E).

(ii) *Repeat monitoring for SOCs that are detected.* For entry points which were monitored for SOCs during the initial quarterly monitoring period or during the required

quarterly monitoring immediately after being determined vulnerable to contamination by an SOC, repeat monitoring shall be conducted as follows:

(A) For entry points at which an SOC is detected at a level equal to or greater than its MCL, the monitoring for the detected SOC shall be continued quarterly, until reduced monitoring is granted in accordance with clause (E).

(B) For entry points at which an SOC is detected during the first year of quarterly monitoring, and reduced monitoring is granted in accordance with clause (E), and the SOC is thereafter detected at a level greater than its MCL, the monitoring for the detected SOC shall be repeated quarterly, until reduced monitoring is granted in accordance with clause (E).

(C) For entry points at which an SOC is not detected during the first year of quarterly monitoring, but an SOC is detected initially thereafter at a level less than the MCL, monitoring shall be repeated annually for the detected SOC.

(D) For entry points at which an SOC is not detected during the first year of quarterly monitoring, but the SOC is detected thereafter at a level equal to or greater than the MCL, monitoring for that SOC shall be repeated quarterly, until reduced monitoring is granted in accordance with clause (E).

(E) After analyses of four consecutive quarterly samples at an entry point, including initial quarterly samples, demonstrate that the SOC level in each quarterly sample is less than the MCL, the required monitoring for each SOC detected below the MCL is reduced to one sample per year at the entry point.

(F) For entry points at which either heptachlor or heptachlor epoxide is detected during the initial round of consecutive quarterly samples, or in subsequent repeat samples, the monitoring shall be continued for both contaminants in accordance with the more frequent monitoring required of the two contaminants based on the level at which each is detected.

(G) A confirmation sample shall be collected and analyzed for each SOC listed under 40 CFR 141.61(c) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of the water supplier receiving notification from the certified laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation samples will be used to determine compliance. Confirmation monitoring shall be completed by the deadline specified for SOC compliance monitoring.

(iii) *Repeat monitoring for SOCs that are not detected.* For entry points at which SOCs are not detected during the first year of quarterly monitoring, the required monitoring is reduced to one sample in each 3-year compliance period for systems serving 3,300 or fewer persons and to two consecutive quarterly samples in each compliance period for systems serving more than 3,300 persons. Reduced monitoring shall be conducted at 3-year intervals from the year of required initial VOC monitoring, in accordance with paragraph (5)(ii).

(iv) *Reduced monitoring.* When reduced monitoring is provided under subparagraph (ii) or (iii), the system shall monitor the entry point during the second calendar year quarter, or the second and third calendar year quarter when two quarterly samples are required in each compliance period, unless otherwise specified by the Depart-

ment. The reduced monitoring option in subparagraph (iii) does not apply to entry points at which treatment has been installed for SOC removal. Compliance monitoring for SOCs for which treatment has been installed to comply with an MCL shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(v) *Waivers.* A waiver will be granted to a public water supplier from conducting the initial compliance monitoring or repeat monitoring, or both, for an SOC based on documentation provided by the public water supplier and a determination by the Department that the criteria in clause (B), (C) or (D) has been met. A waiver is effective for one compliance period and may be renewed in each subsequent compliance period. If the Department has not granted an areawide use waiver in accordance with clause (B), the public water supplier is responsible for submitting a waiver application and renewal application to the Department for review in accordance with clause (B) or (C) for specific entry points. Waiver applications will be evaluated relative to the vulnerability assessment area described in clause (A) and the criteria in clause (B) or (C). Entry points at which treatment has been installed to remove an SOC are not eligible for a monitoring waiver for the SOCs for which treatment has been installed.

(A) *Vulnerability assessment area for SOCs except dioxin and PCBs.*

(I) For groundwater entry points, the vulnerability assessment area shall consist of wellhead protection area Zones I and II.

(II) For surface water entry points, the vulnerability assessment area shall consist of the area that supplies water to the entry point and is separated from other watersheds by the highest topographic contour.

(B) *Use waivers.* An areawide use waiver will be granted by the Department for contaminants which the Department has determined have not been used, stored, manufactured or disposed of in this Commonwealth, or portions of this Commonwealth. A use waiver specific to a particular entry point requires that an SOC was not used, stored, manufactured or disposed of in the vulnerability assessment area. If use waiver criteria cannot be met, a public water supplier may apply for a susceptibility waiver.

(C) *Susceptibility waivers.* A susceptibility waiver for specific contaminants may be granted based on the following criteria, and only applies to groundwater entry points:

- (I) Previous analytical results.
- (II) Environmental persistence and transport of the contaminant.
- (III) Proximity of the drinking water source to point or nonpoint source contamination.
- (IV) Elevated nitrate levels as an indicator of the potential for pesticide contamination.
- (V) Extent of source water protection or approved wellhead protection program.

(D) *Waivers for dioxin and PCBs.* A system is granted a waiver from monitoring for dioxin and PCBs unless the Department determines that there is a source of dioxin or PCB contamination which poses a threat to a drinking water source.

(7) *Monitoring requirements for IOCs.* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for

IOCs established by the EPA under 40 CFR 141.62 (relating to maximum contaminant levels (MCLs) for inorganic contaminants), and for arsenic established by the EPA under 40 CFR 141.11 (relating to maximum contaminant levels for inorganic contaminants). Transient noncommunity water suppliers shall monitor for compliance with the MCLs for nitrate and nitrite. The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.23 (relating to inorganic chemical sampling and analytical requirements). The requirements are incorporated by reference except as modified by this chapter.

(i) *Monitoring requirements for asbestos.*

(A) *Waivers for asbestos monitoring.* A system is granted a waiver from asbestos monitoring unless the Department determines that the system's distribution system contains asbestos cement pipe and the system has not implemented optimum corrosion control measures, or the Department determines that the system's source water is vulnerable to asbestos contamination.

(B) *Initial monitoring schedule.* Community water systems and nontransient noncommunity water systems not granted a waiver under clause (A) shall monitor for compliance with the MCL for asbestos by taking one sample at each vulnerable sampling point during the first 3-year compliance period of each 9-year compliance cycle, with the initial compliance monitoring beginning not later than the calendar year beginning January 1, 1995.

(C) *Monitoring of new entry points.* New entry points which begin operation after December 31, 1995, shall conduct initial monitoring during the first compliance period of the first compliance cycle after the entry point begins serving the public, if the Department determines that a waiver cannot be granted in accordance with clause (A).

(D) *Repeat monitoring for systems that detect asbestos.* If a sample exceeds the MCL for asbestos, the monitoring at that sampling point shall be continued quarterly beginning in the quarter following the MCL violation. After four consecutive quarterly samples less than the MCL at that entry point, the required monitoring is reduced to one sample at that entry point during the first 3-year compliance period of each subsequent 9-year compliance cycle, if treatment has not been installed to remove asbestos from the source water. Compliance monitoring at entry points at which treatment has been installed to remove asbestos from source water shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(ii) *Monitoring requirements for nitrate and nitrite.* The following compliance monitoring for nitrite is not required at entry points receiving water which has been disinfected with free chlorine, chlorine dioxide or ozone:

(A) *Initial monitoring schedule.* A public water system shall begin new monitoring for nitrate and nitrite by taking one annual sample at each groundwater entry point to the system beginning during the year beginning January 1, 1993. Community water systems and nontransient noncommunity water systems with surface water sources shall monitor quarterly at each surface water entry point for nitrate and nitrite beginning during the quarter beginning January 1, 1993. Transient noncommunity water systems shall monitor each surface water entry point by taking one annual sample beginning during the year beginning January 1, 1993.

(B) *Monitoring of new entry points.* New community and nontransient noncommunity surface water entry

points which begin serving the public after the first calendar quarter of a year and did not detect levels of nitrate or nitrite equal to or greater than 50% of the MCL during new source sampling shall begin initial monitoring for nitrate and nitrite during the first calendar quarter of the year after the entry point begins serving the public. New community and nontransient noncommunity groundwater and surface water entry points at which nitrate or nitrite is detected at levels equal to or greater than 50% of the MCL during new source sampling shall begin initial quarterly monitoring the first quarter the entry point begins serving the public. New community and nontransient noncommunity groundwater entry points at which nitrate and nitrite are not detected at levels equal to or greater than 50% of the MCL, and all transient noncommunity entry points, shall begin initial annual monitoring during the first new calendar year after the entry point begins serving the public.

(C) *Repeat monitoring for systems with nitrate or nitrite levels equal to or greater than 50% of the MCL.*

(I) For entry points at which initial monitoring results or subsequent monitoring indicate nitrate or nitrite levels equal to or greater than 50% of the MCL, community and nontransient noncommunity water systems shall begin quarterly monitoring the quarter following detection at that level and continue quarterly monitoring for both nitrate and nitrite, unless reduced monitoring is granted in accordance with subclause (III).

(II) For entry points at which initial monitoring results or subsequent monitoring indicate nitrate or nitrite levels greater than the MCL, transient noncommunity systems shall begin quarterly monitoring the quarter following detection at that level and continue quarterly monitoring for both nitrate and nitrite, unless reduced monitoring is granted in accordance with subclause (IV).

(III) After four consecutive quarterly samples at an entry point for a community or nontransient noncommunity system indicate nitrate and nitrite levels in each sample are less than 50% of the MCLs, the required compliance monitoring is reduced to one sample per year at the entry point. Annual monitoring shall be conducted during the calendar quarter in which the consecutive quarterly monitoring indicated that the highest levels of contamination were present, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(IV) After four consecutive quarterly samples at an entry point for a transient noncommunity system indicate nitrate and nitrite levels in each sample are less than the MCLs, the required compliance monitoring is reduced to one sample per year at the entry point. Annual monitoring shall be conducted during the calendar quarter in which the consecutive quarterly monitoring indicated that the highest levels of contamination were present, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(V) For nitrate or nitrite sample results in excess of the MCLs, the water supplier shall take a confirmation sample within 24 hours of having received the original sample result. Noncommunity water systems for which an alternate nitrate level has been approved by the Department in accordance with 40 CFR 141.11(d) are not required to collect a confirmation sample if only the nitrate MCL is exceeded and nitrate is not in excess of the alternate nitrate level. If the alternate nitrate level is exceeded, the water supplier shall collect a confirmation

sample within 24 hours after being advised by the certified laboratory performing the analysis that the compliance sample exceeded 20 mg/L for nitrate. Confirmation monitoring shall be completed by the deadline for compliance monitoring. Quarterly performance monitoring is required for nitrate and nitrite at entry points where treatment has been installed to remove nitrate or nitrite.

(D) *Repeat monitoring for systems with nitrate and nitrite levels less than 50% of the MCLs.* For entry points at which initial monitoring results indicate nitrate and nitrite levels in each sample are less than 50% of the MCLs, nitrate and nitrite monitoring shall be repeated annually during the calendar quarter in which the water supplier anticipates the highest levels of contamination, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(iii) *Monitoring requirements for antimony, arsenic, barium, beryllium, cadmium, cyanide, chromium, fluoride, mercury, nickel, selenium and thallium.*

(A) *Initial monitoring schedule.* Community water systems and nontransient noncommunity water systems shall monitor each surface water entry point annually beginning during the year beginning January 1, 1993, and shall monitor each groundwater entry point once every 3 years beginning during the year beginning January 1, 1994.

(B) *Monitoring of new entry points.* New groundwater entry points which begin operation after December 31, 1994, shall begin initial monitoring in accordance with the schedule in clause (A)—that is, 1997, and so forth. New surface water entry points shall begin initial annual monitoring during the first new calendar year after the entry point begins serving the public.

(C) *Repeat monitoring for entry points at which an IOC MCL is exceeded.*

(I) For entry points at which initial monitoring results or subsequent monitoring indicates an IOC level in excess of the MCL, monitoring shall be repeated quarterly beginning the quarter following detection at that level for each IOC in excess of an MCL, until reduced monitoring is granted in accordance with subclause (II).

(II) After analyses of four consecutive quarterly samples at an entry point where treatment has not been installed to comply with an IOC MCL indicate that contaminant levels are less than the MCLs, the required monitoring for each IOC less than the MCL is reduced to the frequencies stated in clause (A). This reduced monitoring option does not apply to entry points at which treatment has been installed for IOC removal. Compliance monitoring for IOCs for which treatment has been installed to comply with an MCL shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(III) A confirmation sample shall be collected and analyzed for each IOC listed under 40 CFR 141.11(b) or 141.62(b) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of notification by the certified laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation samples will be used to determine compliance. Confirmation monitoring shall be completed by the deadline specified for IOC compliance monitoring.

(D) *Waivers for IOC monitoring.* Except when treatment has been installed to remove the IOC, after three consecutive rounds of quarterly, annual or triennial monitoring indicate the contaminant level for an IOC is below the MCL in all samples at an entry point, routine monitoring for the remainder of the compliance cycle for that IOC is waived and the required monitoring for the IOC is reduced to one sample per 9-year compliance cycle at that entry point. Reduced monitoring shall be conducted during the first monitoring period of the next monitoring cycle. A waiver is effective for one compliance cycle and may be renewed in each subsequent compliance cycle.

(E) *Operational monitoring for fluoride.* Public water suppliers who fluoridate shall conduct operational monitoring for fluoride daily.

(8) *Monitoring requirements for public water systems that obtain finished water from another public water system.*

(i) Consecutive water suppliers shall monitor for compliance with the MCL for microbiological contaminants at the frequency established by the EPA and incorporated by reference into this chapter.

(ii) Community consecutive water suppliers shall:

(A) Monitor for compliance with the MCL for TTHMs established under 40 CFR 141.12 (relating to maximum contaminant levels for total trihalomethanes) in accordance with 40 CFR 141.30 (relating to total trihalomethanes sampling, analytical and other requirements) if the system does one of the following:

(I) Serves more than 10,000 persons.

(II) Obtains finished water from another public water system serving more than 10,000 persons.

(B) Monitor the distribution system for compliance with the MCL for asbestos at the frequency indicated in paragraph (7)(i), when the Department determines that the system's distribution system contains asbestos cement pipe and optimum corrosion control measures have not been implemented.

(iii) Consecutive water suppliers are exempt from conducting monitoring for the MCLs for VOCs, SOCs and IOCs if the public water system from which the finished water is obtained complies with paragraphs (5)—(7), except that asbestos monitoring is required in accordance with subparagraph (ii)(B).

(iv) For a public water system which is not a consecutive water system, the exemption in subparagraph (iii) applies to entry points which obtain finished water from another public water system.

(v) A public water supplier that obtains finished water from another permitted public water system using surface water sources shall, beginning May 16, 1992, measure the residual disinfectant concentration at representative points in the distribution system at least as frequently as the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

(vi) Community water systems and nontransient noncommunity water systems that provide finished water that contains a chemical disinfectant or oxidant shall comply with the monitoring requirements for disinfection byproducts and disinfectant residuals in paragraphs (12)(i)—(iii) and (13).

(9) *Monitoring requirements for POE devices.* A public water supplier using a POE device shall, in addition to

the monitoring requirements specified in paragraphs (1)—(8), conduct monitoring on the devices installed. As a minimum, the monitoring shall include the MCLs for which the POE device is intended to treat and monthly microbiological monitoring. The Department may allow the water supplier to reduce the frequency of microbiological monitoring based upon historical performance. Except for microbiological contaminants, monitoring shall be performed quarterly on 25% of the installed POE devices with the locations rotated so that each device is monitored at least once annually, unless increased monitoring is required by the Department under § 109.302.

(10) *Additional monitoring.* The Department may by written notice require a public water supplier to conduct monitoring for compliance with MCLs or MRDLs during a specific portion of a monitoring period, if necessary to ensure compliance with the monitoring or reporting requirements in this chapter.

(11) *Monitoring requirements for entry points that do not provide water continuously.* Entry points from which water is not provided during every quarter of the year shall monitor in accordance with paragraphs (5)—(7), except that monitoring is not required during a quarter when water is not provided to the public, unless special monitoring is required by the Department under § 109.302.

(12) *Monitoring requirements for disinfection byproducts and disinfection byproduct precursors.* Community water systems and nontransient noncommunity water systems that use a chemical disinfectant or oxidant, or provide finished water that contains a chemical disinfectant or oxidant, shall monitor for disinfection byproducts. Systems that use either surface water or GUDI sources and that serve at least 10,000 persons shall begin monitoring by January 1, 2002. Systems that use either surface water or GUDI sources and that serve fewer than 10,000 persons, or systems that use groundwater sources, shall begin monitoring by January 1, 2004. Systems monitoring for disinfection byproducts and disinfection byproduct precursors shall take all samples during normal operating conditions. Systems monitoring for disinfection byproducts and disinfection byproduct precursors may use only data collected under this chapter to qualify for reduced monitoring. Compliance with the MCLs and monitoring requirements for TTHMs, HAA5, chlorite (where applicable) and bromate (where applicable) shall be determined in accordance with 40 CFR 141.132 and 141.133 (relating to monitoring requirements; and compliance requirements) which are incorporated herein by reference.

(i) *TTHMs and HAA5.*

(A) *Routine monitoring.*

(I) Systems that use either surface water or GUDI sources shall monitor as follows:

(-a-) Systems serving at least 10,000 persons shall take at least four samples per quarter per treatment plant. At least 25% of all samples collected each quarter shall be collected at locations representing maximum residence time. The remaining samples shall be taken at locations that are representative of the entire distribution system and that are representative of at least average residence time.

(-b-) Systems serving from 500 to 9,999 persons shall take at least one sample per quarter per treatment plant. The sample shall be taken at a location that represents a maximum residence time.

(-c-) Systems serving fewer than 500 persons shall take at least one sample per year per treatment plant during the month of warmest water temperature. The sample shall be taken at a location that represents a maximum residence time. If the sample, or average of all samples, exceeds either a TTHM or HAA5 MCL, then the system shall take at least one sample per quarter per treatment plant. The sample shall be taken at a location that represents a maximum residence time. The system may reduce the sampling frequency back to one sample per year per treatment plant in accordance with the reduced monitoring criteria of clause (B).

(-d-) If a system samples more frequently than the minimum required in items (-a-)—(-c-), at least 25% of all samples collected each quarter shall be collected at locations representing maximum residence time, with the remainder of the samples representing locations of at least average residence time.

(II) Systems that use groundwater sources shall monitor as follows:

(-a-) Systems serving at least 10,000 persons shall take at least one sample per quarter per treatment plant. Multiple wells drawing water from a single aquifer may be considered as a single treatment plant. The sample shall be taken at a location that represents a maximum residence time.

(-b-) Systems serving fewer than 10,000 persons shall take at least one sample per year per treatment plant during the month of warmest water temperature. Multiple wells drawing water from a single aquifer may be considered as a single treatment plant. The sample shall be taken at a location that represents a maximum residence time. If the sample, or average of all samples, exceeds either a TTHM or HAA5 MCL, the system shall take at least one sample per quarter per treatment plant. The sample shall be taken at a location that represents a maximum residence time. The system may reduce the sampling frequency back to one sample per year per treatment plant in accordance with the reduced monitoring criteria of clause (B).

(-c-) If a system samples more frequently than the minimum required, at least 25% of all samples collected each quarter shall be collected at locations representing maximum residence time, with the remainder of the samples representing locations of at least average residence time.

(B) *Reduced monitoring.* Systems that have monitored for TTHMs and HAA5 for at least 1 year may reduce monitoring according to this clause. Systems that use either surface water or GUDI sources shall monitor source water TOC monthly for at least 1 year prior to qualifying for reduced monitoring. The Department retains the right to require a system that meets the requirements of this clause to resume routine monitoring.

(I) Systems that use either surface water or GUDI sources and that have a source water annual TOC average that is no greater than 4.0 mg/L and an annual TTHM average that is no greater than 0.040 mg/L and an annual HAA5 average that is no greater than 0.030 mg/L may reduce monitoring according to items (-a-)—(-c-). Systems that qualify for reduced monitoring may remain on reduced monitoring provided that the annual TTHM average is no greater than 0.060 mg/L and the annual HAA5 average is no greater than 0.045 mg/L. Systems that exceed these levels shall resume routine monitoring as prescribed in clause (A) in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L for TTHMs or 0.045 mg/L for HAA5.

(-a-) Systems serving at least 10,000 persons may reduce monitoring to one sample per quarter per treatment plant. The sample shall be taken at a location that represents a maximum residence time.

(-b-) Systems serving from 500 to 9,999 persons may reduce monitoring to one sample per year per treatment plant. The sample shall be taken during the month of warmest water temperature and at a location that represents a maximum residence time.

(-c-) Systems serving fewer than 500 persons and that are on increased monitoring as prescribed by clause (A) may reduce monitoring to one sample per year per treatment plant. The sample shall be taken during the month of warmest water temperature and at a location that represents a maximum residence time.

(II) Systems that use groundwater sources may reduce monitoring according to the following:

(-a-) Systems serving at least 10,000 persons may reduce monitoring to one sample per year per treatment plant if the annual TTHM average is no greater than 0.040 mg/L and the annual HAA5 average is no greater than 0.030 mg/L. The sample shall be taken during the month of warmest water temperature and at a location that represents a maximum residence time. Systems that qualify for reduced monitoring may remain on reduced monitoring provided that the annual TTHM average is no greater than 0.060 mg/L and the annual HAA5 average is no greater than 0.045 mg/L. Systems that exceed these levels shall resume routine monitoring as prescribed in clause (A) in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L for TTHMs or 0.045 mg/L for HAA5.

(-b-) Systems serving fewer than 10,000 persons may reduce monitoring to one sample per 3-year cycle per treatment plant if the annual TTHM average is no greater than 0.040 mg/L and the annual HAA5 average is no greater than 0.030 mg/L for 2 consecutive years or the annual TTHM average is no greater than 0.020 mg/L and the annual HAA5 average is no greater than 0.015 mg/L for 1 year. The sample shall be taken during the month of warmest water temperature within the 3-year cycle beginning on January 1 following the quarter in which the system qualifies for reduced monitoring. The sample shall be taken at a location that represents a maximum residence time. Systems that qualify for reduced monitoring may remain on reduced monitoring provided that the annual TTHM average is no greater than 0.080 mg/L and the annual HAA5 average is no greater than 0.060 mg/L. Systems that exceed these levels shall resume routine monitoring as prescribed in clause (A) in the quarter immediately following the quarter in which the system exceeds 0.080 mg/L for TTHMs or 0.060 mg/L for HAA5.

(ii) *Chlorite.* Community water systems and nontransient noncommunity water systems that use chlorine dioxide for disinfection or oxidation, or provide finished water that contains chlorine dioxide, shall monitor for chlorite.

(A) *Routine monitoring.*

(I) *Daily monitoring.* Systems shall take daily samples at the entrance to the distribution system. Systems that must conduct additional monitoring in accordance with clause (B) shall continue to take routine daily samples at the entrance to the distribution system.

(II) *Monthly monitoring.*

(-a-) Systems shall take a three-sample set each month in the distribution system. The system shall take one sample at each of the following locations:

- (-1-) As close to the first customer as possible.
- (-2-) At a location representing an average residence time.
- (-3-) At a location representing a maximum residence time.
- (-b-) Systems that must conduct additional monitoring in accordance with subclause (III) may use the results of the additional monitoring to meet the monthly monitoring requirements of this subclause.

(III) *Additional monitoring.* If a daily sample at the entrance to the distribution system exceeds the chlorite MCL, the system shall take three samples in the distribution system on the following day. The system shall take one sample at each of the following locations:

- (-a-) As close to the first customer as possible.
- (-b-) At a location representing an average residence time.
- (-c-) At a location representing a maximum residence time.

(B) *Reduced monitoring.* Chlorite monitoring in the distribution system required by clause (A)(II) may be reduced to one three-sample set per quarter after 1 year of monitoring where no individual chlorite sample taken in the distribution system under clause (A)(II) has exceeded the chlorite MCL and the system has not been required to conduct additional monitoring under clause (A)(III). The system may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system exceeds the chlorite MCL or the system is required to conduct additional monitoring under clause (A)(III), at which time the system shall revert to routine monitoring as prescribed by clause (A).

(iii) *Bromate.* Community water systems and nontransient noncommunity water systems that use ozone for disinfection or oxidation, or provide finished water that contains ozone, shall monitor for bromate.

(A) *Routine monitoring.* Systems shall take one sample per month for each treatment plant that uses ozone. Systems shall take the monthly sample at the entrance to the distribution system while the ozonation system is operating under normal conditions.

(B) *Reduced monitoring.* Systems required to analyze for bromate may reduce monitoring from monthly to quarterly provided that the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for 1 year. Systems on reduced monitoring shall continue to take monthly samples for source water bromide. Systems may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements, at which time the system shall revert to routine monitoring as prescribed by clause (A).

(iv) *Disinfection byproduct precursors.* Systems that use either surface water or GUDI sources and that use conventional filtration shall monitor for disinfection byproduct precursors.

(A) *Routine monitoring.* Systems shall take monthly samples of the source water alkalinity, the source water TOC and postsedimentation TOC for each treatment plant that uses conventional filtration. Postsedimentation TOC can be taken at any point between sedimentation effluent and the entry point to the distribution system.

The three samples shall be taken concurrently and at a time that is representative of both normal operating conditions and influent water quality.

(B) *Reduced monitoring.* Systems with an average postsedimentation TOC of less than 2.0 mg/L for 2-consecutive years, or less than 1.0 mg/L for 1 year, may reduce monitoring for source water alkalinity, source water TOC and postsedimentation TOC from monthly to quarterly for each applicable treatment plant. The system shall revert to routine monitoring as prescribed by clause (A) in the month following the quarter when the annual average postsedimentation TOC is not less than 2.0 mg/L.

(C) *Early monitoring.* Systems may begin monitoring to determine whether the TOC removal requirements of 40 CFR 141.135(b)(1) (relating to enhanced coagulation and enhanced softening performance requirements) can be met 12 months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the requirements of 40 CFR 141.135(b)(1) and shall therefore apply for alternate minimum TOC removal requirements under 40 CFR 141.135(b)(4) is not eligible for retroactive approval of the alternate minimum TOC removal requirements and is in violation. Systems may apply for alternate minimum TOC removal requirements any time after the compliance date.

(13) *Monitoring requirements for disinfectant residuals.* Community water systems and nontransient noncommunity water systems that use a chemical disinfectant or oxidant, or provide finished water that contains a chemical disinfectant or oxidant, shall monitor for disinfectant residuals. Transient noncommunity water systems that use chlorine dioxide as either a disinfectant or oxidant shall monitor for chlorine dioxide disinfectant residual. Systems that use either surface water or GUDI sources and that serve at least 10,000 persons shall begin monitoring by January 1, 2002. Systems that use either surface water or GUDI sources and that serve fewer than 10,000 persons, or systems that use groundwater sources, shall begin monitoring by January 1, 2004. Systems monitoring for disinfectant residuals shall take all samples during normal operating conditions. Compliance with the MRDLs and monitoring requirements for chlorine, chloramines and chlorine dioxide (where applicable) shall be determined in accordance with 40 CFR 141.132 and 141.133 (relating to monitoring requirements; and compliance requirements) which are incorporated herein by reference.

(i) *Chlorine and chloramines.* Systems shall measure the residual disinfectant level at the same points in the distribution system and at the same time that total coliforms are sampled, as specified in paragraph (3). Systems that used either surface water or GUDI sources may use the results of residual disinfectant concentration sampling conducted under paragraph (1) or (2) in lieu of taking separate samples.

(ii) *Chlorine dioxide.*

(A) *Routine monitoring.* Systems shall take one sample per day at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the system shall conduct additional monitoring as specified in clause (B) in addition to the sample required at the entrance to the distribution system. Compliance shall be based on consecutive daily samples collected by the system under this clause.

(B) *Additional monitoring.* If a daily sample at the entrance to the distribution system exceeds the chlorine dioxide MRDL, the system shall take three samples in the distribution system on the following day. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfectant addition points after the entrance to the distribution system, the system shall take three samples as close to the first customer as possible, at intervals of at least 6 hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system, the system shall take one sample at each of the following locations:

- (I) As close to the first customer as possible.
- (II) At a location representing an average residence time.
- (III) At a location representing a maximum residence time.

**§ 109.302. Special monitoring requirements.**

(a) The Department may require a public water supplier to conduct monitoring in addition to that required by § 109.301 (relating to general monitoring requirements) if the Department has reason to believe the public water system is not in compliance with the MCL, MRDL or treatment technique requirement for the contaminant.

(b) The Department may require a public water supplier to conduct additional monitoring to provide information on contamination of the water supply where a potential health hazard may exist in the water supply and monitoring required under § 109.301 may not be adequate to protect the public health.

(c) The Department may require a public water supplier to conduct special monitoring for an unregulated contaminant if the Department has reason to believe the contaminant is present in the public water system and creates a health risk to the users of the public water system.

(d) The Department will provide a schedule for sampling, instructions for sampling methods and handling samples, and analytical procedures to be followed by public water systems required to perform special monitoring.

(e) The Department may designate special monitoring requirements on a case-by-case basis for experimental facilities.

(f) The special monitoring requirements for unregulated contaminants established by the EPA under 40 CFR 141.40 (relating to special monitoring for organic chemicals) are incorporated by reference. Community water systems and nontransient noncommunity water systems serving 150 or more service connections or 500 or more persons shall monitor for the unregulated contaminants listed by the EPA under 40 CFR 141.40(n)(11) in accordance with the initial monitoring schedule for SOCs in § 109.301(7), and for sulfate listed under 40 CFR 141.40(n)(12). For sulfate, one sample shall be taken at each entry point by December 31, 1995. The Department will grant a waiver from conducting monitoring for an unregulated contaminant under 40 CFR 141.40(n)(11) based on a determination that the contaminant was not previously used, transported, stored or disposed of in the watershed or wellhead protection area Zones I and II, or the source is not susceptible to contamination by the

contaminant based on the factors listed under § 109.301(6)(v). Entry points obtaining finished water from another public water system are exempt from monitoring that finished water for the unregulated contaminants listed by the EPA under 40 CFR 141.40(n)(11) and (12).

(g) To enable the Department to determine if a public water supplier is using a source directly influenced by surface water, the Department may require a public water supplier to conduct monitoring to evaluate the direct influence of surface water upon the source of supply. Monitoring shall be conducted for at least 6 months to include both the wet and dry periods of the year. Samples shall be taken from the collection facilities and measurements shall include the following:

- (1) Daily field measurement of temperature, pH, specific conductance and turbidity.
- (2) Daily measurement of water level, or flow, and precipitation necessary to establish climatic conditions.
- (3) Weekly measurements for total coliform.
- (4) Other measurements as required by the Department to evaluate the direct influence of surface water upon the source of supply.

(h) The Department may reduce or eliminate the monitoring required by subsection (g) if the public water supplier demonstrates and the Department determines that the source of supply is not directly influenced by surface water.

**§ 109.303. Sampling requirements.**

(a) The samples taken to determine a public water system's compliance with MCLs or MRDLs or to determine compliance with monitoring requirements shall be taken at the locations identified in §§ 109.301 and 109.302 (relating to general monitoring requirements; and special monitoring requirements), or as follows:

- (1) Samples for determining compliance with the turbidity MCL shall be taken at each entry point associated with a surface water source that the Department has determined shall be filtered.
- (2) Samples for determining compliance with the total coliform MCL shall be taken at regular intervals throughout the monitoring period at sites which are representative of water throughout the distribution system according to an approved written sample siting plan as specified under § 109.701(a)(5) (relating to reporting and recordkeeping).
- (3) Samples for determining compliance with the fluoride MCL shall be taken at each entry point.

(4) Samples for determining compliance with MCLs for organic contaminants listed by the EPA under 40 CFR 141.61 (relating to maximum contaminant levels for organic contaminants) and inorganic contaminants listed by the EPA under 40 CFR 141.62 (relating to maximum contaminant levels (MCLs) for inorganic contaminants) and with the special monitoring requirements for unregulated contaminants under § 109.302(f) shall be taken at each entry point to the distribution system after an application of treatment during periods of normal operating conditions. If a system draws water from more than one source and the sources are combined prior to distribution, the system shall sample at the entry point where the water is representative of combined sources being used during normal operating conditions.

(5) Asbestos sampling points shall be at the distribution tap where asbestos contamination is expected to be

the greatest based on the presence of asbestos cement pipe and lack of optimum corrosion control treatment, and at the entry point for each source which the Department has reason to believe may contain asbestos, except that a collected distribution sample which is representative of a source may be substituted for a required entry point sample.

(b) The samples taken to determine a public water system's compliance with treatment technique and performance monitoring requirements shall be taken at a point that is as close as practicable to each treatment technique process and that is not influenced by subsequent treatment processes or appurtenances.

(c) For the purpose of determining compliance with the monitoring and analytical requirements established under this subchapter, and Subchapter K (relating to lead and copper), the Department will consider only samples analyzed by a laboratory certified by the Department, except that measurements for turbidity, fluoridation operation, residual disinfectant concentration, temperature, pH, alkalinity, orthophosphates, silica, calcium and conductivity may be performed by a person meeting the requirements of § 109.704 (relating to operator certification).

(d) Public water suppliers shall assure that samples for laboratory analysis are properly collected and preserved, are collected in proper containers, do not exceed maximum holding times between collection and analysis and are handled in accordance with guidelines governing quality control which may be established by the Department. A public water supplier who utilizes a certified laboratory for sample collection as well as analysis satisfies the requirements of this subsection.

(e) Compliance monitoring samples for the VOCs listed under 40 CFR 141.61(a) shall be collected by a person properly trained by a laboratory certified by the Department to conduct VOC or vinyl chloride analysis.

(f) Compliance monitoring samples for the contaminants listed under 40 CFR 141.40(n), 141.61(a) and (c) and 141.62 may be composited in accordance with 40 CFR 141.23(a)(4) and 141.24(f)(14), (g)(7) and (h)(10) (relating to inorganic chemical sampling and analytical requirements; and organic chemicals other than total trihalomethanes, sampling and analytical requirements) except:

(1) Samples from groundwater entry points may not be composited with samples from surface water entry points.

(2) Samples used in compositing shall be collected in duplicate.

(3) If a contaminant listed under 40 CFR 141.61(a) or (c) is detected at an entry point, samples from that entry point may not be composited for subsequent or repeat monitoring requirements.

(4) Samples obtained from an entry point which contains water treated by a community water supplier or a nontransient noncommunity water supplier to specifically meet an MCL for an organic contaminant listed under 40 CFR 141.61(a) or (c) or an MCL for an inorganic contaminant listed under 40 CFR 141.62 may not be composited with other entry point samples.

(g) A compliance sample required under § 109.301(9) shall be taken at a free flowing tap in the house, building or facility where the POE device is located or at a monitoring point approved by the Department on the effluent side of the POE device.

**§ 109.304. Analytical requirements.**

(a) Sampling and analysis shall be performed in accordance with analytical techniques adopted by the EPA under the Federal act or methods approved by the Department.

(b) An alternate analytical technique may be employed with the written approval of the Department and the concurrence of the Administrator. An alternate technique will be accepted only if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with MCLs or MRDLs or treatment technique requirements. The use of the alternate analytical technique may not decrease the frequency of monitoring required by this subchapter.

**Subchapter D. PUBLIC NOTIFICATION**

**§ 109.401. General public notification requirements.**

For the purposes of this section, the term "acute violation" means a violation of the MCL for a contaminant or another condition that may pose an acute risk to human health. Acute violations include, but are not limited to: the MCL for nitrate or nitrite is exceeded, the turbidity performance level which is required to be measured to determine compliance with § 109.202(c) (relating to State MCLs, MRDLs and treatment technique requirements) or the turbidity level at an unfiltered surface water source exceeds 5 NTU, the MCL for total coliforms is exceeded due to the presence of fecal coliforms or E. coli in the water distribution system, the MRDL for chlorine dioxide is exceeded in the distribution system 1 day after an MRDL exceedance at the entry point, failure to monitor in the distribution system 1 day after a chlorine dioxide MRDL exceedance at the entry point, and the occurrence of a waterborne disease outbreak.

(1) The public water supplier shall give public notification in accordance with this section when one of the following occurs:

(i) The public water system is not in compliance with the applicable primary MCLs, MRDLs or treatment technique requirements in Subchapter B (relating to MCLs, MRDLs or treatment technique requirements).

(ii) The public water supplier fails to perform monitoring and analyses as required by Subchapter C (relating to monitoring requirements).

(iii) The public water system is subject to a variance or exemption granted under Subchapter I (relating to variances and exemptions issued by the Department).

(iv) The public water supplier fails to comply with the requirements prescribed by a variance or exemption.

(2) A community water supplier, except for violations involving POE devices, required to provide public notification shall, at a minimum, provide public notification in a form approved by the Department as follows:

(i) The water supplier shall publish the notice within 14 days on 3-consecutive days in a daily newspaper of general circulation within the area served by the community water system and at least once every 3 months so long as the violation, variance or exemption continues. If the area served by a community water system is not served by a daily newspaper of general circulation, the water supplier shall publish the notice on 3-consecutive weeks in a weekly newspaper of general circulation serving the area. If no weekly or daily newspaper of general circulation serves the area, notice shall be given



by posting or by hand delivery to each customer in accordance with the following:

(A) Within 72 hours after a water supplier learns of an acute violation.

(B) Within 14 days after the supplier learns of any other violation or is granted a variance or exemption.

(C) If posted, the following shall apply:

(I) The notice shall remain in place continuously so long as the violation, variance or exemption continues.

(II) If the violation has been corrected prior to the start of posting, the notice shall be posted for a minimum of 14 days.

(III) The notice shall be displayed in prominent public places within the area served by the community water system.

(ii) The water supplier by mail delivery, either by direct mail or with the water bill, or by hand delivery shall give direct written notice to each customer within 45 days after the water supplier learns of the violation or is granted a variance or exemption. Additional written notice shall be sent or hand delivered to each customer at least once every 3 months so long as the violation, variance or exemption continues.

(iii) In addition to the publication of the notice in accordance with paragraph (2)(i), the water supplier, except one required to post or hand deliver the notice under paragraph (2)(i)(A) or (B) shall furnish a copy of the notice to the radio and television stations serving the area after the supplier learns of an acute violation or another primary MCL or MRDL violation under paragraph (1)(i) in accordance with the following schedule:

(A) Within 72 hours of an acute violation.

(B) Within 7 days of a violation of another primary MCL or MRDL.

(iv) The water supplier having an outstanding violation if public notification is necessitated under paragraph (1)(i), (iii) or (iv) shall give a copy of the most recent public notification to new or transferred billing units or new hookups prior to or at the time service begins.

(v) If a water supplier required to provide public notification serves a billing unit, such as an apartment complex, school, hospital, nursing home or business, in which there are consumers who are not directly notified by the supplier, the following language shall be included in the notice:

"If you, as our customer, have received this notice and there are consumers receiving water from you, such as tenants, residents, patients, students or employees, you should make this notice available to them by posting it in a conspicuous location and by direct hand or mail delivery."

(vi) A consecutive water supplier or a public water supplier that is receiving part of the water it serves from another public water system that experiences a condition described in paragraph (1)(i), (iii) or (iv) shall provide notice to its customers in accordance with this section on receipt of the notification from the public water system supplying the water. The requirements of paragraph (2)(i) and (iii) may be met for a public water supplier purchasing the water if the public water system that is supplying the water includes the name of the public water system being served in the public notification it issues to comply with paragraph (2)(i) and (iii).

(3) A noncommunity water supplier required to provide public notification shall, at a minimum:

(i) Post the notice in accordance with the following schedule:

(A) Within 72 hours after the supplier learns of an acute violation.

(B) Within 14 days after the supplier learns of another violation or is granted a variance or exemption.

(ii) The notice shall remain in place continuously so long as the violation, variance or exemption continues or for a minimum of 14 days, if the violation has been corrected prior to the start of posting.

(iii) The water supplier shall post the notice in conspicuous locations where it can be seen by its customers.

(4) Public water suppliers that have a violation under paragraph (1)(i) or (ii) involving a POE device shall provide public notification in a form approved by the Department as follows:

(i) Community water suppliers shall, within 7 days after learning of the violation, provide direct written notice to each customer where a violation has occurred and provide written notices at least once every 2 months for as long as the violation continues.

(ii) Noncommunity water suppliers, including nontransient, noncommunity water suppliers, shall post a notice in a prominent public place within the areas served by the POE devices. The notice shall be posted continuously for as long as the violation continues.

#### **§ 109.402. Emergency public notification.**

In addition to the requirements of § 109.401 (relating to general public notification requirements), the Department may require public notice by providing a water supply warning to be given if conditions in a public water system present an imminent hazard to the public health.

(1) A public water supplier who knows that a primary MCL or MRDL has been exceeded or a treatment technique performance standard has been violated or has reason to believe that circumstances exist which may adversely affect the quality of drinking water, including, but not limited to, source contamination, spills, accidents, natural disasters or breakdowns in treatment, shall report the circumstance to the Department within 1 hour of discovery of the problem.

(2) If the Department determines, based upon information provided by the public water supplier or other information available to the Department, that the circumstances present an imminent hazard to the public health, the public water supplier shall issue a water supply warning approved by the Department under this subsection. The public water supplier is responsible for disseminating the notice in a manner designed to inform users who may be affected by the problem.

(i) Within 4 hours of the Department's determination that an imminent hazard is present, the public water supplier shall provide the notice to newspapers, radio and television media serving the affected public, or directly notify affected users in a manner approved by the Department. The public water supplier shall also notify key public officials as designated in the public water system's emergency response plan.

(ii) The Department may require the public water supplier to further disseminate the notice in an appropriate manner which may include direct mailings, publication in newspapers or other paid advertising or postings.

(iii) A water supply warning shall be followed by further notices designed to inform the public on a continuing basis as to the expected duration of the hazard, progress toward solving the problem and measures that should be taken by users to reduce their risk. These notices shall be given at intervals and in a manner directed by the Department as long as the threat to public health continues.

(iv) The water supply warning shall continue until the Department is satisfied that no significant threat to the public health remains and approves a notice cancelling the water supply warning. The public water supplier shall be responsible for disseminating the cancellation of the water supply warning in a manner similar to the issuance of the warning.

(v) If a noncommunity water system is a place in which persons 17 years of age and under are cared for or educated, such as a school or day care center, notice issued under this subsection shall also be disseminated individually to the parent or guardian of those persons.

(3) If nitrate or nitrite sampling results exceed the MCL, and when the water supplier does not take a confirmation sample within 24 hours as required by § 109.303(7)(ii)(C)(V) (relating to sampling requirements), it will be considered that an imminent hazard is present and the supplier shall issue a water supply warning in accordance with paragraph (2).

#### § 109.403. Description and content of notice.

(a) Notice given under this subchapter shall be written in a manner reasonably designed to fully inform the users of the system.

(1) The notice shall be conspicuous and may not use technical language, small print or other methods which would frustrate the purpose of the notice.

(2) The notice shall disclose material facts regarding the subject including the nature of the problem and, when appropriate, a clear statement that an MCL, an MRDL or a treatment technique requirement has been violated and the preventive measures that should be taken by the public.

(3) Notices shall include a balanced explanation of the significance or seriousness to the public health of the subject of the notice including potential adverse health effects, the population at risk, a clear explanation of steps taken by the supplier to correct the problem, the necessity for seeking alternative supplies, guidance on safeguards and alternatives available to users and the results of additional sampling.

(4) The notice shall include the telephone number of the owner, operator or designee of the public water system as a source of additional information concerning the notice.

(b) If appropriate or as designated by the Department, bilingual or multilingual notice shall be given.

(c) In all notices, except for those required by § 109.401(1)(ii) (relating to general public notification requirements), when providing the information on potential adverse health effects required by subsection (a)(3), the water supplier shall include language that is presently or may be established by the EPA for the contaminant under 40 CFR 141.32(e) (relating to mandatory health effects language) or 40 CFR 143.5(b) (relating to public notices for fluoride) which are incorporated by reference.

#### Subchapter E. PERMIT REQUIREMENTS

##### § 109.503. Public water system construction permits.

(a) *Permit application requirements.* An application for a public water system construction permit shall be submitted in writing on forms provided by the Department and shall be accompanied by plans, specifications, engineer's report, water quality analyses and other data, information or documentation reasonably necessary to enable the Department to determine compliance with the act and this chapter. The Department will make available to the applicant the *Public Water Supply Manual*, available from the Bureau of Water Supply and Community Health, Post Office Box 8467, Harrisburg, Pennsylvania 17105 which contains acceptable design standards and technical guidance. Water quality analyses shall be conducted by a laboratory certified under this chapter.

(1) *General requirements.* An application shall include:

(i) *Permit application signatures.* A Department permit application signed as follows:

(A) In the case of corporations, by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility.

(B) In the case of a partnership, by a general partner.

(C) In the case of a sole proprietorship, by the proprietor.

(D) In the case of a municipal, State or other public facility, by either a principal executive officer, ranking elected official or other authorized employee.

(ii) *Plans, specifications and engineer's report.* Plans, specifications and engineer's reports shall comply with the following:

(A) The drawings, specifications and engineer's report shall be prepared by or under the supervision of a professional engineer registered to practice in this Commonwealth or in the state in which the public water system is located.

(B) The front cover or flyleaf of each set of drawings, of each copy of the engineer's report, and of each copy of specifications shall bear the signature and imprint of the seal of the registered engineer. Drawings shall bear an imprint or a legible facsimile of the seal.

(iii) *Information describing new sources.* The Department may accept approval of an out-of-State source by the agency having jurisdiction over drinking water in that state if the supplier submits adequate proof of the approval and the agency's standards are at least as stringent as this chapter. Information describing sources shall include:

(A) A comprehensive sanitary survey of the physical surroundings of each new source of raw water and its proximity to potential sources of contamination. For surface water, this information shall include a description of the watershed topography and land uses within the watershed. For systems using wells, springs or infiltration galleries, this information shall include a hydrogeological report prepared and signed by a professional geologist who has complied with the requirements of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2) describing the geology of the area including the source aquifers, overlying formations, hydrogeologic boundaries, aquifer porosity estimates, water table contour or potentiometric surface maps depicting prepumping conditions and other informa-

tion deemed necessary to evaluate the hydraulic characteristics of the aquifer and demonstrate the suitability of the proposed source. At the discretion of the Department, these requirements may be altered for a proposed well, wellfield, spring or infiltration gallery that will be pumping less than or yielding less than 100,000 gallons per day.

(B) An evaluation of the quality of the raw water from each new source. This subparagraph does not apply when the new source is finished water obtained from an existing permitted community water system unless the Department provides written notice that an evaluation is required. The evaluation shall include analysis of the following:

(I) For groundwater sources, VOCs for which MCLs have been established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.61(a) (relating to maximum contaminant levels for organic contaminants). Vinyl chloride monitoring is required only if one or more of the two-carbon organic compounds specified under § 109.301(6)(i) (relating to general monitoring requirements) are detected. Samples for VOCs shall be collected in accordance with the provisions of § 109.303(e) (relating to sampling requirements).

(II) Except for asbestos, IOCs for which MCLs have been established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.62 (relating to maximum contaminant levels for inorganic contaminants). The new source shall be monitored for asbestos if the Department has reason to believe the source water is vulnerable to asbestos contamination.

(III) Lead.

(IV) Copper.

(V) Total coliform concentration and, if total coliform-positive, analyze for fecal coliform concentration.

(VI) SOCs.

(-a-) Alachlor, atrazine, chlordane, dibromochloropropane (DBCP), ethylene dibromide (EDB), heptachlor, heptachlor epoxide, lindane, methoxychlor, toxaphene, endrin, hexachlorobenzene, hexachlorocyclopentadiene, polychlorinated biphenyls (PCBs) and simazine unless the Department determines in writing that monitoring for one or more of the substances specified in this clause is not necessary.

(-b-) Other SOCs except for dioxin for which MCLs have been established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.61(c) except for those SOCs for which the source is not considered vulnerable based on a vulnerability assessment conducted by the public water supplier and approved by the Department unless the Department determines in writing that monitoring for one or more of the SOCs is not necessary.

(-c-) Dioxin where there is a source of dioxin contamination within 1,000 feet of a groundwater source or within 1 mile upstream of a surface water source.

(VII) Gross Alpha ( $\alpha$ ) and Gross Beta ( $\beta$ ).

(VIII) For surface water sources, total trihalomethanes.

(IX) Aluminum, chloride, color, foaming agents, iron, manganese, pH, silver, sulfate, total dissolved solids and zinc for which MCLs have been established by the EPA under the National Secondary Drinking Water Regulations in 40 CFR 143.3 (relating to secondary MCLs).

(X) Alkalinity.

(XI) Hardness.

(XII) Temperature.

(XIII) Other contaminants that the Department determines necessary to evaluate the potability of the source.

(C) An evaluation of the quantity of the raw water from each new source. Flow data shall be submitted for springs, infiltration galleries or surface water sources. Aquifer test data, including drawdown and recovery data and the derivation of hydraulic conductivity, transmissivity and storage coefficient of the aquifer, shall be submitted for wells. At the discretion of the Department, these requirements may be altered for wells or wellfields pumping less than 100,000 gallons per day. The Department may require that other information be submitted to evaluate the safe yield of the source. The safe yield is the amount of water that can be withdrawn from an aquifer without causing an undesired result, such as adverse dewatering of an aquifer, induced potential health threats or impacts upon stream uses.

(D) A Department approved delineation of the Zone I wellhead protection area for community water system wells, springs or infiltration galleries.

(iv) *Chapter 102 requirements.* An erosion and sedimentation control plan which meets the requirements contained in Chapter 102 (relating to erosion and sediment control) when earth-moving activities are involved.

(2) *Special requirements for public water suppliers proposing to use POE devices.* Permit applications which propose the use of POE devices shall, in addition to the information required in paragraph (1), include the following:

(i) Documentation that each POE device to be used meets the certification requirements of § 109.612 (relating to POE devices).

(ii) Manufacturer's design and engineering information, including blueprints or similar drawings, which provide detailed information about the construction and operation of the treatment device and its components.

(iii) A detailed monitoring plan, subject to the Department's approval, which includes a list of the contaminants to be monitored and the frequency of monitoring.

(iv) An operation and maintenance plan, as outlined in § 109.702 (relating to operation and maintenance plan), which includes a schedule of routine maintenance to be performed and the parameters to be monitored to determine the performance and condition of the devices.

(v) A drawing of the water supply distribution system showing each house, building or facility where POE devices are to be installed.

(vi) Proof of the right-of-access for every house, building or facility to be served by a POE device.

(3) *Business plan requirements for new community water systems.* Permit applications submitted to the Department on or after October 1, 1996, for new community water systems shall, in addition to the information required in paragraph (1), include a business plan. A new community water system is a proposed community water system or an existing system not otherwise subject to the act which becomes a community water system subject to the act as a result of an increase in the number of year-round residents or residences served. The business plan shall be submitted on forms approved by the Department. To be considered complete, the business plan shall

conform to the guidelines contained in the Department's *Public Water Supply Manual* and shall consist of the following three parts:

(i) *Facilities plan.* The facilities plan shall identify the scope of the water service to be provided. In addition to the requirements of subsection (a)(1)(ii), the facilities plan shall include the following:

(A) An assessment of current and reasonably foreseeable compliance requirements that are applicable under the act based on monitoring data from the proposed sources of supply.

(B) A description of the alternatives considered and the rationale for the approach selected to providing water service. This description shall include the technical, managerial, financial, operational and local decision making rationale for the selected approach. Unless the new system is a consecutive water system, the plan shall include the rationale for creating a separate system.

(C) An engineering description of the facilities to be constructed, including the construction phases and future plans for expansion. This description shall include an estimate of the full cost of any required construction, operation and maintenance.

(ii) *Management plan.* The management plan shall specify the commitments that are needed to provide for effective management and operation of the system and shall include the following:

(A) Documentation that the applicant has the legal right and authority to take the measures necessary for the construction, operation and maintenance of the system. The evidence shall include, but is not limited to, indices of ownership where the applicant is the owner of the system or, where the applicant is not the owner, legally enforceable management contracts or agreements.

(B) An operating plan to define the tasks to be performed in managing and operating the system. The operating plan shall consist of the following:

(I) *Part 1.* A management and administrative plan.

(II) *Part 2.* An operation and maintenance plan which conforms with § 109.702.

(C) Assurances that the commitments needed for proper operation and management of the system will be carried out. These assurances can be given in the form of documentation of the credentials of management and operations personnel, cooperative agreements or service contracts.

(iii) *Financial plan.* The financial plan shall describe the system's revenues and cash flow for meeting the costs of construction and the costs of operation and maintenance for at least 5 full years from the date the applicant anticipates initiating system operation. At a minimum, the financial plan shall include pro forma statements for each of the 5 years including the following:

(A) Balance sheet.

(B) Income statement.

(C) Statement of cash flow.

(b) *Amendments.* A water supplier operating under a public water system permit shall obtain an amended construction permit before making a substantial modification to the public water system.

(1) A water supplier shall submit an application for an amended construction permit under the application requirements in subsection (a), if the proposed modification

constitutes a major change to the public water system. Typical modifications which may be considered major changes are proposed new sources, additions or deletions of treatment techniques or processes, pumping stations and storage reservoirs.

(2) A water supplier shall submit a written request to the Department if the proposed modification constitutes a relatively minor change to the public water system. A request for an amended construction permit under this paragraph shall describe the proposed change in sufficient detail to allow the Department to adequately evaluate the proposal. Typical modifications which may be considered minor changes are changes in treatment chemicals; replacement of tank or reservoir linings or similar materials in contact with the water supply; interconnections; covering of reservoirs; construction of covered storage tanks and standpipes designed to standard specifications; transmission mains; and changes in legal status, such as transfers of ownership, incorporation or mergers.

(3) The Department determines whether a particular modification is a substantial modification and requires the construction permit to be amended under paragraph (1) or (2). A substantial modification is a modification which may affect the quality or quantity of water served to the public or may be prejudicial to the public health or safety. The Department's determination of whether the substantial modification is a major or minor change will include consideration of the expected amount of staff time required to review and process the proposal, the magnitude and complexity of the proposed change and the compliance history of the public water system.

(c) *Permit fees.*

(1) An application for a permit or a major permit amendment under subsection (a)(1), except for an application for construction or modification of corrosion control treatment facilities under § 109.1105 (relating to permit requirements), shall be accompanied by a check in the amount of \$750, payable to the "Commonwealth of Pennsylvania," except a fee is not required for an application submitted by a State regulatory agency, or an application submitted for a public water system serving 100 or fewer individuals. The fees for permitting and related services under § 109.1105 for corrosion control treatment facilities are established under § 109.1108 (relating to fees).

(2) A fee is not required for an application for an emergency permit under § 109.506 (relating to emergency permits) or an amendment under subsection (b)(2).

(3) Applications for permits or major permit amendments submitted to satisfy the requirements of Subchapter B (relating to MCLs, MRDLs or treatment technique requirements) for removal of VOCs and SOCs through the construction of treatment facilities designed to achieve greater removal of contaminants than would be achieved by conventional filtration shall be accompanied by a fee of \$2,500.

(d) *Department's review.*

(1) The Department will publish a notice in the *Pennsylvania Bulletin* of the applications submitted under subsection (a) or (b)(1) or § 109.507 (relating to permits for innovative technology), providing at least 30 days for public comment from the date of publication.

(2) The Department will not accept an application for review until the application is determined to be complete. A complete application is one which includes all the information specified in this chapter and other relevant

information the Department determines is necessary to enable the Department to undertake a technical review of the application.

(3) If the Department determines the permit application is incomplete, it will request the additional information in writing from the applicant within 90-calendar days of receipt of the application.

(4) The Department will grant or deny a permit within 120 calendar days of receipt of the application, or when an incomplete application was submitted, within 120-calendar days of receipt of the applicant's written response to the Department's request for additional information.

(5) Applications will be reviewed in accordance with accepted engineering and hydrogeological practices. The approval of plans, specifications, hydrogeological reports and engineer's reports is limited to the sanitary features of design and other features of public health significance.

(6) In reviewing a permit application under this chapter, the Department may consider the following:

(i) Adherence to standards in Subchapter F (relating to design and construction standards).

(ii) Compliance by the proposed project with applicable statutes administered by the Commonwealth, river basin commissions created by interstate compact or Federal environmental statutes or regulations.

(iii) Consistency with the environmental rights and values secured by PA. CONST. art. I, § 27 and with the Commonwealth's duties as trustee to conserve and maintain this Commonwealth's public natural resources.

(iv) Present conditions and the effects of reasonably foreseeable future development within the area of the project, including wellhead protection areas.

(e) *Issuance and conditions.*

(1) Issuance of a construction permit authorizes only the construction or modifications included in the permit. The permit's continuing validity is conditioned upon satisfaction of the provisions of the permit.

(2) The plans, specifications, reports and supporting documents submitted as part of the permit application become part of the permit.

(3) A permit authorizing construction or modification of water facilities shall expire within 2 years from the date of issuance unless substantial work is initiated. A permit may be renewed by the Department if the water supplier makes a written request for renewal prior to the expiration date.

#### **§ 109.505. Requirements for noncommunity water systems.**

A noncommunity water system shall obtain a construction permit under § 109.503 (relating to public water system construction permits) and an operation permit under § 109.504 (relating to public water system operation permits), unless the noncommunity water system satisfies paragraph (1) or (2). The Department retains the right to require a noncommunity water system that meets the requirements of paragraph (1) or (2) to obtain a construction and an operation permit, if, in the judgment of the Department, the noncommunity water system cannot be adequately regulated through standardized specifications and conditions. A noncommunity water system which is released from the obligation to obtain a construction and an operation permit shall comply with the other requirements of this chapter, including design,

construction and operation requirements described in Subchapters F and G (relating to design and construction standards; and system management responsibilities).

(1) A noncommunity water system which holds a valid permit or license issued after December 8, 1984, under one or more of the following acts satisfies the permit requirement under the act. The licensing authority will review the drinking water facilities under this chapter when issuing permits under the following acts:

(i) The act of May 23, 1945 (P. L. 926, No. 369) (35 P. S. §§ 655.1—655.13).

(ii) The Seasonal Farm Labor Act (43 P. S. §§ 1301.101—1301.606).

(iii) The Public Bathing Law (35 P. S. §§ 672—680d).

(2) A noncommunity water system not covered under paragraph (1) is not required to obtain a construction and an operation permit if it satisfies the following specifications and conditions:

(i) The sources of supply for the system are groundwater sources requiring treatment no greater than disinfection to provide water of a quality that meets the primary MCLs established under Subchapter B (relating to MCLs, MRDLs or treatment technique requirements).

(ii) The water supplier files a brief description of the system, including raw source quality data, on forms acceptable to the Department. Amendments to the system description shall be filed when a substantial modification is made to the system. Descriptions of new systems or modifications may be filed prior to construction if the water supplier desires technical assistance, but shall be filed within 30 days of initiation of operation of the system or modification.

(3) A noncommunity water system which satisfies the requirements of paragraphs (1) and (2) shall provide the Department with the following information describing new sources, including an evaluation of the quality of the raw water from each new source. Water quality analyses shall be conducted by a laboratory certified under this chapter. This paragraph does not apply when the new source is finished water obtained from an existing permitted community water system or an existing permitted or approved noncommunity water system unless the Department provides written notice that one or more of the provisions of this paragraph apply.

(i) For transient noncommunity water systems, the evaluation shall include analysis of the following:

(A) Nitrate (as nitrogen) and nitrite (as nitrogen).

(B) Total coliform concentration and, if total coliform-positive, analyze for fecal coliform concentration.

(C) Any other contaminant which the Department determines is necessary to evaluate the potability of the source or which the Department has reason to believe is present in the source water and presents a health risk to the users of the system.

(ii) For nontransient noncommunity water systems, the evaluation shall include the information required under § 109.503(a)(1)(iii)(B).

#### **§ 109.506. Emergency permits.**

(a) In emergency circumstances, the Department may issue permits for construction, operation or modifications to a public water system as the Department determines may be necessary to assure that potable drinking water is available to the public. Emergency permits shall be limited in duration and at the Department's discretion be

conditioned on additional monitoring, reporting and implementation of appropriate emergency response measures. The Department may revoke an emergency permit if it finds the public water system is not complying with drinking water standards or the terms or conditions of the permit. Authorization for construction, operation or modifications obtained under an emergency permit will not extend beyond the expiration of the permit.

(b) State and Federal agencies conducting emergency response bulk water hauling operations are not required to obtain a permit under this subchapter, if a Department approved source is utilized and adequate monitoring is conducted to assure compliance with the microbiological MCL specified in § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements).

(c) Water suppliers having to comply with § 109.603(b) (relating to source quality and quantity) because of chronic water quantity problems shall apply for an amendment to their construction permit in accordance with § 109.503(b) (relating to public water system construction permits) to incorporate additional sources.

**§ 109.507. Permits for innovative technology.**

The Department may consider proposals for innovative water treatment processes, methods or equipment and may issue an innovative technology construction or operation permit if the applicant demonstrates to the Department's satisfaction that the proposal will provide drinking water that complies with Subchapter B (relating to MCLs, MRDLs or treatment technique requirements). Applications for innovative technology construction permits shall satisfy the requirements of § 109.503 (relating to public water system construction permits). The Department may condition innovative technology operation permits on duration, additional monitoring, reporting or other requirements as it deems necessary to protect the public health. The Department may revoke an innovative technology construction or operation permit if it finds the public water system is not complying with drinking water standards or the terms or conditions of the permit or if there is a significant change in the source water quality which could affect the reliability and operability of the treatment facility. Authorization for construction, operation or modifications obtained under an innovative technology permit will not extend beyond the expiration date of the permit.

**Subchapter F. DESIGN AND CONSTRUCTION STANDARDS**

**§ 109.602. Acceptable design.**

(a) A public water system shall be designed to provide an adequate and reliable quantity and quality of water to the public. The design shall ensure that the system will, upon completion, be capable of providing water that complies with the primary and secondary MCLs, MRDLs and treatment techniques established in Subchapter B (relating to MCLs, MRDLs or treatment technique requirements) except as further provided in this section.

(1) The Department may approve control techniques such as nonremoval processes, which abate the problems associated with a secondary contaminant and achieve the objective of the secondary MCL.

(2) The Department may approve a design which may cause an exceedance of a secondary MCL if the exceedance directly results from a treatment method used to achieve compliance with a primary MCL, the level of the secondary contaminant in the finished water does not

represent an unreasonable risk to health nor otherwise adversely affect the normal uses of the finished water.

(b) Designs of public water facilities shall conform to accepted standards of engineering and design in the water supply industry and shall provide protection from failures of source, treatment, equipment, structures or power supply.

(c) The Department's *Public Water Supply Manual* sets forth design standards which the Department finds to be acceptable designs. Other designs may be approved by the Department if the applicant demonstrates the alternate design is capable of providing an adequate and reliable quantity and quality of water to the public.

(d) Filtration facilities permitted after May 16, 1992, unless otherwise authorized under § 109.507 (relating to permits for innovative technology), shall be designed to include individual sampling ports or turbidimeters on the raw source water line, on the influent line to the filters and on the effluent lines for each filter bed.

(e) Point-of-use devices which are treatment devices applied to a single tap are not an acceptable treatment method for complying with an MCL or treatment technique requirement.

**§ 109.605. Minimum treatment design standards.**

The level of treatment required for raw water depends upon the characteristics of the raw water, the nature of the public water system and the likelihood of contamination. The following minimum treatment design standards apply to new facilities and major changes to existing facilities:

(1) For surface water and GUDI sources, the minimum treatment design standard for filtration technologies is a 99% removal of *Giardia* cysts, a 99% removal of *Cryptosporidium* oocysts and a 99% removal of viruses. The determination of the appropriate filtration technology to be used shall be based on the following:

(i) Conventional filtration designed and operated in accordance with standards established in the Department's *Public Water Supply Manual* can be expected to achieve the minimum treatment design standard and shall be considered the best treatment for most surface water sources in this Commonwealth because of the multiple barriers of protection that it provides.

(ii) Direct filtration, slow sand filtration and diatomaceous earth filtration may be permitted if studies, including pilot studies where appropriate, approved by the Department are conducted and demonstrate, through achievement of the turbidity performance standards specified in § 109.202(c)(1)(i) (relating to State MCLs, MRDLs and treatment technique requirements), that the minimum treatment design standard can be achieved consistently, reliably and practically under appropriate design and operating conditions.

(iii) Other filtration technologies may be permitted after onsite studies, including pilot plant studies where appropriate, using seeded indicator organisms in the raw water or other equivalent means as approved by the Department, that demonstrate that the technology can consistently achieve the minimum treatment design standard.

(2) For surface water and GUDI sources, the minimum treatment design standard for disinfection technologies utilized prior to the first user of the system is a total of 99.9% inactivation of *Giardia* cysts and a 99.99% inactivation of viruses. Total treatment system disinfection capa-

bility will be credited toward this design standard. The CT factors and measurement methods established by the EPA are the criteria to be used in determining compliance with this minimum treatment design standard.

**§ 109.611. Disinfection.**

Disinfection facilities shall be designed to provide the dosage rate and contact time prior to the first customer sufficient to provide a quality of water that complies with the microbiological MCL and the appropriate MRDL, specified in § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements).

**§ 109.612. POE devices.**

(a) POE devices may be approved by the Department for use only by a public water supplier serving 100 or fewer individuals for the treatment of sources permitted prior to May 16, 1992.

(b) POE devices used by a public water supplier shall be tested and certified by the NSF or other certification organization acceptable to the Department against ANSI/NSF standards established for drinking water treatment devices. To be acceptable to the Department a certification organization other than NSF shall have a program at least as stringent as the NSF program and meet the requirements under § 109.606(d) (relating to chemicals, materials and equipment) as applicable to ANSI/NSF standards for drinking water treatment devices.

(c) A public water supplier using POE devices as a means of treatment shall install a POE device on the service line to customers, except for customers who are provided with water that meets the requirements of Subchapter B (relating to MCLs, MRDLs or treatment technique requirements) without the use of a POE device.

(d) The design, installation and operation of a POE device shall be of a type that the microbiological safety of the water is maintained.

**Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES**

**§ 109.701. Reporting and recordkeeping.**

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

(1) *General reporting requirements.* Unless a shorter period is specified in this section, the water supplier shall assure that the results of test measurements or analyses required by this chapter are reported to the Department within either the first 10 days following the month in which the result is received or the first 10 days following the end of the required monitoring period as stipulated by the Department, whichever is shorter. The test results shall include the following at a minimum:

(i) The name, address and public water system identification number (PWSID) of the public water system from which the sample was taken.

(ii) The name, address and identification number of the laboratory performing the analysis unless the analysis is not required to be performed by a certified laboratory.

(iii) The results of analytical methods, including negative results.

(iv) Contaminants.

(v) Analytical methods used.

(vi) The date of sample.

(vii) The date of analysis.

(viii) Sample location.

(2) *Monthly reporting requirements for performance monitoring.*

(i) The test results of performance monitoring required under § 109.301(1) (relating to general monitoring requirements) for public water suppliers providing filtration and disinfection of surface water or GUDI sources shall include the following at a minimum:

(A) For turbidity performance monitoring:

(I) The number of days of filtration operation.

(II) The number of filtered water turbidity measurements taken each month.

(III) The number of filtered water turbidity measurements that are less than or equal to .5 NTU for conventional, direct or other filtration technologies, or 1.0 NTU for slow sand or diatomaceous earth filtration technologies.

(IV) The date, time and values of any filtered water turbidity measurements exceeding 2.0 NTU.

(V) In lieu of clause (A)(III) and (IV), beginning January 1, 2002, for public water systems that serve 10,000 or more people and use conventional or direct filtration:

(-a-) The number of filtered water turbidity measurements that are less than or equal to 0.3 NTU.

(-b-) The date, time and values of any filtered water turbidity measurements that exceed 1 NTU for systems using conventional or direct filtration or that exceed the maximum level set under § 109.202(c)(1)(i)(A)(III) (relating to State MCLs, MRDLs and treatment technique requirements).

(B) For performance monitoring of the residual disinfectant concentration of the water being supplied to the distribution system:

(I) The date, time and lowest value each day.

(II) The date, duration and number of periods each day when the concentration is less than .2 mg/L for more than 4 hours.

(III) The date, time and highest value each day the concentration is greater than the residual disinfectant concentration required under § 109.202(c)(1)(ii).

(IV) If the concentration does not rise above that required under § 109.202(c)(1)(ii), the date, time and highest value measured that month.

(C) For performance monitoring of the residual disinfectant concentration at representative points in the distribution system report the following:

(I) The number of monthly routine samples required.

(II) The number of monthly routine samples collected and analyzed.

(III) The number of samples in which the residual disinfectant concentration was less than 0.02 mg/L.

(IV) For samples in which the residual disinfectant concentration was less than 0.02 mg/L: the date, time and value of each sample.

(ii) The test results of performance monitoring required under § 109.301(2) for public water suppliers using unfiltered surface water or GUDI sources shall include the following, at a minimum:

(A) For turbidity performance monitoring:

(I) The date, time and value of each sample that exceeds 1.0 NTU.

(II) The date, time and highest turbidity value, if the turbidity does not exceed 1.0 NTU in a sample.

(B) For performance monitoring of the residual disinfectant concentration of the water being supplied to the distribution system:

(I) The date, time and lowest value each day the concentration is less than the residual disinfectant concentration required under § 109.202(c)(1)(iii).

(II) If the concentration does not fall below that required under § 109.202(c)(1)(iii) during the month, report the date, time and lowest value measured that month.

(C) For performance monitoring of the residual disinfectant concentration at representative points in the distribution system, report the following:

(I) The number of monthly routine samples required.

(II) The number of monthly routine samples collected and analyzed.

(III) The number of samples in which the residual disinfectant concentration was less than 0.02 mg/L.

(IV) For samples in which the residual disinfectant concentration was less than 0.02 mg/L: the date, time and value of each sample.

(D) For performance monitoring of the fecal coliform or total coliform density determinations on samples of the source water immediately prior to disinfection: the date, time and value of each sample.

(iii) The test results from performance monitoring required under § 109.301(7)(v) of the residual disinfectant concentration of the water in the distribution system shall include the date, time and value of each sample.

(iv) The test results of heterotrophic plate count measurements taken under § 109.710(b) (relating to disinfectant residual in the distribution system) shall include the date, time and value of each sample.

(3) *Compliance report.* The water supplier shall report to the Department within 48 hours failure to comply with Subchapter C (relating to monitoring requirements), except that emergency notification shall be made under § 109.402 (relating to emergency public notification).

(4) *Notice.* The water supplier shall, within 10 days of completion of each public notification required under Subchapter D (relating to public notification), submit to the Department a representative copy of each type of notice and a description of the publication, distribution, posting or other means undertaken to make the notice available.

(5) *Siting plan.* The water supplier shall submit to the Department a written sample siting plan for routine coliform sampling as required by § 109.303(a)(2) (relating to sampling requirements) within 30 days of receipt of the Department's request for this information.

(i) A sample siting plan shall include at a minimum the following:

(A) A list of available sample site locations in the distribution system to be used for routine monitoring purposes, including the first service connection (or Department approved equivalent) and dead ends.

(B) The name of the company or individual collecting the samples.

(C) A time period by which available sites representative of the distribution system are to be sampled during each monitoring period.

(ii) The Department's approval of a sample siting plan will be based upon the following:

(A) The population served by the system.

(B) The accessibility of sample sites.

(C) The past monitoring history for the system.

(D) The completeness of the sample siting plan which includes the information specified in subparagraph (i) and other information relating to the criteria in this subparagraph necessary for evaluation of the sample siting plan.

(iii) A water supplier shall revise and resubmit its sample siting plan within 30 days of notification by the Department of a sample siting plan which fails to meet the criteria in subparagraphs (i) and (ii).

(iv) The water supplier shall notify the Department of subsequent revisions to an approved coliform sample siting plan for approval as they occur. Revisions to an approved coliform sample siting plan shall be submitted in written form to the Department within 30 days of notifying the Department of the revisions.

(6) *Records.* Upon request by the Department, the water supplier shall submit copies of records required to be maintained under this subchapter.

(7) *Form.* Reports required by this chapter shall be submitted in a manner or form acceptable to the Department.

(8) *Reporting requirements for disinfectant residuals.* Public water systems shall report MRDL monitoring data as follows:

(i) For systems monitoring for chlorine dioxide under § 109.301(13):

(A) The dates, results and locations of the samples that were taken during the previous month.

(B) Whether the MRDL was exceeded.

(C) Whether the MRDL was exceeded in any 2-consecutive daily samples and whether the resulting violation was acute or nonacute.

(ii) For systems monitoring for either chlorine or chloramines under § 109.301(13):

(A) The number of samples taken during each month of the previous quarter.

(B) The monthly arithmetic average of all samples taken in each month for the last 12 months.

(C) The arithmetic average of all monthly averages for the last 12 months.

(D) Whether the MRDL was exceeded.

(9) *Reporting requirements for disinfection byproducts.*

(i) Systems monitoring for TTHMs and HAA5 under § 109.301(12) shall report the following:

(A) Systems monitoring on a quarterly or more frequent basis shall report the following:

(I) The number of samples taken during the last quarter.

(II) The date, location and result of each sample taken during the last quarter.

(III) The arithmetic average of all samples taken in the last quarter.



(IV) The annual arithmetic average of the quarterly arithmetic averages for the last 4 quarters.

(V) Whether the annual arithmetic average exceeds the MCL for either TTHMs or HAA5.

(B) Systems monitoring less than quarterly but no less than annually shall report the following:

(I) The number of samples taken during the last year.

(II) The date, location and result of each sample taken during the last monitoring period.

(III) The arithmetic average of all samples taken in the last year.

(IV) Whether the annual arithmetic average exceeds the MCL for either TTHMs or HAA5.

(C) Systems monitoring less than annually shall report the following:

(I) The date, location and result of the last sample taken.

(II) Whether the sample exceeds the MCL for either TTHMs or HAA5.

(i) Systems monitoring for chlorite under § 109.301(12) shall report the following:

(A) The number of samples taken each month for the last 3 months.

(B) The date, location and result of each entry point and distribution sample taken during the last quarter.

(C) The arithmetic average of each three-sample set of distribution samples taken in each month in the reporting period.

(D) Whether the monthly arithmetic average exceeds the MCL.

(iii) Systems monitoring for bromate under § 109.301(12) shall report the following:

(A) The number of samples taken during the last quarter.

(B) The date, location and result of each sample taken during the last quarter.

(C) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year.

(D) Whether the annual arithmetic average exceeds the MCL.

(10) *Reporting requirements for disinfection byproduct precursors.* Systems monitoring for TOC under § 109.301(12) shall report in accordance with 40 CFR 141.134(d) (relating to reporting and recordkeeping requirements for disinfection byproduct precursors and enhanced coagulation or enhanced softening).

(b) *Reporting requirements for community water systems.* In addition to the reporting requirements for a public water system, a community water supplier shall comply with the following requirements:

(1) The water supplier shall prepare a monthly operational report on forms provided by the Department or in a form acceptable to the Department. The report shall be maintained on file by the operator for at least 2 years and submitted upon request of the Department. The report shall include at least the following:

(i) The water produced daily.

(ii) The chemical added daily.

(iii) The physical and chemical determinations taken daily.

(iv) Water-level monitoring data for supply and any associated monitoring wells.

(v) The maintenance performed.

(vi) Operational problems.

(2) The water supplier shall submit by March 31 an annual water supply report for the prior calendar year on forms provided by the Department or in a form acceptable to the Department. This report shall include information relating to water use, connections, distribution system and storage.

(3) The water supplier shall keep a record of complaints received from consumers related to this act or this chapter on forms provided by the Department or in a form acceptable to the Department. Water suppliers complying with the Pennsylvania Public Utility Commission (PUC) complaint recordkeeping requirements under 52 Pa. Code § 65.3 (relating to complaints) shall be in compliance with this subsection if the complaints related to the act or this chapter are cross referenced within the PUC required records in a manner to make them readily available. The records shall be maintained on file by the operator for at least 3 years and submitted upon request of the Department.

(c) *Reporting requirements for nontransient noncommunity water systems.* In addition to complying with the reporting requirements for public water systems under subsection (a), a nontransient noncommunity water system shall comply with subsection (b)(1) except that records of water produced daily are not required.

(d) *Record maintenance.* The public water supplier shall retain on the premises of the public water system or at a convenient location near the premises the following:

(1) Records of bacteriological analyses which shall be kept for at least 5 years, and records of chemical analyses which shall be kept for at least 12 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, if the following information is included:

(i) The date, place and time of sampling, and the name of the person who collected the sample.

(ii) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or finished water sample or other special purpose sample.

(iii) The date of analysis.

(iv) The laboratory, certification number and person responsible for performing the analysis.

(v) The analytical technique and methods used.

(vi) The results of the analysis.

(2) Records of performance monitoring required under § 109.301 which shall be kept for at least 3 years. At a minimum, these records shall contain the reporting requirements under subsection (a).

(3) Records of action taken by the public water supplier to correct violations of MCLs, MRDLs or treatment technique requirements, which shall be kept for at least 3 years after the last action taken with respect to the particular violation involved.

(4) Copies of written reports or communications relating to sanitary surveys conducted by a water supplier or his agent, which shall be kept for at least 12 years.

(5) Records concerning a variance or exemption granted to the system which shall be kept at least 5 years following the expiration of the variance or exemption.

(6) Plans, specifications and permits for water system facilities which shall be kept for the life of the facility.

(7) Records concerning the use of acrylamide and epichlorohydrin shall be kept for at least 12 years. These records shall include verification that the chemicals used were certified for conformance with ANSI/NSF Standard 60 in accordance with § 109.606 (relating to chemicals, materials and equipment) and that the combination—or product—of dose and monomer level did not exceed the following:

(i) Acrylamide = 0.05% dosed at 1 ppm (or equivalent).

(ii) Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent).

(e) *Reporting requirements for public water systems required to perform individual filter monitoring under § 109.301(1)(iv).*

(1) Public water systems required to perform individual filter monitoring shall report that they have conducted individual filter monitoring within 10 days following the end of each month that the system serves water to the public.

(2) Public water systems required to perform individual monitoring shall report individual filter turbidity results if individual filter turbidity measurements demonstrate that one or more of the following conditions exist:

(i) An individual filter has a measured turbidity level greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart.

(ii) An individual filter has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first 4 hours of continuous filter operation after the filter has been backwashed or otherwise taken offline.

(iii) An individual filter has a measured turbidity level greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of 3-consecutive months.

(iv) An individual filter has a measured turbidity level greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of 2-consecutive months.

(3) Individual filter turbidity monitoring reported as required under paragraph (2) shall include the following at a minimum:

(i) Filter number.

(ii) Turbidity measurements.

(iii) The dates on which the exceedance occurred.

(iv) If an individual filter demonstrates a condition under paragraph (2)(i) or (ii), the date on which a filter profile was produced or the date on which the reason for a turbidity exceedance was determined.

(v) If an individual filter demonstrates a condition under paragraph (2)(iii), the date on which a filter self-assessment was conducted.

(vi) If an individual filter demonstrates a condition under paragraph (2)(iv), the date on which a comprehensive performance evaluation was conducted.

(f) *Alternative individual filter turbidity exceedance levels.* Public water systems using lime softening may apply

to the department for alternative individual filter turbidity exceedance levels if they demonstrate that the higher individual filter turbidity levels are due to lime carryover and not to degraded filter performance.

(g) *Monitoring plans for disinfectants, disinfection byproducts and disinfection byproduct precursors.* Systems required to monitor for disinfection byproducts or disinfection byproduct precursors under § 109.301(12) or disinfectant residuals under § 109.301(13) shall develop and implement a monitoring plan. The system shall maintain the plan and make it available for inspection by the Department and the general public no later than 30 days following the applicable compliance dates. All systems that use either surface water or GUDI sources shall submit a copy of the monitoring plan to the Department no later than 30 days prior to the date of the first report required under this subchapter. The Department may also require the plan to be submitted by any other system, regardless of size or source water type. After review, the Department may require changes in any of the plan components.

(1) The plan shall include the following components:

(i) Specific locations and schedules for collecting samples for any parameters included in § 109.301(12) or (13).

(ii) How the system will calculate compliance with the MCLs, MRDLs and treatment techniques.

(iii) If approved for monitoring as a consecutive system, or if providing water to a consecutive system, the sampling plan shall reflect the entire distribution system.

(iv) Systems may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required under § 109.301(12)(i).

(2) The system shall notify the Department of subsequent revisions to a monitoring plan as they occur. Revisions to a monitoring plan shall be submitted in written form to the Department within 30 days of notifying the Department of the revisions.

**§ 109.703. Facilities operation.**

(a) Public water system facilities approved by written permit from the Department shall be operated in a manner consistent with the terms and conditions of the permit to achieve the level of treatment for which the facilities were designed.

(b) For surface water or GUDI sources, a public water supplier using filtration shall comply with the following requirements:

(1) By July 1, 1990, suppliers using conventional or direct filtration shall, after filter backwash, and before putting the backwashed filter back on line, filter-to-waste until one of the following occurs:

(i) The filter bed effluent turbidity is less than .5 NTU at the normal production flow rate.

(ii) When source water turbidity is less than 1.0 NTU, a 50% reduction in turbidity is achieved.

(2) Beginning May 16, 1992, a supplier using slow sand filtration shall, following sanding, scraping or resanding of slow sand filters, filter-to-waste until one of the following occurs:

(i) The filter bed effluent turbidity is less than 1.0 NTU at the normal production flow rate.

(ii) A reduction in turbidity is achieved when the source water turbidity is less than 1.0 NTU.

(3) Beginning May 16, 1992, a supplier using diatomaceous earth filtration shall, following backwashing and recoating of diatomaceous earth filters, filter-to-waste until one of the following occurs:

(i) The filter bed effluent turbidity is less than 1.0 NTU at the normal production flow rate.

(ii) A reduction in turbidity is achieved when the source water turbidity is less than 1.0 NTU.

(4) For a conventional or direct filtration facility permitted prior to March 25, 1989, without filter-to-waste capability, the Department, upon the supplier's request, may allow the supplier to utilize other operating techniques which minimize the initial increased turbidity peak when a filter is initially placed back into service after backwashing. The technique, which may include filter settling periods, ramping open the effluent valve or use of a coagulant in the backwash water, shall be justified by a filter performance study approved by the Department.

(5) Except for public water systems covered under § 109.301(1)(iv) (relating to general monitoring requirements), a system with conventional or direct filtration facilities permitted prior to March 25, 1989, without individual filter bed turbidity monitoring capabilities shall conduct an annual filter bed evaluation program, acceptable to the Department, which includes an evaluation of filter media, valves, surface sweep and sampling of filter turbidities over one entire filter run; and shall submit to the Department, with the Annual Water Supply Report, a study that demonstrates that the water supplier's filter-to-waste or alternate approved operating procedures are meeting the operating conditions under paragraph (1) or (4).

#### § 109.704. Operator certification.

(a) Community water systems shall have personnel certified under the Sewage Treatment Plant and Waterworks Operators' Certification Act (63 P. S. §§ 1001—1015) and qualified by experience and education to operate and maintain a public water system.

(b) Noncommunity water systems shall have competent personnel qualified to operate and maintain the system's facilities.

(c) Beginning July 21, 2004, nontransient noncommunity water systems that provide water that contains a chemical disinfectant shall be operated by qualified personnel certified under the Sewage Treatment Plant and Waterworks Operators' Certification Act (63 P. S. §§ 1001—1015). The minimum certification to operate these facilities shall be a certificate to operate plants with disinfection only, under § 303.2 (relating to waterworks operators certificates).

#### § 109.710. Disinfectant residual in the distribution system.

(a) A disinfectant residual acceptable to the Department shall be maintained throughout the distribution system of the community water system sufficient to assure compliance with the microbiological MCLs and the treatment technique requirements specified in § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements). The Department will determine the acceptable residual of the disinfectant considering factors such as type and form of disinfectant, temperature and pH of the water, and other characteristics of the water system.

(b) A public water system that uses surface water or GUDI sources or obtains finished water from another permitted public water system using surface water or GUDI sources shall comply with the following requirements:

(1) As a minimum, a detectable residual disinfectant concentration of 0.02 mg/L measured as total chlorine, combined chlorine or chlorine dioxide shall be maintained throughout the distribution system as demonstrated by monitoring conducted under § 109.301(1) and (2) or (7)(v) (relating to general monitoring requirements).

(2) Sampling points with nondetectable disinfectant residuals which have heterotrophic plate count (HPC) measurements of less than 500/ml are deemed to be in compliance with paragraph (1).

(3) When the requirements of paragraph (1) or (2) cannot be achieved, the supplier shall initiate an investigation under the Department's direction to determine the cause, potential health risks and appropriate remedial measures.

(c) Public water systems may increase residual chlorine or chloramine, but not chlorine dioxide, disinfectant levels in the distribution system to a level that exceeds the MRDL for that disinfectant and for a time necessary to protect public health or to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm runoff events, source water contamination events or cross-connection events.

#### § 109.714. Filter profile, filter self-assessment and comprehensive performance evaluations.

Public water systems are required to perform or conduct a filter profile, filter self-assessment or CPE if any individual filter monitoring conducted under § 109.301(1)(iv) (relating to general monitoring requirements) demonstrates one or more of the conditions in paragraphs (1)—(3).

(1) If an individual filter demonstrates a condition under § 109.701(e)(2)(i) or (ii) (relating to reporting and recordkeeping), the public water system shall notify the Department within 24 hours of the individual filter turbidity level exceedance and shall report the obvious reason for the abnormal filter performance. If the system is not able to identify the reason for the exceedance, the system shall produce a filter profile within 7 days of the exceedance and report to the Department that a filter profile was produced.

(2) If an individual filter demonstrates a condition under § 109.701(e)(2)(iii), the public water system shall notify the Department within 24 hours of the individual filter turbidity level exceedance, shall conduct a self-assessment of the filter within 14 days of the exceedance and shall report to the Department that a filter self-assessment was conducted. A filter self-assessment shall consist of at least the following components:

(i) Assessment of filter performance.

(ii) Development of a filter profile.

(iii) Identification and prioritization of factors limiting filter performance.

(iv) Assessment of the applicability of corrections.

(v) Preparation of a filter self-assessment report.

(3) If an individual filter demonstrates a condition under § 109.701(e)(2)(iv), the public water system shall:

(i) Notify the Department within 24 hours of the turbidity level exceedance.

(ii) Arrange for the conduction of a CPE by the Department no later than 30 days following the turbidity level exceedance.

(iii) Ensure that the CPE is completed and submitted to the Department no later than 90 days following the turbidity level exceedance.

**Subchapter H. LABORATORY CERTIFICATION**

**§ 109.801. Certification requirement.**

A laboratory shall be certified under this subchapter to perform analyses acceptable to the Department for the purposes of ascertaining drinking water quality and demonstrating compliance with monitoring requirements established in Subchapter C (relating to monitoring requirements).

(1) The drinking water quality parameters for which general monitoring is prescribed under Subchapter C are divided into the certification categories of microbiological contaminants, inorganic chemicals, organic chemicals and radionuclides. The categories are further divided into subcategories.

(2) A laboratory may apply for and obtain certification in one or more of the certification categories or subcategories. The laboratory shall demonstrate competence to analyze all parameters in the category or subcategory for which certification is sought.

(3) A parameter of drinking water quality for which no MCL, MRDL or monitoring requirement of general applicability has been established may be part of a certification subcategory.

**§ 109.805. Certification procedure.**

(a) After the Department receives a completed application accompanied by the applicable fee under § 109.803 (relating to fees), the Department may schedule an onsite inspection of the laboratory.

(b) The laboratory shall successfully complete at least one set of proficiency test samples required by the Department for the parameters in the category for which certification is sought. Acceptable tolerances of analyses of proficiency test evaluation samples shall be as stated by the EPA in 40 CFR Part 141 (relating to national primary drinking water regulations) or the "National Standards For Water Proficiency Testing, Criteria Document." For parameters not included in either document the acceptance limits shall be those established by the Department.

(c) The Department may grant administrative approval to a currently certified laboratory which has submitted a complete application for renewal of an existing certification, and the appropriate fee, and has successfully completed a performance sample for a previously uncertified subcategory before final certification is issued for that new subcategory. Analyses performed by a laboratory with administrative approval satisfy the requirements of this chapter. The Department may revoke an administrative approval at any time for just cause.

(d) The laboratory shall conspicuously display an administrative approval or certification issued to the laboratory by the Department under this subchapter.

(e) In addition to terms and conditions in the certification issued to a laboratory, the certified laboratory shall fulfill the following requirements to maintain certification:

(1) The laboratory shall notify the Department within 30 days of major changes in personnel, personnel assignments, equipment and facilities which affect accredited procedures. The Department may require additional information or proof of continued capability to perform the certified category of analyses. For the purposes of this subsection, personnel include laboratory supervisors and trained, experienced analysts.

(2) The laboratory shall have a satisfactory onsite inspection at least once every 3 years.

(3) The laboratory shall successfully complete at least one set of proficiency test samples required by the Department at least once every 12 months.

**§ 109.810. Reporting and notification requirements.**

(a) A laboratory certified under this subchapter shall submit to the Department, on forms provided by the Department, the results of test measurements or analyses performed by the laboratory under this chapter. These results shall be reported within either the first 10 days following the month in which the result is determined or the first 10 days following the end of the required monitoring period as stipulated by the Department, whichever is shorter.

(b) A laboratory certified under this subchapter shall whenever an MCL, MRDL or a treatment technique performance requirement under § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements) is violated, or a sample result requires the collection of check samples under § 109.301 (relating to general monitoring requirements):

(1) Notify the public water supplier by telephone within 1 hour of the laboratory's determination. If the supplier cannot be reached within that time, notify the Department by telephone within 2 hours of the determination. If the Department cannot be reached due to an occurrence during weekend, holiday or evening hours, notify the Department by phone within 2 hours of the beginning of the next business day.

(2) Notify the Department in writing within 24 hours of the determination. For the purpose of determining compliance with this requirement, the postmark, if the notice is mailed, or the date the notice is received by the Department, whichever is earlier, will be used.

(c) A laboratory certified under this subchapter shall notify the Department within 48 hours of termination of the laboratory certification from the EPA or another agency with primary enforcement responsibility.

(d) A laboratory shall notify the public water supplier served by the laboratory within 48 hours of the following:

(1) A failure to renew existing certification for a category of certification.

(2) Revocation of certification by the Department under this subchapter.

**Subchapter I. VARIANCES AND EXEMPTIONS ISSUED BY THE DEPARTMENT**

**§ 109.901. Requirements for a variance.**

(a) The Department may grant one or more variances to a public water system from a requirement respecting a MCL upon finding that:

(1) The public water system has installed and is using the best treatment technology, treatment methods or other means that the Department in concurrence with the Administrator finds are generally available to reduce the level of the contaminant.

(2) The water supplier has demonstrated to the Department that, because of characteristics of the raw water sources which are reasonably available to the system, the system cannot meet the requirements respecting the MCLs.

(3) The granting of a variance will not result in an unreasonable risk to the health of persons served by the system.

(b) The Department may grant one or more variances to a public water system from a treatment technique requirement upon a finding that the public water supplier applying for the variance has demonstrated that, because of the nature of the raw water source of the system the treatment technique is not necessary to protect the health of the persons served by the system. The treatment technique requirements established under § 109.202(c) (relating to State MCLs, MRDLs and treatment techniques requirements) and treatment technique requirements established under § 109.1102(b) (relating to action levels and treatment technique requirements) are not eligible for a variance.

#### § 109.903. Requirements for an exemption.

(a) The Department may exempt a public water system from an MCL or treatment technique requirement upon finding that:

(1) Due to compelling factors, the public water system is unable to comply with the contaminant level or treatment technique requirement.

(2) The public water system was in operation on the effective date of the contaminant level or treatment technique requirement or, for a system that was not in operation by that date, only if no reasonable alternative source of drinking water is available to the new system.

(3) The granting of the exemption will not result in an unreasonable risk to health.

(b) The treatment technique requirements established under § 109.202(c) (relating to State MCLs, MRDLs and treatment technique requirements) and treatment technique requirements established under § 109.1102(b) (relating to action levels and treatment technique requirements) are not eligible for an exemption.

#### **Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS**

#### § 109.1002. MCLs, MRDLs or treatment techniques.

(a) Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall supply drinking water that complies with the MCLs, MRDLs and treatment technique requirements under §§ 109.202 and 109.203 (relating to State MCLs, MRDLs and treatment technique requirements; and unregulated contaminants). Bottled water systems, vended water systems, retail water facilities and bulk water hauling systems shall provide continuous disinfection for groundwater sources. Water for bottling labeled as mineral water, under § 109.1007 (relating to labeling requirements for bottled water systems, vended water systems and retail water facilities) shall comply with the MCLs except that mineral water may exceed the MCL for total dissolved solids.

(b) Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall supply drinking water that contains no more than 0.005 mg/L of lead and no more than 1.0 mg/L copper.

#### § 109.1003. Monitoring requirements.

(a) *General monitoring requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall monitor for compliance with the MCLs and MRDLs in accordance with § 109.301 (relating to general monitoring requirements) and shall comply with § 109.302 (relating to special monitoring requirements). The monitoring requirements shall be applied as follows, except that systems which have installed treatment to comply with a primary MCL shall conduct quarterly operational monitoring for the contaminant which the facility is designed to remove:

(1) Bottled water systems, retail water facilities and bulk water hauling systems, for each entry point shall:

(i) Monitor for microbiological contaminants weekly.

(ii) Monitor for turbidity every 4 hours or continuously each day a surface water source is in use.

(iii) Monitor for compliance with the MCLs for VOCs in accordance with § 109.301(5) beginning during the quarter that begins January 1, 1995, except that:

(A) Systems that obtain finished water from another permitted public water system are exempt from conducting monitoring for the VOCs if the public water system supplying the finished water performs the required monitoring at least annually and a copy of the analytical reports are received by the Department.

(B) For systems in existence prior to January 1, 1995, that obtain raw water from only protected groundwater sources, initial monitoring for compliance with the MCLs for VOCs established by the EPA under 40 CFR 141.61(a) (relating to MCLs for organic contaminants) on January 30, 1991, and July 17, 1992, will be reduced to one sample for entry points or systems which meet the following conditions:

(I) The VOC monitoring required by the Department between January 1, 1988, and December 31, 1994, has been conducted and no VOCs were detected.

(II) The first quarter of VOC monitoring required by this subparagraph has been conducted during the first quarter of 1995 with no detection of a VOC.

(C) Initial monitoring of new entry points associated with new sources which are permitted in accordance with § 109.1005 (relating to permit requirements) to begin operation after December 31, 1994, shall be conducted as follows:

(I) Entry points at which a VOC is detected during new source monitoring shall be monitored quarterly beginning the first quarter the entry points begin serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with clause (D)(I).

(II) Entry points at which no VOC is detected during new source monitoring shall begin initial quarterly monitoring during the first calendar quarter of the year after the entry point begins serving the public.

(D) Repeat monitoring for entry points shall be conducted as follows:

(I) For an entry point at which a VOC is detected during initial monitoring or where a VOC is detected anytime at a level in excess of its MCL, compliance monitoring shall be repeated quarterly for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in § 109.301(5)(i). After analyses of four consecutive quarterly samples at an entry point, including initial quar-

terly monitoring samples, demonstrate that the VOC levels in each quarterly sample are less than the MCLs, the required compliance monitoring is reduced to one sample per year at that entry point for all 21 VOCs, except for vinyl chloride as provided in § 109.301(5)(i).

(II) For a groundwater or surface water entry point at which VOCs are not detected during the initial and subsequent repeat monitoring, repeat monitoring shall be one sample per year from that entry point.

(iv) Conduct initial and repeat monitoring for compliance with the MCLs for SOCs—pesticides and PCBs—in accordance with § 109.301(6) for four consecutive quarters beginning during the quarter that begins January 1, 1995, except that:

(A) Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the SOCs if one of the following applies:

(I) The public water system supplying the finished water performs the required monitoring annually and a copy of the analytical results are received by the Department.

(II) The public water system supplying the water has been granted a waiver from conducting the initial or repeat compliance monitoring, or both, for one or more SOCs under § 109.301(6)(v). This exemption from conducting compliance monitoring applies only to SOCs indicated in the waiver.

(B) Systems which are granted an initial monitoring waiver in accordance with § 109.301(6)(v) are exempt from conducting compliance monitoring for the SOCs indicated in the waiver.

(C) Initial monitoring of new entry points associated with new sources which are permitted in accordance with § 109.1005 to begin operation after December 31, 1994, shall be conducted as follows:

(I) Entry points at which an SOC is detected during new source monitoring shall be monitored quarterly beginning the first quarter the entry points begin serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with clause (D)(I).

(II) Entry points at which no SOC is detected during new source monitoring and which begin operation before April 1, 1995, shall conduct initial quarterly monitoring beginning during the quarter beginning January 1, 1995.

(III) Entry points at which no SOC is detected during new source monitoring and which begin operation after March 31, 1995, shall conduct initial quarterly monitoring beginning during the first calendar quarter of the year after the entry point begins serving the public.

(D) Repeat monitoring for entry points shall be conducted as follows:

(I) For entry points at which an SOC is detected during initial monitoring or where an SOC is detected anytime in excess of its MCL, compliance monitoring shall be repeated quarterly for the detected SOC for which the EPA has an established MCL under 40 CFR 141.61(c). After analyses of four consecutive quarterly samples at an entry point, including initial quarterly monitoring samples, demonstrate that the SOC level in each quarterly sample is less than the MCL, the required compliance monitoring is reduced for each SOC below the MCL to one sample per year at that entry point.

(II) For a groundwater or surface water entry point at which SOCs are not detected during the initial and any subsequent repeat monitoring, repeat monitoring shall be one sample per year from that entry point.

(v) Beginning in 1995, monitor for the primary IOCs, including lead and copper annually, except that:

(A) Systems are granted a waiver from asbestos monitoring unless the Department determines that the system's finished water is vulnerable to asbestos contamination by means of an asbestos cement pipe or the system's source water is vulnerable to asbestos contamination.

(B) Systems that obtain finished water from another permitted public water system are exempt from conducting compliance monitoring for the IOCs, except lead, copper and asbestos if the supplying system has not optimized corrosion control, if the public water system supplying the finished water performs the required monitoring annually and a copy of the analytical results is received by the Department.

(C) Monitoring for compliance with the MCLs for nitrate and nitrite shall be conducted quarterly following a monitoring result which is equal to or greater than 50% of the MCL. After four consecutive quarterly samples, indicate nitrate and nitrite in each sample are less than 50% of the MCLs, required monitoring is reduced to one sample per year.

(vi) Conduct operational monitoring for fluoride at least once each day, if the system fluoridates its water.

(vii) Monitor for compliance with radiological MCLs once every 4 years.

(viii) Beginning January 1, 2004, monitor annually for TTHMs and HAA5 if the system uses a chemical disinfectant or oxidant, or uses a source that has been treated with a chemical disinfectant or oxidant. Bottled water systems are not required to monitor for TTHMs and HAA5 if the system does not use a chlorine-based disinfectant or oxidant and does not use a source that has been treated with a chlorine-based disinfectant or oxidant.

(A) *Routine monitoring.* Systems shall take at least one sample per year per entry point during the month of warmest water temperature. If the sample, or average of all samples, exceeds either a TTHM or HAA5 MCL, the system shall take at least one sample per quarter per entry point. The system may reduce the sampling frequency back to one sample per year per entry point in accordance with the reduced monitoring criteria of clause (B).

(B) *Reduced monitoring.* Systems that have monitored for TTHMs and HAA5 for at least 1 year may reduce monitoring according to this clause. Systems that use either a surface water or GUDI source shall monitor source water TOC monthly for at least 1 year prior to qualifying for reduced monitoring. The Department retains the right to require a system that meets the requirements of this clause to resume routine monitoring.

(I) Systems that are on increased monitoring as prescribed by clause (A) and that use either a surface water or GUDI source and that have a source water annual TOC that is no greater than 4.0 mg/L and an annual TTHM average that is no greater than 0.040 mg/L and an annual HAA5 average that is no greater than 0.030 mg/L may reduce monitoring to one sample per year per entry point. The sample shall be taken during the month of warmest water temperature. Systems that qualify for reduced monitoring may remain on reduced monitoring

provided that the annual TTHM average is no greater than 0.060 mg/L and the annual HAA5 average is no greater than 0.045 mg/L. Systems that exceed these levels shall resume routine monitoring as prescribed in clause (A) in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L for TTHMs or 0.045 mg/L for HAA5.

(II) Systems that use groundwater sources may reduce monitoring to one sample per 3-year cycle per entry point if the annual TTHM average is no greater than 0.040 mg/L and the annual HAA5 average is no greater than 0.030 mg/L for 2-consecutive years or the annual TTHM average is no greater than 0.020 mg/L and the annual HAA5 average is no greater than 0.015 mg/L for 1 year. The sample shall be taken during the month of warmest water temperature within the 3-year cycle beginning on January 1 following the quarter in which the system qualifies for reduced monitoring. Systems that qualify for reduced monitoring may remain on reduced monitoring provided that the annual TTHM average is no greater than 0.080 mg/L and the annual HAA5 average is no greater than 0.060 mg/L. Systems that exceed these levels shall resume routine monitoring as prescribed in clause (A) in the quarter immediately following the quarter in which the system exceeds 0.080 mg/L for TTHMs or 0.060 mg/L for HAA5.

(ix) Beginning January 1, 2004, monitor daily for chlorite if the system uses chlorine dioxide for disinfection or oxidation, or uses a source that has been treated with chlorine dioxide. Systems shall take at least one daily sample at the entry point. If a daily sample exceeds the chlorite MCL, the system shall take 3 additional samples within 24 hours from the same lot, batch, machine, carrier vehicle or point of delivery. The chlorite MCL is based on the average of the required daily sample plus any additional samples.

(x) Beginning January 1, 2004, monitor monthly for bromate if the system uses ozone for disinfection or oxidation, or uses a source that has been treated with ozone.

(A) *Routine monitoring.* Systems shall take one sample per month for each entry point that uses ozone while the ozonation system is operating under normal conditions.

(B) *Reduced monitoring.* Systems may reduce monitoring for bromate from monthly to quarterly if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for 1 year. Systems on reduced monitoring shall continue monthly source water bromide monitoring. If the running annual average source water bromide concentration, computed quarterly, is equal to or exceeds 0.05 mg/L, the system shall revert to routine monitoring as prescribed by clause (A).

(2) Vended water systems shall monitor in accordance with paragraph (1) except that vended water systems qualifying for permit by rule under § 109.1005(b) (relating to permit requirements), for each entry point shall:

- (i) Monitor monthly for microbiological contaminants.
- (ii) Monitor annually for total dissolved solids, lead and cadmium.
- (iii) Conduct special monitoring as required by the Department.

(b) *Special monitoring requirements for unregulated contaminants.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems,

except vended water systems permitted by rule, shall monitor for the unregulated contaminants in accordance with the initial monitoring schedule for VOCs as prescribed in subsection (a).

(c) *Sampling requirements.*

(1) For bottled water and vended water systems, retail water facilities and bulk water hauling systems, samples taken to determine compliance with MCLs, MRDLs, monitoring requirements, including special monitoring requirements for unregulated contaminants, and treatment techniques shall be taken from each entry point.

(i) For bottled water systems, each entry point means each finished bottled water product. If multiple sources are used for a product and are not blended prior to bottling, the bottled water product for each source shall be considered a different product for monitoring purposes.

(ii) For bulk water hauling systems, retail water facilities and vended water systems, each entry point shall mean a point of delivery to the consumer from each carrier vehicle, machine or dispenser representative of each source.

(2) For the purpose of determining compliance with the monitoring and analytical requirements established under this subchapter, the Department will consider only those samples analyzed by a laboratory certified by the Department, except that measurements of turbidity, fluoridation operation, residual disinfection concentration, temperature and pH may be performed by a person meeting the requirements of § 109.1008(c) (relating to systems management responsibilities).

(3) Public water suppliers shall assure that samples for laboratory analysis are properly collected and preserved, are collected in proper containers, do not exceed maximum holding times between collection and analysis and are handled in accordance with guidelines governing quality control which may be established by the Department. A public water supplier who utilizes a certified laboratory for sample collection as well as analysis satisfies the requirements of this subsection.

(4) Compliance monitoring samples for VOCs, as required under subsection (a)(1)(iii), and for the unregulated contaminants as required under subsection (b), shall be collected by a person properly trained by a laboratory certified by the Department to conduct VOC or vinyl chloride analysis.

(5) Compliance monitoring samples required under subsections (a)(1)(iii) and (b) may be composited in accordance with 40 CFR 141.24(g)(7) (relating to organic chemicals other than total trihalomethanes, sampling and analytical requirements) except:

(i) Samples from groundwater entry points may not be composited with samples from surface water entry points.

(ii) Samples from one type of bottled water product or vended water product may not be composited with samples from another type of bottled water product or vended water product.

(iii) Samples used in compositing shall be collected in duplicate.

(iv) If a VOC listed under 40 CFR 141.61(a) is detected at an entry point, samples from that entry point may not be composited for subsequent compliance or repeat monitoring requirements.

(v) Samples obtained from an entry point which contains water treated by a community water supplier or nontransient noncommunity water supplier to specifically

meet an MCL for a VOC listed under 40 CFR 141.61(a) may not be composited with other entry point samples.

(d) *Repeat monitoring for microbiological contaminants.*

(1) If a sample collected in accordance with subsection (a)(1)(i) is found to be total coliform-positive:

(i) The bottled water system shall collect a set of 3 additional samples (check) from the same lot or batch of the type of product.

(ii) The vended water, retail water facility or bulk water hauling systems shall collect a set of four additional samples (check) from the same entry point (machine, point of delivery or carrier vehicle).

(2) Samples shall be collected for analysis within 24 hours of being notified of the total coliform-positive sample. The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the check samples analyzed within 30 hours of collection. A logistical problem outside the system's control may include a coliform-positive result received over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time.

(3) If a check sample is total coliform-positive, the system shall be deemed to have violated the MCL for total coliforms established under § 109.1002 (relating to MCLs, MRDLs or treatment techniques).

**§ 109.1004. Public notification.**

(a) *General public notification requirements.* A bottled water, vended water, retail water or bulk water supplier shall give public notification in accordance with this section. In addition, a bulk water supplier shall give public notification in accordance with §§ 109.401(a) and 109.406(b) (relating to general public notification requirements; and public notice requirements for unregulated contaminants).

(1) A bottled water, vended water, retail water or bulk water supplier who knows that a primary MCL or an MRDL has been exceeded or treatment technique performance standard has been violated or has reason to believe that circumstances exist which may adversely affect the quality of drinking water, including, but not limited to, source contamination, spills, accidents, natural disasters or breakdowns in treatment, shall report the circumstances to the Department within 1 hour of discovery of the problem.

(2) If the Department determines, based upon information provided by the bottled water, vended water, retail water or bulk water supplier or other information available to the Department, that the circumstances present an imminent hazard to the public health, the water supplier shall issue a water supply warning approved by the Department and, if applicable, initiate a program for product recall approved by the Department under this subsection. The water supplier shall be responsible for disseminating the notice in a manner designed to inform users who may be affected by the problem.

(i) Within 4 hours of the Department's determination that an imminent hazard is present, the water supplier shall provide the notice to newspapers, radio and television media serving the affected public, or directly notify affected users in a manner approved by the Department. The water supplier shall also notify key public officials as designated in the system's emergency response plan.

(ii) If the notice provided under subparagraph (i) does not ensure that the affected public is adequately notified, the Department may require the water supplier to further disseminate the notice in an appropriate manner which may include direct mailings, publication in newspapers or other paid advertising, or postings.

(iii) A water supply warning shall be followed by further notices designed to inform the public on a continuing basis as to the expected duration of the hazard, progress towards solving the problem, and measures that should be taken by users to reduce their risk. These notices shall be given at intervals and in a manner directed by the Department as long as the threat to public health continues.

(iv) The water supply warning shall continue until the Department is satisfied that no significant threat to the public health remains and approves a notice canceling the warning. The water supplier is responsible for disseminating the cancellation of the water supply warning in a manner similar to the issuance of the warning.

(b) *Description and content of notice.* Notice given under this section shall be written in a manner reasonably designed to fully inform the users of the system. When appropriate or as designated by the Department, additional notice in a foreign language shall be given.

(1) The notice shall be conspicuous and may not use technical language, small print or other methods which would frustrate the purpose of the notice.

(2) The notice shall disclose material facts regarding the subject, including the nature of the problem and, when appropriate, a clear statement that an MCL or MRDL has been violated and preventive measures that should be taken by the public.

(3) Notices shall include a balanced explanation of the significance or seriousness to the public health of the subject of the notice including potential adverse health effects, the population at risk, a clear explanation of steps taken by the supplier to correct the problem, necessity for seeking alternative supplies, guidance on safeguards and alternatives available to users, and the results of additional sampling. In addition, bottled water and vended water systems, retail water facilities and bulk water hauling system notices shall describe a program for product recall, if applicable.

(4) The notice shall include the telephone number of the owner, operator or designee of the public water system as a source of additional information concerning the notice.

(5) In all notices, except for those required by § 109.401(a)(2), when providing the information on potential adverse health effects required by subsection (b)(3), the water supplier shall include language established by the EPA for the contaminant under 40 CFR 141.32(e) (relating to mandatory health effects language) or 40 CFR 143.5(b) (relating to public notices for fluoride).

(c) *Notice by the Department.* If a water supplier fails to give notice to the public as required by this section, the Department may perform this notification on behalf of the supplier of water and may assess costs of notification on the responsible water supplier. Issuance of public notice by the Department under the section does not divest a public water supplier of legal responsibility for issuance of public notification otherwise required by the subchapter.

**§ 109.1005. Permit requirements.**

(a) *General permit requirement.* A person may not construct or operate a bottled water or vended water



system, retail water facility or bulk water hauling system without first having obtained a public water system permit under subsection (b) or (e).

(b) *Special permit by rule requirement for vended water systems.*

(1) A person constructing and operating a vended water system shall obtain a separate and distinct permit under subsection (d) for each water vending machine owned by the same person unless the vended water system satisfies the conditions in this subsection. A separate and distinct permit by rule will be required for each Department region in which the water vending machines are located. The Department retains the right to require a vended water system that meets the requirements of this subsection to obtain a permit, if, in the judgment of the Department, the vended water system cannot be adequately regulated through the standardized specifications and conditions. A vended water system which is released from the obligation to obtain a permit shall comply with the other requirements of this subchapter, including design, construction and operation requirements.

(i) A vended water system in which all water vending machines are located in the same Department region.

(ii) A vended water system which has as its sole source of water, finished water from existing permitted community water systems and uses only NAMA approved water vending machines satisfies the permit requirement of the act.

(2) A vended water system covered under this subsection shall register with the Department on forms provided by the Department. Amendments to the registration shall be filed when a substantial modification is made to the system. Descriptions of modifications shall be filed within 30 days of operation of the modification.

(c) *Special permit by rule requirement for bottled water systems.* A person owning or operating a bottled water system in this Commonwealth permitted under this chapter shall obtain an amended permit before making substantial modifications to the processing and bottling facilities unless the bottled water system satisfies the conditions in paragraphs (1)—(5). The permit-by-rule does not apply to the collection facilities. The Department retains the right to require a bottled water system that meets the requirements of paragraphs (1)—(5) to obtain a permit, if, in the judgment of the Department, the bottled water system cannot be adequately regulated through the standardized specifications and conditions. A bottled water system which is released from the obligation to obtain a permit shall comply with the other requirements of this subchapter, including design, construction and operation requirements. The following are the conditions for a permit-by-rule:

(1) The bottled water system has as its sole source of water permitted groundwater sources which are not under the direct influence of surface water as determined through the Department's *Guidance for Surface Water Identification* protocol or finished water from a Department approved community water system.

(2) The water quality of the sources does not exceed the Food and Drug Administration quality standards for primary (that is, health-related) chemical and radiological contaminants specified in 21 CFR 165.110 (relating to bottled water) as determined under sampling conducted under subsection (e)(4)(ii) and requires treatment no greater than disinfection to provide water of a quality

that meets the primary MCLs established under Subchapter B (relating to MCLs and treatment techniques).

(3) Proof that the facilities meet the standards of the Food and Drug Administration in 21 CFR Parts 110, 129 and 165 (relating to current good manufacturing practice in manufacturing, packing, or holding human food; processing and bottling of bottled drinking water; and beverages) and the IBWA *Model Bottled Water Code* as determined by an onsite evaluation conducted by a Nationally recognized, independent, not-for-profit third-party organization such as NSF or other organization acceptable to the Department. The onsite evaluation shall be conducted annually. The proof shall consist of the report issued by the organization which shall be submitted to the Department within 30 days following the completion of the onsite evaluation. To be acceptable to the Department, the organization shall:

(i) Be accredited by ANSI as a third-party inspection/evaluation organization.

(ii) Have well developed, documented policies, procedures and contracts to support Department enforcement actions for meeting compliance objectives.

(4) A bottled water system intending to operate under this subsection shall submit written notification to the Department with documentation that the system complies with paragraphs (1)—(3).

(5) A bottled water system operating under this subsection shall file descriptions of substantial modifications made to the system to the Department within 30 days of operation of the modification. The description shall include documentation that the modification meets the following requirements as applicable:

(i) Compliance with the product water-contact materials and treatment chemical additives toxicological requirements of § 109.606 (relating to chemicals, materials and equipment) or alternatively, the Food and Drug Administration standards in 21 CFR Part 129.

(ii) Validated treatment technologies for the reduction of contaminants. Validated treatment technologies are those that have been permitted by the Department under this chapter at the bottled water system operating under the permit by rule or certified to an applicable ANSI/NSF standard by NSF or other certification organization acceptable to the Department or verified under the EPA Environmental Technology Verification Program. To be acceptable to the Department, a certification organization other than NSF shall be accredited by ANSI as a third-party certification organization and meet the requirements under § 109.606(d) as applicable to the appropriate ANSI/NSF standard for the treatment technology.

(6) The Department will publish a notice in the *Pennsylvania Bulletin* of its determination that a bottled water system has complied with paragraphs (1)—(4) and is operating under the permit by rule. The Department will publish a notice in the *Pennsylvania Bulletin* of descriptions submitted under paragraph (5) of substantial modifications made by a bottled water system operating under the permit-by-rule.

(d) *Permit amendments.* A person may not substantially modify a bottled water or vended water system, retail water facility or bulk water hauling system operated under a public water system permit without obtaining a permit amendment from the Department or otherwise complying with subsection (f).

(e) *Permit applications.* An application for a public water system permit for a bottled water or vended water system, retail water facility or bulk water hauling system shall be submitted in writing on forms provided by the Department and shall be accompanied by plans, specifications, engineer's report, water quality analyses and other data, information or documentation reasonably necessary to enable the Department to determine compliance with the act and this chapter. The Department will make available to the applicant the *Public Water Supply Manual*, available from the Bureau of Water Supply Management, Post Office Box 8467, Harrisburg, Pennsylvania 17105-8467 which contains acceptable design standards and technical guidance. Water quality analyses shall be conducted by a laboratory certified under this chapter. An application for a public water system permit for a bottled water or vended water system, retail water facility or bulk water hauling system shall include:

(1) The signature of the appropriate individual identified in § 109.503(a)(1)(i) (relating to public water system construction permits).

(2) Plans, specifications and engineer's report or models prepared by or under the supervision of a professional engineer registered to practice in this Commonwealth, or in the state in which the water system is located, except that manufacturer's drawings and specifications for equipment or vending machines may be submitted in lieu of plans and specifications, as prescribed in this section, for the equipment or machines.

(3) The front cover or flyleaf of each set of drawings, and of each copy of the specifications and engineer's report, except for manufacturer's drawings and specifications, shall bear the signature and imprint of the seal of the registered professional engineer. Each drawing shall bear an imprint or a legible facsimile of the seal.

(4) Information describing new sources as follows:

(i) A comprehensive sanitary survey of the physical surroundings of each new source of raw water.

(ii) An evaluation of the quantity and quality of the raw water available from each new source. The evaluation shall include data for each primary and secondary contaminant and other contaminants the Department determines necessary to evaluate potability of the source. When a new source is finished water from another public water system, the most recent quality data if in compliance with the monitoring requirements of this chapter, obtained from the public water system supplying the finished water may be submitted.

(5) An erosion and sedimentation control plan which meets the requirements in Chapter 102 (relating to erosion and sediment control) when earthmoving activities are involved.

(6) In lieu of compliance with paragraphs (2)—(5), the Department may accept approval of an out-of-State systems' source and facilities by the agency having jurisdiction over drinking water in that state if the supplier submits proof of the approval by the other State agency.

(7) In addition to the information required under paragraphs (1)—(6), an application for a bottled water system permit shall include:

(i) An analysis of the quality of the manufactured water for each bottled water product. The analysis shall include data for each primary and secondary contaminant under § 109.1002 (relating to MCLs, MRDLs or treatment techniques).

(ii) A copy of each label of identification to be affixed to each type of bottled water product and trade name distributed by the public water system.

(iii) Proof that the system is in compliance with the standards of the Food and Drug Administration contained in 21 CFR Part 129.

(A) For out-of-State bottled water systems, the proof shall consist of the report issued by a Nationally recognized organization which inspects bottled water systems for compliance with 21 CFR Part 129, such as NSF, or another organization, state or country which utilizes an inspection protocol as stringent as NSF's protocol.

(B) For in-State bottled water systems, the proof shall consist of an inspection report issued by the Department.

(8) In addition to the information required under paragraphs (1)—(6), an application for a bulk water hauling system shall include:

(i) A detailed description of each water transportation tank, fill connection, outlet valve, hose, pump and other appurtenances including the manner in which they will be protected from contamination.

(ii) A description of the exact location where withdrawals will be made from each source of supply.

(9) In addition to the information required under paragraphs (1)—(6), an application for a vended water system shall include:

(i) A description of the exact location of each water vending machine.

(ii) A copy of the system's operation and maintenance plan detailing machine maintenance schedules.

(iii) A copy of the NAMA certification for each type of machine, if a certification has been issued.

(10) In addition to the information required under paragraphs (1)—(6), an application for a retail water facility shall include:

(i) A copy of NSF certificates, when applicable, for system components.

(ii) A copy of product labels, when applicable.

(f) *Permit amendment applications.* A bottled water or vended water system, retail water facility or bulk water hauling system operating under a public water system permit shall obtain a permit amendment before making a substantial modification to the public water system.

(1) A water supplier shall submit an application for a major permit amendment in accordance with subsection (e), if the proposed modification constitutes a major change to the public water system.

(i) For bottled water systems and retail water facilities, typical modifications which may be considered major changes are proposed new sources, additions or deletions of treatment techniques or processes and new types of products.

(ii) For bulk water hauling systems typical modifications which may be considered major changes are proposed new sources, additions or deletions of treatment techniques or processes, pumping stations and storage reservoirs.

(iii) For vended water systems, typical modifications which may be considered major changes are proposed additions or deletions of treatment techniques or processes, new product lines or types of products and the addition to the system of machines not certified by

NAMA. For new sources, the supplier shall obtain a separate and distinct permit in accordance with subsection (e) unless the system qualifies for a permit-by-rule under subsection (b).

(2) A water supplier shall submit a written request to the Department for a minor permit amendment if the proposed modification constitutes a relatively minor change to the public water system. A request for a permit amendment under this paragraph shall describe the proposed change in sufficient detail to allow the Department to adequately evaluate the proposal.

(i) For bottled water systems and retail water facilities, typical modifications which can generally be accomplished under this paragraph include:

- (A) Changes in treatment chemicals.
- (B) Construction of storage tanks designed to standard specifications.
- (C) Installation of replacement equipment.
- (D) Changes in legal status, such as transfers of ownership, incorporation or mergers.

(ii) For bulk water hauling systems, typical modifications which can generally be accomplished under this paragraph include:

- (A) Changes in treatment chemicals.
- (B) Replacement of tank or reservoir linings or similar materials in contact with the water supply.
- (C) Additions and modifications to water carrier vehicles and standpipes designed to standard specifications.
- (D) Transmission mains.
- (E) Changes in legal status, such as transfers of ownership, incorporation or mergers.

(iii) For vended water systems, typical modifications which can generally be accomplished under this paragraph include changes in treatment chemicals, repair or replacement of machines, and the addition of new NAMA certified machines to a permitted vended water system.

(3) The Department determines whether a particular modification requires a permit amendment under subsection (f)(1) or a permit amendment under subsection (f)(2). The Department's determination will include consideration of the magnitude and complexity of the proposed change and the compliance history of the public water system.

(g) *Emergency permits.* In emergency circumstances, the Department may issue permits for construction, operation or modification to a bottled water or bulk water hauling system, which the Department determines may be necessary to assure that potable drinking water is available to the public.

(1) Emergency permits shall be limited in duration and may be conditioned on additional monitoring, reporting and the implementation of appropriate emergency response measures. The Department may revoke an emergency permit if it finds the water system is not complying with drinking water standards or the terms or conditions of the permit. An authorization for construction, operation or modifications obtained under an emergency permit will not extend beyond the expiration of the emergency permit unless the public water system receives a permit or permit amendment under subsection (e) or (f) for the construction, operation or modification initiated during the emergency.

(2) State and Federal agencies conducting emergency response bulk water hauling operations need not obtain a permit under this subchapter, if a Department-approved source is utilized and adequate monitoring specified by the Department is conducted to assure compliance with the microbiological MCL specified in § 109.1002.

(h) *Department's review.* Applications for public water system permits and permit amendments for bottled water and vended water systems, retail water facilities and bulk water hauling systems will be reviewed in accordance with the following procedures:

(1) Applications will be reviewed in accordance with accepted engineering practices. The approval of plans, specifications and engineer's reports by the Department is limited to the sanitary features of design and other features of public health significance.

(2) The Department will not accept an application for review until the application is determined to be complete. A complete application is one which includes the information specified in this chapter and other information necessary for the Department to ensure compliance with this chapter.

(3) As a condition of receiving a public water system permit, a bottled water system shall comply with the standards of the Food and Drug Administration contained in 21 CFR Part 129. Evidence shall be presented demonstrating compliance with subsection (e)(7)(iii).

(4) In reviewing a permit application under this chapter, the Department may consider the following:

(i) Adherence to standards of the Department in Subchapter F (relating to design and construction standards) and § 109.1006 (relating to design and construction standards).

(ii) Compliance by the proposed project with applicable statutes administered by the Commonwealth, river basin commissions created by interstate compact or Federal environmental statutes or regulations.

(i) *Permit fees.*

(1) An application for a new permit or major permit amendment under subsection (f)(1) for a bottled water or vended water system, retail water facility or bulk water hauling system shall be accompanied by a check in the amount of \$750 payable to the "Commonwealth of Pennsylvania," except that:

(i) An application from an out-of-State bottled water system submitting proof of out-of-State approval under subsection (e)(6) shall be accompanied by a fee of \$100.

(ii) An application from a bottled water system, retail water facility or bulk water hauling system purchasing finished water, as its sole source of water, from a public water system operating under a permit issued under this chapter, and a vended water system permitted by rule, shall submit a fee of \$300.

(2) A fee is not required for an emergency permit under subsection (g) or a minor permit amendment under subsection (f)(2).

#### § 109.1006. Design and construction standards.

(a) *Application of standards.* Standards in this section apply to design and construction or modification of bottled water and vended water systems, retail water facilities and bulk water hauling systems regardless of whether a Department permit or permit amendment is required. The standards apply to new facilities and facility modifications unless otherwise specifically indicated.

(b) *Acceptable design.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall be designed to provide an adequate quality of water to the public. The design shall ensure that the system will, upon completion, be capable of providing water that complies with the primary and secondary MCLs, MRDLs and treatment techniques established in § 109.1002 (relating to MCLs, MRDLs or treatment techniques). The Department may approve control techniques, such as nonremoval processes, which abate the problems associated with a secondary contaminant, and achieve the objective of the secondary MCL.

(1) Designs of bottled water and vended water systems, retail water facilities and bulk water hauling systems shall conform to accepted standards of engineering and design in the water supply, bottled water, retail water or bulk water hauling industry, as applicable.

(2) Designs of bottled water and vended water systems, retail water facilities and bulk water hauling systems shall be in accordance with Subchapter F (relating to design and construction standards) except that § 109.607 (relating to pressures) does not apply.

#### § 109.1009. System operational requirements.

(a) *General facilities operation.* Facilities of bottled water and vended water systems, retail water facilities and bulk water hauling systems approved by written permit from the Department shall be operated in a manner consistent with the terms and conditions of the permit to achieve the level of treatment for which the facilities were designed.

(b) *Special bottled water system requirements.* Bottled water systems shall be operated in accordance with the standards of the Food and Drug Administration in 21 CFR Part 129 (relating to processing and bottling of bottled drinking water). Proof of this determination shall be submitted to the Department annually under § 109.1008(a)(1)(ii) (relating to system management responsibilities).

(c) *Disinfectant residual requirements.* A disinfectant residual acceptable to the Department shall be maintained at the entry point of the bottled water or vended water system, retail water facility or bulk water hauling system sufficient to assure compliance with the microbiological MCL specified in § 109.1002 (relating to MCLs, MRDLs or treatment techniques). The Department will determine the acceptable residual of the disinfectant considering factors such as type and form of disinfectant, temperature and pH of the water, and other characteristics of the water system.

(d) *Disinfection of facilities following construction, modification or repair.* After repairing, constructing or modifying a bottled water, vended water, retail water or bulk water hauling facility and before the facility is placed in service, it shall be properly cleaned and disinfected. Cleaning shall be in accordance with 21 CFR 129.80(c) and (d) (relating to processes and controls) and disinfection shall be with 50 ppm chlorine for 1 minute at 75°F or the equivalent.

(e) *Dedicated equipment.* Bottled water, vended water, retail water and bulk water may not be transported, stored or processed through equipment or lines used for any nonfood product. Bottled water, vended water, retail water and bulk water transported, stored or processed through equipment used for a food product other than water shall comply with the following cleaning and disinfection procedures:

(1) When foods other than milk or dairy products have been transported, stored, processed or bottled, each time before water is transported, stored, processed or bottled through the same lines or equipment, product contact surfaces shall be thoroughly cleaned and disinfected in accordance with subsection (d).

(2) When milk or other dairy products are transported, stored or processed or bottled through the same lines or equipment as bottled water, vended water, retail water and bulk water, the feed line used to convey water to the filler shall be dedicated to water only. Each time before water is transported, stored or processed or bottled, other product contact surfaces shall be disassembled and cleaned in accordance with subsection (d).

(f) *Special operational requirements for bottled water systems and retail water facilities.*

(1) Bottled water systems and retail water facilities using ozone as a final disinfectant shall maintain an ozone residual of 0.1–0.4 ppm in the bottle immediately after filling.

(2) When ozone is used as a disinfectant for bottled water or retail water, gaskets, o-rings and similar flexible material shall be made of silicone rubber, teflon or other ozone-resistant material. These flexible parts shall be replaced when they show evidence of surface deterioration.

(g) *Special operational requirements for water vending machine systems.*

(1) Each vending machine shall be cleaned, serviced and sanitized in accordance with the manufacturer's service manuals, but at least once every 2 weeks. A record of all cleaning and maintenance operations for each machine shall be kept by the operator with a copy retained in the interior of the machine.

(2) A notice to consumers listing the industry's recommendations for the care, cleaning and type of container suitable for use with the water vending machine shall be posted at each water vending machine.

(h) *Special operational requirements for bulk water hauling systems.*

(1) Transportation tanks or containers shall be sealed at all times except when being cleaned, filled or when water is being delivered.

(2) Hoses, pumps, connections and fittings shall be sanitized prior to delivering water using a disinfectant solution containing at least 50 ppm of chlorine at 75°F for 1 minute or the equivalent.

(3) Hoses, pumps, connections and fittings used for loading and delivering potable water shall be stored, capped or covered and used so as to be protected from contamination at all times.

(4) A record of cleaning and sanitizing activities conducted on the interior of the transportation tank or transfer equipment shall be maintained with the vehicle and shall be available to the Department upon request.

#### Subchapter K. LEAD AND COPPER

##### § 109.1105. Permit requirements.

(a) *General permit requirements.* A person may not construct, substantially modify or operate corrosion control treatment facilities to comply with this subchapter without having obtained the appropriate permit approvals under Subchapter E (relating to permit requirements) and this section.

(b) *Construction permits and permit amendments.* The water supplier shall submit an application for a public water system construction permit for a newly-created system or an amended construction permit for a currently-permitted system for corrosion control treatment facilities by the applicable deadline established in § 109.1102(b)(2) (relating to action levels and treatment technique requirements), unless the system complies with paragraph (1) or (2) or otherwise qualifies for a minor permit amendment under § 109.503(b) (relating to public water system construction permits). The permit application shall comply with § 109.503 and contain the applicable information specified therein. The application shall include recommended water quality parameter performance requirements for optimal corrosion control treatment as specified in § 109.1102(b)(5) and other data, information or documentation necessary to enable the Department to consider the application for a permit for construction of the facilities.

(1) *Community water system minor permit amendments.* The community water supplier may submit a written request for an amended construction permit to the Department if the system satisfies the conditions under subparagraphs (i)—(iv). A request for an amended construction permit under this paragraph shall describe the proposed change in sufficient detail to allow the Department to adequately evaluate the proposal.

- (i) The system is a small water system.
- (ii) The sources of supply for the system are not surface water sources.
- (iii) Except for corrosion control treatment, the sources require treatment no greater than disinfection to provide water of a quality that meets the MCLs and treatment technique requirements established under Subchapter B (relating to MCLs, MRDLs or treatment technique requirements).
- (iv) The proposed corrosion control treatment is limited to alkalinity or pH adjustment, or both.

(2) *Nontransient noncommunity water system permits.* The nontransient noncommunity water supplier is not required to obtain a construction permit or permit amendment under subsection (b) if the system satisfies the following specifications and conditions:

- (i) The system is a small water system.
- (ii) The sources of supply for the system are not surface water sources.
- (iii) Except for corrosion control treatment, the sources require treatment no greater than disinfection to provide water of a quality that meets the MCLs and treatment technique requirements established under Subchapter B.
- (iv) The proposed corrosion control treatment is limited to alkalinity or pH adjustment, or both.

(v) The water supplier files a brief description of the proposed treatment, including recommended water quality parameter performance requirements for optimal corrosion control treatment as specified in § 109.1102(b)(5), on forms acceptable to the Department. Descriptions of modifications may be filed prior to construction if the water supplier desires technical assistance, but shall be filed within 30 days of initiation of operation of the modification.

(c) *Operation permits.* Except for nontransient noncommunity water systems complying with subsection (b)(2), the water supplier shall obtain an operation permit or amended operation permit following completion of con-

struction and prior to initiation of operation of corrosion control treatment facilities. The permit will be issued in accordance with § 109.504 (relating to public water system operation permits). The Department will not issue an operation permit under this subchapter unless the water system complies with the operation and maintenance plan requirements under § 109.1107(b) (relating to system management responsibilities) and the operator certification and training requirements under § 109.1107(c). The water supplier for a community water system or nontransient noncommunity water system shall submit a request for Department designation of optimal corrosion control treatment performance requirements in accordance with § 109.1102(b)(2) and the Department will issue an amended operation permit designating the performance requirements as specified in § 109.1102(b)(5).

[Pa.B. Doc. No. 01-1304. Filed for public inspection July 20, 2001, 9:00 a.m.]

## [25 PA. CODE CH. 109]

### Interim Enhanced Surface Water Treatment Rule

The Environmental Quality Board (Board) by this order amends Chapter 109 (relating to safe drinking water). The amendments pertain to filtration systems that serve at least 10,000 people and that use either surface water sources or groundwater sources that are under the direct influence of surface water. The amendments establish a 99% removal of *Cryptosporidium*; strengthened combined filter effluent turbidity standards and individual filter turbidity provisions; and disinfection benchmark provisions to assure continued levels of microbial protection while facilities take the necessary steps to comply with new disinfection byproduct standards.

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

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Jeffrey A. Gordon, Chief, Division of Drinking Water Management, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 772-4018 or Pamela Bishop, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This rulemaking is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

This final-form rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public, and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-7 and 510-20).

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

The Board promulgated the Pennsylvania Filter Rule in March of 1989 to address the rising number of

waterborne disease outbreaks in this Commonwealth. The rule required public water systems with surface water sources to filter and disinfect, cover finished water reservoirs, perform treatment performance and water quality compliance monitoring, and provide public notification of violations. The rule also established design and performance standards for the filtration and disinfection treatment techniques intended to protect against the adverse health effects of exposure to *Giardia lamblia*, viruses and legionella, as well as many other pathogenic organisms. The Pennsylvania Filter Rule was promulgated in anticipation of the *Federal Surface Water Treatment Rule* (SWTR), which was promulgated by the United States Environmental Protection Agency (EPA) in 1989 under the Federal Safe Drinking Water Act.

The Federal SWTR did not specifically address the protozoan *Cryptosporidium parvum*. In terms of occurrence, *Cryptosporidium* is common in the environment. Most surface water sources may contain, or are vulnerable to, *Cryptosporidium* contamination. Since some people are carriers, *Cryptosporidium* may enter the water via treated or untreated sewage. Other sources of *Cryptosporidium* contamination are those animals that live in or near water. Livestock are notorious carriers of *Cryptosporidium*. Runoff from watersheds allows transport of this pathogen into water bodies used as sources for drinking water treatment plants. Complicating this matter is *Cryptosporidium's* resistance to standard disinfection practices.

In humans, *Cryptosporidium* may cause a severe gastrointestinal infection, termed cryptosporidiosis, that can last several weeks. It may cause death for individuals who have weakened immune systems due to age, cancer treatment, AIDS and antirejection organ replacement drugs. In 1993, *Cryptosporidium* caused over 400,000 people in Milwaukee to experience serious intestinal illness. More than 4,000 were hospitalized and at least 50 deaths were attributed to the cryptosporidiosis outbreak. There has also been cryptosporidiosis outbreaks in Nevada, Oregon and Georgia over the past several years.

In 1992, the EPA initiated a rulemaking process to address public health concerns associated with disinfectants, disinfection byproducts (DBPs) and microbial pathogens. As part of this rulemaking process, the EPA established a Regulatory Negotiation (Reg/Neg) Committee which included representatives of state and local health and regulatory agencies, public water systems, elected officials, consumer groups and environmental groups.

The EPA's most significant concern in developing regulations for disinfectants and DBPs was the need to ensure that adequate treatment be maintained for controlling risks from microbial pathogens, such as *Cryptosporidium*. One of the major goals addressed in the rulemaking process was to develop an approach that would reduce the level of exposure from disinfectants and DBPs without undermining the control of microbial pathogens. The intention was to ensure that drinking water is microbiologically safe at the limits set for disinfectants and DBPs and that these chemicals do not pose an unacceptable health risk at these limits. Thus, the Reg/Neg Committee also considered a range of microbial issues and agreed that the EPA should also propose a companion microbial rule to the disinfection rule.

Following months of intensive discussions and technical analysis, the Reg/Neg Committee recommended the development of three sets of rules: a two-stage rule to address disinfectants and DBPs (D/DBPs), the interim enhanced

surface water treatment rule (IESWTR) and an Information Collection Rule (ICR). The approach used in developing these proposals considered the constraints of simultaneously treating water to control microbial contaminants, disinfectants and DBPs. The Reg/Neg Committee agreed that the schedule for the IESWTR should be linked to the schedule of the first stage of the D/DBP rule to assure simultaneous compliance and a balanced risk-risk based implementation. The Reg/Neg Committee also agreed that additional information on health risk, occurrence, treatment technologies, analytical methods needed to be developed in order to better understand the risk-risk tradeoff and how to accomplish an overall reduction in health risks to both pathogens and D/DBPs. Finally the Reg/Neg Committee agreed that to develop a reasonable set of rules and to understand more fully the limitations of the current Federal SWTR, additional field data were critical. Thus, a key component of the regulation negotiation agreement was the promulgation of the ICR.

The Federal IESWTR (40 CFR Parts 9, 141 and 142) was promulgated on December 16, 1998, by the EPA. This rule is intended to improve the control of microbial pathogens, specifically the protozoan *Cryptosporidium parvum*, in drinking water. The Federal IESWTR applies to public water systems serving at least 10,000 people and which use either surface water sources or ground water sources that are under the direct influence of surface water. Key provisions of the Federal IESWTR include a 99% *Cryptosporidium* removal requirement for water systems that provide filtration; combined filter effluent turbidity standards that are more stringent than current standards; individual filter requirements that are designed to bring attention to filter plant optimization; and disinfection profiling/benchmarking provisions that are designed to assure continued levels of microbial protection while systems take the necessary steps to comply with new disinfection byproduct standards. Published concurrently with the IESWTR is the Federal D/DBPR. The D/DBPR is intended to regulate disinfection practices at public water systems in order to eliminate or minimize disinfectant levels and disinfection byproducts that may cause harmful health effects. The approach used in developing both the IESWTR and the D/DBPR considered the constraints of simultaneously treating water to control microbial contaminants, disinfectants and disinfection byproducts.

On January 16, 2001, the EPA promulgated corrective amendments to both the D/DBPR and IESWTR. These corrective amendments are minor in nature (such as, change in compliance date from December 17, 2001, to January 1, 2002) and are reflected in this final-form rulemaking.

Other Federal rules will be promulgated in the future as a follow-up to both the D/DBPR and the IESWTR. These rules will be the Stage 2 D/DBPR, the Long Term 1 Enhanced Surface Water Treatment Rule (LT1), the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) and the Filter Backwash Rule (FBR). The LT1 and FBR rules are expected in 2001. The LT2 and Stage 2 D/DBPR rules are expected in 2002.

The Board proposes to incorporate the provisions of both the Federal IESWTR and the January 16, 2001, Federal corrective amendments into Chapter 109 to obtain primary enforcement responsibility (primacy) for this rule.

The proposed rulemaking was approved by the Board on July 18, 2000. The proposed rulemaking was at 30 Pa.B. 4611 (September 2, 2000). The 30-day public com-

ment period concluded on October 2, 2000. No public meetings or hearings were held on the proposed rule-making.

The Technical Assistance Center Advisory Board (TAC) and the Water Resources Advisory Committee (WRAC) were each briefed on the comments received during the public comment period. The WRAC reviewed and discussed the final-form regulation on January 10, 2001. The WRAC had no comments and approved the final-form regulations for recommendation to the Board. The TAC reviewed and discussed the final-form regulations on January 25, 2001. TAC had no comments and approved the final-form regulations for recommendation to the Board.

The Federal Safe Drinking Water Act (42 U.S.C.A. § 300g-2(a)) requires that primary enforcement responsibility states, such as the Commonwealth, adopt EPA regulations no later than 2 years after EPA promulgation. The EPA may approve an extension of up to 2 years for states that: 1) lack legislative or regulatory authority to enforce the new regulations; or 2) lack program capability to implement the new regulations; or 3) are adopting two or more EPA regulations at the same time.

On November 28, 2000, the Department submitted a primacy extension request to the EPA to adopt regulations implementing both the Federal IESWTR and the Federal D/DBPR by no later than August 31, 2001. It is expected that the EPA will grant the extension because the Commonwealth is adopting two or more EPA regulations at the same time, which is one of the criteria specified for the EPA to grant an extension. If the EPA grants the August 31, 2001, extension, then failure to adopt the IESWTR by this extension date may result in the Commonwealth losing its primary enforcement responsibility.

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

The amendments reflect, and are no more stringent than, both the new Federal IESWTR requirements and the January 16, 2001, Federal corrective amendments.

*§ 109.1. Definitions.*

A commentator asserted that the definition of "CPE" contains substantive provisions that should be moved to proposed § 109.205 (relating to filter profile, filter self-assessment and comprehensive performance evaluations). The Board declined to make this amendment because the definition is identical to the Federal definition of "CPE" in 40 CFR 141.2. The Board feels that amending the definition would jeopardize the Department's goal of obtaining primary enforcement responsibility for the IESWTR.

A commentator requested clarification in the definition of "disinfection profile." Specifically, the commentator requested that an exact reference to the EPA "procedures and measurement methods" be provided in the definition. The Board has amended the definition of "disinfection profile" to replace the EPA reference with a Chapter 109 reference. Since Chapter 109 contains references to the aforementioned EPA "procedures and measurement methods," the Board feels that this amendment is sufficient and appropriate.

The definition of "GUDI" was amended to correct a typographical error.

*§ 109.202(c). Treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts.*

A commentator asked what the circumstances would be for the Department to require water systems using "other

filtration technologies" to comply with performance criteria that is more stringent than the criteria for conventional and direct filtration plants, as specified in § 109.202(c)(1)(i)(C). The Department will specify more stringent performance criteria when it deems that the results of pilot plant or onsite studies support action. The Board has amended § 109.202(c)(1)(i)(C) to clarify this basis of onsite studies.

*§ 109.204. Disinfection profiling and benchmarking.*

A commentator asked what format is acceptable to the Department for submitting disinfection profiling and benchmarking data, as specified in § 109.204. The format for the submission of disinfection profiling and benchmarking data is specified by the Department field offices and through Department-issued guidance and policy.

*§ 109.205. Filter profile, filter self-assessment and comprehensive performance evaluations.*

The Board has deleted this section. The Board feels that the provisions of this section were inappropriate for Subchapter B (relating to MCLs or treatment technique requirements). The Board also feels that this section was redundant with the addition of § 109.714 (relating to filter profile, filter self-assessment and comprehensive performance evaluations) and was unnecessary. To ensure that no provisions are lost from the deletion of this section, the Board has also amended § 109.714 to include all the provisions that were contained in proposed § 109.205.

*§ 109.301. General monitoring requirements.*

A commentator requested that § 109.301(1)(iv) be amended to account for the fact that continuous turbidity monitors can record turbidity more frequently than every 15 minutes. The commentator suggested that the individual filter turbidity results be recorded "... at least every 15 minutes." The Board agrees and has amended § 109.301(1)(iv) accordingly.

The EPA questioned why the proposed regulation does not include the provision of 40 CFR 141.173(a)(3) which allows turbidity samples from lime softening plants to be acidified using an approved protocol. The Department provides for this option by way of reference in § 109.304 wherein the Department requires that sampling, monitoring and analytical techniques be acceptable to either the EPA or the Department.

*§ 109.701(e). Reporting requirements for public water systems required to perform individual filter monitoring under § 109.301(1)(iv).*

A commentator questioned if the records that are required under § 109.701(e) are subject to the recordkeeping requirements of § 109.701(d). The commentator also questioned if the requirements of § 109.701(d) meet EPA requirements. The records that are required under § 109.701(e) are subject to the specific recordkeeping requirements of § 109.701(d)(2). The requirements of § 109.701(d)(2) meet the EPA requirements.

The EPA requested that § 109.701(e) be amended to include the Federal requirement that systems conducting individual filter monitoring must maintain this data for at least 3 years. The Board declined to make this amendment because the existing provisions in § 109.701(d)(2) already require that water systems retain monitoring records for a minimum of 3 years. These monitoring records will include individual filter monitoring data.

Section 109.701(e) was amended at EPA's request to include the requirement that systems conducting individual filter monitoring must report that they have conducted this monitoring within 10 days following the end of each month. The amended language is now consistent with the Federal requirements. Sections 109.701(e)(1) and (2) were then renumbered to § 109.701(e)(2) and (3), respectively, due to the inclusion of this amendment. Several text references in § 109.701(e)(3) (formerly § 109.701(e)(2)) were changed due to this renumbering.

Section 109.701(e)(2) (formerly § 109.701(e)(1)) was amended to specify that water systems required to perform individual filter monitoring were subject to the provisions of this paragraph, not water systems providing filtration and disinfection. Accordingly, the phrase "providing filtration and disinfection of surface sources" was deleted and replaced with the phrase "required to perform individual monitoring." The amended language is now consistent with the Federal requirements.

*§ 109.714. Filter profile, filter self-assessment and comprehensive performance evaluations.*

The EPA requested that this section should include the requirement that the comprehensive performance evaluation (CPE) be completed within 90 days of the triggering event. The Board decided to amend this entire section in order to both clarify it and to capture all of the associated provisions that were deleted with proposed § 109.205. One of these provisions was the 90-day completion deadline for CPEs. Accordingly, the amended language contains this 90-day completion deadline, as well as all other Federal requirements.

A commentator expressed confusion over the 30-day CPE deadline and the 90-day CPE deadline. Systems must make arrangements with the Department within 30 days following the CPE triggering event. These arrangements are for the planning of the CPE. The system must then ensure that the CPE has been completed by no later than 90 days following the CPE triggering event.

*F. Benefits, Costs and Compliance*

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

*Benefits*

The amendments will benefit customers of public water systems serving at least 10,000 people and which use either surface water sources or ground water sources that are under the influence of surface water. Currently, there are almost 120 systems in this Commonwealth serving water to over 8.1 million people that meet these criteria.

The economic benefits of the IESWTR will derive from the increased level of protection to public health. The primary goal of the amendments is to improve public health by increasing the level of protection from exposure to *Cryptosporidium* and other pathogens (that is, *Giardia*, or other waterborne bacteria or viral pathogens) in drinking water supplies through improvements in filtration at water systems. The amendments are expected to reduce the level of *Cryptosporidium* and other pathogenic contamination in finished drinking water supplies through improvements in filtration at water systems, such as revised turbidity requirements. In this case, benefits will accrue due to the decreased likelihood of endemic incidences of cryptosporidiosis, giardiasis and other waterborne diseases, and the avoidance of resulting health costs. The provisions are expected to reduce the

likelihood of the occurrence of cryptosporidiosis outbreaks and their associated economic costs.

*Compliance Costs*

Approximately 120 public water systems will be affected by these amendments. These systems will incur increased costs as a result of improved turbidity treatment and disinfection benchmark monitoring. The customers of these affected water systems may experience higher water rates as a result of these increased costs. The actual increase in water rates will depend on a number of factors, including population served and the filtration technology utilized. According to EPA studies conducted Nationally, 92% of the households affected by the rule will incur a cost of less than \$1 per month. Seven percent of the affected households will face an increase in cost of \$1 to \$5 per month. The highest increase in cost will be approximately \$8 per month and will be faced by approximately 23,000 households Nationally.

The assumptions and structure of the EPA's analysis tend to overestimate the highest costs. To incur these higher costs, a system would have to implement all, or almost all, of the treatment activities. These systems, however, might seek less costly alternatives, such as connecting to a larger regional water system.

The estimated total annual cost that will be borne by the regulated community in this Commonwealth will be about \$10.3 million. Many filtration plants evaluated in this Commonwealth currently meet the IESWTR turbidity requirements and, possibly, may not incur additional expense for improved turbidity removal. The benefits that may result from this rulemaking in this Commonwealth may range from \$20 to \$100 million per year using a valuation of \$2,000 in health damages avoided per cryptosporidiosis illness prevented.

*Compliance Assistance Plan*

The Safe Drinking Water Program utilizes the Commonwealth's Pennsylvania Infrastructure Investment Authority Program to offer financial assistance to eligible public water systems. This assistance is in the form of a low-interest loan, with some augmenting grant funds for hardship cases. Eligibility is based upon factors such as public health impact, compliance necessity and project/operational affordability.

The Safe Drinking Water Program has established a network of regional and central office training staff that is responsive to identifiable training needs. The target audience in need of training may be either program staff or the regulated community.

In addition to this network of training staff, the Bureau of Water Supply and Wastewater Management has a division dedicated to providing both training and outreach support services to public water system operators. The Department's Internet site also contains the Drinking Water & Wastewater Treatment System Operator Information Center Internet site, which provides a bulletin board of timely, useful information for treatment plant operators.

*Paperwork Requirements*

The amendments will require public water systems to monitor and report individual filter turbidity. It is anticipated that the Department's current data reporting forms



should facilitate this additional monitoring and reporting and that little, if any, additional data or paperwork will be necessary.

#### G. *Sunset Review*

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

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 8, 2000, the Department submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 4611 to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), on May 29, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 7, 2001, and approved the final-form regulations.

#### I. *Findings of the Board*

The Board finds that:

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

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

(3) These final-form regulations do not enlarge the purpose of the proposal published at 30 Pa.B. 4611.

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

#### J. *Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 109, are amended by amending §§ 109.1, 109.202, 109.301, 109.605, 109.701, 109.703 and 109.710; and by adding §§ 109.204 and 109.714, to read as set forth in Annex A published at 31 Pa.B. 3895 (July 21, 2001).

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

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

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

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

DAVID E. HESS,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 3370 (June 23, 2001).)

**Fiscal Note:** Fiscal Note 7-358 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 01-1305. Filed for public inspection July 20, 2001, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION [25 PA. CODE CH. 284]

### Corrective Amendment to 25 Pa. Code § 284.320

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 284.320 (relating to operating permits) as deposited with the Legislative Reference Bureau and as published at 30 Pa.B. 6685, 6834 (December 23, 2000), and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 316) and as currently appearing in the *Pennsylvania Code*. An error was made which incorrectly listed a series of sections with which compliance is required.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 284.320. The corrective amendment to 25 Pa. Code § 284.320 is effective as of March 3, 2001, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 284.320 appears in Annex A.

#### Annex A

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

#### Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

#### ARTICLE VIII. MUNICIPAL WASTE

#### CHAPTER 284. INFECTIOUS AND CHEMOTHERAPEUTIC WASTE

#### Subchapter D. PROCESSING FACILITIES

#### § 284.320. Operating requirements.

A person or municipality that operates a processing facility shall comply with §§ 283.201, 283.202, 283.211—283.223, 283.231—283.234, 283.241, 283.242, 283.251—283.253, 283.261, 283.262, 283.271 and 283.272.

[Pa.B. Doc. No. 01-1306. Filed for public inspection July 20, 2001, 9:00 a.m.]

# Title 52—PUBLIC UTILITIES

## PENNSYLVANIA PUBLIC UTILITY COMMISSION [52 PA. CODE CHS. 3 AND 62]

[L-00000150]

### Licensing Requirements for Natural Gas Suppliers

The Pennsylvania Public Utility Commission (Commission) on April 19, 2001, adopted a final-form rulemaking order establishing licensing requirements for natural gas suppliers (NGS). The contact persons are Robert Bennett, Bureau of Fixed Utility Services, (717) 787-5553 and Patricia Krise Burket, Law Bureau, (717) 787-3464.

#### *Executive Summary*

On June 22, 1999, Governor Thomas J. Ridge signed into law the Natural Gas Choice and Competition Act (66 Pa.C.S. §§ 2201—2212) (act). Under the act, beginning on November 1, 1999, retail customers have had the ability to choose their NGS. Previously, consumers procured their natural gas supply requirements as a package from the jurisdictional public utility. The package, previously mentioned, included what are now the basic components of competitive natural gas supply service, commodity, capacity and storage, balancing and aggregation services of the natural gas utility.

On July 15, 1999, the Commission issued a Final Order which adopted interim licensing procedures and a license application. These interim licensing procedures were to be temporary in nature, and would be replaced by regulations. As the first step in promulgating these final-form regulations, on April 13, 2000, the Commission adopted a proposed rulemaking order establishing licensing requirements for NGSs. Comments regarding the proposed licensing regulations were filed. The Commission amended the regulations accordingly, and has put forth the final-form rulemaking.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 2, 2000, the Commission submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 3073 (June 17, 2000), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), on May 23, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 7, 2001, and approved the final-form regulations.

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick  
Public Meeting held  
April 19, 2001

#### **Final Rulemaking Order**

On June 22, 1999, Governor Thomas J. Ridge signed into law the Natural Gas Choice and Competition Act (66

Pa.C.S. §§ 2201—2212) (act). Under the act, beginning on November 1, 1999, retail customers have had the ability to choose their NGS.

Section 2208(a) of the act (relating to requirements for natural gas suppliers) requires that no entity engage in the business of an NGS unless it holds a license issued by the Commission. See section 2208(a) of the act. An NGS is defined as:

[a]n entity other than a natural gas distribution company, but including natural gas distribution company marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company. The term includes a natural gas distribution company that provides natural gas supply outside its certificated service territories. The term includes a municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide natural gas supply services to retail customers located outside of its corporate or municipal limits, as applicable, other than:

(i) as provided prior to the effective date of this chapter, pursuant to a certificate of public convenience if required under this title;

(ii) total natural gas supply services in de minimis amounts;

(iii) natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided; or

(iv) natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law independent of this chapter.

The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease. Notwithstanding any other provision of this title, a natural gas supplier that is not a natural gas distribution company is not a public utility as defined in section 102 (relating to definitions) to the extent that the natural gas supplier is utilizing the jurisdictional distribution facilities of a natural gas distribution company or is providing other services authorized by the Commission.

66 Pa.C.S. § 2202.

As used in the previous definition of an NGS the term natural gas supply services includes (i) the sale or arrangement of the sale of natural gas to retail customers; and (ii) services that may be unbundled by the Commission under section 2203(3) of the act (relating to standards for restructuring of the natural gas utility industry). Natural gas supply service does not include distribution service. See section 2202 of the act.

On July 15, 1999, the Commission issued a Final Order that adopted interim licensing procedures and a license application for NGSs. These interim licensing procedures were temporary in nature, and would be replaced by regulations.

On April 13, 2000, the Commission adopted an order in which it revised its interim licensing procedures and redrafted them as proposed regulations. This proposed rulemaking order was published for comment at 30 Pa.B. 3073.

Comments regarding the proposed licensing regulations were filed by the Office of Consumer Advocate (OCA), the

Pennsylvania Gas and Oil Association, Pennsylvania Independent Oil and Gas Association (IOGA), Amerada Hess Corporation and TXU Energy Services (Hess), National Energy Marketers Association (NEM) and UGI Energy Services d/b/a GASMARK (GASMARK). IRRC also submitted comments. Letters in support of various commenters were submitted by T.W. Phillips Energy and Open Flow Gas Supply Corporation. On February 6, 2001, Kevin J. Moody, Esq. submitted late-filed comments in the form of a White Paper entitled "Pennsylvania Public Utility Commission Assessments in a Deregulated Energy Industry" (White Paper).

We thank the commentators for their input and will address the comments in relation to the applicable regulation.

### **I. Section 62.101. Definitions.**

This section provides a list of definitions relevant to this subchapter.

#### *"Marketing Services Consultant" and "Nontraditional Marketer"*

In regard to the definition of "Marketing Services Consultant" and "Nontraditional Marketer," IRRC notes that both definitions include commercial entities. IRRC comments that we should clarify the definitions to account for any distinctions between these two terms.

OCA in its comments supports the Commission's determination to exempt nontraditional marketers and marketing services consultants from licensing requirements.

#### *Resolution*

"Marketing services consultants" can be distinguished from "nontraditional marketers" in that nontraditional marketers are business, civic and social community-based organizations whose main activity is not the sale of natural gas supply services. They are not commercial entities as are "marketing services consultants" that provide support services such as telemarketing and direct mail service, to licensed NGSs. For clarity, we will eliminate the term "commercial entity" from the definition of "nontraditional marketer" to further distinguish the two groups.

We will also amend the definition of "marketing services consultants" to include those commercial entities that act as energy consultants for consumers. The rationale for this addition is discussed in § 62.102 (relating to scope of licensure).

#### *Natural Gas Distribution Company; Natural Gas Supply Services; and Retail Gas Customer*

IRRC comments that the definitions of these terms in the regulation differ from the definitions of the same terms in the act. IRRC recommends that the definitions of these terms in the final-form regulation should conform to the statutory definitions or reference the act.

#### *Resolution*

The Commission agrees with IRRC's comments that the definitions should be consistent with those provided in the act. Thus, we will revise those definitions by reference to the definitions in the act.

#### *NGS—Natural Gas Supplier*

IRRC comments that the definition of this term in the proposed regulation differs from the definition of the same term in the act. Specifically, the definition in the regulation does not include the entire last paragraph of the act's definition.

In its comments, POGAM argues that the Commission does not have the authority to regulate NGSs as public utilities, and suggests the addition of a sentence that states that an NGS is not a public utility.

#### *Resolution*

In response to IRRC's comments, we will amend the definition of "natural gas supplier" by referencing the definition in the act. We believe by doing so, we have satisfied the matter raised by POGAM in its comments.

### **II. Section 62.102. Scope of licensure.**

This section identifies the entities that need to be licensed by the Commission. Subsections (d) and (e) exempt nontraditional marketers and marketing services consultants from the licensure requirement. The act defines a "natural gas supplier," in part, as an entity that "provides natural gas supply services to retail customers." "Natural gas supply services" are defined in the act to include "the sale or arrangement of the sale of natural gas to retail customers."

IRRC comments that it appears that both nontraditional marketers and marketing services consultants "arrange the sale of natural gas" between the NGS and the customer and would seem to fall within the definition. IRRC requests that the Commission explain its statutory authority for the exemptions in subsections (d) and (e).

NEM suggests that the Commission strike this section. It urges the Commission to regulate with a light-hand and expresses concern that the reporting requirements involving an NGS's relationship with nontraditional marketers would reveal proprietary information. It also states that the added costs of reporting requirements will increase the cost of energy to consumers.

GASMARK opposes the exemption of nontraditional marketers and consultants. GASMARK states that the typical nontraditional marketer—community groups, buyers cooperatives and trade associations—derive profit from decision-making consumers in the same way as "traditional" marketers do. GASMARK also claims that the exemption of nontraditional marketers and consultants from licensing discriminates against those who must be licensed and will deter marketer participation in customer choice. GASMARK concludes that all service providers working with gas consumers should be subject to the same regulatory requirements.

Hess states that the Commission has no authority over nontraditional natural gas marketers and that no other marketing or sales relationship is required to be revealed to the Commission. Hess sees no reason for imposing these reporting requirements on this unique approach to the market. Hess claims that there is sufficient protection for consumers through the natural gas distribution company's (NGDC) requirements for supplier financial fitness and other operating requirements in the supplier tariff. Hess suggests striking subsections (d) and (e).

#### *Resolution*

Initially we note that as the agency responsible for implementing and enforcing the Public Utility Code and the act, we are afforded great deference by the courts in our interpretation of the law. When a statute is interpreted by the agency charged with the responsibility for its administration, interpretation shall be accorded great weight and shall not be overturned unless such construction is "clearly erroneous." *Cherry v. Pennsylvania Higher Education Assistance Agency*, 620 A.2d 687, 691 (Pa. Cmwlth. 1993); *Hawkins v. Pennsylvania Housing Finance Agency*, 595 A.2d 712 (Pa. Cmwlth. 1991). This is

particularly true when the interpretation involves construction of a statutory mandate in a new regulatory environment. *Barasch v. Pennsylvania Public Utility Commission*, 521 A.2d 482 (Pa. Cmwlth. 1987).

Under our authority to interpret our enabling legislation, the Commission is authorized to interpret the definitions of "natural gas supplier" and "natural gas supply services" that are referenced in the definition for "natural gas supplier." Generally, under the act, an NGS is an entity engaged in the provision at retail of natural gas supply services. Natural gas supply services are defined in general as "the sale or the arrangement of the sale of natural gas to retail consumers." In interpreting "natural gas supply services," it is not clearly erroneous for us to distinguish certain activities that would fall within that definition from those activities that would fall outside of that definition. Based on an entity's activities, it is not clearly erroneous for this Commission to identify entities who are not engaged in providing natural gas supply services to retail customers, and to exempt those entities from licensing requirements.

In this instance, the Commission defined for exemption from the licensing requirement at section 2208 of the act, the marketing services consultant, entities that are engaged in providing marketing and sales support services to licensed NGSs under a contract. Marketing service consultants would include commercial businesses involved in telemarketing, direct mail service or information dissemination through auction-type or information only websites and electronic newsletters. Based on their activities, the marketing services consultants are indistinguishable from the NGS's own employees, who would not be required to be individually licensed under the act. Accordingly, it is not clearly erroneous for us to identify this group as falling outside the definition of "natural gas supplier."

Nontraditional marketers such as fraternal organizations, unions, civic organizations or governmental organizations may provide endorsements of an NGS's service to its membership or constituency. In these types of affiliations, the sole role of the nontraditional marketer is to make the endorsement that its members are free to accept or reject on its merits. If the member decides to accept the service offered, the transaction is between the contracting member and the licensed NGS. The nontraditional marketer is not involved in the financial transaction between the licensed supplier and the customer. Under this scenario, the nontraditional marketer is not engaged in providing natural gas supply services to retail customers.

Additionally, as the competitive energy marketplace has developed over the previous 4 years, the Commission staff has received a number of requests to exempt from licensing those entities who act, not on behalf of licensees, but on behalf of retail customers as energy consultants. These energy consultants gather and evaluate information about various energy supply offerings and then make recommendations to the consumer regarding the best offer available. These consultants are not generally involved in the actual transaction for the gas supply services in that they are not responsible for paying the producer, the supplier or the NGDC for costs related to gas supply service and they are not responsible for the procurement or the scheduling for transport of natural gas supplies.

Based on their activities, it is our interpretation that energy consultants are not engaged in the sale or arranging the sale of natural gas supply services to retail

consumers. Thus, they would fall outside the definition of an NGS at section 2202 of the act. We believe that our interpretation on this point is not clearly erroneous, and that the exemption from licensing of these energy consultants would not be detrimental to the public interest because consumers would be transacting business through a licensed supplier. Accordingly, we will revise our definition of "marketing services consultant" to include those entities who act as energy advisors to consumers.

The Commission has considered the comments regarding the filing of agreements between suppliers and non-traditional marketers and marketing services consultants. Our major concern is customer confusion in the situation where a customer deals with an agent of the licensee and not an employee of the licensee. Because the licensed supplier is responsible for any violations of law committed by its agent, our purpose in requiring that these agreements be submitted is to identify those entities that had partnered with licensed suppliers to provide marketing or other sales support services. The Commission believed that this information will assist the Commission and its staff in answering consumers' questions and resolving customer complaints.

Upon consideration of the comments, however, we will revise the requirement. In light of the purpose to be achieved, it appears that it is sufficient that a licensed supplier disclose the names and addresses of non-traditional marketers and marketing services consultants with whom it has arranged for service. Thus, we will require the licensee<sup>1</sup> to make this disclosure as part of the annual reporting requirements in § 62.111 (relating to bonds or other security).

We have revised the regulation accordingly.

### III. Section 62.103. Application process.

This section outlines the process an applicant must follow in order to apply for a license.

IRRC comments that subsection (c) requires that copies of completed applications, with supporting documentation, be served upon five specified State regulators and each NGDC in whose service territory the applicant intends to provide natural gas supply services. However, subsection (e) provides that an applicant may designate those items, in the application, that it believes are confidential and privileged. IRRC inquires as to whether the confidentiality provisions apply to copies provided under subsection (c). If the confidentiality provision applies, IRRC suggests the addition of an introductory qualifying clause to subsection (c) that makes the disclosure of information subject to the limitations of subsection (e).

IRRC also recommends that the reference to "... each NGDC in whose service territory the applicant intends to provide natural gas supply services" be made a new paragraph (6) under subsection (c).

#### *Resolution*

We will accept IRRC's suggestions for revision of this section and clarify that the copies provided to OCA, the Office of Small Business Advocacy (OSBA), Office of Attorney General (OAG) Bureau of Consumer Protection (Bureau), the Department of Revenue and relevant NGDCs will be subject to applicant requests for confidentiality under subsection (e).

<sup>1</sup> We note because the customer has selected the energy adviser, there is a personal relationship between the two so that little or no possibility of customer confusion would exist. For this reason and the fact that we have determined that they are not to be regulated as NGSs, the annual reporting requirement is not applicable to the energy consultant.

We will also accept IRRC's suggestion to separate the text referencing "each Natural Gas Distribution Company" in a new subparagraph, numbered 5. This change is necessitated by our revision that consolidates the OAG and the Bureau into one item in subparagraph, numbered 3. This revision was necessitated by an error introduced in editing the Commission's order for publication.

#### IV. Section 62.104. Application form.

This section describes the information an applicant must supply in order for the Commission to evaluate the applicant's financial and technical fitness to render service in this Commonwealth.

IRRC comments that subsection (a)(6) requires an applicant for a license to provide financial information that is "sufficient to demonstrate financial fitness." Additionally, the regulation provides examples of the type of information that "may" be submitted. IRRC states that it is unclear how the Commission will determine if the financial information is "sufficient." To improve clarity, IRRC suggests that the minimum documentation that is required or the criteria it will use to determine if the information submitted is "sufficient" be listed.

NEM comments that § 62.104(a)(7) should not be implemented as it is burdensome. NEM also claims that the reporting requirements in subsection (a)(8) are also burdensome and add to energy costs for consumers. NEM claims that subsection (a)(9) reporting requirements are unnecessary and pose barriers for the formation of a competitive market. NEM also states that § 62.104(b)(5) and (6) should be eliminated because the number of Commonwealth employees and the Commonwealth assets of an NGS are not related to the technical or financial fitness of marketers or the degree of protection afforded to Commonwealth customers. Hess agrees with NEM that only Commonwealth affiliates should be identified.

GASMARK also comments that subsection (a)(7) and (8) should be eliminated because requiring an applicant to provide information on competency and regulatory experience is invasive, burdensome and unrelated to the requirements of the act. GASMARK also claims that the requested information is commercially sensitive and divulging it in the application, even under confidentiality provisions, is detrimental to suppliers.

Hess suggests revisions to the language in subsection (a)(7). Hess suggests that the evidence that must be produced in support of the application should be qualified as being "structured depending on the classes of customers the applicant wishes to serve." The rationale for this change, Hess reveals, is that the technical competence needed to serve a discreet number of industrial customers is different from that needed to serve hundreds of residential customers.

Also in regard to subsection (a)(7), Hess proposes the elimination of the specific types of evidence of technical fitness that may be submitted in support of the application and the substitution of evidence of a more general nature: "proposed and/or existing marketing, operational and back office capabilities." Hess's rationale for the change is that the listed evidence will be out of date before the application is processed and the information has nothing to do with proving technical competence. Hess also proposes similar language changes as those discussed for subsections (a)(7), (a)(8)—(9).

Hess comments that subsection (b)(5) and (6) should be eliminated. Hess claims that the number of Commonwealth employees and the Commonwealth assets of NGSs have nothing to do with either technical or financial

fitness of marketers, and data may be misleading with respect to marketer competence.

#### Resolution

In answer to IRRC's comments, Commission staff works closely with each license applicant to ensure completion of the application and the filing of "sufficient" financial fitness documentation. The proposed regulations provide guidance without requiring specificity in order to diminish the costs incurred to seek a license.

In addition, the Commission intentionally avoided specifying creditworthiness measures as a means to encourage new applicants who may not be able to produce historical financial information that would be available only from long-term established energy suppliers or other entities. The Commission would, of course, accept for evaluation any measures of creditworthiness that the applicant might offer. These would include credit reports, bank references, audited financial statements, annual reports, 10K or 10Q filings prepared in past 12 months, confirmation that the applicant is not operating under bankruptcy or insolvency law, confirmation that no significant lawsuits or judgments are outstanding, confirmation that the applicant is not aware of any adverse condition which could cause a material change in its financial condition, a list of its parent company and other affiliates, three trade references, additional financial information, Dun & Bradstreet financial credit ratings or access to unused lines of credit.

Concerning the comments of NEM, GASMARK and Hess to subsection (a)(7)—(9), the Commission notes that it has consistently taken into consideration the specific services proposed to be provided in determining the information that an applicant must provide. This proposed regulation is in fact required by section 2208(b) of the act that reads as follows:

[a] license shall be issued to any applicant, off arising the whole or any part of the service covered by the application, if it is found that the applicant is fit, willing and able to perform properly the services proposed and to conform to the applicable provisions of this title and the orders and regulations of the commission, including those concerning standards and billing practices, and that the proposed service, to the extent authorized by the license, will be consistent with the public interest. Otherwise, such application shall be denied.

66 Pa.C.S. § 2208(b) (emphasis added).

Accordingly, each applicant must demonstrate its technical and financial fitness to provide services to the consumers it wishes to serve. The proposed regulations provide examples of information that "may" be filed to meet the requirements of the act in order to be granted a license.

As to NEM and Hess recommendations that subsection (b)(5) and (6) be eliminated because it has nothing to do with either the technical or financial fitness of the marketer and may provide misleading information, the Commission disagrees. The Commission believes that information concerning the applicant's assets and employees located in this Commonwealth is useful in the evaluation of technical fitness of the supplier to perform the service for which it has sought to be licensed.

The additional information required by this section would not seem to be difficult to obtain nor excessively invasive into the applicant's operations. If an applicant is

concerned that the information being provided is confidential, it may request confidential treatment under § 62.103(e).

Finally, we have several revisions to subsection (7)(iii) and (iv), (8), 8(iii) and 8(iv) to correct errors that were introduced in editing the proposed regulation for publication.

**V. Section 62.105. Change in organizational or operational status.**

This section outlines what is considered to be a material change in the organizational structure or operation that affects an applicant's or a licensee's operation in this Commonwealth.

NEM suggests that the clauses be modified to add "in Pennsylvania" to each clause. NEM states that the scope of the Commission's concerns should be limited to the companies that it regulates. Hess has submitted a similar comment on this regulation.

*Resolution*

The Commission will not accept NEM and Hess's suggested revisions to this regulation as we do not find them to be persuasive. With the convergence of the electric and natural gas industries and the regionalization of the energy market, it is essential that the Commission understand the relationships between a supplier licensed to provide service in this Commonwealth and its affiliates, both in-State and out-of-State, and any changes that affect those relationships. Depending on the dynamics of the regional and National energy markets, affiliates can become sources of supply for the licensed supplier serving in this Commonwealth, or they can become competitors for that same supply source. Considering that the Commission is charged with monitoring the gas market for reliability and anticompetitive activity, the need for this information far outweighs the burden of its production.

**VI. Section 62.106. Open and nondiscriminatory access.**

This section references the standards for open and nondiscriminatory access that must be demonstrated before a municipal corporation is permitted to provide natural gas supply services as a licensed NGS. IRRC states that for clarity, the final-form regulation should specifically cite the relevant sections of the act. IRRC also states that the criteria that will be used to determine if a municipal corporation is providing open and nondiscriminatory access to its gas distribution system should be clarified.

*Resolution*

In response to the request for clarification by IRRC, the Commission refers to section 2208(g) of the act. Section 2208(g) requires that prior to allowing a municipal corporation to become a licensed NGS, it must be able to provide open and nondiscriminatory access to other suppliers to its distribution system. Specifically, this section of the law states that the Commission will make a determination of the openness of a municipal corporation's system "taking into consideration the particular circumstances of the municipal corporation's ownership and/or operation of the gas distribution system." From this language, it is clear that the Legislature intended that this determination be made on a case by case basis. Therefore, the Commission does not believe that it is possible or appropriate to identify specific criteria that it will utilize in such fact-intensive proceedings. However, we will reference in this section the relevant provision of section 2208(g) of the act.

**VII. Section 62.107. Publication of notice of filing.**

Subsection (b)(2) requires a notice of filing an application to be provided to the Commission in an "acceptable electronic format." IRRC states that the term "acceptable" is vague. IRRC recommends that the regulation be amended to make this clarification, or direct an applicant to the location or phone number for the information.

Hess and NEM both suggest the elimination of the second sentence in § 62.107(b). Hess states that allowing a third party to protest an application is inappropriate in a competitive market as it will delay the application process and cause increased costs for the applicant. Hess also states that the ability of a third party to have access to meaningful financial information beyond that which is publicly distributed is not likely.

NEM states that it supports Hess's argument that allowing a third party to protest an applicant's technical or financial fitness will hamper the growth of the competitive energy market.

*Resolution*

The Commission believes that it is in the public interest to provide public notice and opportunity to be heard concerning a proposed application to become a licensed NGS. In processing over 200 applications for electric generation supplier (EGS) licenses and interim NGS licenses, we have not seen that the opportunity for protest delays the application process. Moreover, competitive protests are not permitted, and where an entity abuses the protest process, penalties may be imposed. In addition, with the ability of the applicant to request that proprietary information be held confidential, we see no reason to accept NEM and Hess's comment.

In regard to subsection (b)(2), IRRC has requested clarification concerning what is an "acceptable electronic format." At present, the Commission utilizes Word® software, but as software choices are apt to change over time, we will revise the regulation to direct inquiries about software use to the Commission's Forms Officer.

**VIII. Section 62.108. Protests to applications.**

Subsection (c)(3) states: "If a protest is sufficiently documented, the application will be transferred to the Office of Administrative Law Judge for hearings or mediation as deemed appropriate." IRRC inquires as to whether there is some criteria that will be used to determine which protests will result in hearings and which will result in mediation. IRRC recommends that the Commission explain the process and criteria for establishing whether a protest goes to a hearing or to mediation. It also recommends the deletion of the phrase "as deemed appropriate."

NEM suggests the elimination of this section because it believes that allowing a third party to protest the applicant's technical or financial fitness will hamper the growth of the competitive market. Allowing a competitor or similarly disposed parties an opportunity to delay or increase the costs of the applicant is not advisable.

*Resolution*

NEM and Hess cited concerns of allowing a competitor an opportunity to delay or increase the cost of an application and the detrimental effects this could have on the development of a competitive marketplace. Under the proposed regulation, Commission staff members perform a cursory review of protests filed against pending applications in order to eliminate unsupported protests that are not in compliance with the Commission's regulation in

§ 5.52(a) (relating to content of a protest to an application). This regulation requires that the protest identify the right or interest that is sought to be protected so as to establish the standing of the protestant to participate in the proceeding, and the grounds for the protest with supporting facts.

Only those protests that meet this preliminary test are sent to the Office of Administrative Law Judge for hearing or mediation. Accordingly, there is little risk that a frivolous protest will be allowed to proceed further and little risk that an application will be delayed or the costs to the applicant will be increased as a result of allowing for the opportunity for protest. As already discussed, penalties will be imposed on any entity that abuses the protest process.

As to IRRC's concern regarding whether a protest is sent for mediation or hearing, the Commission's regulation at § 69.392 (relating to availability of mediation process) states that that decision rests with the Office of Administrative Law Judge. Moreover, the treatment of a protest depends on a number of individual factors. These include, inter alia, the issues raised by the protest, the involvement of other parties and most importantly, the willingness of the parties to enter into mediation to settle their differences. This is especially true of the protestant who has the burden of proof in regard to the protest and who must consent to the mediation. See § 69.392(d). The Commission therefore declines to accept IRRC's suggestion to delete the phrase "as deemed appropriate" from subsection (c)(3).

#### **IX. Section 62.109. Approval.**

Section 62.109 summarizes the terms under which a license will be issued and notes that the completed applications will be processed within 45 days after acceptance by the Commission and will be deemed approved if not acted on within that time period unless the consideration period is extended. An applicant must comply with requirements of Chapter 56 (relating to standards and billing practices for residential utility service) to obtain a license to provide service to residential customers.

In its comments, Hess suggests the addition of the clause "if applicant indicates potential service to such customers" at the end of subsection (a)(1). Hess's rationale is that customers who do not serve residential customers do not have to comply with Chapter 56.

#### *Resolution*

The Commission does not agree to the amendment as Chapter 56 regulations are applicable to some small commercial customers.<sup>2</sup> The Commission notes, however, that it does not require an applicant who proposes to serve industrial and large commercial customers to demonstrate its compliance with Chapter 56.

#### **X. Section 62.110. Regulatory assessments.**

Proposed § 62.110 (a) requires licensed NGSs to pay assessments to defray regulatory costs, under section 510 of the Public Utility Code (66 Pa.C.S. § 510). IRRC questions whether the Commission has the statutory authority to collect assessments from NGSs. IRRC states that section 510 only authorizes the Commission to collect regulatory assessments from public utilities, and the definition of "natural gas supplier" in section 2202 of the act states: "*Notwithstanding any other provision of this title, a natural gas supplier . . . is not a public utility as*

<sup>2</sup> "Residential service" at § 56.2 is defined as utility service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto. Utility service provided to a hotel or motel is not considered "residential service."

defined in Section 102 (relating to definitions). . ." (emphasis added). IRRC states that the Commission should explain its statutory authority for collecting assessments from NGSs under section 510 or delete subsection (a).

Hess proposes eliminating this section based on its interpretation of the Commission's statutory authority to regulate NGSs. IOGA has presented legal arguments to the effect that the Commission lacks statutory authority to assess suppliers. IOGA suggests assessing regulated transportation service of the utility because all customers would then bear the appropriate level of costs relating to the volume of gas delivered. Open Flow and TW Phillips also support the elimination of this section related to assessments. POGAM suggests language which would make assessments applicable only to city natural gas distribution operations (PGW) consistent with its argument that the act only provides the Commission with the authority to assess that entity for regulatory costs.

On February 6, 2001, late-filed comments in the form of a White Paper were filed for consideration in this rule-making. The White Paper concludes that the current assessment process needs to be changed if nonutility entities are to share in the payment of the Commission's operating budget. It recommends that the Commission explore with other industry groups potential changes to the current assessment system. It also recommends that the Commission consider requesting that the Governor create a blue ribbon committee to craft legislation that would adapt the Commission funding process to the realities of competition. Furthermore, it recommended that to preclude further deleterious impacts on the fragile state of gas markets, the current system in which gas marketers are not assessed should be continued. The White Paper proposes three alternatives. The first alternative is to assess public utilities only. The second alternative is to assess public utilities and collect user fees for marketers. The third alternative is to abandon the assessment process and fund the Commission from the General Fund.

#### *Resolution*

On April 5, 2001, the Commission entered an order in the proceeding, *Objections of the Pennsylvania Telephone Association on Behalf of its Members and Individually, to the Fiscal Year July 1, 1997 through June 30, 1998, General Assessment; Objections of the PTA to the Fiscal Year July 1, 1998 through June 30, 1999, General Assessment*, at Docket No. M-00970994, et al. In this order, we recognized that the regulatory environment for electric, gas, telecommunications and motor carrier industries has dramatically changed over the last 5 years, and we directed that a Collaborative be convened for each industry to discuss the assessment process as it relates to its respective competitive environment. In light of the upcoming Collaborative on the natural gas industry, we believe that it is premature to promulgate a final-form regulation relating to the assessment of NGSs. Therefore, we will delete this section of the regulation and original § 62.114(a)(1). We will renumber the remaining sections as required.

#### **XI. Section 62.111. Reporting requirements.**

This section describes the information that a licensee is required to file with the Commission annually.

NEM suggests the elimination of subsection (1). NEM states that the reporting of gross receipts from the sales of natural gas by licensees implies an intent to tax or assess. NEM believes that this issue should be put on hold pending the promulgation of supplier of last resort regulations.

Also, Hess proposes elimination of subsection (1). It states that requiring customers to report annually the number of residential customers served, by NGDC, will assist the Commission in monitoring market power.

#### *Resolution*

The reporting of annual gross receipts is being proposed to provide information about the development of the competitive natural gas market in this Commonwealth. Under the act, the Commission has a duty to ensure the development of the market and the availability to all customers of a variety of natural gas supply services offered by suppliers. See 66 Pa.C.S. § 2203. This gross receipts information will provide a basis to examine competitiveness among the suppliers.

The Commission notes that the commenters have not indicated that the requested information to be reported was burdensome to produce or that the provision allowing for the confidential treatment of information upon request was inadequate. Under the circumstances, the Commission believes that the reporting requirements are reasonable and will not revise this section of the regulations.

#### **XII. Section 62.112. Bonds or other security.**

This section requires an NGS to post a bond or other security to receive a license to conduct business in this Commonwealth. This section also outlines the criteria to be used to determine the amount and the form of the security needed to ensure the licensee's financial responsibility.

IRRC has a number of concerns with this section. First, IRRC comments that it does not include a prioritization of claims for payment under a bond or other security if an NGS defaults. Establishing this priority of claimants would be consistent with the EGS licensure regulations at § 54.40(f)(3) (relating to bonds or other security).

Second, IRRC examines subsection (c) that states: "The amount and form of the security . . . shall be reasonably based on the criteria established in this section." IRRC indicates that the term "reasonably" is unnecessary, and it should be deleted from this subsection.

Finally, IRRC comments that subsection (e) includes the phrase "unreasonable service." IRRC states that the phrase is unclear, and suggests that the Commission either define it or provide examples of "unreasonable service" in this section.

In its comments, OCA submits that the Commission should modify this rulemaking to include a bonding requirement for consumer protection and to ensure compliance with the Commission's orders and regulations. OCA notes that the bonding requirement for EGSs at § 54.40 contains a purpose and recommends using that regulation as the framework for establishing a regulation for NGSs. OCA notes that elements regarding the Gross Receipts Tax would not be applicable to NGS licensing since the act eliminated this tax.

GASMARK comments that it does not oppose the language in this section and encourages the Commission to be sure that all NGDC bonding requirements are reasonably implemented in the future.

#### *Resolution*

In addressing IRRC's first comment, we note that the provisions relating to the security requirement of the act and the Electric Customer Choice and Competition Act (Electric Choice Act), are markedly different and those differences account for the differences in the regulations for EGSs and NGSs.

In the restructuring of the electric industry, the Commission found it necessary to set forth a priority for the claims to be paid because of the multiple purposes for the security.

According to 66 Pa.C.S. § 2809(c)(i) (relating to requirements for electric generation suppliers), the purpose of the bond was to ensure the financial responsibility of the EGS and the supply of electricity at retail in accordance with contracts, agreements or arrangements. One aspect of the supplier's financial responsibility involved the payment of Gross Receipts Tax. Under the electric restructuring legislation, a customer may pay Gross Receipts Taxes to its licensed EGS. In the event that the licensed EGS fails to remit the appropriate Gross Receipts Taxes, the Department of Revenue is authorized to collect these taxes from the electric distribution company (EDC), who in turn can collect them from the customer. In order to alleviate the potential for customers to pay these taxes twice, the Commission established the payment of Gross Receipts Taxes as the first priority for payment under the bond. The second priority is the reimbursement for the payment of Gross Receipts Taxes by the EDC and the third is other individuals who may have a claim because of failure of the EGS to supply electric generation in accordance with contracts, agreements and arrangements.

In contrast, under the act, the purpose of the security is to ensure the safety and reliability of the natural gas supply in this Commonwealth. We believe that this is a more general requirement and have interpreted this provision to establish a purpose of the bond for the security is to afford natural gas distribution companies some financial protection for the costs of natural gas supplies in the event of supplier default on its obligation to provide supply for its customers or supplier bankruptcy. Gross Receipts Tax was eliminated for gas supply services. Thus, it is unnecessary to delineate specific priority for the payment of claims as the sole beneficiary by statute is the natural gas distribution company.

As to IRRC's other comment, we agree that the word "reasonably" is unnecessary in this subsection and we will delete it.

The OCA requests that the security include consumer protection provisions and provisions ensuring compliance with the Commission's orders and regulations. However, the request is without foundation in the act. As discussed, the purpose of the security requirement in the act is the financial protection of the NGDC and the supplier of last resort in the event of supplier default or bankruptcy. Unlike the Electric Choice Act, the act does not require the security to ensure the supply of natural gas supply service at retail in accordance with contracts, arrangements and agreements. Based on this difference in the legislation, we decline to grant OCA's request.

In regard to IRRC's comment to subsection (e), the term "unreasonable service" refers to a determination made by the Commission upon complaint for unreasonable or inadequate service provided by the NGS. See 66 Pa.C.S. § 1501 (relating to character of service and facilities). The purpose of this subsection was to note that the provision of a bond or other security did not limit an NGS's financial exposure to penalties resulting from the adjudication of complaints. The term "unreasonable service" is not easily defined as it is a determination made by the Commission based on the facts of record established in each complaint proceeding. However, to clarify the regula-



tion we will eliminate the phrase "for unreasonable service, or" leaving the reference to violations of the Public Utility Code.

**XIII. Section 62.113. Transfer or abandonment of license.**

This section provides that a license shall not be transferred without prior Commission approval. No license shall be abandoned without 90 days written notice to the Commission, the licensee's customers and the affected distribution utilities and suppliers of last resort.

*Petition and application*

In this section, two steps are required for a license transfer. IRRC comments that the order of the steps is unclear. As written, the regulation implies that the Commission approves license transfers before receiving the financial and technical fitness application. IRRC recommends that the regulation be amended to clarify the chronology of document submittal and whether both the petition and an application are necessary.

*Resolution*

The Commission agrees with IRRC's comments as it does appear that a two-step process must be followed for a license transfer. For clarity, we will amend the proposed regulation to require that a license application be filed by the transferee at the same time as the petition for transfer is filed.

*Abandonment of service*

IRRC states that subsection (b) contains the phrase: "A licensee may not abandon service. . . ." IRRC questions whether "abandon service" means that an NGS surrenders its license or that the NGS fails to renew or cancels a customer contract. IRRC suggests that the Commission should clarify "abandon service" in the final-form regulation.

OCA comments that the Commission should make it clear that this provision applies if the NGS is abandoning service to any customer or customer class for any period of time whether or not the NGS is abandoning its license overall. OCA states that this revision is necessary to ensure that customers have adequate time to shop for another NGS. Without adequate notice, customers would be returned to suppliers of last resort even though they wished to continue with alternate suppliers. Additionally, if an alternate supplier is abandoning a large number of customers, the supplier of last resort may require 90 days notice in order to properly plan and procure supply. OCA also states that the regulation should be clarified by expanding the heading to include "abandonment of service."

GASMARK claims that the 90-day notice requirement exceeds the Commission's statutory authority and that the requirements of contractual termination between nonutility parties must be reserved to private negotiations and judicial enforcement. GASMARK also provides practical reasons that it opposes this section. First, the 90-day notice requirement is overly broad and may directly conflict with the terms of the contract. GASMARK also states that the economics of market service fluctuate constantly and customers and suppliers may agree on termination clauses requiring notification of 1 month or less. A 90-day notice removes flexibility for suppliers and creates a barrier to customer choice.

Hess proposes to revise subsection (b) to apply to instances where the licensee ceases business with respect to all of its customers in a particular utility jurisdiction,

and to shorten the 90-day notice period to a 45-day notice period. It also proposes written notice be given to individuals as provided for in the service contract. Hess states that it is important that the Commission know what happens to large numbers of customers, but that shouldn't interfere with an individual company's business plans and legal obligations.

*Resolution*

We agree with IRRC and OCA comments that the term "abandon service" fails to convey the circumstances which the Commission wishes to address. The Commission is addressing a situation in which the NGS ceases business and abandons its license. The Commission is not addressing a circumstance under which the NGS is no longer offering service to potential customers or withdrawing from further offerings to customers in a certain customer class. Therefore we will amend the language in the proposed regulation.

The Commission believes that objections raised by GASMARK and Hess concerning the proposed 90-day notice period are premised upon the belief that the Commission is attempting to address the termination of a particular customer's contract with a licensed NGS. This proposed regulation does not address individual customer contracts. The purpose of this section was to address the notice to be provided when a licensee abandons its license and no longer serves all its existing customers. The Commission believes that a 90-day notice requirement for the abandonment of a license is not unreasonable. The Commission, the customers and the suppliers of last resort all require significant lead times in order to prepare for the potential transfer of services.

**XIV. Section 62.114. License suspension; license revocation.**

If the licensee fails to comply with the various Commission requirements, regulations and orders outlined in this section, a license may be suspended or revoked and fines may be imposed against the licensee. Section 62.114(a)(1) provides that the license of an NGS may be suspended or revoked for failure to pay an assessment.

In its comments, IRRC again questions the Commission's statutory authority to assess NGSs under section 510 of the Public Utility Code for the same reasons it previously cited. IRRC again recommends deleting subsection (a)(1) from the final-form regulation.

Also, NEM and POGAM also urge that this subsection be eliminated because the Commission is exceeding its statutory authority by assessing marketers who seek to maintain a license as a NGS.

*Resolution*

The Commission believes that it is appropriate to delineate several specific conditions that would result in the revocation of an NGS's license. However, consistent with our decision to delete § 62.110, we will likewise delete § 62.114(a)(1). We will renumber the subsections as required.

Accordingly, under 66 Pa.C.S. §§ 501, 2203(12) and 2208, the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we amend the regulations in §§ 3.551 and 62.101—62.114 as previously noted and as set forth in Annex A; *Therefore,*

*It Is Ordered that:*

1. The regulations of the Commission, 52 Pa. Code Chapters 3 and 62, are amended by amending § 3.551,

and by adding §§ 62.101—62.114 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to form and legality.

3. The Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both Houses of the General Assembly, and for formal review and approval by IRRC.

5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. A copy of this order and Annex A be served on the OCA, the OSBA, all persons who submitted comments, all NGDCs and all licensed NGSs and be provided to all interested persons.

7. The regulations adopted with this order are effective upon publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

**Fiscal Note:** 57-127. Fiscal note 57-127 remains valid for the final adoption of the subject regulations.

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 3370 (June 23, 2001).)

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 3. SPECIAL PROVISIONS**

**Subchapter H. FORMS**

**§ 3.551. Official forms.**

The following is a list of forms which may be obtained from the Office of the Secretary of the Commission.

\* \* \* \* \*

(16) Application for natural gas supplier license.

\* \* \* \* \*

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE**

**Subchapter D. LICENSING REQUIREMENTS FOR NATURAL GAS SUPPLIERS**

**§ 62.101. Definitions.**

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

*Act*—The Natural Gas Choice and Competition Act (66 Pa.C.S. §§ 2201—2212).

*Applicant*—A person or entity seeking to obtain a license to supply retail natural gas supply services to retail customers.

*City natural gas distribution operation*—A collection of real and personal assets used for distributing natural gas to retail gas customers owned by a city or a municipal

authority, nonprofit corporation or public corporation formed under section 2212(m) of the act (relating to city natural gas distribution operations).

*License*—A license granted to an NGS under this subchapter.

*Licensee*—A person or entity that has obtained a license to provide natural gas supply services to retail customers.

*Marketing*—The publication, dissemination or distribution of informational and advertising materials regarding the NGS's services and products to the public by personal contact, print, broadcast, electronic media, direct mail or by telecommunication.

*Marketing services consultant*—A commercial entity, such as a telemarketing firm or auction-type website, or energy consultant, that under contract to a licensee or a retail customer, may act as an agent to market natural gas supply services to retail gas customers for the licensee or may act as an agent to recommend the acceptance of offers to provide service to retail customers. A marketing services consultant:

(i) Does not collect natural gas supply costs directly from retail customers.

(ii) Is not responsible for the scheduling of natural gas supplies.

(iii) Is not responsible for the payment of the costs of the natural gas to suppliers, producers, or NGDCs.

*NGDC*—Natural gas distribution company—As defined in section 2202 of the act (relating to definitions).

*NGS*—Natural gas supplier—As defined in section 2202 of the act.

*Natural gas supply services*—As defined in section 2202 of the act.

*Nontraditional marketer*—A community-based organization, civic, fraternal or business association, or common interest group that works with a licensed supplier as an agent to market natural gas supply services to its members or constituents. A nontraditional marketer:

(i) Conducts its transactions through a licensed NGS.

(ii) Does not collect revenues directly from retail customers.

(iii) Does not require its members or constituents to obtain its natural gas service through the nontraditional marketer or a specific licensed NGS.

(iv) Is not responsible for the scheduling of natural gas supplies.

(v) Is not responsible for the payment of the costs of the natural gas to its suppliers or producers.

*Offer to provide service*—The extension of an offer to provide services or products communicated orally or in writing to a customer.

*Retail gas customer*—As defined in section 2202 of the act.

*Supplier of last resort*—A supplier approved by the Commission under section 2207(a) of the act (relating to obligation to serve) to provide natural gas supply services to customers who contracted for natural gas that was not delivered, or who did not select an alternative NGS, or who are not eligible to obtain competitive natural gas supply, or who return to the supplier of last resort after having obtained competitive natural gas supply.

**§ 62.102. Scope of licensure.**

(a) An NGS may not engage in marketing, or may not offer to provide, or provide natural gas supply services to retail customers until it is granted a license by the Commission.

(b) An NGDC acting within its certified service territory as a supplier of last resort is not required to obtain a license.

(c) The owners/operators of a building or facility that manages the internal distribution system supplying a building or facility and supply natural gas and other related services to occupants of the building or the facility where the owners/operators, and not the occupants, are the direct purchasers of the natural gas supply services are not required to obtain a license.

(d) A nontraditional marketer is not required to obtain a license. The licensed NGS shall be responsible for violations of 66 Pa.C.S. (relating to the Public Utility Code), and applicable regulations of this title, orders and directives committed by the nontraditional marketer and fraudulent, deceptive or other unlawful marketing or billing acts committed by the nontraditional marketer.

(e) A marketing services consultant is not required to obtain a license. The licensed NGS shall be responsible for violations of 66 Pa.C.S. and applicable regulations of this title, orders and directives committed by the marketing services consultant and fraudulent, deceptive or other unlawful marketing or billing acts committed by the marketing services consultant.

**§ 62.103. Application process.**

(a) An application for a license shall be made on the form provided by the Commission. A copy of the application can be obtained from the Commission's Secretary. The application form is also available on the Commission's Internet web site. An application shall be verified by an oath or affirmation as required in § 1.36 (relating to verification). See section 2208(b) of the act (relating to requirements for natural gas suppliers).

(b) An original and eight copies of the completed application and supporting attachments shall be filed. An electronic copy of the application shall also be filed. An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

(c) Subject to subsection (e), copies of the completed applications with supporting documentation shall be served on the following:

- (1) The Office of Consumer Advocate.
- (2) The Office of Small Business Advocate.
- (3) The Office of Attorney General, Bureau of Consumer Protection.
- (4) The Department of Revenue.
- (5) Each NGDC in whose service territory the applicant intends to provide natural gas supply services.

(d) Incomplete applications and those without supporting attachments, if needed, will be rejected without prejudice. The license application, with supporting attachments, shall be completed in its entirety.

(e) When an answer on the application requires the disclosure of privileged or confidential information not otherwise available to the public, the applicant may designate at each point in the application where information is disclosed that is confidential and privileged. One

copy of this confidential or privileged information conspicuously marked at the top as "CONFIDENTIAL" may be submitted to the Office of the Secretary with the application.

(1) An applicant must provide reasons for protecting this information.

(2) The request for confidentiality will be treated as a petition for protective order and will be ruled on by the Commission in conjunction with the license application.

(3) Pending disposition, the information will be used solely for the purpose of evaluating the license application, and the confidentiality of this information will be maintained consistent with the Commission's rules and regulations pertaining to confidentiality.

**§ 62.104. Application form.**

(a) The application form includes information that will be used in the evaluation of the financial fitness and technical fitness to render service. Information includes:

(1) Identification of the geographic area that the applicant proposes to serve.

(2) Identification of the type of service that the applicant proposes to furnish.

(3) Identification of the class of customers to which the applicant proposes to provide these services.

(4) Identification of the applicant's utility affiliates.

(5) Description of the applicant's business structure.

(6) Financial information sufficient to demonstrate financial fitness. This information may include credit ratings and history, audited financial statements, and insurance pertinent to the conduct of the applicant's business as an NGS.

(7) Evidence of competency and experience in providing the scope and nature of the applicant's proposed services. This evidence may include:

(i) Descriptions of the applicant's prior experience.

(ii) Proposed staffing and employee training commitments.

(iii) Business plans.

(iv) Agreements, arrangements and contracts for natural gas supply procurement, transmission and related services.

(8) Evidence demonstrating the applicant's ability to comply with applicable Commission requirements concerning customer billing, customer education, billing and terms of service, and customer information. This evidence may include:

(i) Prior regulatory experience of the applicant.

(ii) Prior business experience in energy or other service-oriented industries.

(iii) Staffing and staff training commitments.

(iv) Agreements, arrangements and contracts for customer education and information service.

(v) Customer satisfaction survey results.

(vi) Government agency reports.

(vii) Complaint statistics compiled by the Better Business Bureau or similar business organizations.

(9) Certification that notice of the application was published in accordance with § 54.35 (relating to publication of notice of filing) shall be filed with the Commis-

sion's Secretary. The certification shall be notarized and include a photostatic copy of the notices as published. An application will not be considered complete for Commission review without this certification.

(b) Additional information that shall be submitted in support of the application includes:

(1) The name, address, telephone number, electronic numbers and addresses used to transmit tax and related information of the persons responsible for preparing and filing the applicant's Pennsylvania tax returns.

(2) The trade names or fictitious names used by the applicant.

(3) The type of business association (for example, sole proprietor, partnership or corporation).

(4) The names of the owners, general partners or corporate officers.

(5) The number of the applicant's current and anticipated employees working in this Commonwealth.

(6) An identification of the applicant's assets in this Commonwealth.

(7) The principal office in this Commonwealth or of its registered agent.

(8) The applicant's Department of Revenue tax identification numbers including Sales Tax license number, employer identification number and corporate box number.

**§ 62.105. Change in organizational structure or operational status.**

(a) The applicant is under a duty to inform the Commission of a material change in the information provided in the application during the pendency of the application, or while the licensee is operating in this Commonwealth.

(b) A material change in the organizational structure or operation that affects an applicant's or a licensee's operation in this Commonwealth shall be reported to the Commission within 30 days of the date of the change. Specifically, notification shall be given to the Commission of a change in the following:

- (1) Affiliation with an NGDC.
- (2) Affiliation with an entity that has a franchised service area.
- (3) Affiliation with another NGS.
- (4) Affiliation with a licensed electric generation supplier.
- (5) Office location.
- (6) Chief executive officer or operating partners.
- (7) Customer classes served expanded to include residential and small commercial customers.

(c) Unless directed otherwise by the Commission, the licensee does not need to file an amended application with the Commission.

**§ 62.106. Open and nondiscriminatory access.**

A municipal corporation shall, before it is permitted to provide natural gas supply services as a licensed NGS, demonstrate, and the Commission will determine, that by the date of the issuance of the license, it will provide other NGSs open and nondiscriminatory access to its gas distribution system under standards that are comparable to those found in the act, taking into consideration the particular circumstances of the municipal corporation's ownership or operation, or both, of its natural gas

distribution system. See section 2208(g) of the act (relating to open and nondiscriminatory access).

**§ 62.107. Publication of notice of filing.**

(a) Notice of filing an application shall be published in newspapers of general circulation covering each county in which the applicant intends to provide service as required by § 5.14(a)(2) (relating to applications requiring notice). Applicants may contact the Commission's Press Secretary to confirm the identity of the newspapers of general circulation in which notice shall be published.

(b) The notice shall be written in plain language and include the name, address and telephone number of the applicant, a description of the proposed services to be provided and the geographic area to be served.

(1) The notice shall include the application docket number and a statement that protests related to the technical or financial fitness of the applicant shall be filed within 15 days of the publication date of the notice with the Commission's Secretary, Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

(2) The notice in an acceptable electronic format shall be submitted to the Commission's Secretary for posting on the Commission's Internet web site. Inquiries concerning the electronic format may be directed to the Commission's Forms Officer.

**§ 62.108. Protests to applications.**

(a) Consistent with § 5.14(b) (relating to applications requiring notice), a 15-day protest period commences on the date notice of the application filing is published in newspapers. An interested party may file a protest to an application in compliance with § 5.52(a) (relating to content of a protest to an application) and shall set out clearly and concisely the facts upon which challenge to the fitness of the applicant is based. An applicant may file an answer to the protest within 10 days of when the protest is filed. Protests which do not fully comply with § 5.52(a) (relating to content of a protest to an application) will be rejected.

(b) Protests may challenge only the applicant's financial and technical fitness to provide the service for which a license is requested. Consistent with the requirements of due process, sanctions, such as revocation or suspension of a supplier's license or the imposition of a fine, may be imposed on parties who intentionally misuse the protest process by repeated filing of competitive protests.

(c) A protest to the applicant's technical or financial fitness to provide service will be assigned to Commission staff for review. Staff will determine if the protest fully complies with § 5.52(a) and sets out clearly and concisely the facts upon which the challenge to the fitness of the applicant is based.

(1) Staff will determine if the protest is sufficiently documented.

(2) If a protest is not sufficiently documented, Commission staff will prepare a recommendation for Commission consideration dismissing the protest and granting the application.

(3) If a protest is sufficiently documented, the application will be transferred to the Office of Administrative Law Judge for hearings or mediation as deemed appropriate.

**§ 62.109. Approval.**

(a) A license will be issued, authorizing the whole or any part of service requested, if the Commission finds that:

(1) The applicant is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of 66 Pa.C.S. (relating to the Public Utility Code) and the lawful Commission orders and regulations, specifically including Chapter 56 (relating to standards and billing practices for residential utility service).

(2) The proposed service is consistent with the public interest and the policy declared in the act (See section 2208(b) of the act (relating to requirements for natural gas suppliers)).

(b) Completed applications, with all supporting documentation, including any documentation or clarifying information requested by Commission staff, if unprotested, will be processed within 45 days after acceptance by the Commission. If the application is not processed within the time period, the application will be deemed approved. The review period may be extended for a reasonable period of time by Secretarial Letter.

**§ 62.110. Reporting requirements.**

(a) A licensee shall file an annual report on or before April 30 of each year, for the previous calendar year. The annual report shall contain the following information:

(1) The total amount of gross receipts from the sales of natural gas supply services for the preceding calendar year.

(2) The total amount of natural gas sold during the preceding calendar year.

(3) The names and addresses of nontraditional marketers and marketing services consultants who are currently or will be acting as agents for the licensee in the upcoming year.

(b) A licensee shall be required to meet periodic reporting requirements issued by the Commission to fulfill the Commission's duty under the act pertaining to reliability and to inform the Governor and General Assembly of the progress to a fully competitive natural gas market.

(c) The information requested in this section will be made available for public review upon request to the Commission subject to any rulings on confidentiality made by the Commission.

**§ 62.111. Bonds or other security.**

(a) A license will not be issued or remain in force until the licensee furnishes proof of a bond or other security. See section 2208(c)(1)(i) of the act (relating to requirements for natural gas suppliers).

(b) The purpose of the security requirement is to ensure the licensee's financial responsibility. See section 2208(c)(1)(i) of the act.

(c) The amount and the form of the security, if not mutually agreed upon by the NGDC and the licensee, shall be based on the criteria established in this section. The criteria shall be applied in a nondiscriminatory manner. The Commission will periodically review the established criteria upon petition by any party.

(1) The amount of the security should be reasonably related to the financial exposure imposed on the NGDC or supplier of last resort resulting from the default or bankruptcy of the licensee. At a minimum, the amount of security should materially reflect the difference between the cost of gas incurred and the supplier's charges, if any, incurred by the NGDC or supplier of last resort during one billing cycle.

(i) The amount of security established under this paragraph may be modified based on one or more of the following:

(A) The licensee's past operating history, including the length of time that the licensee operated on the NGDC's system, the number of customers served and past supply reliability problems.

(B) The licensee's credit reports.

(C) The number and class of customers being served.

(D) Information that materially affects a licensee's creditworthiness.

(E) The licensee's demonstrated capability to provide the volume of natural gas necessary for its customers' needs.

(ii) The amount of the security may be adjusted, but not more often than every 6 months. The adjustments shall be reasonable and based on one or more of the following criteria:

(A) Changes in a licensee's recent operating history on the NGDC's system.

(B) Changes in a licensee's credit reports.

(C) Changes in the number or class of customers being served by the licensee.

(D) Changes in circumstances that materially affect a licensee's creditworthiness.

(E) The licensee's demonstrated capability to provide the volume of natural gas necessary for its customers' needs.

(2) The following legal and financial instruments and property shall be acceptable as security:

(i) Bond.

(ii) Irrevocable letter of credit.

(iii) Corporate, parental or other third-party guaranty.

(3) In addition to the requirements in this section, small suppliers with annual operating revenues of less than \$1 million may utilize real or personal property with the following supporting documentation acceptable as security:

(i) A verified statement from the licensee that it has clear title to the property and that the property has not been pledged as collateral, or otherwise encumbered in regard to any other legal or financial transaction.

(ii) A current appraisal report of the market value of the property.

(d) The licensee shall submit to the Commission documentation demonstrating that it has complied with the bonding or security requirement. One copy of each bond, letter of credit, or other financial or legal instrument or document evidencing an agreement between the licensee and the NGDC shall be submitted to the Commission.

(e) Licensee liability for violations of 66 Pa.C.S. (relating to the Public Utility Code) and Commission orders and regulations is not limited by these security requirements.

**§ 62.112. Transfer or abandonment of license.**

(a) A license may not be transferred without prior Commission approval. See section 2208(d) of the act (relating to requirements for natural gas suppliers). Approval for transfer shall be obtained by petition to the

Commission. A license application shall be filed by the transferee at the same time that the petition for transfer is filed and demonstrate the transferee's financial and technical fitness to render service under the transferred license.

(b) A licensee may not abandon its license without providing 90 days prior written notice to the Commission, the licensee's customers, the affected distribution utilities and suppliers of last resort. The licensee shall provide written individual notice to its customers at approximately 90 days and 60 days preceding the effective date of the abandonment.

**§ 62.113. License suspension; license revocation.**

(a) A licensee shall comply with the applicable requirements of 66 Pa.C.S. (relating to the Public Utility Code) and Commission regulations and orders. Consistent with due process, a license may be suspended or revoked, and fines may be imposed against the licensee for:

- (1) Failure to furnish and maintain a bond or other security.
- (2) Failure to comply with the rules, regulations, orders or directives of the Department of Revenue.
- (3) Failure to provide the address of its current principal office in this Commonwealth or of its registered agent.
- (4) Failure to follow the principles in § 62.115 (relating to standards of conduct and disclosure for licensees).
- (5) Violation of applicable provisions of 66 Pa.C.S., Commission regulations and lawful Commission orders. See section 2208(c)(2) of the act (relating to requirements for natural gas suppliers).
- (6) Violation of Pennsylvania consumer protection law.
- (b) The unauthorized transfer by an NGDC, or its affiliate, of a customer's NGS without the customer's express consent will result in a fine, or the suspension, or the revocation of the license of that NGDC's affiliated NGS. See section 2206(b) of the act (relating to consumer protection and customer service).
- (c) The unauthorized transfer by a licensed NGS, or its affiliate, of a customer's NGS without the customer's express consent will result in a fine, or the suspension, or the revocation of the license of that NGS.

**§ 62.114. Standards of conduct and disclosure for licensees.**

To protect the consumers of this Commonwealth, licensees shall adhere to the following principles in the provision of natural gas service:

- (1) A licensee shall provide accurate information about its natural gas services using plain language and common terms in communications with consumers. When new terms are used, the terms shall be defined again using plain language.
- (2) A licensee shall provide notification of change in conditions of service, intent to cease operation as an NGS, explanation of denial of service, proper handling of deposits and proper handling of complaints in accordance with this title.
- (3) A licensee shall maintain the confidentiality of a consumer's personal information including name, address and telephone number, and historic payment information, and provide the right of access by the consumer to the consumer's own load and billing information.
- (4) A licensee may not discriminate in the provision of natural gas as to availability and terms of service based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance income, and exercise of rights under the Consumer Credit Protection Act (15 U.S.C.A. §§ 1601—1693c). See 15 U.S.C.A. §§ 1691—1691f (relating to equal credit opportunity); and 12 CFR Part 202 (relating to equal credit opportunity)(Regulation B).
- (e) A licensee is responsible for any fraudulent, deceptive or other unlawful marketing or billing acts performed by the licensee, its employees, agents or representatives. A licensee shall inform consumers of State consumer protection laws that govern the cancellation or rescission of natural gas supply contracts. See section 7 of the Unfair Trade Practices and Consumer Protection Law (73 P. S. § 201-7).
- (f) A licensee shall comply with relevant Commission regulations, orders and directives that may be adopted.

[Pa.B. Doc. No. 01-1307. Filed for public inspection July 20, 2001, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

### Browns Run—Warren County; Public Hearing and Reopening of Public Comment Period

The Environmental Quality Board (EQB) will hold a public hearing to accept comments on its proposal to redesignate portions of the Browns Run basin in Warren County as Exceptional Value (EV) Waters. The EQB's proposal is based on specific segments of the basin meeting the biological test for EV designation as specified by the antidegradation regulations in 25 Pa. Code Chapter 93. The segments include: the Browns Run basin from the source to Dutchman Run; the Dutchman Run basin from the source to the T-413 crossing in Mead Township; the basin of Unnamed Tributary 56502; and the Morrison Run basin. The remainder of the basin would retain the current Cold Water Fishes designation.

The EQB's proposal to redesignate Browns Run was published at 31 Pa.B. 2325 (May 5, 2001), with a public comment period, that was open until June 19. During the public comment period, the EQB received requests to conduct a public hearing on the proposed redesignation. As a result of these requests, a public hearing has been scheduled for Tuesday, September 4, in Warren. In addition, the public comment period will reopen on July 21 and will be open through September 11.

The hearing will be held at 6:30 p.m. as follows:

September 4, 2001      Warren County Courthouse  
Main Court Room  
204 Fourth Avenue  
(Market and Fourth Sts.)  
Warren, PA

Persons interested in presenting testimony at the hearing should contact Deb Failor, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-2063, (717)

787-4526 (or e-mail [dfailor@state.pa.us](mailto:dfailor@state.pa.us)), at least 1 week in advance of the hearing to reserve a time to present testimony. To accommodate as many individuals as possible, each speaker will be limited to 5 minutes. Speakers are requested to submit three written copies of their testimony at the hearing. Each organization is asked to designate one speaker on its behalf.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation in order to participate should contact Deb Failor at (717) 787-4526, or through the AT&T Relay Service at (800) 654-5984 (TDD), to discuss how their needs may be accommodated.

Written comments will be accepted and must be received by the EQB, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: 15th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301) by September 11, 2001. Comments may also be submitted via e-mail to [RegComments@state.pa.us](mailto:RegComments@state.pa.us). Comments submitted by facsimile or voice mail will not be accepted. In addition to written or e-mail comments, a one-page summary of comments may also be submitted to the EQB and must be received by September 11, 2001. The one-page summary will be distributed to each EQB member when the final-form regulation is considered.

Copies of this proposal are available from Mary Houghton, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, Department of Environmental Protection, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-9637 (e-mail [mhoughton@state.pa.us](mailto:mhoughton@state.pa.us)) and on the DEP website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Public Participation Center/Proposals Open for Comment/Stream Redesignations— Little Bush Kill, et al.).

DAVID E. HESS,  
*Chairperson*

[Pa.B. Doc. No. 01-1308. Filed for public inspection July 20, 2001, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective July 5, 2001.

The organization chart at 31 Pa.B. 3958 (July 20, 2001) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 01-1309. Filed for public inspection July 20, 2001, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective July 2, 2001.

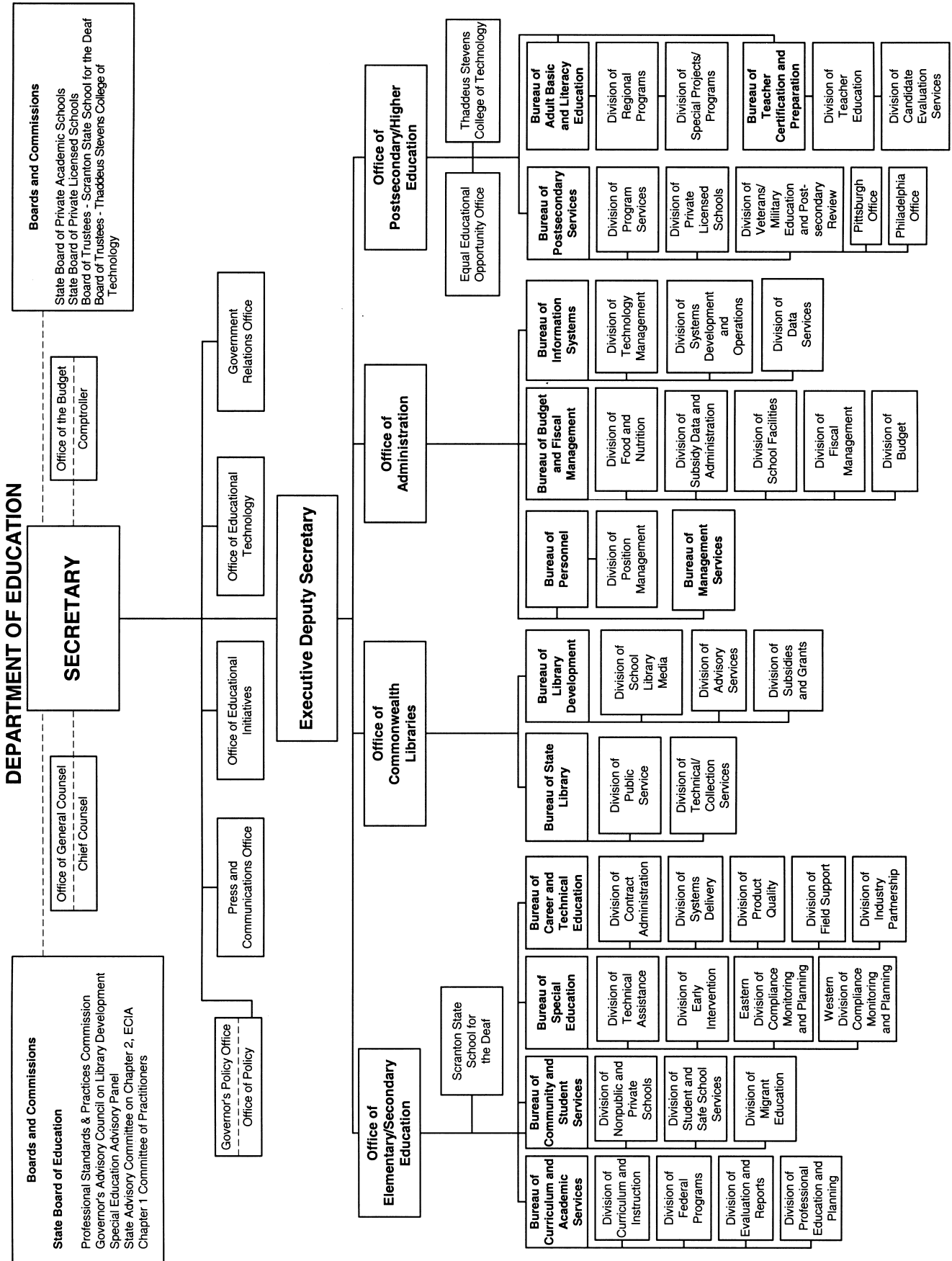
The organization chart at 31 Pa.B. 3960 (July 6, 2001) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

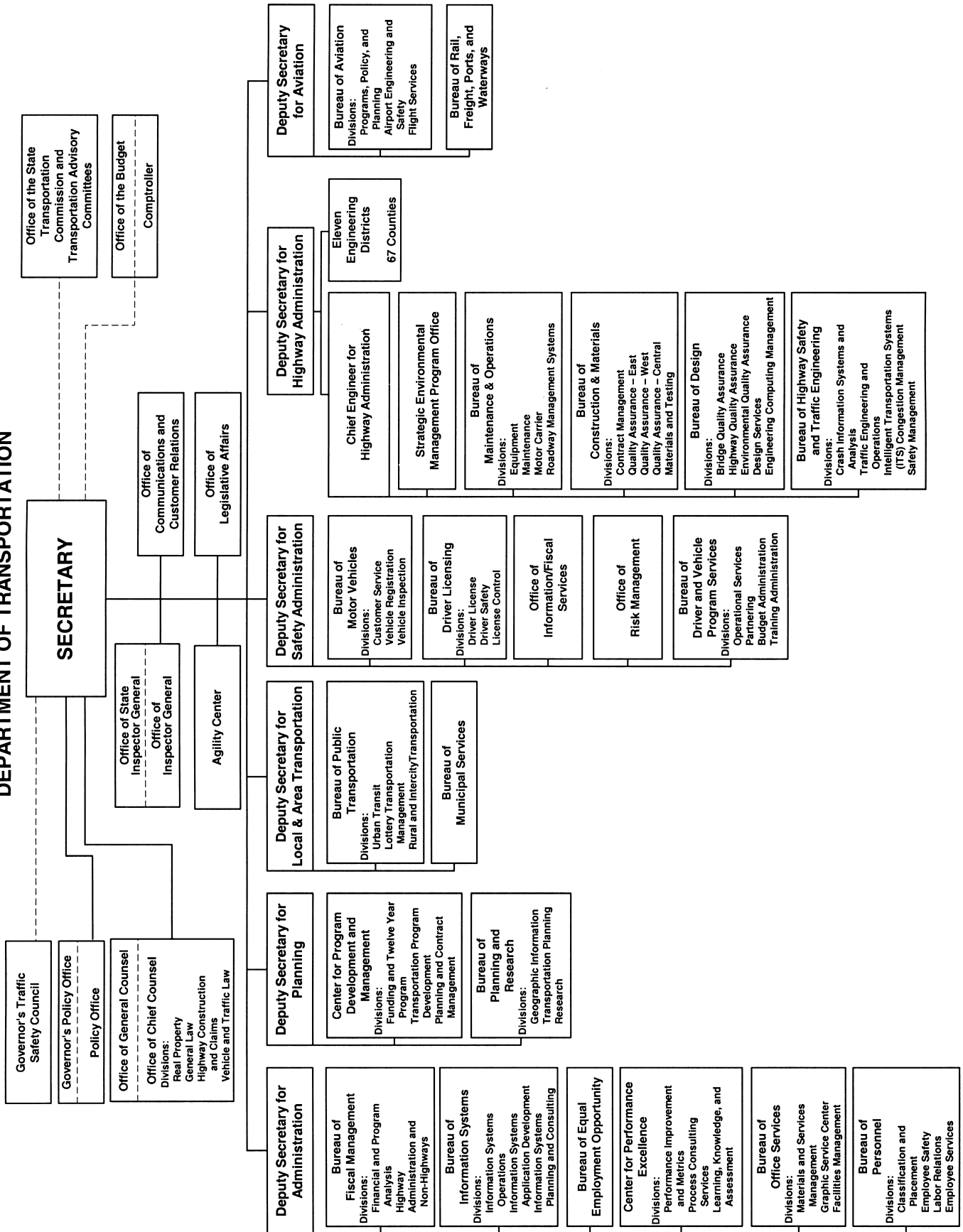
[Pa.B. Doc. No. 01-1310. Filed for public inspection July 20, 2001, 9:00 a.m.]

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DEPARTMENT OF TRANSPORTATION



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Notice of Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, July 25, 2001. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, NJ.

The conference among the Commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: a report on the Watershed Advisory Council meeting of July 24, 2001; status of the Current Comprehensive Plan; status of PCB Point Source Discharge Monitoring; and summaries of the Toxics Advisory Committee meetings of June 28, and July 18, 2001. The conference also will include presentations on sustainable wastewater management within the Tri-State Middle Delaware Region and cooperative interagency development of a Delaware River water trail.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the following dockets, a resolution confirming the appointment of Acting General Counsel to the Commission.

The dockets scheduled for public hearing are as follows:

1. *North Wales Water Authority D-90-6 CP (Revision)*. An application for the revision of a ground water withdrawal project to reallocate the existing 210 million gallons (mg)/30 days to 195 mg/30 days for the applicant's public water distribution system from Wells Nos. 1, 4B, 8, 9, 10, 11, 14, 17, 21, 22, 25, 31 and 34 in the Stockton, Lockatong and Brunswick Formations. The project is located in North Wales Borough, Upper Gwynedd, Lower Gwynedd, Whitpain, Upper Dublin and Montgomery Townships in Montgomery County; and New Britain Township in Bucks County, all in the Southeastern Pennsylvania Ground Water Protected Area.

2. *Walnutport Authority D-90-87 CP RENEWAL*. An application for the renewal of a ground water withdrawal project to supply up to 8 mg/30 days of water to the applicant's public water distribution system from existing Wells Nos. 1—5 in the Martinsburg Formation. No increase in maximum allocation is proposed. The project is located in Walnutport Borough and Lehigh Township, Northampton County, PA.

3. *Yardley Country Club D-2000-32*. An application for approval of a ground water withdrawal project to supply up to 15 mg/30 days of water to the applicant's golf course irrigation system from new Well No. 1 in the Stockton Formation and to limit the withdrawal from all sources to 15 mg/30 days. The project is located in Yardley Borough, Bucks County, PA.

4. *Kimberton Golf Club D-2001-4*. An application for approval of a ground water withdrawal project to supply up to 4.2 mg/30 days of water to the applicant's golf course irrigation system from newly redeveloped Well No. PW-1. The project well is located in the Stockton Formation in East Vincent Township, Chester County in the Southeastern Pennsylvania Ground Water Protected Area.

5. *Heritage Building Group D-2001-8*. An application for approval of a ground water withdrawal project to supply up to 6.5 mg/30 days of water to irrigate the applicant's Heritage Hills Golf Club from new Wells Nos. TW-1 and TW-2. The project is located in the Brunswick Formation in Limerick and Lower Pottsgrove Townships, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

6. *New Jersey Department of Corrections D-2001-22 CP*. An application to rerate the Bayside State Prison sewage treatment plant (STP) from 0.55 million gallons per day (mgd) to 0.61 mgd and continue to provide advanced secondary treatment. The STP serves only the correctional facilities and will continue to discharge through the existing outfall to Riggins Ditch, a tributary of Delaware Bay. The project is located just west of Delsea Drive (State Route 47) in Maurice River Township, Cumberland County, NJ.

7. *S.W.E.C, LLC D-2001-28*. An application to provide a nonutility electric power generator with an average of 8.5 mgd of water diverted via the USX Fairless Works intake on the Delaware River. USX's current surface water allocation is sufficient for supply of the project water demand. The proposed natural gas-fired combustion turbines and steam turbine generators are designed to produce 1,190 megawatts (MW) of electric power for the Pennsylvania-Jersey-Maryland (PJM) grid. The project will be constructed on a 45 acre site within the USX Industrial Park off Bordentown Road in Falls Township, Bucks County, PA. Following average consumptive losses of 6.15 mgd to evaporation and drift, approximately 2.35 mgd of wastewater will be routed to the USX wastewater treatment facility prior to discharge to the Delaware River in Commission Water Quality Zone 2.

8. *Joyfor Joint Venture D-2001-32*. An application to construct a 0.05 mgd tertiary level STP to serve a proposed adjacent shopping center and hotel located approximately 6,000 feet northeast of the intersection of State Route 3 and Providence Road in Newtown Township, Delaware County, PA. Treated effluent will be discharged to an unnamed tributary of Crum Creek, locally known as Reese's Run.

9. *Village of Delhi D-2001-33 CP*. An application to upgrade and expand a 0.515 mgd secondary level STP to provide tertiary treatment of 0.815 mgd. The plant is located just south of State Route 10, about 1 mile west of State Route 28 in the Town of Delhi, Delaware County, NY. The project will continue to serve the residents of Delhi Village and will be rerated after the upgrade to receive and process the pretreated waste from two small industries, which will discontinue their own existing discharge. The STP effluent will continue to be discharged via the existing outfall to the West Branch Delaware River, about 22 river miles upstream from the Cannonsville Reservoir in Commission Water Quality Zone W1.

In addition to the public hearing, the Commission will address the following at its 1 p.m. business meeting: minutes of the June 6, 2001, business meeting; announcements; report on hydrologic conditions; reports by the Executive Director and Acting General Counsel; public dialogue; and resolutions 1) authorizing the continued

procurement of services for the Commission's Estuary Model Peer Review Team; 2) authorizing the Executive Director to issue an RFP for sample collection and analysis to support the development of TMDLs for PCBs, chlorinated pesticides and metals in the Delaware Estuary; 3) approving an investment policy for the Commission; and 4) authorizing the Executive Director to contract with two asset management firms.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Contact Thomas L. Brand at (609) 883-9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at (609) 883-9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, directly at (609) 883-9500 ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY) to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,  
*Secretary*

[Pa.B. Doc. No. 01-1311. Filed for public inspection July 20, 2001, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 10, 2001.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-1-01	Fulton Financial Corporation, Lancaster, to acquire 100% of outstanding shares of Drovers Bancshares Corporation, York	Lancaster	Effective

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-2-01	First Star Savings Bank Bethlehem Northampton Purchase of assets/assumptions of liabilities of one branch office of Main Street Bank, Reading, Located at: 1430 Jacobsburg Road Wind Gap Plainfield Township Northampton County	Bethlehem	Effective

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-5-01	Northwest Savings Bank Warren Warren County	108 Washington Towne Boulevard Edinboro Erie County	Approved
7-5-01	Minersville Safe Deposit Bank & Trust Company Minersville Schuylkill County	452 S. Lehigh St. Frackville Schuylkill County	Approved

## NOTICES

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-2-01	The Drovers & Mechanics Bank York York County	30 W. Patrick St. Frederick Frederick County Maryland	Effective

*Note:* In conjunction with the acquisition of Drovers Bancshares Corporation, York, by Fulton Financial Corporation, Lancaster, the previously-noted branch office was sold to Hagerstown Trust Company, Hagerstown, MD, a Maryland state-chartered bank and a wholly-owned subsidiary of Fulton Financial Corporation.

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
7-6-01	Suburban Community Bank Chalfont Bucks County	To provide for the amendment to Article Seventh which provides for the elimination of cumulative voting in the election of directors; and the addition of Article Tenth, permitting Board of Directors' consideration of non-economic factors in the evaluation of various acquisition offers.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
7-10-01	North Districts Credit Union Gibsonia Allegheny County	The amendment to Article 1 provides for a change in name to North Districts Community Credit Union; Amendment to Article 8 provides for a change in the field of membership (see following note).	Approved and Effective

The subject Articles of Amendment were necessitated by the conversion of the credit union's charter from an "occupational credit union" to a "community credit union." Said conversion was Approved by the Department of Banking on 7-6-01.

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-25-01	HVHS Credit Union Sewickley Allegheny County	1000 Dutch Ridge Rd. Beaver Beaver County	Opened

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1312. Filed for public inspection July 20, 2001, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

## NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

### NPDES APPLICATIONS

#### PART I PERMITS

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted above 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 above the application.

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0060721	Pocono Plateau Camp & Retreat Center R. R. 2, Box 2747 Cresco, PA 18326	Monroe County Barrett Township	Taylor Creek (1C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0081060	Meadowbrook Mobile Home Park 314 Erford Road Camp Hill, PA 17011	York County Fairview Township	UNT Yellow Breeches Creek/7E	Yes
PA0084697	Wiconisco Township 305 Walnut Street Wiconisco, PA 17097	Dauphin County Wiconisco Township	Bear Creek	Yes

<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>
PA0084018	Fishing Creek Estates Homeowners Association Custer Homes, Inc. 1309 Laurel Point Circle Harrisburg, PA 17110	Dauphin County Middle Paxton Township	Fishing Creek	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209384 Sewerage Public	Lawrence Township Municipal Authority R. R. 2 Box 120C Tioga, PA 16946	Tioga Lawrence Township	Tioga River 4A	Y

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

**PA0103659**, Industrial Waste. **Calumet Lubricants Company, L.P.**, Allegheny Avenue, Reno, PA 16343.

This proposed facility is located in Sugarcreek Borough, **Venango County**.

Description of Proposed discharge of treated I.W. and stormwater, is in watershed 16E and classified for: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 39 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00072 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	XX				
Oil and Grease	0.09	0.18	15	30	30
pH	Within limits of 6.0 to 9.0 standard units at all times.				

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

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	

No discharge unless authorized by the Northwest Regional Water Quality Manager or his representative.

The proposed effluent limits for Outfall 003 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	XX				
Oil and Grease			XX		
pH	Within limits of 6.0 to 9.0 standard units at all times.				

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

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	XX				
Oil and Grease			XX		
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 005 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	XX		XX		
Oil and Grease					
pH			Within limits of 6.0 to 9.0 standard units at all times.		

The proposed effluent limits for Outfall 006 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	XX		XX		
Oil and Grease					
pH			Within limits of 6.0 to 9.0 standard units at all times.		

XX—Monitor and report.

The EPA Waiver is in effect.

**PA0103381**, Industrial Waste. **Merisol Antioxidants, L.L.C.**, P. O. Box 8A. Route 8 North, Oil City, PA 16301-9702.

This proposed facility is located in Cornplanter Township, **Venango County**.

Description of Proposed discharge of treated I.W., is in watershed 16E and classified for: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 40.5 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0172 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
(MO) Flow (MGD)	XX				
(BAT) BOD <sub>5</sub>	8.7	22.8	40	105	
(BAT) TSS	11.9	36.9	55	170	
(BPJ) phenolics			0.5	1.0	1.25
Acenaphthene	0.0037	0.0098	XX	XX	XX
Acenaphthylene	0.0037	0.0098	XX	XX	XX
Acrylonitrile	0.016	0.0404	XX	XX	XX
Anthracene	0.0037	0.0098	XX	XX	XX
Benzene	0.0062	0.0227	XX	XX	XX
Benzo (a) anthracene	0.0037	0.0098	XX	XX	XX
3,4-Benzofluoranthene	0.0038	0.0102	XX	XX	XX
Benzo (k) fluoranthene	0.0037	0.0098	XX	XX	XX
Benzo (a) pyrene	0.0038	0.0098	XX	XX	XX
Bis (2-ethylhexyl)-phthalate	0.0172	0.0465	XX	XX	XX
Carbontetrachloride	0.003	0.0063	XX	XX	XX
Chlorobenzene	0.0025	0.0047	XX	XX	XX
Chloroethane	0.0173	0.0447	XX	XX	XX
2-Chlorophenol	0.0052	0.0163	XX	XX	XX
Chrysene	0.0037	0.0098	XX	XX	XX
Di-n-butylphthalate	0.0045	0.0095	XX	XX	XX
1,2-Dichlorobenzene	0.0128	0.0272	XX	XX	XX
1,3-Dichlorobenzene	0.0052	0.0073	XX	XX	XX
1,1-Dichloroethane	0.0037	0.0098	XX	XX	XX
1,2-Dichloroethane	0.0113	0.0352	XX	XX	XX
1,1-Dichloroethylene	0.0027	0.0042	XX	XX	XX
1,2-Trans-Dichloroethylene		0.009	XX	XX	XX
2,4-Dichlorophenol	0.0065	0.0187	XX	XX	XX
1,2-Dichloropropane	0.0255	0.0384	XX	XX	XX
1,3-Dichloropropylene	0.0052	0.0073	XX	XX	XX
Diethylphthalate	0.0135	0.0339	XX	XX	XX
2,4-Dimethylphenol	0.003	0.006	XX	XX	XX
Dimethylphthalate	0.0032	0.0078	XX	XX	XX
4,6-Dinitro-o-cresol	0.013	0.0462	XX	XX	XX



<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
2,4-Dinitrophenol	0.0118	0.0205	XX	XX	XX
2,4-Dinitrotoluene	0.0425	0.1069	XX	XX	XX
Ethylbenzene	0.0053	0.018	XX	XX	XX
Floranthene	0.0042	0.0113	XX	XX	XX
Fluorene	0.0037	0.0098	XX	XX	XX
Hexachlorobenzene	0.0006	0.0047	XX	XX	XX
Hexachlorobutadiene	0.0033	0.0082	XX	XX	XX
Hexachloroethane	0.0035	0.009	XX	XX	XX
Methyl Chloride	0.0143	0.0317	XX	XX	XX
Methylene Chloride	0.0067	0.0148	XX	XX	XX
Napthalene	0.0037	0.0098	XX	XX	XX
Nitrobenzene	0.0045	0.0113	XX	XX	XX
2-Nitrophenol	0.0068	0.0115	XX	XX	XX
4-Nitrophenol	0.012	0.0207	XX	XX	XX
Phenanthrene	0.0037	0.0098	XX	XX	XX
Phenol	0.0025	0.0043	XX	XX	XX
Pyrene	0.0042	0.0112	XX	XX	XX
Tetrachloroethylene	0.0037	0.0093	XX	XX	XX
Toluene	0.0043	0.0133	XX	XX	XX
Total Chromium	0.1851	0.462	XX	XX	XX
Total Copper	0.2419	0.5638	XX	XX	XX
Total Cyanide	0.07	0.2	XX	XX	XX
Total Lead	0.0534	0.1151	XX	XX	XX
Total Nickel	0.2519	0.6639	XX	XX	XX
1,2,4-Trichlorobenzene	0.0113	0.0234	XX	XX	XX
1,1,1-Trichloroethane	0.0035	0.009	XX	XX	XX
1,1,2-Trichloroethane	0.0035	0.009	XX	XX	XX
Trichloroethylene	0.0035	0.009	XX	XX	XX
Vinyl Chloride	0.0173	0.0447	XX	XX	XX
pH	Within limits of 6.0 to 9.0 standard units at all times.				

The proposed effluent limits for Outfall 002 based on a design flow of 0.0129 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	XX				
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 standard units at all times.				

XX—Monitor and report.

The EPA Waiver is in effect.

**PA0102652**, Sewage. **Marc A. Glova, Countryside II Limited Partnership**, 10215 Perry Lake Road, Clarkston, MI 48348

This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Activity: sanitary waste treatment from a manufactured home community.

The receiving stream, unnamed tributary to Elk Creek, is in watershed 15 EC (Lake Erie) and classified for: cold water and migratory fishery.

The proposed effluent limits for Outfall 001 based on a design flow of 0.060 MGD:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Phosphorus as "P"	1.0		
Total Residual Chlorine	0.50		1.2

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0025607**, Sewage. **Barkeyville Sewerage Company**, P. O. Box 780, Warren, PA 16365.

This proposed facility is located in Barkeyville Borough, **Venango County**.

Description of Proposed Activity: renewal for an existing discharge.

The receiving stream, unnamed tributary to North Branch Slippery Rock Creek, is in watershed 20C and classified for: cold water fishes, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Salvation Army Camp intake on Slippery Rock Creek located in Wayne Township, Lawrence County, approximately 36 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.15 MGD.

<i>Parameter</i>	<i>Average Monthly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	31.3	25	50
Total Suspended Solids	37.5	30	60
NH <sub>3</sub> -N (5-1 to 10-31)	3.8	3	6
(11-1 to 4-30)	11.4	9	18
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine		0.5	1.6
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	
Zinc (Interim)	0.60	0.48	0.96
(Final)	0.26	0.21	0.42
Cadmium (Interim)	0.018	0.014	0.028
(Final)	0.006	0.005	0.010
Cobalt (Interim)	0.05	0.04	0.08
(Final)	0.04	0.029	0.058

The EPA Waiver is in effect.

**PA0238490**, Sewage. **Victor Kennedy, Kennedy Mobile Home Park**, P. O. Box 226, Slippery Rock, PA 16057.

This facility is located in Marion Township, **Butler County**.

Description of Proposed Activity: new sewage discharge.

The receiving stream, unnamed tributary to McMurray Run, is in watershed 20C and classified for: cold water fishes, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.005 MGD.

#### INTERIM LIMITS

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20		40
Total Suspended Solids	25		50
NH <sub>3</sub> -N (5-1 to 10-31)	4.0		8.0
(11-1 to 4-30)	9.0		18
Dissolved Oxygen		Monitor and Report	
Total Residual Chlorine		Monitor and Report	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

## FINAL LIMITS

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4		3.3
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0037915**, Industrial Waste. **Pennsylvania Fish and Boat Commission—Tionesta Fish Hatchery**, Route 62, HCR 2, Box 1, Tionesta, PA 16353-9729.

This proposed facility is located in Tionesta Township, **Forest County**.

Description of proposed activity, is in watershed 16-F and classified for: high quality cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 62 miles below point of discharge.

The proposed effluent limits for Outfall 001 (Interim) are based on a design flow of 2.1 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>	52.5		3		6
Total Suspended Solids	140.1		8		16
Ammonia Nitrogen	26.3		1.5		3.0
Total Phosphorus	5.3		0.3		0.6
Terramycin for Fish	XX		XX		
Roccal II	XX		XX		
Diquat Dibromide	XX		XX		
Formaldehyde	8.2		0.47		1.2
Dissolved Oxygen			Minimum of 7.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 standard units at all times.		

The proposed effluent limits for Outfall 001 (Final) are based on a design flow of 2.964 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>	74.2		3		6
Total Suspended Solids	197.8		8		16
Ammonia Nitrogen	37.1		1.5		3.0
Total Phosphorus	7.4		0.3		0.6
Terramycin for Fish	XX		XX		
Roccal II	XX		XX		
Diquat Dibromide	XX		XX		
Formaldehyde	8.2		0.47		1.2
Dissolved Oxygen			Minimum of 3.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 standard units at all times		

The proposed interim effluent limits for Outfall 002 are based on a design flow of 0.864 MGD. Final limits n/a as outfall will be eliminated.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>	21.6		3		6

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	57.6		8		16
Formaldehyde	3.4		0.47		1.2
Ammonia Nitrogen	10.8		1.5		3.0
Total Phosphorus	2.2		0.3		0.6
Diquat Dibromide	XX		XX		
Dissolved Oxygen			Minimum of 7.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 standard units at all times.		

The proposed interim effluent limits for Outfall 003 are based on a design flow of n/a MGD. Final limits n/a as outfall will be eliminated.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>	XX		3		6
Total Suspended Solids	XX		8		16
Total Phosphorus	XX		0.3		0.6
Ammonia—Nitrogen	XX		1.5		3.0
Dissolved Oxygen			Minimum of 7.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 standard units at all times.		

The proposed interim effluent limits for Outfall 004 are based on a design flow of n/a MGD. Final limits n/a as outfall will be eliminated.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	XX				
CBOD <sub>5</sub>	XX		3		6
Total Suspended Solids	XX		8		16
Total Phosphorus	XX		0.3		0.6
Ammonia Nitrogen	XX		1.5		3.0
Dissolved Oxygen			Minimum of 7.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 standard units at all times.		

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

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

**No. PA0053244**, Sewage, **Charles S. Adcock**, 1006 South Bellevue Avenue, Langhorne, PA 19047.

This application is for renewal and transfer of an NPDES permit to discharge treated sewage from Valley Queen Apartments in Upper Makefield Township, **Bucks County**. This is an existing discharge to Houghs Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 1400 GPD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	8	16
(11-1 to 4-30)	20	40
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

Other Conditions:

The EPA Waiver is in effect.

Effective disinfection.

**No. PA0058335**, Sewage, **Edward and Elizabeth West**, 201 Chandler Mill Road, Kennett Square, PA 19048.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence in Kennett Township, **Chester County**. This is a new discharge to unnamed tributary of West Branch of Red Clay Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

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

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

Other Conditions:

The EPA Waiver is in effect.

The first downstream potable water intake is Delaware Waterworks.

**No. PA0051993**, Sewage, **Ackerman Partners, L.P.**, 1924 Route 212, Pleasant Valley, Quakertown, PA 18951.

This application is for renewal of an NPDES permit to discharge treated sewage from Ackerman Partners, L.P. sewage treatment plant in Richland Township, **Bucks County**. This is an existing discharge to an unnamed tributary to Tohickon Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 8,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2.5	5.0
(11-1 to 4-30)	7.5	15.0
Phosphorus (as P)	0.5	1.0
Total Residual Chlorine	1.2	2.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions:

The EPA Waiver is in effect.

**No. PA0050148**, Sewage, **Warwick Township Water and Sewer Authority**, 1733 Township Greene, P. O. Box 315, Jamison, PA 18929.

This application is for renewal of an NPDES permit to discharge treated sewage in Warwick Township, **Bucks County**. This is an existing discharge to Fish Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.85 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	3.0	6.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Nitrate & Nitrate (as N) (7-1 to 10-31)	9.5	19.0
Phosphorus (as P) (4-1 to 10-31)	2.0	4.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	
Copper, Total	Monitor/Report	
Lead, Total	Monitor/Report	
Silver, Total	Monitor/Report	

The EPA Waiver is in effect.

**PA0024121**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19101.

This application is for renewal of an NPDES permit to discharge treated sewage from the Borough of Media WWTP in Upper Providence Township, **Delaware County**. This is an existing discharge to Ridley Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 1.8 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	15	25	30
(11-1 to 4-30)	30	45	60
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Total Residual Chlorine	0.3		1.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA waiver is not in effect.

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

**PA#0070394**, Industrial, **Herceg Landfill**, 539 Roundtable Drive, Nazareth, PA 18064.

This proposed facility is located in Bushkill Township, **Northampton County**.

Description of Proposed Activity:

The receiving stream, an unnamed tributary to East Branch Monocacy Creek, is in the State Water Plan watershed #2C and is classified for: High Quality cold water fishery. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River is 65 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.021 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
NH <sub>3</sub> -N (5-1 to 10-31)	1.2	2.4	6.7	13.4
(11-1 to 4-30)	3.5	7.0	20.0	40.0
pH	Within Limits of 6.0—9.0 at all times.			
Fecal Coliform	200/100 ml as a geometric average.			

**PA#0063533**, Sewage, **Tobyhanna Township**, P. O. Box 880, State Avenue, Pocono Pines, PA 18350.

This proposed action is for issuance of a NPDES permit to discharge treated sewage into Tobyhanna Creek in Tobyhanna Township, **Monroe County**.

The receiving stream is classified for the following uses: High quality, cold water, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Northampton Water Supply is located on Lehigh River is approximately 40 miles below the point of discharge.

The proposed effluent limits based on a design flow of 0.3 MGD are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3	—	6
(11-1 to 4-30)	9	—	18
Phosphorus as "P"	1.0	—	2.0
Dissolved Oxygen	A minimum of 5 mg/l at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	1.0	—	2.0

The EPA waiver is in effect.

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

**Application No. PA 0010782**, SIC Codes 4911, 4953 and 4952, Industrial Waste, **Reliant Energy (Titus Power Plant)**, 1001 Broad Street, Box 1050, Johnstown, PA 15907.

This application is for renewal of an NPDES permit for existing discharge of treated industrial waste to the Schuylkill River in Watershed 3C, in Cumru Township, **Berks County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Pottstown Borough located in on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.469 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0 to 9.0 S.U. at all times		
Total Suspended Solids	30	100	100
Oil and Grease	15	20	20
Total Residual Chlorine	0.50	—	1.60

The proposed effluent limits for Outfall 002 for a design flow of 2.149 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0 to 9.0 S.U. at all times		
Total Suspended Solids	30	60	75
Oil and Grease	15	30	30
Total Residual Chlorine	—	Monitor & Report	—
Total Copper	0.56	1.00	1.40
Total Iron	1.00	2.00	2.50

The proposed effluent limits for Outfall 004 for a design flow of 1.007 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0 to 9.0 S.U. at all times		
Total Suspended Solids	30	100	100
Total Dissolved Solids	2,500	5,000	6,250
Oil and Grease	15	20	20

The proposed effluent limits for Outfall 104 for a design flow of 0.147 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0 to 9.0 S.U. at all times		
Total Suspended Solids	30	100	100
Oil and Grease	15	20	20

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

The EPA waiver is not in effect.

**Application No. PA 0020320**, SIC Code 4952, Sewage, **Lititz Sewer Authority**, 50 Lititz Run Road, Lititz, PA 17543.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Lititz Run in Watershed 7-J, in Warwick Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Lancaster Municipal Water Authority located in Lancaster City, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 3.85 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	15	XXX	20
(11-1 to 4-30)	15	22.5	XXX	30
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N (5-1 to 10-31)	1.5	XXX	XXX	3
(11-1 to 4-30)	4.5	XXX	XXX	9
Total Phosphorus	2	XXX	XXX	4
Total Residual Chlorine	0.19	XXX	XXX	0.63
Dissolved Oxygen		Minimum of 5.0 at all times		
pH		From 6.0 to 9.0 inclusive		
Fecal Coliforms (5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		2,000/100 ml as a geometric average		
Total Nitrogen		Monitor		

The EPA waiver is not in effect.

**Application No. PA 0026441**, SIC Code 4952, Sewage, **Borough of Lemoyne**, 655 Market Street, Lemoyne, PA 17011-5938.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Susquehanna River in Watershed 7-E, in Lemoyne Borough, **Cumberland County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Company located in Wrightsville, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.088 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N (5-1 to 10-31)	19	XXX	XXX	38
Total Phosphorus	2.0	XXX	XXX	4.0
Total Residual Chlorine	1.0	XXX	XXX	2.0
Dissolved Oxygen		Minimum of 5.0 at all times		
pH		From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200	XXX	XXX	XXX
(10-1 to 4-30)	87,000	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	Monitor & Report	XXX

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

The EPA waiver is not in effect.

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

**PAS604802**, Industrial Stormwater SIC 5015, **Gray's Vehicle Clinic**, 1314 Axemann Road, Bellefonte, PA 16823.

This existing facility is located in Spring Township, **Centre County**.

Description of Proposed Activity: This proposed action is for the issuance of a permit for discharge of stormwater runoff from an automobile recycling facility.

The receiving stream, Logan Branch, is in the Bald Eagle Creek watershed (SWP 9C) and is classified for: Cold Water Fishes. However, under Special Protection Antidegradation regulations (Chapter 93.4c), Logan Branch is afforded an existing use protection level as a High Quality Cold Water Fishery. The nearest downstream public water supply intake, Pennsylvania-American Water Company at Milton, is located on the West Branch Susquehanna River 84 stream miles below the point of discharge.



The proposed effluent limits for Outfalls 001 are based on Best Management Practices.

**PA0228419**, CAFO, SIC 0241, **Hostetter Management Company**, 120 Lake Street, P. O. Box 526, Ephrata, PA 17522-9127.

This proposed facility is located in Beaver Township, **Snyder County**.

Description of Proposed Activity: Beavertown Pig Company/Snyder Mountain Farms is a Concentrated Animal Feeding Operation (CAFO). The estimated population of the CAFO will be 10,200 finishing pigs and 3,900 piglets, totaling 1596 Animal Equivalent Units (AEUs).

The receiving stream, Wetzel Run, is in the State Water Plan 6-A, Penns watershed and is classified for: Cold Water Fishery (CWF).

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PA 0228427**, CAFO, SIC 0241, **Hostetter Management Company**, 120 Lake Street, P. O. Box 526, Ephrata, PA 17522-9127.

This proposed facility is located in Wells Township, **Bradford County**.

Description of Proposed Activity: Pine Hill Farms contains a swine Concentrated Animal Feeding Operation (CAFO). The estimated population of the CAFO will be 2,800 sows, 32 boars, 1,510 gilts and 7,400 piglets, totaling 1,604 Animal Equivalent Units (AEUs).

The receiving stream, Mill Creek, is in the Tioga Watershed (SWP 4-A) and is classified for: Trout Stocked Fishery (TSF).

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PA # 0010430**, Industrial Waste, **Hanover Foods Corporation**, P. O. Box 193, Centre Hall, PA 16828.

This existing facility is located in Potter Township, **Centre County**.

Description of Activity: The permittee discharges treated industrial wastewater from the food processing facility.

The receiving stream, Sinking Creek, is in the State Water Plan watershed, watershed # 6A—Penns Creek and is classified for: Cold Water Fishery. The nearest downstream public water supply intake is located at Dauphin on the Susquehanna River, 95 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.225 mgd.

Discharge Parameter	Mass Units (lb/day)		Concentration (mg/l)		
	Average Monthly Report	Maximum Daily Report	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)					
CBOD <sub>5</sub>					
(5-1 to 10-31)	84.5	126.7	45.0	67.5	90.0
(11-1 to 4-30)	168.9	253.3	90.0	135.0	180.0
NH <sub>3</sub> -N					
(5-1 to 10-31)	20.6	31.0	11.0	16.5	22.0
TSS	120.0	188.0	65.0	100.0	130.0
Oil and Grease	XXX	XXX	15.0	30.0	30.0
Fecal Coliforms	XXX	XXX	200#/100 ml as a geometric mean		
pH (Std units)	XXX	XXX	Within the range 6.0 to 9.0		
Total Residual Chlorine	XXX	XXX	0.5		1.2

In addition to the effluent limits, the permit contains the following major special conditions. None

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.*

**PA0035262**, Sewage, **Matthews Mobile Home Park**, P. O. Box 537, Bainbridge, PA 17502-0537.

This application is for Renewal of an NPDES permit to discharge treated sewage from Matthews Mobile Home Park Sewage Treatment Plant in Reade Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Fallen Timber Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is greater than 100 miles from the discharge point.

*Outfall 001*: existing discharge, design flow of 0.0036 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0204510**, Sewage, **Carlton Motel & Restaurant**, 594 Carlton Drive, Bentleyville, PA 15314.

This application is for renewal of an NPDES permit to discharge treated sewage from Carlton Motel & Restaurant Sewage Treatment Plant in Somerset Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to North Branch Pigeon Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: PA American Water Company.

*Outfall 001*: existing discharge, design flow of 0.0013 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—12th month	Monitor and Report			
13th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205664**, Sewage, **David J. D'Atri**, 320 Sunset Drive, Baden, PA 15005.

This application is for Renewal of an NPDES permit to discharge treated sewage from Forest Brook Mobile Home Park STP in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Arco Chemical Company, BV Plant, on the Ohio River.

*Outfall 001*: existing discharge, design flow of 0.0135 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.17			0.40
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the plant is expanded to a flow of 0.023 mgd.

*Outfall 001*: existing discharge, design flow of 0.023 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.0			10.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.10			0.24
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218855**, Sewage, **Consol Pennsylvania Coal Company**, 172 Route 519, P. O. Box 355, Eighty Four, PA 15330.

This application is for issuance of an NPDES permit to discharge treated sewage from the Enlow Fork Mine 3 North #2 Portal Bathroom STP in East Finley Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Rocky Run, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is in West Virginia.

*Outfall 001*: new discharge, design flow of 0.035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.2			0.5
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

### III. Applications for New and Renewal Permits, Oil and Gas Activities

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

**PA 0222011**, Industrial Waste, SIC 1311, **Big Sandy Oil Company**, P. O. Box 269, Franklin, PA 16323.

This existing facility is located in Cranberry Township, **Venango County**.

Description of Proposed Activity: An existing discharge of treated production water from the operation of stripper oil wells.

The receiving stream, the Allegheny River, is in watershed 16-E (Oil Creek) and classified for: warm water fish, water supply and recreation. For the purpose of evaluating effluent requirements for TDS and phenolics, the existing downstream water supply considered during the evaluation is the Emlenton Municipal Water Authority on the Allegheny River at Emlenton, approximately 39 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 based on a design flow of 0.006 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		0.006	
Oil & Grease	15		30
Total Suspended Solids	30		60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Iron	3.5		7.0
Acidity		Less than Alkalinity	
Alkalinity			
pH	Monitor and Report 6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

**WATER QUALITY MANAGEMENT  
PERMITS  
CONTROLLED INDUSTRIAL WASTE  
AND SEWAGE WASTEWATER  
APPLICATIONS UNDER THE  
PENNSYLVANIA CLEAN STREAMS  
LAW  
PART II PERMITS**

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department). The applications are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permit applications.

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

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

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

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

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

**WQM Permit No. 4601408**, Sewerage, **Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468.

This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of Possum Hollow sewerage system to serve existing and proposed residential, commercial and industrial development.

**WQM Permit No. 1501416**, Sewerage, **Chester County Parks & Recreation Department**, Government Services Center, 601 Westtown Road, Suite 160, West Chester, PA 19832-4534.

This proposed facility is located in Wallace Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a small flow wastewater treatment system.

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

**WQM Permit No. 1301406**, Sewerage, **Jim Thorpe Area School District**, 140 West 10th Street, Jim Thorpe, PA 18229.

This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: Construction of a wastewater treatment facility, including pump station, that will serve a proposed school in the Jim Thorpe School District and a portion of the Smith Family Limited Partnership Development.

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

**WQM Permit No. 2101045**, Sewerage, **Thomas Rosenberger**, 350 Hollowbrook Road, Carlisle, PA 17013.

This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a sewage treatment facility with sub-surface disposal to serve their single family residence.

**WQM Permit No. 0601407**, Sewerage, **Amity Township**, 2004 Weavertown Road, Douglassville, PA 19518.

This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Construction of one pump station and gravity sewer pipes to serve 74 homes in the Sunset Knoll Subdivision.

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

**WQM Permit No. 4101405**, Sewerage, **Gregory C. Kinley**, 1871 Motters Lane, Williamsport, PA 17701.

This proposed facility is located in Old Lycoming Township, **Lycoming County**.

Description of Proposed Action/Activity: Construct and operate a Single Family Residence sewage treatment system. Received in Northcentral Regional Office on June 15, 2001.

**NPDES Stormwater Individual Permit**

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted above the application within 30 days from the date of this public notice.

Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate DEP Regional

Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

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

**NPDES Permit PAS10 C046**, Stormwater. **Brandywine Heights School District**, 200 Weis St., Topton, PA 19562 has applied to discharge stormwater associated with a construction activity located in Longswamp Township, **Berks County** to Little Lehigh Creek (HQ-CWF).

*Berks County Conservation District: P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10C046	Brandywine Heights School District 200 Weis Street Topton, PA 19562	Longswamp Township Berks County	Little Lehigh Creek (HW-CWF)

**NPDES Permit PAS10 2807**, Stormwater. **PA DCNR—Bureau of State Parks**, P. O. Box 8451, Harrisburg, PA 17105 has applied to discharge stormwater associated with a construction activity located in Todd Township, **Fulton County** and Metal Township, **Franklin County**, to Aughwick Creek South (HQ-CWF-EV).

*Fulton County Conservation District: 216 North Second Street, McConnellsburg, PA 17233, (717) 485-3547.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS102807	PA DCNR—Bureau of State Parks P. O. Box 8451 Harrisburg, PA 17105	Todd Township Fulton County Metal Township Franklin County	Aughwick Creek South (HQ-CWF-EV)

**NPDES Permit PAS10 P028**, Stormwater. **Telco Developers**, 5 Mapel Avenue, Manheim, PA 17545 has applied to discharge stormwater associated with a construction activity located in West Cornwall Township, **Lebanon County** to Chickies Creek (WWF) and Shearers Creek (HQ).

*Lebanon County Conservation District: 2120 Cornwall Rd., Suite 5, Lebanon, PA 17042, (717) 272-3908, Ext 3.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10P028	Telco Developers 5 Mapel Avenue Manheim, PA 17545	West Cornwall Township Lebanon County	Chickies Creek (CWF) Shearers Creek (HQ)

### NOTICE OF INTENT (NOI) FOR COVERAGE UNDER CAFO NPDES GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent (NOI) for Coverage Under the Department's CAFO (concentrated Animal Feeding Operation) General NPDES Permit—PAG 12 to develop and operate a facility that may discharge Wastewater into the Surface Waters of the Commonwealth.

The EPA Region III Administrator has not waived the right to review or object to this permit action under the waiver provision 40 CFR 123.24(d).

The notice of intent and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the Regional Office noted. Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted above 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 new or renewal notice of intent, including other information submitted with the applications, is available on file. The information may be inspected and arrangements made for copying at the office indicated above 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.

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

### CAFO Notices of Intent Received

**PAG 124807**, CAFO, **Hemlock Farms**, BHMW Partnership, 151 Meckville Road, Myerstown, PA 17067.

This existing facility is located in Adams and Spring Townships, **Snyder County**.

Description of Size and Scope of Proposed Operation/Activity: Hemlock Farms is a 140 acre farrow to finish swine operation. This operation has a live stock density of 692.2 Animal Equivalent Units (AEUs). The farm generates annually 2,146,081 gallons of liquid swine manure, which is stored in a High Density Polyethylene Synthetic Lined Lagoon with a leak detection system. Manure is applied to 110 acres owned by the applicant plus 758 acres available under agreement for application. The Nutrient Management Plan dated April 19, 2001 was approved by the Snyder County Conservation District on June 6, 2001.

The receiving stream, unnamed tributary of Middle Creek, is in watershed (6-A) Penns Creek and classified for Cold Water Fishery.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance the State narrative water quality standards.

### SAFE DRINKING WATER

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

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

**Permit No. 3601510**, Public Water Supply.

Applicant	<b>Solanco School District Little Britain Elementary School</b>
Municipality	Little Britain
County	<b>Lancaster</b>
Responsible Official	Timothy Shrom, Business Manager 121 S. Hess St. Quarryville, PA 17566-1200
Type of Facility	Public Water Supply
Consulting Engineer	Thomas J Whitehill, P.E. Whitehill Consulting Engineers 763 Conowingo Rd. Quarryville, PA 17566
Application Received Date	June 18, 2001
Description of Action	Installation of a nitrate treatment system to address high nitrate levels in the source water and the addition of corrosion control treatment to address the aggressive nature of the source water.

**Permit No. 3601511**, Public Water Supply.

Applicant	<b>Ephrata Area Joint Authority</b>
Municipality	Ephrata Township
County	<b>Lancaster</b>
Responsible Official	Gary A Nace, Secretary 114 East Main Street Ephrata, PA 17522-2792
Type of Facility	Public Water Supply
Consulting Engineer	Gene C Koontz, P.E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	June 20, 2001
Description of Action	Addition of Well No. 5 to augment the existing sources. Project will involve treatment that will consist of only disinfection and the installation of a 41,000 clearwell for contact time.

**Permit No. 0101510 MA**, Public Water Supply.  
 Applicant **Adams County Board of Commissioners**  
 Municipality Straban Township  
 County **Adams**  
 Responsible Official Thomas J Weaver, Chairman,  
 Board of Commissioners  
 111-117 Baltimore Street  
 Gettysburg, PA 17325  
 Type of Facility Public Water Supply  
 Consulting Engineer Gene C Koontz, P.E.  
 Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Application Received June 21, 2001  
 Date

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

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

**Application No. Minor Amendment**, Minor Amendment.

Applicant **State College Borough Water Authority**  
 1201 West Branch Road  
 State College, PA 16801  
 Township College & Harris Townships  
 Responsible Official Max Gill, Exec. Director  
 State College Borough Water Authority  
 1201 West Branch Road  
 State College, PA 16801  
 Type of Facility Public Water Supply  
 Consulting Engineer Gwin, Dobson, & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602-4475  
 Application Received June 28, 2001  
 Date  
 Description of Action Construction of a 3.0 MG steel  
 storage tank at filter plant

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

**Application No. 2595501-MA1**, Minor Amendment.

Applicant **Erie City Water Authority**  
 340 West Bayfront Parkway  
 Erie, PA 16507.  
 Township or Borough City of Erie, **Erie County**  
 Responsible Official James J. Rudy, Chief Operating  
 Officer  
 Type of Facility Public Water Supply  
 Consulting Engineer Craig J. Bauer, KLH Engineer-  
 ings, Inc., 5173 Campbells Run  
 Rd., Pittsburgh, PA 15205.  
 Application Received July 3, 2001  
 Date  
 Description of Action Waterline extension to Depot Rd.

**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:

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

**North-East Industrial Batteries, Inc.**, Bristol Township, **Bucks County**. Greg V. Lesniak, P.G., Walter B. Satterthwaite Associates, Inc., 720 Old Fern Hill Rd., West Chester, PA 19380, on behalf of Robert Lee, P. O. Box 6, Levittown, PA 19057, has submitted a Notice of Intent to Remediate site soil contaminated with lead and groundwater contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bristol Pilot* on June 7, 2001.

**Grundy Powerhouse Site**, Bristol Borough, **Bucks County**. Michael A. Christie, P.G., Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Redevelopment Authority of Bucks County, 1 N. Wilson Ave., Bristol, PA 19007, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals, BTEX, polycyclic aromatic hydrocarbons and solvents; and site groundwater contaminated with heavy metals and solvents. The site is located in a special industrial area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in *Bucks County Courier Times* on June 19, 2001.

**Pemberton Site**, Malvern Borough, **Chester County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Shirley Pemberton, C104 Westridge Ct., Phoenixville, PA 19460, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs. The applicant proposes to remediate the site to meet Statewide Health and Site-specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Suburban and Wayne Times* on July 11, 2001.

**ATOFINA Chemicals, Inc.—Research Center, Area 3-Boiler House Former UST Area (Bldg. No. 8)**, Upper Merion Township, **Montgomery County**. Mark Piazza, ATOFINA Chemicals, Inc., 2000 Market St., 19th Floor, Philadelphia, PA 19103, on behalf of Lease Plan North America, Inc., LaSalle National Trust N.A., 135 S. LaSalle St., Chicago, IL 60603, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Times Herald* on June 7, 2001.

**Degussa Construction Chemical Operations, Inc.**, Pottstown Borough, **Montgomery County**. Henry deH. Alexander, P.E., 559 W. Uwchlan Ave., Suite 120, Exton, PA 19341, on behalf of Degussa Construction Chemical Operations, Inc., 23700 Chagrin Blvd., Cleveland, OH 44122, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals and solvents and site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet Site-specific

standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on June 26, 2001.

**Glenside Shopping Center (Produce Junction)**, Cheltenham Township, **Montgomery County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Produce Junction, Inc., P. O. Box 108, Glenolden, PA 19036, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on December 28, 2000.

**Brode & Brooks, Inc. (Estate of Lawrence I. Yerk)**, Pennsburg Borough, **Montgomery County**. Hudson S. Green, Jr., Earth Data, Inc., 924 Springdale Drive, Exton, PA 19341, on behalf of The Estate of Lawrence I. Yerk, c/o Mullaney Law Offices, 598 Main St., Red Hill, PA 18076, has submitted a Notice of Intent to Remediate site soil contaminated with lead and petroleum hydrocarbons. The applicant proposes to remediate the site to meet Statewide Health and Site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Morning Call* on June 27, 2001.

**McClelland's Auto Repair Property**, Whitmarsh Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of RGK Real Estate Development, LLC, 2430 Estancia Blvd., Clearwater, FL 33761, has submitted a Notice of Intent to Remediate site soil contaminated with lead, BTEX, polycyclic aromatic hydrocarbons and naphthalene. The applicant proposes to remediate the site to meet Statewide Health and Site-specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Times Herald* on July 6, 2001.

**Levy United News, Inc., (Formerly)**, City of Philadelphia, **Philadelphia County**. Dean Jeffery Telego, Risk Management Technologies, Inc., 110 North Royal St., Suite 301, Alexandria, VA 22314, on behalf of Clifford Risell for PCCBC, 725 E. Erie Ave., Philadelphia, PA, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and MTBE and site groundwater contaminated BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, solvents and MTBE. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* in June 2001.

**Drug Emporium Plaza**, City of Philadelphia, **Philadelphia County**. David R. Kerschner, P.G., KU Resources, Inc., One Library Place, Duquesne, PA 15110, on behalf of Empor L.P., c/o Phil Shelton, GE Capital Real Estate, 16479 Dallas Parkway, Addison, TX 75001, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, BTEX, polycyclic aromatic hydrocarbons, solvents and SVOC and groundwater contaminated with lead, heavy metals, BTEX, polycyclic aromatic hydrocarbons, solvents and SVOC. The applicant proposes to remediate the site to meet Site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News Record* on May 31, 2001.



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

**PPL Former Harwood Steam Electric Station,** Hazle Township, **Luzerne County.** Jim Villaume, Environmental Supervisor, PPL Generation LLC, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a revised Notice of Intent to Remediate concerning the remediation of site soils found or suspected to have been contaminated with PCBs (polychlorinated biphenyls), metals, solvents and base neutral compounds and site groundwater and surface water found or suspected to have been contaminated with metals, solvents and base neutral compounds. PPL has indicated that the site will be remediated to meet both the Statewide health and the site-specific standard. A summary of the revised Notice of Intent to Remediate has reportedly been published in *The Hazleton Standard Speaker*.

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

**John and Betty Hart Residence,** Mount Joy Township, **Adams County.** Hydrocon Services, 2945 South Pike Avenue, Allentown, PA 18103 (on behalf of John and Betty Hart, 95 Hoffman Home Road, Gettysburg, PA 17325) has submitted a Notice of Intent to Remediate site soils, groundwater and surface water contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Gettysburg Times* on May 14, 2001.

#### RESIDUAL WASTE GENERAL PERMITS

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR075. EME Homer City Generation, L.P.,** 1750 Power Plant Road, Homer City, PA 15748-9558. Beneficial use of flue gas desulfurization (FGD) residue as a stabilizing agent for coal refuse disposal. The application was determined to be administratively complete by Central Office on July 5, 2001.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Application No. 400658, Hatfield Township Municipal Authority,** 3200 Advance Lane, Colmar, PA 18915-9766. This application was received for a renewal of their solid waste permit. Facility located in Hatfield Township, **Montgomery County.** Application was received in the Southeast Regional Office on July 6, 2001.

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

**Permit Application No. 301343. RecOil, Inc.,** 280 East Street, York, PA 17403, Bedford Township, **Bedford County.** Application received is for the residual waste transfer facility. The application was determined to be administratively complete by the Southcentral Regional Office on July 5, 2001.

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

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

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

**Permit Application No. 602247. A&M Composting, Inc.,** 2022 Mountain Road, Manheim, PA 17454, Penn Township, **Lancaster County.** Application for radiation monitoring plan. The application was determined to be administratively complete by the Southcentral Regional Office on July 9, 2001.

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

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit Application No. 101568. University Area Joint Authority**, Spring Creek Composting Facility located in College Township, **Centre County**. Major permit modification for a radiation protection action plan. The application was received in the Northcentral Regional Office on June 21, 2001.

Comments concerning the application should be directed to John C. Hamilton, P.E., Facilities Operations Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

**Permit Application No. 101252. Waste Management of Pa., Inc.**, Picture Rocks Transfer Station, Picture Rocks Borough, **Lycoming County**. Transfer station permit reissuance from Capital Environmental Resources, of Pa., Inc. to Waste Management of Pa., Inc. The application was received in the Northcentral Regional Office on June 28, 2001.

Comments concerning the application should be directed to John C. Hamilton, P.E., Facilities Operations Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

**Permit Application No. 301197. Reliant Energy Northeast Management Company**, Shawville Generating Station located in Bradford Township, **Clearfield County**. Submitted an application for the expansion of ash disposal landfill. The application was received in the Northcentral Regional Office on June 27, 2001.

Comments concerning the application should be directed to John C. Hamilton, P.E., Facilities Operations Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## AIR QUALITY

### NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

Notice is hereby given that DEP has received applications for plan approvals and/or operating permits from the following facilities.

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

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

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

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

### PLAN APPROVALS

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

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

**06-05100B: Calpine Construction Finance Co., LP** (5115 Pottsville Pike, Reading, PA 19605) for construction of an emergency electrical generator and six fuel preheaters in Ontelaunee Township, **Berks County**.

**36-05107B: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517) for modification of the No. 8 Cracker Line and Bread Line volatile organic compound (VOC) emission controls at the facility in East Cocalico Township, **Lancaster County**.

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

**59-399-013: Truck-Lite Co., Inc.** (R. R. 7, P. O. Box 942, Wellsboro, PA 16901-9807) for construction of two wave solder machines in Charleston Township, **Tioga County**.

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

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

**46-0036C: Visteon Systems, L.L.C.** (2750 Morris Road, Lansdale, PA 19446) for installation and construction of a Selective Soldering Machine No. 8 in Worcester Township, **Montgomery County**. This source will result in a facility wide emission increase of 0.0035 ton of Lead and 2.37 tons of Volatile Organic Compounds (VOCs) per 12-month rolling sum. The Selective Soldering Machine No. 8 shall only be used for soldering electronic circuit boards. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**39-318-108: SKW-MBT Management, Inc.** (Allentown Equipment—Division of Master Builders, Inc., 421 Schantz Road, Allentown, PA 18104) for construction of a paint spray booth and associated air cleaning device in Lower Macungie Township, **Lehigh County**. The pump manufacturing facility is a non-Title V facility. The installation will result in the emission of 0.41 ton per year of volatile organic compounds and a particulate emission rate of less than the Best Available Technology (BAT) standard of 0.02 grain per dry standard cubic foot. The company will be required to maintain records of all materials applied or used in, or associated with the use of, the spray booth to verify compliance with all applicable air quality requirements.

**48-328-005A: Reliant Energy Portland, LLC** (River Road, P. O. Box 38, Portland, PA 18351) for construction of two combined-cycle combustion turbines with duct burners and a cooling tower in Upper Mount Bethel Township, **Northampton County**.

The following table summarizes the potential emissions from maximum operation of the facility according to the application submitted for the Department's own analysis:

<i>Pollutant</i>	<i>Emission Rate (Tons/Year)</i>
Nitrogen Oxides	239.0
Carbon Monoxide	451.0
Volatile Organic Compounds	79.0
Sulfur Dioxide	166.0
Particulate Matter (TSP/PM10)	280.0
Sulfuric Acid Mist	70.0

The emissions will consume the following portion of the available Prevention of Significant Deterioration (PSD) air quality increments:

<i>Pollutant</i>	<i>Ambient Air Quality Impact</i>
Nitrogen Oxides	0.1 ug/m <sup>3</sup> (annual)
Sulfur Dioxide	35.6 ug/m <sup>3</sup> (3-hr average)
Sulfur Dioxide	5.5 ug/m <sup>3</sup> (24-hr average)
Sulfur Dioxide	0.06 ug/m <sup>3</sup> (annual average)

<i>Pollutant</i>	<i>Ambient Air Quality Impact</i>
Particulate Matter (PM10)	6.5 ug/m <sup>3</sup> (24-hr average)
Particulate Matter (PM10)	0.12 ug/m <sup>3</sup> (annual average)

In order to show compliance with the applicable standards, the Department will place the following special conditions in the Plan Approval:

(5) This Plan Approval is issued for the construction of a nominal 560 MW combined cycle combustion turbine electric generating plant including the following:

(a) Two Siemens-Westinghouse natural gas/distillate oil fired combustion turbines (Model 501FD) each rated at a nominal 163 MW and controlled by lean dry, low NO<sub>x</sub> combustors (when firing natural gas), water injection (when firing distillate oil), selective catalytic reduction (SCR) and an oxidation catalyst.

(b) Two heat recovery steam generators, with supplemental duct burners, each rated at 365 MMBTU/hr.

(c) One steam turbine generator rated at a nominal 232 MW.

(d) One 9.9 MMBTU/hr Natural gas fired Auxiliary boiler with low NO<sub>x</sub> burners.

(e) One 10-cell cooling tower with drift eliminators.

(f) One 1350HP diesel-fired emergency generator, which will not operate more than 500 hrs/year.

(g) One 300 HP diesel driven emergency fire pump.

(h) Two 10,000-gallon aboveground Aqueous Ammonia storage tanks.

(i) Two 500-gallon aboveground Distillate oil storage tanks.

(j) One 6,000,000 gallon aboveground Distillate oil storage tank.

(6) This approval to construct shall become invalid if:

(a) Construction (as defined in 40 CFR 52.21 (b)(8)) has not commenced within 18 months of the issue date of this approval; or

(b) Construction is discontinued for a period of 18 months or more.

(7) The supplemental duct burners for the two heat recovery steam generators shall only fire natural gas and fire no more than 1,205,000 MMBTU (HHV) of natural gas per year per duct burner in a consecutive 12-month period.

(8) The Auxiliary boiler shall only fire natural gas and fire no more than 119,000 MMBTU (HHV) in a consecutive 12-month period.

(9) The two Siemens Westinghouse combined-cycle combustion turbines shall primarily fire natural gas with distillate oil (# 2) capability (oil firing not to exceed 6,088,000 MMBTU (HHV) in a consecutive 12-month period).

(10) The permittee shall notify the Department, prior to construction, the make and model number of the heat recovery steam generators and the auxiliary boiler.

(11) The permittee shall construct, operate and maintain the two combustion turbines, two heat recovery steam generators with duct firing, one steam turbine generator, one auxiliary natural gas boiler, one cooling tower and air pollution control equipment in accordance with manufacturers' specifications as well as good air

pollution control practices to ensure compliance with all air quality emission limitations.

(12) The permittee shall limit the total amount of natural gas combusted in each duct burner to 1,296 million cubic feet, or less, in a 12-month rolling period.

(13) The steam generators and associated duct burners are subject to Subpart Da of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both EPA and the Department. The EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

(14) The auxiliary boiler is subject to Subpart Dc of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both EPA and the Department. The EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

(15) The combustion turbines are subject to Subpart GG of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both EPA and the Department. The EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

(16) The 6 million gallon distillate oil storage tank is subject to Subpart Kb of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both EPA and the Department. The EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

(17) The combined-cycle electric generating combustion turbines and duct burners are subject to the Title IV Acid Rain Program of the Clean Air Act Amendments of 1990 and shall comply with all applicable provisions of that Title, to include the following:

40 CFR Part 72	Permits Regulation
40 CFR Part 73	Sulfur Dioxide Allowance System
40 CFR Part 75	Continuous Emission Monitoring
40 CFR Part 77	Excess Emissions

(18) The combined-cycle electric generating combustion turbines and duct burners are subject to the NO<sub>x</sub> Budget Program established in 25 Pa. Code §§ 123.102—123.120 and shall comply with all applicable requirements.

§ 123.112. Source operating permit provisions requirements.

The permittee shall comply with the requirements 25 Pa. Code §§ 123.101—123.120 (relating to NO<sub>x</sub> allowance requirements).

§ 123.102. Source NO<sub>x</sub> allowance requirements and NO<sub>x</sub> allowance control period.

(a) For each NO<sub>x</sub> affected source identified in this permit, the permittee shall hold a quantity of NO<sub>x</sub>

allowances meeting the requirements of § 123.110(a) (relating to source compliance requirements) in the source's current year NATS account by December 31 of each calendar year. The NO<sub>x</sub> allowances shall be equal to or greater than the total NO<sub>x</sub> emitted from the source during that year's NO<sub>x</sub> allowance control period.

(b) The initial NO<sub>x</sub> allowance control period begins on May 1, 2000.

#### *Monitoring Requirements*

§ 123.108. Source emissions monitoring requirements.

(a) The NO<sub>x</sub> emissions from each NO<sub>x</sub> affected source at this facility shall be monitored as specified in 25 Pa. Code § 123.108 and in accordance with the procedures contained in the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program."

(b) As referenced in § 123.108(2), the permittee shall submit to the Department and the NO<sub>x</sub> Budget Administrator a monitoring plan in accordance with the procedures outlined in the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program."

(c) New and existing unit emission monitoring systems, as required and specified by 25 Pa. Code § 123.108(4) and the NO<sub>x</sub> affected source's monitoring plan approved by the Department, shall be installed and operational. The installed emissions monitoring systems shall have met all of the certification testing requirements in accordance with the procedures and deadlines specified in the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program" in a manner consistent with Chapter 139 (relating to sampling and testing).

(d) Sources subject to 40 CFR Part 75 shall demonstrate compliance with § 123.108 by using a certified Part 75 monitoring system.

(e) During a period when valid data is not being recorded by devices approved for use to demonstrate compliance with the NO<sub>x</sub> Allowance Requirement subchapter, the permittee shall replace missing or invalid data with representative default data in accordance with 40 CFR Part 75 (relating to continuous emission monitoring) and the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program." For Non-Part 75 sources that have Department approved NO<sub>x</sub> CEMS reporting of NO<sub>x</sub> emissions in pounds of NO<sub>x</sub> per hour as required under 25 Pa. Code § 139.101, the data shall be reported to the NETS. The permittee shall continue to report submissions as required under 25 Pa. Code Chapter 139 to the Department.

#### *Testing Requirements*

§ 123.108. Source emissions monitoring requirements.

Monitoring systems for each NO<sub>x</sub> affected source shall comply with the initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in the document titled "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program."

Notwithstanding this permit condition, Non-Part 75 Sources which have Department approved NO<sub>x</sub> CEMS reporting in units of pounds of NO<sub>x</sub> per hour as required under 25 Pa. Code § 139.101 (relating to general requirements) shall complete the periodic self-audits listed in the quality assurance section of § 139.102(3) (relating to

references) at least annually and no sooner than 6 months following the previous periodic self-audit. If practicable, the audit shall be conducted between April 1 and May 31.

#### *Reporting Requirements*

##### § 123.109. Source emissions reporting requirements.

(a) The authorized account representative shall submit to the NO<sub>x</sub> Budget Administrator, electronically, emissions and operations information for each calendar quarter of each year in accordance with the document titled, "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program." The emissions and operations information shall be submitted in a format that meets the requirements of EPA's Electronic Data Reporting convention.

#### *Compliance Requirements*

##### § 123.110. Source compliance requirements.

(a) Each year from November 1 through December 31, inclusive, the authorized account representative shall request the NO<sub>x</sub> Budget Administrator to deduct, consistent with § 123.107 (relating to NO<sub>x</sub> allowance transfer procedures) a designated amount of NO<sub>x</sub> allowances by serial number, from the NO<sub>x</sub> affected source's compliance account in an amount equivalent to the NO<sub>x</sub> emitted from the NO<sub>x</sub> affected source during that year's NO<sub>x</sub> allowance control period. The designated NO<sub>x</sub> allowances shall be used in accordance with the requirements specified in 25 Pa. Code § 123.110.

(b) For each NO<sub>x</sub> allowance control period, the authorized account representative for the NO<sub>x</sub> affected source shall submit an annual compliance certification to the Department no later than the NO<sub>x</sub> allowance transfer deadline (December 31) of each year.

(c) At a minimum, the compliance certification shall contain the information and statements required under 25 Pa. Code § 123.110(e)(1)–(6).

#### *Recordkeeping Requirements*

##### § 123.113. Source recordkeeping requirements.

The owner or operator shall maintain for each NO<sub>x</sub> affected source at this facility, the measurements, data, reports and other information required by 25 Pa. Code §§ 123.101–123.120. The records shall be maintained for 5 years or any other period consistent with the terms of the NO<sub>x</sub> affected source's operating permit.

##### (19) § 123.121 NO<sub>x</sub> Allowance Program Transition.

The emission limitations and monitoring requirements established in §§ 123.101–123.120 (relating to NO<sub>x</sub> allowance requirements) are replaced by the requirements in Chapter 145 beginning with the May 1, 2003, control period. If a source has failed to demonstrate compliance with § 123.111 (relating to failure to meet source compliance requirements), the provisions in § 145.54(d) (relating to compliance) shall be used to withhold NO<sub>x</sub> allowances in calendar year 2003 and beyond. If no NO<sub>x</sub> allowances are provided to the source under § 145.52 (relating to NO<sub>x</sub> allowance allocations), the source will be obligated to acquire and retire a number of NO<sub>x</sub> allowances as specified in § 145.54.

##### §§ 145.1–145.90 NO<sub>x</sub> Budget Trading Program Incorporation.

The emission limitations, monitoring and all other requirements of the NO<sub>x</sub> Budget Trading Program established in 25 Pa. Code §§ 145.1–145.90 are hereby incorporated by reference.

##### § 145.10 Authorization and responsibilities of the NO<sub>x</sub> authorized account representative.

(a) § 145.10(a) Except as provided under § 145.11 (relating to alternate NO<sub>x</sub> authorized account representative), each NO<sub>x</sub> budget source, including all NO<sub>x</sub> budget units at the source, shall have one and only one, NO<sub>x</sub> authorized account representative, with regard to all matters under the NO<sub>x</sub> Budget Trading Program concerning the source or any NO<sub>x</sub> budget unit at the source.

(b) § 145.10(e) Each submission under the NO<sub>x</sub> Budget Trading Program shall be submitted, signed and certified by the NO<sub>x</sub> authorized account representative for each NO<sub>x</sub> budget source on behalf of which the submission is made.

##### § 145.6(a) Standard requirements—Monitoring requirements.

(a) The owners and operators and the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall comply with the monitoring requirements of §§ 145.70–145.76 (relating to recordkeeping and recording requirements) by May 1, 2002.

(b) The emissions measurements recorded and reported in accordance with §§ 145.70–145.76 shall be used to determine compliance by the unit with the NO<sub>x</sub> budget emissions limitation under Subsection 145.6(c).

##### § 145.6(b) Standard requirements—NO<sub>x</sub> Requirements.

(a) The owners and operators of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under § 145.54 (relating to compliance), as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO<sub>x</sub> emissions for the control period from the unit, as determined in accordance with §§ 145.70–145.76 (relating to recordkeeping and reporting requirements) plus any amount necessary to account for actual heat input under § 145.42(e) (relating to NO<sub>x</sub> allowance allocation) for the control period or to account for excess emissions for a prior control period under § 145.54(d) or to account for withdrawal from the NO<sub>x</sub> budget trading program, or a change in regulatory status, of a NO<sub>x</sub> budget opt-in unit under §§ 145.86 and 145.87 (relating to withdrawal from NO<sub>x</sub> Budget Trading Program; and opt-in source change in regulatory status).

(b) An NO<sub>x</sub> budget unit shall be subject to the requirements under Paragraph (a) starting on May 1, 2003, or the date on which the unit commences operation, whichever is later.

##### § 145.6(c) Standard requirements—Excess Emissions.

The owners and operators of a NO<sub>x</sub> budget unit that has excess emissions in any control period shall do the following:

Surrender the NO<sub>x</sub> allowances required for deduction under § 145.54(d)(1) (relating to compliance).

##### § 145.6(d) Standard requirements—Recordkeeping and reporting requirements.

Unless otherwise provided, the owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall maintain at a central location and provided upon request by the Department or the NO<sub>x</sub> budget administrator all documents required under § 145.6(d) for a period of 5 years from the date the document is created. This period may be extended for cause, at any

time prior to the end of the 5 years, in writing by the Department or the Administrator.

§ 145.74(b) Standard requirements—Monitoring plans.

(a) The owner or operator of a unit subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62 (relating to monitoring plan), except that the monitoring plan shall also include all of the information required by 40 CFR Part 75, Subpart H.

(b) The owner or operator of a unit that is not subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan is only required to include the information required by 40 CFR Part 75, Subpart H.

§ 145.74(c) Certification applications.

The NO<sub>x</sub> authorized account representative shall submit an application to the Department within 45 days after completing all initial certification or recertification tests required under § 145.71 (relating to initial certification and recertification procedures) including the information required under 40 CFR Part 75, Subpart H.

§ 145.74 Source emissions reporting requirements.

(a) The authorized account representative shall submit to the Department and to the NO<sub>x</sub> Budget Administrator a quarterly emissions report in accordance with the requirements of § 145.74(d).

(b) The NO<sub>x</sub> authorized account representative shall submit to the Department and the NO<sub>x</sub> Budget Administrator a compliance certification in support of each quarterly report required under § 145.74(d) based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the units emissions are correctly and fully monitored.

§ 145.30 Compliance certification report.

For each control period in which one or more NO<sub>x</sub> budget units at a source are subject to the NO<sub>x</sub> budget emissions limitation, the NO<sub>x</sub> authorized account representative of the source shall submit to the Department and the NO<sub>x</sub> Budget Administrator by November 30 of that year, a compliance certification report for the source covering all of the units.

§ 145.90 Emission reduction credit provisions.

NO<sub>x</sub> budget units may create, transfer and use emission reduction credits (ERCs) in accordance with Chapter 127 and § 145.90. ERCs may not be used to satisfy NO<sub>x</sub> allowance requirements.

(20) Under the provisions of 25 Pa. Code Chapter 127, Subchapter E, New Source Review, the permittee shall secure Department-approved nitrogen oxides (NO<sub>x</sub>) Emission Reduction Credits (ERCs) in the amount of 275 tons per year and volatile organic compounds (VOCs) ERCs in the amount of 91 tons per year prior to the commencement of operation of the combustion turbines and duct burners.

(21) The permittee shall limit the combined-cycle electric generating plant emissions of Nitrogen Oxides (NO<sub>x</sub>) to 239 tons during any consecutive 12-month period.

(22) The permittee shall limit the combined-cycle electric generating plant emissions of carbon monoxide (CO) to 451 tons during any consecutive 12-month period.

(23) The permittee shall limit the combined-cycle electric generating plant emissions of VOCs to 79 tons during any consecutive 12-month period.

(24) Under the Lowest Achievable Emission Rate (LAER) provisions of 25 Pa. Code § 127.205, the permittee shall limit the emissions from each combustion turbine with duct burner to the following:

<i>Pollutant</i>	<i>Fuel</i>	<i>Emissions (corrected to 15% O<sub>2</sub>)</i>
NO <sub>x</sub>	Natural Gas	2.5 ppmvd (1-hr avg calculated from a 3-hr rolling block sum) (0.0094 #/MMBTU HHV)*
NO <sub>x</sub>	Distillate Oil	6.5 ppmvd (1-hr avg calculated from a 3-hr rolling block sum) (0.0259 #/MMBTU HHV)*

\* As calculated using US EPA F factor methodology

<i>Pollutant</i>	<i>Fuel</i>	<i>Emissions (1 hr-block avg on a dry basis corrected to 15% O<sub>2</sub>)</i>
VOC	Natural Gas	1.0 ppmvd as CH <sub>4</sub> at >85% of full base load (0.0013 #/MMBTU HHV)* 1.6 ppmvd as CH <sub>4</sub> at ≥70% but ≤85% of full base load (0.0021 #/MMBTU HHV)*
VOC	Distillate Oil	2.6 ppmvd as CH <sub>4</sub> at base load with duct firing (0.0033 #/MMBTU HHV)* 4.2 ppmvd as CH <sub>4</sub> at >85% of full base load (0.0058 #/MMBTU HHV)* 24.5 ppmvd as CH <sub>4</sub> at ≥70% but ≤85% of full base load (0.0340 #/MMBTU HHV)* 5.4 ppmvd as CH <sub>4</sub> at base load with duct firing (0.0073 #/MMBTU HHV)*

\* As calculated using US EPA F factor methodology

(25) Under the Best Available Control Technology (BACT) provisions of 25 Pa. Code § 127.83, the permittee shall limit the emissions from each combustion turbine with duct burner to the following:

<i>Pollutant</i>	<i>Fuel</i>	<i>Emissions (1 hr-block avg on a dry basis corrected to 15% O<sub>2</sub>)</i>
CO	Natural Gas	3.0 ppmvd at ≥70% of full base load (0.007 #/MMBTU HHV)* 4.0 ppmvd with duct burners (0.009 #/MMBTU HHV)*
	Distillate Oil	6.0 ppmvd at loads >85% (0.015 #/MMBTU HHV)* 6.5 ppmvd with duct firing (0.016 #/MMBTU HHV)* 10.0 ppmvd at ≥70% but ≤85% of full base load (0.024 #/MMBTU HHV)*

Pollutant	Fuel	Emissions	
		(1 hr-block avg on a dry basis corrected to 15% O <sub>2</sub> )	
SO <sub>2</sub>	Natural Gas	0.0006 #/MMBTU (HHV)	
	Distillate Oil	0.051 #/MMBTU (HHV)	
Particulate (TSP/ PM10)	Natural Gas	0.0055 #/MMBTU (HHV)	at >85% of full base load
		0.0097 #/MMBTU (HHV)	at base load with duct firing
	Distillate Oil	0.0071 #/MMBTU (HHV)	at ≥70% but ≤85% of full base load
		0.0437 #/MMBTU (HHV)	at >85% of full base load
		0.0497 #/MMBTU (HHV)	at base load with duct firing
		0.0856 #/MMBTU (HHV)	at ≥70% but ≤85% of full base load
H <sub>2</sub> SO <sub>4</sub>	Natural Gas	0.0002 #/MMBTU (HHV)	
		0.0003 #/MMBTU (HHV)	at base load with duct firing
	Distillate Oil	0.0159 #/MMBTU (HHV)	
		0.0193 #/MMBTU (HHV)	at base load with duct firing

\* As calculated using US EPA F factor methodology

(26) Under the Best Available Technology (BAT) provisions of 25 Pa. Code § 127.1, the permittee shall limit the emission of ammonia for each selective catalytic reduction (SCR) system exhaust to 10 ppmvd, measured dry volume corrected to 15% oxygen, under normal operation.

(27) The emissions in Conditions 24, 25 and 26 apply at all times except during periods of start-up and shutdown as defined as follows:

(a) *Cold start-up*: Refers to restarts made more than 72 hours after shutdown; cold start-up periods shall not exceed 4 hours per occurrence.

(b) *Warm Start-up*: Refers to restarts made more than 24 hours but less than 72 hours after shutdown; warm start-up periods shall not exceed 2.5 hours per occurrence.

(c) *Hot Start-up*: Refers to restarts made 9 hours or less after shutdown; hot start-up periods shall not exceed 1.5 hours per occurrence.

(d) *Shutdown*: Commences with the termination of fuel (natural gas or distillate oil) injected into the combustion chambers.

(28) Under the provisions of 25 Pa. Code § 123.31, there shall be no malodorous emissions outside the property boundaries from any operation related to any source covered under this Plan Approval.

(29) Under the provisions of 25 Pa. Code § 123.41, the visible air contaminants from each combustion turbine exhaust stack shall not be emitted in a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 60% at any time.

(30) Within 60 days after achieving the maximum firing rate, but not later than 180 days after start-up, the permittee shall demonstrate compliance with each emission limit established in Conditions 24, 25 and 26 and opacity as per Section 60.8 and 40 CFR Part 60 Subparts Da, Dc and GG and Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

(31) At least 60 days prior to the test, the permittee shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

(32) At least 30 days prior to the test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

(33) Within 30 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager for approval.

(34) Continuous emission monitoring system for nitrogen oxides (as NO<sub>2</sub>), carbon monoxide (CO) and diluent gas (O<sub>2</sub> or CO<sub>2</sub>) must be approved by the Department and installed, operated and maintained in accordance with the requirements of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. Proposals containing information as listed in the Phase I section of the Department's *Continuous Source Monitoring Manual* for the CEMs must be submitted at least 3 months prior to the start-up of the combustion turbines.

(35) Phase I Department approval must be obtained for the monitors described in Condition 34 prior to initial start-up of the combustion turbines. Phase III Department approval must be obtained within 60 days of achieving the maximum production rate at which the turbines will be operated, but not later than 180 days after initial start-up of the turbines. Department review time for the Phase III report (time between postmark of the permittee's Phase III report and the postmark of the Department's response letter) will not be charged against the turbines in determining compliance with this condition. Information in obtaining Department approval is included in the Department's *Continuous Source Monitoring Manual*.

(36) The permittee shall install and maintain fuel flow monitors that meet the requirements of 40 CFR Part 75, Appendix D.

(37) The permittee shall monitor and record the following parameters for each SCR system:

- Catalyst bed inlet gas temperature
- Ammonia solution injection rate
- Ammonia solution concentration

(38) The permittee shall record each start-up and shutdown, including the date and times of each event, for the combustion turbines and the duct burners.

(39) The permittee shall, at the minimum, record the following for the combined-cycle electric generating plant:

- (a) Monthly fuel consumption
- (b) 12-month rolling total fuel consumption
- (c) Monthly emissions of TSP/PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, CO, VOC and H<sub>2</sub>SO<sub>4</sub>
- (d) 12-month rolling total of the emissions identified in Condition (39)(c)
- (e) Results of fuel sampling, as applicable
- (f) SCR monitoring results

(40) All emissions shall be determined by the methods found in 40 CFR Part 60 Subparts Da, Dc and Gg, the Plan Approval Application and supplemental materials and *Continuous Emission Monitoring Manual*.

(41) The permittee shall limit the total dissolved/suspended solids in the cooling tower blowdown water to 1100 ppmw, or less.

(42) The permittee shall, on a weekly basis, test the cooling tower water for total dissolved and suspended solids. A schedule of less frequent testing may be approved by the Department upon demonstration that the results of the required testing are below the limitation contained in Condition (41).

(43) Records required under this Plan Approval, 40 CFR Part 60 Subparts Da, Dc and Gg and 40 CFR Parts 72, 73, 75 and 77 shall be kept for a period of 5 years and shall be made available to the Department upon request.

(a) The permittee shall maintain records on all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment which are subject to this Plan Approval.

(b) The permittee shall maintain a copy of the manufacturer's specifications for the two combustion turbines, two heat recovery steam generators with duct firing, one steam generator, one 39.9 MMBTU/hr auxiliary natural gas boiler, one cooling tower and air pollution control equipment onsite.

(c) The permittee shall maintain a copy of the manufacturer's specifications for all CEMs that are required by this Plan Approval.

(d) The permittee shall keep a record of the date of malfunction, the time of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

(e) The permittee shall keep a record of the results of the testing for cooling tower blowdown water total dissolved and suspended solids.

(44) The Department reserves the right to use the CEMs data, stack test results and the operating parameters determined during optimization of the turbines and their associated air cleaning devices to verify emission rates, to establish emission factors and to develop compliance assurance measures in the Operating Permit.

(45) Hazardous Air Pollutants (HAPs) for the entire combined-cycle electric generating plant shall not exceed 10 tons per year for a single HAP and 25 tons per year for all HAPs.

(46) The permittee will consume the following portions of the available PSD increments as listed in 40 CFR Part 52, Subpart 21, based upon the modeling conducted in support of the application:

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Radiant Energy Portland (µg/m<sup>3</sup>)</i>	<i>Maximum Allowable PSD Increase (µg/m<sup>3</sup>)</i>	<i>% of PSD Increment</i>
PM <sub>10</sub>	24-hour	6.5	30	22%
	Annual	0.12	17	0.7%
SO <sub>2</sub>	3-hour	35.6	512	7%
	24-hour	5.5	91	6%
NO <sub>2</sub>	Annual	0.06	20	0.3%
	Annual	0.1	25	0.4%

(47) The facility shall not burn distillate oil with a Sulfur content greater than 0.05%.

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

**34-05001A: Triangle Pacific Corp.** (P. O. Box 146, Thompsontown, PA 17094) for construction of a new spray paint booth in Delaware Township, **Juniata County**. Permit conditions will cap the new spray booth VOC emissions to 15 tons per year based on any consecutive 12-month period. The source is subject to 25 Pa. Code §§ 129.52 and 129.101—129.107. The Plan Approval and Operating Permit will contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**36-05093B: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for modification of an existing asphalt plant to process recycled asphalt pavement in East Cocalico Township, **Lancaster County**. There will

be no significant increase in emissions from this modification. The asphalt plant is subject to 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. The plan approval and operating permit will include monitoring, record keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**67-05046: United Defense LP** (P. O. Box 15512, York, PA 17405-1512) for modifications to reduce both actual and potential VOC emissions from both the surface coating operations and the entire facility. The result of these changes will allow United Defense LP to discontinue use of the thermal incinerator (RTO) to control emissions of the two large parts booths, two small parts booths and two flash off ovens. The VOC emissions for these six sources will increase approximately twelve tons per year. The RTO was originally installed to meet BAT and to incinerate the vapors of noncompliant coatings in West Manchester Township, **York County**. The plan



approval and operating permit will include monitoring, record keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

#### OPERATING PERMITS

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

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**09-00046: RJM Manufacturing Inc., dba TaraTape** (250 Canal Rd., Fairless Hills, PA 19030) for construction of the Surface Coating Operation, Line # 3, at its Fairless Hills Plant in Falls Township, **Bucks County**. This pressure-sensitive tape manufacturer is a Title V facility. This construction will result in the emission of 4.0 tons/yr of volatile organic compounds (VOC) into the atmosphere. The Title V permit contains regulatory requirements pertaining to monitoring, recordkeeping and reporting conditions designed to keep the facility operating within applicable requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**55-00005: Wood-Mode, Inc.** (One Second Street, Kreamer, PA 17833), for their Wood Household Furniture Manufacturing Facility (Kreamer Plant) located in Middlecreek Township, **Snyder County**. The facility's main sources include 27 spray booths, hand wipe stain application stations, hand wipe and repair stations, a molding finishing operation, cleanup and washoff operations, lumber drying operations, veneering operations, a wood waste/# 2 oil/natural gas-fired boiler, a wood waste-fired boiler, woodworking areas and wood waste handling systems. The air contaminant emissions from these operations are controlled by a thermal oxidizer, fabric collectors and multiclones. The facility has the potential to emit major quantities of carbon monoxide (CO), hazardous air pollutants (HAPs), volatile organic compounds (VOCs) and particulate matter (PM-10). As a result of the potential to emit, the Wood-Mode, Inc. Kreamer Plant is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The facility emits nitrogen oxides (NOx) and sulfur oxides (SOx) below the major emission thresholds. This facility is also subject to Reasonably Available Control Technology (RACT) requirements and Maximum Achievable Control Technology (MACT) requirements. This facility is subject to all the applicable requirements in 40 CFR Part 63 Subpart JJ (National Emission Standards for Wood Furniture Manufacturing Operations) and 25 Pa. Code §§ 129.101—129.107 (Wood Furniture Manufacturing Operations).

#### 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.*

**18-00021: Avery Dennison, Chemical Division** (R. D. 2, Box 70, Draketown Road, Mill Hall, PA 17751)

for their chemical processing facility in Bald Eagle Township, **Clinton County**. The facility's main sources include seven reactor vessels, 37 storage and feed tanks, 18 raw material storage vessels, two natural gas fired boilers, three natural gas fired space heaters and two thermal oxidizers. These sources have the potential to emit major quantities of hazardous air pollutants (HAPs). The facility has taken emissions limitations to fall below Title V thresholds. The facility has the potential to emit nitrogen oxides (NOx), sulfur oxides (SOx), particulate matter (PM), carbon monoxide (CO) and volatile organic compounds (VOCs) below the major emission thresholds.

**17-00035: TYK America Inc.** (P. O. Box 187, Irvona, PA 16656-0187) for their alumina-graphite refractories processing facility in Irvona Borough, **Clearfield County**. The facility's main sources include material conveying, mixing and forming equipment, gas fired dryers, kilns and miscellaneous combustion sources. These sources have the potential to emit major quantities of particulate matter (PM-10). The facility is using control devices to bring emissions below Title V thresholds. The facility has the potential to emit sulfur oxides (SOx), nitrous oxides (NOx), carbon monoxide (CO), hazardous air pollutants (HAPs) and volatile organic compounds (VOCs) below the major emission thresholds.

**60-00015: Eastern Industries, Inc.—Winfield Plant** (P. O. Box 177, Winfield, PA 17889) for their stone crushing and bituminous concrete (blacktop) making facility in Union Township, **Union County**. The facilities main sources include stone crushing/processing equipment and a batch asphalt plant. These sources have the potential to emit major quantities of sulfur oxides (SOx) and carbon monoxide (CO). The facility has taken restrictions on production rate for their asphalt plant to limit potential SOx and CO emissions below Title V thresholds. The facility has the potential to emit nitrogen oxides (NOx), particulate matter (PM) and volatile organic compounds (VOCs) below the major emission thresholds.

**60-00017: Eastern Industries, Inc.—Lewisburg Plant** (P. O. Box 177, Winfield, PA 17889) for their stone crushing facility in Buffalo Township, **Union County**. The facility's main sources include stone crushing/processing equipment and one diesel fuel fired electric generator. These sources have the potential to emit major quantities of nitrogen oxides (NOx). The facility has taken restrictions on its yearly operating hours of the diesel operated generator to limit potential NOx emissions below Title V thresholds. The facility has the potential to emit sulfur oxides (SOx), particulate matter (PM) and carbon monoxide (CO) below the major emission thresholds.

**55-00009: Conestoga Wood Specialties Corp.—Beavertown Plant** (441 West Market Street, Beavertown, PA 17813-9795) for their wood cabinet making facility in Beavertown Borough, **Snyder County**. The facilities main sources include two fuel oil fired boilers. These sources have the potential to emit major quantities of sulfur oxides (SOx). The facility has taken restrictions on type of fuel and fuel usage to limit potential SOx emissions below Title V thresholds. The facility has the potential to emit, nitrogen oxides (NOx), particulate matter (PM), carbon monoxide (CO), hazardous air pollutants (HAPs) and volatile organic compounds (VOCs) below the major emission thresholds.

**Interstate Ozone Transport Reduction  
Proposed State Only Operating Permits to establish  
NOx Allowance Allocations and to include  
Conditions relating to NOx Budget Trading  
Program**

The Department of Environmental Protection (Department) intends to issue new State Only Operating Permits to incorporate the provisions of 25 Pa. Code §§ 145.1—145.90. These regulations establish a NOx Budget and a NOx Budget Trading Program for NOx budget units for the purpose of achieving the health-based ozone ambient air quality standard. The Department is establishing the NOx Allowance Allocations for each NOx budget unit under the provisions of 25 Pa. Code § 145.42.

The new State only operating permits will, beginning in 2003, require the owner or operator of each NOx budget unit to hold a quantity of NOx allowances by November 30 of each year not less than the total NOx emissions for the control period from the NOx budget unit. One NOx Allowance is the limited authorization to emit 1 ton of NOx during the NOx Allowance Control Period, which begins May 1 of each year and ends September 30 of the same year. The NOx allowances held in the source's current year NOx Allowance Tracking System (NATS) compliance and overdraft accounts must be equal to or greater than the total NOx emitted from the source during the year's NOx allowance control period. The initial NOx allowance control period begins on May 1, 2003.

The new State only operating permits will also include emission monitoring, reporting and recordkeeping requirements for each NOx budget source. NOx emissions from each NOx budget source shall be monitored, reported and recorded in accordance with 25 Pa. Code §§ 145.30 and 145.70—145.76.

Persons wishing to file protests or comments on the proposed Title V/Operating Permits or allocations must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed permits or allocations. Any comments or protests filed at the following address must include a concise statement of the objections to the issuance of the permit and/or allocations 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* and a newspaper of general circulation, where the facility is located, at least 30 days prior to the date of the hearing.

Copies of the proposed permits, allocations and other relevant information are available for review at the address given.

*Bureau of Air Quality: Division of Permits, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468; Contact: John F. Slade, Chief, Division of Permits, (717) 787-4325.*

**02-0051: U. S. Steel** (600 Grant Street, Pittsburgh, PA 15219) located in the City of Pittsburgh, **Allegheny County**.

NOx affected Sources:

Boiler No. 1	Allowance: 142
Boiler No. 2	Allowance: 157
Boiler No. 3	Allowance: 151

**02-0052: U. S. Steel** (600 Grant Street, Pittsburgh, PA 15219) located in the City of Pittsburgh, **Allegheny County**.

NOx affected Sources:

Boiler No. 1	Allowance: 191
Boiler No. 2	Allowance: 118

**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 above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E15-671. GenTerra Corporation**, 666 Exton Commons, Exton, PA 19341, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

1. To construct and maintain a 35-foot long twin span, 26-foot by 10-foot low profile CMP arch bridge and associated end wall across Little Valley Creek (EV) and a de minimis area of adjacent wetlands (PEM) to provide access to the site. Work will also consist of the installation of a temporary stream crossing.

2. To install and maintain a 30-inch (maximum) steel sleeve to facilitate 8-inch diameter utility line crossing across Little Valley Creek (EV) and along Morehall Road (SR 0029).

3. To provide vegetative plantings along 75 feet of stream bank to stabilize and enhance the channel along Little Valley Creek.

4. To install and maintain two stormwater outfall structures within the 100-year floodway of Little Valley Creek.

The site is located approximately 400 feet southeast of the intersection of Morehall Road (S. R. 0029) and Matthews Road (Malvern USGS Quadrangle N: 8.90 inches; W: 3.30 inches).

**E46-889. Lejeune Properties, Inc.**, 4070 Butler Pike, Suite 800, Plymouth Meeting, PA 19462, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed construction of the River Crest Residential/Golf Club Development, located at the corner of Collegeville Road (SR 0029) and Black Rock Road (SR4003) (Collegeville, PA Quadrangle North: 5.5 inches West: 15.35 inches) in Upper Providence Township, Montgomery County.

1. To construct and maintain a road crossing and associated utilities in 0.39 acre of wetlands (PEM) at the headwaters of an unnamed tributary to the Schuylkill River (WWF).

2. To construct and maintain three 80-foot by 10-foot golf cart bridges located across an unnamed tributary to the Schuylkill River.

3. To remove a 48-inch culvert pipe and to replace and maintain it with a 28-foot long twin 48-inch RCP culvert located in and along an unnamed tributary to the Schuylkill River for the purpose of emergency access.

4. To construct and maintain an 80-foot, 42-inch RCP culvert located in and along an unnamed tributary to the Schuylkill River.

5. To place fill in 90 linear feet of the headwaters an unnamed tributary associated with the construction of Fairway No. One of the proposed golf course.

6. The project also proposes a 45-foot extension to an existing 45-foot long 30-inch CMP culvert in and along an unnamed tributary to the Schuylkill River under Collegeville Road (SR0029), which is owned and operated by PADOT.

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

**E35-340. G. B. M. Partners, L.P.**, R. R. 1, Box 328, Dalton, PA 18414, in Scott Township, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To place fill in approximately 3.0 acres of wetlands and to construct and maintain a stream enclosure of a tributary to Kennedy Creek, consisting of 500 L. F. of 36 inch HDPE pipe, for the purpose of expanding the parking area for an existing truck plaza. The project is located northeast of the intersection of S. R. 0081 and S. R. 0524. (Dalton, PA, Quadrangle N: 10.0 inches; W: 3.5 inches).

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

**E36-717. Rapho Township**, 971 N. Colebrook Rd, Manheim, PA 17545 in Rapho Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain two cells of box culverts each having a span of 12 feet with an underclearance of 3.6 feet on a 40 degrees skew at the channel of an unnamed tributary to Brubaker Run (WWF) on Sunnyside Road (T-855) located near its intersection with Valley Road (Manheim, PA Quadrangle N: 8.7 inches; W: 16.35 inches).

**E36-718. Clay Township**, 870 Durlach Road, Stevens, PA 17578 in Clay Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain a box culvert having a span of 2.5 feet with an underclearance of 8 feet at the channel of Middle Creek on Mountain Spring Road (T-640) located near its intersection Kleinfelertville Road (Ephrata, PA Quadrangle N: 22.4 inches; W: 0.0 inch).

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

**E08-376. Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application, in Wyalusing Township, **Bradford County**, ACOE Susquehanna River Basin District (Laceyville, PA Quadrangle N: 18.9 inches; W: 15.1 inches).

To a) remove three existing structures, b) construct and maintain a three span precast concrete I-beam bridge having a span of 187 feet and a minimum underclearance of 15.2 feet with a skew of 80° in Wyalusing Creek, a single cell precast reinforced concrete box culvert having a span of 20.0 feet and a minimum underclearance of 6.5 feet with a skew of 76°32' in an overflow channel adjacent to Wyalusing Creek and a single cell precast reinforced concrete box culvert having a span of 193.0 feet and a minimum underclearance of 6.0 feet with a skew similar to that of the existing structure in Camp Creek, c) temporarily construct and maintain six 5-foot diameter corrugated metal pipes and associated R-3 and R-6 rock fill for a temporary causeway, all of which is located along SR 0706, Segment 026. This project proposes to have a minimal impact on Wyalusing Creek and Camp Creek, which are; each designated a Warm Water Fisheries and does propose to have a minimal impact on approximately 1.35 acres of jurisdictional wetlands.

**E08-372. Merle Bair**, Montour Township, R. R. 1, Box 133B, Monroeton, PA 18832 in Monroe Township, **Bradford County**, ACOE Baltimore District (Powell, PA Quadrangle N: 10.3 inches; W: 1.6 inches).

To construct and maintain a 1,000 gallon precast concrete vault and dry hydrant in Millstone Creek. The project is located on the right side of T432/Weston Road approximately 1 mile from the intersection of T432/Western Road with Route 14. The project will not impact wetlands while impacting approximately 10 feet of waterway. Millstone Creek is a high quality stream.

**E08-377. Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application, in Wilmont Township, **Bradford County**, ACOE Susquehanna River Basin District (Jenningsville, PA Quadrangle N: 17.8 inches; W: 16.1 inches).

To perform streambed paving in Sugar Run Creek along SR 2006 located at the intersection of SR 0187 south and SR 2006. This project proposes to permanently impact 11.5 linear feet of Sugar Run Creek, which is, designated a Cold Water Fishery, Class 'A' wild trout stream and does not propose to impact any jurisdictional wetlands.

**E14-389. Pennsylvania Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823-9620. Water Obstruction and Encroachment Joint Permit Application, in Benner Township, **Centre County**, ACOE Susquehanna River Basin District (Bellefonte, PA Quadrangle N: 4.0 inches; W: 1.4 inches).

To remove existing structure and construct and maintain a single pre-cast concrete arch bridge having a span of 45 feet and a minimum underclearance of 10.5 feet with a skew of 90° and pre-cast concrete wingwalls in Spring Creek located 2.0 miles along Spring Creek Road, east of the intersection of SR 550 South and Spring Creek Road. This project proposes to have a minimal impact on Spring Creek, which is, designated a High Quality - Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

**E18-316. Ralph and Cheri Aungst**, P. O. Box 402, Avis, PA 17721, 60 foot stream enclosure in Avis Borough, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 10.8 inches; W: 9.3 inches).

To construct and maintain a 42 inch high, 60 inch wide by 60 feet long culvert extension of an existing culvert under Reed Street in a tributary to Oak Grove Run. The project is located approximately 90 feet southeast of the intersection of Reed Street with Fox Street in Avis Borough. The project will not impact wetlands while impacting approximately 70 feet of waterway. The unnamed tributary to Oak Grove Run is a cold water fisheries stream.

**E19-218. John Beck, Supervisor**, Greenwood Township, 90 Shed Road, Millville, PA 17846. Water Obstruction and Encroachment Joint Permit Application, in Greenwood Township, **Columbia County**, ACOE Susquehanna River Basin District (Bloomsburg, PA Quadrangle N: 22.1 inches; W: 16.6 inches).

To a) remove existing 60-inch metal pipe, b) construct and maintain a precast concrete box culvert with a clear span of 14 feet and a minimum underclearance of 4 feet in Mud Run, c) temporarily construct and maintain a sand bag diversion dike at the existing bridge site, all of which is located 0.7 mile south of SR 0254 on T-526 (Camp Victory Road). This project proposes to have a minimal impact on Mud Run, which is, designated a Trout Stocked Fishery and does not propose to impact any jurisdictional wetlands.

**E49-248. Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application, in Lower Mahanoy Township, **Northumberland County**, ACOE Susquehanna River Basin District (Pillow, PA Quadrangle N: 0.5 inch; W: 15.8 inches).

To perform streambed paving in Mahantango Creek along SR 3024, Segment 0010, Offset 0000. This project proposes to permanently impact 35 linear feet of Mahantango Creek, which is, designated a Warm Water and Trout Stocked Fishery does not propose to impact any jurisdictional wetlands.

**E49-250. Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218,

Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application, in Lewis Township, **Northumberland County**, ACOE Susquehanna River Basin District (Muncy, PA Quadrangle N: 1.0 inch; W: 6.1 inches).

To remove existing structure and construct and maintain a single span prestressed adjacent box beam bridge having a span of 37 feet and a minimum underclearance of 4.83 feet with a skew of 90° in Warrior Run located 400 feet along SR 1008, west of the intersection of SR 1007 north and SR 1008. This project proposes to have a minimal impact on Warrior Run, which is, designated a Warm Water Fishery and does not propose to impact any jurisdictional wetlands.

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

**E11-291. East Carroll Township**, 3350 Brick Road, Carrolltown, PA 15722. East Carroll, Cambria and Allegheny Townships, **Cambria County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain a single 13.3-foot x 3.8-foot corrugated metal box culvert in Chest Creek (HQ-CWF) for the purpose of improving transportation safety and roadway standards. The project is located on T-481, approximately 2.75 miles east of US Route 219. (Carrolltown, PA Quadrangle N: 6.65 inches; W: 7.4 inches).

**E26-287. Lower Tyrone Township Supervisors**, P. O. Box H, Dawson, PA 15428. Lower Tyrone Township, **Fayette County**, ACOE Pittsburgh District.

To remove the existing timber plank deck and superstructure and to construct and maintain a superstructure on the Lower Tyrone Bridge having a clear span of 14 feet and an underclearance of 5 feet (Spring Grove Church Road) across Hickman Run (WWF). The project is located on T-735 at a point just east of its intersection with T-754 (Dawson, PA Quadrangle N: 8.6 inches; W: 1.67 inches).

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

**E25-635. CSX Transportation**, 205 Reiman Street, Buffalo, NY 14212-2135. Scour Protection Repairs for Bridge No. 73.24 over Sixteen Mile Creek, Albany Division, Chicago Line, in North East Township, **Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 5 inches; W: 13 inches).

To construct and maintain an approximately 80 ft. concrete benchwall for scour protection along the west abutment and an approximately 50 ft. concrete apron/benchwall to repair scour and undermining along the east abutment of a railroad bridge over Sixteen Mile Creek (WWF; MF) to correct structural damage and ensure continued stability of the stone masonry arch structure located on CSX right-of-way between Cemetery Road and Lake Street at the rear of Welches Plant.

**E37-139. Lawrence County**, 430 Court Street, New Castle, PA 16101. Lakewood Road (T-464) Bridge No. 8 Deck Replacement, in Hickory Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 7.25 inches; W: 10.25 inches).

To remove and replace the deteriorated deck, repair the bearings, underpin the upstream corner of the near abutment and place R-6 rock in a drainage ditch upstream near side on the existing steel springer bridge supported on stone abutments with concrete caps over Hottenbaugh Run (WWF), located on Lakewood Road

(T-464) approximately 200 feet north of the intersection of Lakewood Road and S. R. 1007.

**E42-279, Bradford Township**, 136 Hemlock Street, Bradford, PA 16701. Tuna Valley Trails—Marilla Brook Reservoir Trail, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 14.2 inches; W: 16.0 inches).

To impact a total of 0.05 acre of wetlands for the installation and maintenance of an approximately 1.0 mile long by 6 ft. wide gravel fill trail with 2 ft. shoulders, with either an asphalt or crushed limestone surface, around and 50 ft. from the edge of the Marilla Brook Reservoir, following an existing dirt path currently used for hiking. The project includes the following:

1. Marilla Brook Reservoir Trail Bridge # 4—To replace an existing bridge over the spillway with a two span bridge (61 feet long by 10 feet wide) with steel stringers with a wood deck and railing for bicycle and pedestrian traffic. The existing abutments and pier will be reused with minor modifications.

2. Marilla Brook Reservoir Trail Bridge # 5—To construct and maintain a 174 feet long by 10 feet wide timber bridge with 26 timber (6 inch by 6 inch) piers over an unnamed tributary to Marilla Brook reservoir for bicycle and pedestrian traffic located on an existing foot path.

3. Marilla Brook Reservoir Trail Bridge # 6—To construct and maintain a 115 feet long by 6 feet wide timber bridge with 18 timber (6 inch by 6 inch) piers over an unnamed tributary to Marilla Brook reservoir for bicycle and pedestrian traffic located on an existing foot path.

## ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

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

### I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1— 691.1001).

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

**NPDES Permit No. PA0056880**, Industrial Waste, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19058-0460.

This proposed facility is located in Tullytown Borough, **Bucks County**.

Description of Proposed Action/Activity: Renewal of existing permit to discharge into the Delaware River Zone 4 via Franklin Cove (2 E Watershed).

**NPDES Permit No. PA0040126**, Sewage, **Western Montgomery County Area Vocational-Technical School**, 77 Graterford Road, Limerick, PA 19468.

This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal of existing permit to discharge into Lodal Creek-3E.

**NPDES Permit No. PA0023949**, Sewage, **Brookhaven Borough**, 2 Cambridge Road, Brookhaven, PA 19015-1708.

This proposed facility is located in Brookhaven Borough, **Delaware County**.

Description of Proposed Action/Activity: Renewal of existing permit to discharge into Chester Creek-3G.

**NPDES Permit No. PA0053601**, Sewage, **Richard and Brenda Steinmetz**, 5564 Tollgate Road, Pipersville, PA 18947.

This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal of existing permit to discharge into an unnamed tributary to Geddes Run.

**WQM Permit No. 0901401**, Sewage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a lagoon sewage treatment plant and spray irrigation system to serve the proposed Stoney mead subdivision.

**WQM Permit No. 0901409**, Sewerage, **Falls Township**, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030.

This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a relief sewer line for Olds Boulevard.

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

**NPDES Permit No. PA0083917**, Industrial Waste, **Landstar Polymer Recovery, Inc.**, 811 Progress Road, Chambersburg, PA 17201-3257.

This proposed facility is located in Chambersburg Borough, **Franklin County**.

Description of Proposed Action/Activity: Permit transfer from PolyTek Pennsylvania, Inc. to LandStar Polymer Recovery, Inc. authorizing discharge to the receiving waters of an unnamed tributary of the Conococheague Creek in Watershed 13-C (Conococheague—Antietam Creek).

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

**NPDES Permit No. PA0111911**, Industrial Waste, **Construction Specialties**, P. O. Box 380, Muncy, PA 17756.

This proposed facility is located in Clinton Township, **Lycoming County**.

Description of Proposed Action/Activity: Renewal of an existing Industrial Waste Minor Permit.

**NPDES Permit No. PA0110540**, Industrial Waste, **Furman Foods Inc.**, P. O. Box 500, Northumberland, PA 17857.

This proposed facility is located in Point Township, **Northumberland County**.

Description of Proposed Action/Activity: Renewal of an existing Industrial Waste permit to discharge from a vegetable canning facility.

**NPDES Permit No. PA0041327**, Sewage, **Penn College of Technology**, One College Avenue, Williamsport, PA 7701.

This proposed facility is located in Clinton Township, **Lycoming County**.

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

**NPDES Permit No. PA0113212**, Sewage, **J. William Moore**, (Milton Center East), 300 Fairfield Road, Lewisburg, PA 17837.

This proposed facility is located in West Chillisquaque Township, **Northumberland County**.

Description of Proposed Action/Activity: Renewal of an existing permit. The permittee has not built the treatment plant and wishes to maintain the permit for future plans.

**NPDES Permit No. PA0209287**, Sewage, **Wanderland Trails Inc.**, 7 Crosskey Road, Colledgeville, PA 19426.

This proposed facility is located in Richmond Township, **Tioga County**.

Description of Proposed Action/Activity. Renewal of an existing permit.

**WQM Permit No. 4101404**, Sewage, **Richard and Nicholas Mirabito**, P. O. Box 1814, Williamsport, PA 17701.

This proposed facility is located in Fairfield Township, **Lycoming County**.

Description of Proposed Action/Activity: Correction of Malfunctioning on-lot system for 565 Quaker State Road.

**WQM Permit No. 4101403**, Sewerage, **Richard and Nicholas Mirabito**, P. O. Box 1814, Williamsport, PA 17701.

This proposed facility is located in Fairfield Township, **Lycoming County**.

Description of Proposed Action/Activity: Correction of Malfunctioning on-lot system for 575 Quaker State Road.

**WQM Permit No. 5701402**, Sewage, **Darryl Long**, 801 Main Street, Akron PA 17501.

This proposed facility is located in Forks Township, **Sullivan County**.

Description of Proposed Action/Activity: New Single Residence sewerage system to be constructed.

**WQM Permit No. 5901402**, Sewage, **Hamilton Township Supervisors**, P. O. Box 215, Morris Run, PA 16939.

This proposed facility is located in Hamilton Township, **Tioga County**.

Description of Proposed Action/Activity: Collection system, interceptor and pump stations update revision for the Village of Morris Run.

**WQM Permit No. 5501401**, Sewage, **Kreamer Municipal Authority**, P. O. Box 220, Kreamer, PA 17833.

This proposed facility is located in Middlecreek Township, **Snyder County**.

Description of Proposed Action/Activity: Communion, Extended Aeration, Clarification, Disinfection, Aerobic Digestion.

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

**NPDES Permit No. PA0030392**, Industrial Waste, **General Motors Corporation**, 1451 Lebanon School Road, West Mifflin, PA 15222 is authorized to discharge from a facility located in West Mifflin Borough, **Allegheny County** to receiving waters named Curry Hollow Creek.

**NPDES Permit No. PA0217093**, Industrial Waste, **Johnstown Wire Technologies, Inc.**, 124 Laurel Avenue, Johnstown, PA 15906-2246 is authorized to discharge from a facility located at City of Johnstown, **Cambria County** to receiving waters named Conemaugh River.

**NPDES Permit No. PA0026883**, Sewage, **City of Beaver Falls**, 715 15th Street, Beaver Falls, PA 15010 is authorized to discharge from a facility located at City of Beaver Falls Sewage Treatment Plant, City of Beaver Falls, **Beaver County** to receiving waters named Beaver River.

**NPDES Permit No. PA0029971**, Sewage, **Avella Area School District**, 1000 Avella Road, Avella, PA 15312-9699 is authorized to discharge from a facility located at Avella District Joint High School STP, Cross Creek Township, **Washington County** to receiving waters named unnamed tributary of South Fork Cross Creek.

**NPDES Permit No. PA0032191**, Sewage, **Sister Servants of the Most Sacred Heart of Jesus**, 1872 Munster Road, Portage, PA 15946 is authorized to discharge from a facility located at Sister Servants of the Most Sacred Heart of Jesus STP, Munster Township, **Cambria County** to receiving waters named unnamed tributary of North Branch Little Conemaugh River.

**NPDES Permit No. PA0035483**, Sewage, **Camp Albryoca**, 2801 Greenville Road, Meyersdale, PA 15552 is authorized to discharge from a facility located at Camp Albryoca STP, Greenville Township, **Somerset County** to receiving waters named Little Piney Creek.

**NPDES Permit No. PA0093033**, Sewage, **Eastern Armstrong County Municipal Authority**, P. O. Box 262, Elderton, PA 15736-0262 is authorized to discharge

from a facility located at Elderton STP, Elderton Borough, **Armstrong County** to receiving waters named unnamed tributary of Crooked Creek.

**NPDES Permit No. PA0093718.** Sewage. **Karns City School District**, 1446 Kittanning Pike, Karns City, PA 16041 is authorized to discharge from a facility located at Sugar Creek Elementary School, Sugar Creek Township, **Armstrong County** to receiving waters named tributary of Huling Run.

**NPDES Permit No. PA0096075.** Sewage. **Connellsville Area School District**, 125 North Seventh Street, Connellsville, PA 15425 is authorized to discharge from a facility located at Dunbar Township Elementary School Sewage Treatment Plant, Dunbar Township, **Fayette County** to receiving waters named Drainage Swale tributary to an unnamed tributary of the Youghiogheny River.

**NPDES Permit No. PA0096334.** Sewage. **Clelian Heights School for Exceptional Children**, R. D. 9, Box 607, Greensburg, PA 15601 is authorized to discharge from a facility located at Clelian Heights School for Exceptional Children STP, Hempfield Township, **Westmoreland County** to receiving waters named unnamed tributary Beaver Run.

**NPDES Permit No. PA0218693-A1.** Sewage. **Luzerne Township Sewage Authority**, 415 Hopewell Road, Brownsville, PA 15417-9542 is authorized to discharge from a facility located at Luzerne Township Sewage Authority Sewage Treatment Plant, Luzerne Township, **Fayette County** to receiving waters named Monongahela River.

**NPDES Permit No. PA0218758.** Sewage. **James LeDonne**, 545 Turkey ridge Road, Apollo, PA 15613 is authorized to discharge from a facility located at James C. LeDonne Land Development Sewage Treatment Plant, Washington Township, **Westmoreland County** to receiving waters named Dry Swale tributary to unnamed tributary of Pucketa Creek.

**NPDES Permit No. PA0218804.** Sewage. **James Yeager**, 137 Willow Lane, Patton, PA 16668 is authorized to discharge from a facility located at James Yeager Small Flow Sewage Treatment Facility, Elder Township, **Cambria County** to receiving waters named unnamed tributary of Brubaker Run.

**Permit No. 1101402.** Sewerage. **Jim Yeager**, 137 Willow Lane, Patton, PA 16668. Construction of small flow sewage treatment facilities located in Elder Town-

ship, **Cambria County** to serve Yeager property small flow sewage treatment facilities.

**Permit No. 6501404.** Sewerage. **James LeDonne**, 545 Turkey Ridge Road, Apollo, PA 15613. Construction of a small flow sewage treatment facility located in Washington Township, **Westmoreland County** to serve LeDonne Small Flow Sewage Treatment Facility.

**Permit No. 6501405.** Sewerage. **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671. Construction of sanitary sewer located in Derry Borough, **Westmoreland County** to serve New Derry Area.

**Permit No. 6501406.** Sewerage. **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671. Construction of Gravity Collection Sewer and 2 Pump Stations located in Derry Township, **Westmoreland County** to serve Atlantic Area, Panizzi Area to Latrobe STP.

**Permit No. 6501407.** Sewerage. **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671. Construction of collection sewers, interceptor and two pump stations located in Derry Township, **Westmoreland County** in the Torrance STP Service Area.

**Permit No. 6501409.** Sewage. **John M. and Gina L. Franolich**, R. R. 1, Box 14A, Irwin, PA 15642. Construction of Single Residence Sewage Treatment Plant located in Sewickley Township, **Westmoreland County** to serve the Franolich Residence.

**NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)**

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U141	DeLuca Homes, Inc. 107 Floral Vale Blvd. Yardley, PA 19067	Northampton	Hanover Township	Monacacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10H093	Prologis Dev. Services, Inc. One Capital Drive Suite 103 Cranbury, NJ 08512	Cumberland	South Middleton Township	Letort Spring Run (HQ-CWF) Conodoguinet Creek (WWF)

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

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

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

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

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

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

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

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lehigh County Upper Saucon Township	PAR10Q159	Oakleaf Properties 824 Eighth Ave. Bethlehem, PA 18018	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Susquehanna County Forest Lake Township	PAR106413	Powers Stone Co. R. R. 5, Box 124 Montrose, PA 18801	Middle Branch Wyalusing Creek CWF	Susquehanna County Conservation District (570) 278-4600
Bedford Township Bedford County	PAR 100457	Harvey Lingenfelter 191 Lingenfelter Road Bedford, PA 15522	Raystown Branch	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Guilford Township Franklin County	PAR10M240	Allegheny Energy Supply Company, LLC 4350 Northern Pike Monroeville, PA 15146	Conococheague Creek (WWF)	Franklin County Conservation District 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
N. Lebanon Township Lebanon County	PAR10P161	God's Missionary Church 2127 Hill Street Lebanon, PA 17042	Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 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>
Franklin Township Snyder County	PAR105922	Emmit Kreager P. O. Box 88 Middleburg, PA 17842	Middle Creek CWF	Snyder County Conservation District 403 West Market St. Middleburg, PA 17842 (570) 837-0007
<i>Southwest Region: Regional Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Armstrong County Bradys Bend	PAR10B038	Bureau of Abandoned Mine Reclamation 286 Industrial Park Road Ebensburg, PA 15931	Sugarcreek/WWF	Armstrong County Conservation District (724) 548-3425
Somerset County Somerset Borough Somerset Township Stonycreek Township	PAR106139	Pennsylvania Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Coxes Creek and Tributaries/WWF Glades Creek and Tributaries/WWF Kimberly Run and Tributaries/CWF Stonycreek and Tributaries/CWF	Somerset County Conservation District (814) 445-4652
Washington County North Strabane Township	PAR10W186	Divots Golf Center, Inc. 1500 Washington Road Canonsburg, PA 15317	UNT to Chartiers Creek/WWF	Washington County Conservation District (724) 228-6774
Westmoreland County North Huntingdon Township	PAR10X258	Norwin School District 281 McMahon Drive North Huntingdon, PA 15842	UNT to Youghiogheny River/WWF	Westmoreland County Conservation District (724) 837-5271
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
West Goshen Township Chester County	PAR800042	Eldridge Companies, Inc. 898 Fern Hill Rd. West Chester, PA 19380	Taylor Run Creek and 3H Brandywine Creek Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bristol Township Bucks County	PAR900003	Exelon Generating Companies, LLC 200 Exelon Way Kennett Square, PA 19348	Delaware River	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bethlehem City Lehigh County	PAR202242	Howmet Castings, Inc. 2175 Avenue C Bethlehem, PA 18017-2119	Lehigh River TSF	DEP NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lebanon County Annville Township	PAR213547	John H. Boger & Son Inc. 202 N. Railroad Street P. O. Box 310 Annville, PA 17003	Quitapahilla Creek/TSF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Dauphin County Londonderry Township	PAR803645	Airborne Express—Middletown P. O. Box 662 Seattle, WA 98111	Swatara Creek/WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Town of Bloomsburg Columbia County	PAR604831	Kassab Brothers 449 W 9th Street P. O. Box 251 Bloomsburg, PA 17815	Storm Drain to Susquehanna River 5D	Northcentral Regional Office 208 West Third Street Williamsport, PA 17701 (570) 327-3666

## NOTICES

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<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>
Boggs Township Centre County	PAR804837	Bestway Travel Centre I-80 & State Route 150 Box 256 Milesburg, PA 16853	Bald Eagle Creek	Northcentral Regional Office 208 West Third Street Williamsport, PA 17701 (570) 327-3666
Madison Township Columbia County	PAR604832	Swartz Salvage Yard Inc. 177 Swartz Rd. Bloomsburg, PA 17815	Strom Drain to East Branch Chillisquaque Creek 10D	Northcentral Regional Office 208 West Third Street 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>
Charleston Township Tioga County	PAG044871	Sharon A. Wilber R. D. 3 Box 406A Wellsboro, PA 16901	Unnamed tributary to Catlin Hollow Run 10B	Northcentral Regional Office 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Fairfield Township Lycoming County	PAG045119	Richard and Nicholas Mirabito P. O. Box 1814 Williamsport, PA 17701	Unnamed tributary to Mill Creek 10A	Northcentral Regional Office 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Fairfield Township Lycoming County	PAG045120	Richard and Nicholas Mirabito P. O. Box 1814 Williamsport, PA 17701	Unnamed tributary to Mill Creek 10A	Northcentral Regional Office 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Forks Township Sullivan County	PAG045118	Darryl Long 801 Main Street Akron, PA 17501	Storm drain to Loyalsock Creek 10B	Northcentral Regional Office 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Sewickley Township Westmoreland County	PAG046225	John M. and Gina L. Franolich R. R. 1 Box 14A Irwin, PA 15642	UNT to Youghiogheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-10*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Adams County Straban Township	PAG103511	Reliant Energy Hunterstown LLC 1001 Broad Street P. O. Box 1050 Johnstown, PA 15907-1050	Rock Creek/7F	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## SAFE DRINKING WATER

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

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

**Permit No. 0900505**, Public Water Supply.

Applicant **Buckingham Township**  
P. O. Box 413  
Buckingham, PA 18912

Township Buckingham

County **Bucks**

Type of Facility Public Water Supply System

Consulting Engineer Gilmore and Associates, Inc.  
331 Butler Avenue  
New Britain, PA 18901

Permit to Construct Issued July 5, 2001

**Permit No. 0900508**, Public Water Supply.

Applicant **Quakertown Borough**  
P. O. Box 727  
Quakertown, PA 18951

Township Richland

County **Bucks**

Type of Facility Public Water Supply System

Consulting Engineer Boucher and James, Inc.  
127 S. Fifth Street  
Suite 300  
Quakertown, PA 18951

Permit to Construct Issued July 6, 2001

**Permit No. 4699504**, Public Water Supply.

Applicant **Montgomery County Geriatric Center**  
1600 Black Rock Road  
Royersford, PA 19468

Township Upper Providence

County **Montgomery**

Type of Facility Public Water Supply System

Consulting Engineer Boucher and James, Inc.  
127 S. Fifth Street  
Quakertown, PA 18951

Permit to Construct Issued July 6, 2001

**Operations Permit** issued to: **Central Bucks School District**, Plumstead Township, **Bucks County** on July 6, 2001.

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

**Permit No. 4001501**, Public Water Supply.

Applicant **Tulpehocken Spring Water, Inc.**  
R. R. 1, Box 114T  
Northumberland, PA 17857

Borough or Township Foster Township

County  
Type of Facility  
Consulting Engineer

**Luzerne**  
Public Water Supply  
Matthew Seng, P.E.  
Earth Res. Group, Inc.  
P. O. Box 468  
Pipersville, PA 18947

Permit to Construct Issued

July 2, 2001

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

**Permit No. 3899502**, Public Water Supply.

Applicant  
Municipality  
County  
Type of Facility

**Elizabethtown Borough**  
West Cornwall Township  
**Lebanon**

Operation of a raw water pump station and transmission main. Water will be pumped from Cornwall quarry to Conewago Creek.

Consulting Engineer

Mikel V Geissler, P.E.  
CET Engineering Services  
1240 N. Mountain Rd.  
Harrisburg, PA 17112

Permit to Operate Issued:

June 29, 2001

**Permit No. 0698506**, Public Water Supply.

Applicant  
Municipality  
County  
Type of Facility

**Citizens Utilities Water Company of PA**  
Ruscombmanor Township  
**Berks**

Issued permit to operate two wells with treatment to serve the Golden Oaks Subdivision.

Consulting Engineer

Timothy Krall, P.E.  
Vitulo Corp.  
150 D Love Rd.  
Reading, PA 19607

Permit to Operate Issued:

July 5, 2001

**Permit No. 3600509**, Public Water Supply.

Applicant  
Municipality  
County  
Type of Facility

**Urban Outfitters, Inc.**  
Salisbury Township  
**Lancaster**

Installation of a nitrate treatment and disinfection system. Project will include an existing softening system to be placed under permit.

Consulting Engineer

Thomas J. Whitehill, P.E.  
Whitehill Consulting Engineers  
763 Conowingo Rd.  
Quarryville, PA 17566

Permit to Operate Issued:

June 15, 2001

**Permit No. 2801504 MA, Minor Amendment, Public Water Supply.**

Applicant **Bear Valley Franklin County Pennsylvania Joint Authority**  
 Municipality Peters  
 County **Franklin**  
 Type of Facility Painting of the inside and outside of the Upton Storage Tank.  
 Consulting Engineer John L. Schaude III, P.E.  
 Gannett Fleming Inc.  
 601 Holiday Drive  
 Pittsburgh, PA 15220  
 Permit to Construct Issued: June 8, 2001

**Permit No. 6701505 MA, Minor Amendment, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 Municipality Fairview Township  
 County **York**  
 Type of Facility Pre and Post caustic feed at the Yellow breeches filtration plant.  
 Consulting Engineer Thomas J. Whitehill, P.E.  
 Whitehill Consulting Engineers  
 763 Conowingo Rd.  
 Quarryville, PA 17566  
 Permit to Construct Issued: June 26, 2001

**Permit No. 06501503 MA, Minor Amendment, Public Water Supply.**

Applicant **Citizen Utilities Water Company of PA**  
 Municipality Amity Township  
 County **Berks**  
 Type of Facility Operation of 1.5 million gallon finished water storage tank.  
 Consulting Engineer Darryl Jenkins, P.E.  
 Citizens Utilities Water Company of PA  
 P. O. Box 6342  
 4 Wellington Blvd.  
 Wyomissing, PA 19610  
 Permit to Operate Issued: July 5, 2001

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

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

Applicant **Renovo Borough**  
 Renovo Borough Water Dept.  
 126 Fifth Street  
 Renovo, PA 17764  
 Borough Renovo Borough  
 County **Clinton**  
 Type of Facility Public Water Supply

Consulting Engineer Kerry A. Uhler, P.E.  
 140 South High Street  
 Bellefonte, PA 16823  
 Permit to Construct Issued: July 6, 2001

**Permit No. 1989508-T1, Public Water Supply.**

Applicant **Orangeville Nursing Center Associates**  
 964 Marcon Blvd., Suite 220  
 Allentown, PA 18109  
 Borough Orangeville Borough  
 County **Columbia**  
 Type of Facility Public Water Supply (Nursing & Rehab Center)  
 Permit to Construct Issued: July 6, 2001

**Permit No. 1700501, Public Water Supply.**

Applicant **Croft Water Association**  
 R. R. 2, Box 208A  
 Clearfield, PA 16830  
 Township Goshen Township  
 County **Clearfield**  
 Type of Facility Public Water Supply  
 Consulting Engineer Hess & Fisher Engineers, Inc.  
 36 North Second Street  
 Clearfield, PA 16830  
 Permit to Construct Issued: June 28, 2001

**Permit No. 6001501, Public Water Supply.**

Applicant **New Berlin Municipal Authority**  
 P. O. Box 396  
 700 Water Street  
 New Berlin, PA 17855  
 Borough New Berlin Borough  
 County **Union**  
 Type of Facility Public Water Supply  
 Consulting Engineer J. A. Coukart & Associates  
 122 Front Street  
 P. O. Box 300  
 New Berlin, PA 17855-0300  
 Permit to Construct Denied: June 28, 2001

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

**Permit No. 6301502, Public Water Supply.**

Applicant **Pennsylvania-American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Borough or Township] North Franklin Township  
 County **Washington**  
 Type of Facility Finished Water Storage

Consulting Engineer KLH Engineers Inc.  
5173 Campbell's Run Road  
Pittsburgh, PA 15205

Permit to Construct June 26, 2001  
Issued

**Permit No. 3200501-A2**, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
827 Water Street  
Indiana, PA 15701

[Borough or Township] Pine Township

County **Indiana**

Type of Facility Mine Pool

Consulting Engineer Gibson-Thompson Engineering  
Co., Inc.  
P. O. Box 853  
Latrobe, PA 15650

Permit to Construct July 2, 2001  
Issued

**Operations Permit 0201501**, issued to: **Oakmont Borough Municipal Authority**, P. O. Box 73, 721 Allegheny Avenue, Oakmont, PA 15139, Penn Hills Borough, **Allegheny County** on July 3, 2001.

#### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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

**WA 5-547C**, Water Allocations. **Saxton Borough Municipal Authority, Bedford County**. The authority is granted the right to withdraw an average of 300,000 gallons per day from the Putts Hollow Reservoir/Miller Run. Consulting Engineer: Mark V Glenn, P.E., Gwin, Dobson & Foreman, Inc. Permit Issued: July 2, 2001.

**WA 22-172B**, Water Allocations. **Millersburg Area Authority, Dauphin County**. The Authority was granted the right to withdraw a combined total of up to 660,000 gallons per day, when available, from Spring Nos. 1, 2, 3, 4, 5, 6 and 7. Consulting Engineer: 1—Not Available. Permit Issued: July 6, 2001.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

##### PREAMBLE 2

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in

environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

**Spedd Inc.**, Warren Ind. Ctr., 920 Pennsylvania Avenue West, has submitted a Final Report concerning remediation of soil contaminated with Solvents, Paint Related Wastes and Oils. The report is intended to document remediation of the site to meet the Statewide Health Standard.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

##### PREAMBLE 3

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

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

or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following final reports:

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

**Herzman & Company**, City of Lebanon, **Lebanon County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, (on behalf of Herzman & Co., 661 North 8th Street, Lebanon, PA 17042 and NiSource, Inc., 801 East 86th Avenue, Merrillville, IN 46410) has submitted a final report concerning the remediation of site soils contaminated with BTEX, PHCs and PAHs. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on June 19, 2001.

**Former Teledyne McKay Property**, Spring Garden Township, **York County**. Redevelopment Authority of the County of York, 144 Roosevelt Avenue, Suite 100, York, PA 17404 has submitted a remedial investigation report and baseline risk assessment report concerning the remediation of site soils and groundwater contaminated with heavy metals and solvents. The report was approved by the Department on June 20, 2001.

#### **HAZARDOUS WASTE TRANSPORTER LICENSE**

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### **HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED**

**ARL, Inc. dba American Road Lines**, 238 Moon Clinton Road, Coraopolis, PA 15108. License No. **PA-AH 0475**. Effective July 5, 2001.

**Buckham Transport Limited**, P. O. Box 601, Peterborough, ON K9J 6Z8. License No. **PA-AH 0336**. Effective July 3, 2001.

#### **HAZARDOUS WASTE TRANSPORTER LICENSE**

**Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### **HAZARDOUS WASTE TRANSPORTER LICENSE EXPIRED**

**Rinchem Company, Inc.**, 6133 Edith Boulevard NE, Albuquerque, NM 87107. License No. **PA-AH S205**. Effective June 30, 2001.

**USL Environmental Services, Inc., dba A & A Environmental**, 5200 Raynor Avenue, Linthicum, MD 21090. License No. **PA-AH 0621**. Effective June 30, 2001.

**Tri-S Environmental Services, Inc.**, 25 Pinney Street, Ellington, CT 06029. License No. **PA-AH 0626**. Effective June 30, 2001.

**Empire Trucking Company, Inc.**, R. R. 1 Box 198 Creek Road, Shamokin, PA 17872. License No. **PA-AH 0622**. Effective June 30, 2001.

**Tri-County Industries, Inc.**, 5135 Frolich Lane, Hyattsville, MD 20781. License No. **PA-AH 0430**. Effective June 30, 2001.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE RENEWED**

**Omega Medical Laboratories, Inc.**, 2001 State Hill Road, Wyomissing, PA 19610-1699. License No. **PA-HC 0042**. Effective July 3, 2001.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

**Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE EXPIRED**

**Pennsylvania Hospital of the University of Pennsylvania Health System**, 800 Spruce Street, Philadelphia, PA 19107-6192. License No. **PA-HC 0118**. Effective June 30, 2001.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

*Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 101069. Southeastern Chester County Refuse Authority**, P. O. Box 221, Kennett Square, PA

19358, London Grove Township, **Chester County**. Permit for an increase in the SECCRA Community Landfill's average daily waste volume from 375 tons per day to 500 tons per day. The increase will be implemented in phases. Permit issued over the objections of the host municipality. Written justification for overriding their objections was provided in writing to the host municipality and is available for review in the regional file. The permit was issued by the Southeast Regional Office on July 9, 2001.

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

**Permit No. 101421. Shade Landfill, Inc.**, 1176 No. 1 Road, Cairnbrook, PA 15924. Permit Renewal for a Municipal Waste Landfill in Shade Township, **Somerset County** was issued in the Regional Office on June 21, 2001.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**54-323-001GP: First Quality Nonwovens, Inc.** (101 Green Mountain Road, Hazleton, PA 18201) for construction and operation of a burn-off oven in Hazle Township, Luzerne County and East Union Township, **Schuylkill County**.

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

**GP7 31-03006A: The Mead Corporation** (P. O. Box 147, Alexandria, PA 16611) on July 2, 2001, was authorized to operate under GP7 for a sheetfed offset lithographic printing press in Porter Township, **Huntingdon County**.

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

**GP3-17-02: HRI, Inc.** (1750 West College Avenue, State College, PA 16804-0155) on June 25, 2001, was authorized to construct and operate a portable nonmetallic mineral processing plant under the General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Mt. Joy Site in Lawrence Township, **Clearfield County**.

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

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

**23-0001S: Sunoco, Inc.** (R&M) (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) on July 3, 2001,

for operation of a boiler and heater in Marcus Hook Borough, **Delaware County**.

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

**54-303-015A: Pennsy Supply Co.** (P. O. Box 3331, Harrisburg, PA 17105) on July 2, 2001, for modification of a batch asphalt plant to utilize waste derived oil in Wayne Township, **Schuylkill County**.

**54-313-082: Air Products and Chemicals, Inc.** (P. O. Box 351, Tamaqua, PA 18252-0351) on July 2, 2001, for construction of a fluorine manufacturing process in Rush Township, **Schuylkill County**.

**39-312-045: Buckeye Pipe Line Co. LP** (5002 Buckeye Road, Emmaus, PA 18049) on July 3, 2001, for reactivation of a Storage Tank 401 and associated air cleaning device at the Macungie Terminal in Lower Macungie Township, **Lehigh County**.

**48-313-088: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042) on June 27, 2001, for installation of an air cleaning device on DHY Kilns and Copperas dryer at the Easton Plant in Wilson Borough, **Northampton County**.

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

**01-05021A: Knouse Foods Cooperative, Inc.** (P. O. Box 709, Biglerville, PA 17307-0709) on July 5, 2001, for installation of two natural gas/#5 reclaimed oil-fired boilers at its Peach Glen Plant in Tyrone Township, **Adams County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

**01-05031A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of eleven Electrical Generating Units at its Germantown Substation in Mount Joy Township, **Adams County**.

**06-03088: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of six Electrical Generating Units at its Muhlenberg Substation in Muhlenberg Township, **Berks County**.

**06-05071A: Sealed Air Corporation** (450 Riverfront Drive, Reading, PA 19602) on July 6, 2001, for construction of a new boiler at its Reading Plant in the City of Reading, **Berks County**.

**21-05045A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of fourteen Electrical Generating Units at its Allen Substation in Monroe Township, **Cumberland County**.

**34-03005A: Energex American, Inc.** (R. R. 5, Box 343, Mifflintown, PA 17059) on July 5, 2001, for modification of a wood pellet manufacturing plant in Walker Township, **Juniata County**.

**34-03006A: Railworks Wood Products, Inc.** (P. O. Box 251, McAlisterville, PA 17049) on July 5, 2001, for modification of a wood-fired boiler in Fayette Township, **Juniata County**.

**36-05008A: Tyson Foods, Inc.** (403 South Custer Avenue, New Holland, PA 17557) on July 6, 2001, for

construction of a chicken processing operation in Earl Township, **Lancaster County**.

**36-05101A: Highway Materials, Inc.** (P. O. Box 1667, Blue Bell, PA 19422-0465) on July 9, 2001, for construction of a batch asphalt plant controlled by a knockout box and a fabric collector and two 30,000-gallon asphalt cement storage tanks at its Lititz Plant in Warwick Township, **Lancaster County**.

**67-05030A: C-P Converters, Inc.** (15 Grumbacher Road, York, PA 17402) on July 5, 2001, for construction of a flexographic press enclosed in a permanent total enclosure controlled by a catalytic incinerator in Manchester Township, **York County**.

**67-05067A: Persing Enterprises, Inc.** (214 North Franklin Street, Red Lion, PA 17356) on July 9, 2001, for construction of wood finishing operations in Red Lion Borough, **York County**.

**67-05068A: Highway Materials, Inc.** (P. O. Box 1667, Blue Bell, PA 19422-0465) on July 9, 2001, for construction of a batch asphalt plant controlled by a knockout box and a fabric collector and two 30,000-gallon asphalt cement storage tanks at its Wrightsville Plant in Hellam Township, **York County**.

**67-05085A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of 14 Electrical Generating Units at its Cly Substation in Newberry Township, **York County**.

**67-05086A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of nine Electrical Generating Units at its Hill Substation in Shrewsbury Township, **York County**.

**67-05087A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of six Electrical Generating Units at its Pleasureville Substation in Springettsbury Township, **York County**.

**67-05088A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of ten Electrical Generating Units at its Roundtop Substation in Warrington Township, **York County**.

**67-05089A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of nine Electrical Generating Units at its Westgate Substation in the City of York, **York County**.

**67-05090A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of ten Electrical Generating Units at its Yoe Substation in Windsor Township, **York County**.

**67-05091A: Metropolitan Edison Co. dba GPU Energy** (P. O. Box 16001, Reading, PA 19640-0001) on July 2, 2001, for construction of 12 Electrical Generating Units at its Yorkana Substation in Lower Windsor Township, **York County**.

**67-05092A: Starbucks Coffee Company** (3000 Espresso Way, York, PA 17402) on July 9, 2001, for construction of a green coffee bean cleaning station controlled by a cartridge collector at its York Roasting Plant in East Manchester Township, **York County**.

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

**41-0008A: Koppers Industries, Inc.** (P. O. Box 189, Montgomery, PA 17752) on June 4, 2001, for construction of a fuel feeding system and associated air cleaning device (a fabric collector) to allow the use of an alternate fuel stream, hogged creosoted woodwaste, in place of larger pieces of creosoted woodwaste in a boiler and associated air cleaning device (an electrostatic precipitator) in Clinton Township, **Lycoming County**. This boiler is subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources.

**41-303-009: HRI, Inc.** (1750 West College Avenue, State College, PA 16804-0155) on June 5, 2001, for construction of a batch asphalt plant and associated air cleaning device (a fabric collector) in the City of Williamsport, **Lycoming County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

**49-313-032J: Merck Inc.** (P. O. Box 600, Danville, PA 17821-0600) on June 5, 2001, for construction of a waste solvent storage tank and the installation of air cleaning devices (thermal oxidizers and a venturi jet/packed bed scrubbing system) on various pieces of pharmaceutical processing equipment at the Cherokee Plant in Riverside Borough, **Northumberland County**. The waste solvent storage tank is subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources.

**14-309-043A: Corning Asahi Video Products Company** (3500 East College Avenue, State College, PA 16801) on June 6, 2001, for modification of two glass melting furnaces (Tanks 221 and 222) and associated air cleaning devices (two electrostatic precipitators) by increasing the capacity of the furnaces in College Township, **Centre County**. This modification is subject to Federal Prevention of Significant Deterioration (PSD) requirements and the furnaces are subject to Subpart CC of the Federal Standards of Performance for New Stationary Sources.

**47-303-003A: HRI, Inc.** (1750 West College Avenue, State College, PA 16804-0155) on June 25, 2001, for modification of a drum mix asphalt plant and associated air cleaning device (a fabric collector) by using reprocessed oil as fuel in Liberty Township, **Montour County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

**41-399-026: Penn Recycling, Inc.** (2525 Trenton Avenue, Williamsport, PA 17701) on June 25, 2001, for construction of an automobile/metal shredding operation and associated air cleaning devices (a foam dust suppression system and a cyclone collector) in the City of Williamsport, **Lycoming County**.

**19-303-004C: HRI, Inc.** (1750 West College Avenue, State College, PA 16804-0155) on June 27, 2001, for modification of a batch asphalt plant and associated air cleaning device (a fabric collector) by using reprocessed oil as fuel in Hemlock Township, **Columbia County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

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

**26-00288C: Commercial Stone Co., Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on July 2, 2001



for the operation of secondary crushing/screening plant at Springfield Pike Quarry in Connellsville Township, **Fayette County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**40-328-004A: Williams Generation Company—Hazleton** (P. O. Box 2848-WRC-A, Tulsa, OH 74101-9567) issued an administratively amended plan approval for construction of three simple cycle turbines instead of the previously approved four and associated air cleaning devices at the Hazleton facility in Hazle Township, **Luzerne County**.

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

**08-399-001C: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) on June 29, 2001, to extend the authorization to operate various pieces of wire drawing and swaging equipment and associated air cleaning devices (fabric collectors and absolute filters) on a temporary basis until October 27, 2001 in North Towanda Township, **Bradford County**.

**08-318-027A: Mill's Pride—Pennsylvania** (P. O. Box 158, Sayre, PA 18840) on June 26, 2001, to extend the authorization to operate a wood kitchen cabinet glazing line, the air contaminant emissions from which are controlled by a regenerative thermal oxidizer, on a temporary basis until October 24, 2001 in Athens Township, **Bradford County**.

**14-313-041: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801) on June 28, 2001, to make numerous minor changes to sources, air cleaning devices and operating requirements for a chemical process facility (Product ROC7-2000) in College Township, **Centre County**. These changes include use of alternate condensers, use of an alternate condenser coolant, use of an alternate scrubber and use of an alternate process vessel.

**19-304-006D: Benton Foundry, Inc.** (5297 SR 487, Benton, PA 17814-7641) on July 2, 2001, to extend the authorization to operate various pieces of iron foundry equipment and associated air cleaning devices (three fabric collectors) on a temporary basis until October 30, 2001, as well as to extend the deadline for the performance of particulate matter stack testing on the three fabric collectors to October 15, 2001, in Sugarloaf Township, **Columbia County**.

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

**65-858A: American Video Glass Company** (777 Technology Drive, Mt. Pleasant, PA 15666) on June 11, 2001 for an extension for operation of Line 22 Lehr at facility in Mt. Pleasant Township, **Westmoreland County**.

**04-702A: United States Gypsum Company** (1 Woodlawn Road, Aliquippa, PA 15001) on June 21, 2001 for an extension for operation of Wallboard Manufacturing at Aliquippa Plant in Aliquippa, **Beaver County**.

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**23-00006: Foamex L.P.** (1500 East Second Street, Eddystone, PA 19022) on July 3, 2001, for operation of a Facility Title V Operating Permit in Eddystone Borough, **Delaware County**.

**46-00046: Uniform Tubes, Inc.** (200 West 7th Avenue, Trappe, PA 19426) on July 3, 2001, for operation of a Facility Title V Operating Permit in Trappe Borough, **Montgomery County**.

**46-00011: Lukens Steel Co.** (Conshohocken Road, Conshohocken, PA 19428) on July 5, 2001, for operation of a Facility Title V Operating Permit in Plymouth Township, **Montgomery County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**63-00110: World Kitchen, Inc.** (100 8th Street, Charleroi, PA 15022) on June 29, 2001 for operation of glass manufacturing process at Charleroi Plant in Charleroi Borough, **Washington County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**06-03062: Theo C. Auman, Inc.** (247 Penn Street, Reading, PA 19601) on July 5, 2001, for operation of a human crematory in the City of Reading, **Berks County**.

**06-03077: F.M. Brown's Sons, Inc.** (205 Woodrow Avenue, Sinking Spring, PA 19608) on July 5, 2001, for operation of two feed mills in Sinking Spring Borough, **Berks County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**59-00003: Watsonstown Brick Co.** (P. O. Box 68, Watsonstown, PA 17777) issued a revised operating permit on June 27, 2001, for brick manufacturing facility in Delaware Township, **Northumberland County**. The revision of this permit is to incorporate terms and conditions from Plan Approval 49-309-008D, which authorized the construction of shale crushing and milling equipment at this facility. A fabric collector and a wet dust suppression system will control particulate matter emissions from this operation at the facility.

**FEDERAL WATER POLLUTION CONTROL ACT  
SECTION 401**

The Department of Environmental Protection (Department) has taken the following actions on previously

received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

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

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

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

*Permits Issued and Actions on 401 Certifications:*

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

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

**E23-384. Tosco, Inc.**, 1100 Route 1, Linden, NJ 07036, Multiple Townships, **Delaware County**, ACOE Philadelphia District.

To perform maintenance on an existing 8-inch and 10-inch pipeline across the following streams and bodies of water:

1. To place concrete encasement around the existing 8-inch pipe across Marcus Hook Creek (WWF), (Marcus Hook, PA-NJ-DE, USGS Quadrangle N: 20:2 inches, W: 9.5 inches) in Aston Township.

2. To place concrete encasement around the existing 8-inch pipe with rip-rap apron upstream and downstream across Darby Creek (CWF-MF), (Lansdowne, PA USGS Quadrangle N: 13.00 inches; W: 11 inches) in Springfield Township.

3. To place concrete encasement around the existing 8-inch pipe with rip-rap apron upstream and downstream

across Mylars Run (CWF-MF), (Lansdowne, PA USGS Quadrangle (N: 15.8 inches; W: 6.3 inches) in Trainer Borough.

4. To place concrete encasement around the existing 8-inch, 10-inch pipes across Marcus Hook Creek, (Marcus Hook, PA-NJ-DE, USGS Quadrangle N: 13.5 inches; W: 8.5 inches) in Trainer Borough.

5. To realign approximately 80 feet of the stream channel of Marcus Hook Creek and to place concrete encasement around the existing 8-inch and 10-inch pipes, (Marcus Hook, PA-NJ-DE USGS Quadrangle N: 18.7 inches) in Upper Chichester Township.

6. To provide an additional mid-span support to an existing 8-inch pipeline across an unnamed tributary to Darby Creek (WWF in John Heinz National Refuge, Bridgeport, PA USGS Quadrangle, N: 22 inches; W: 6.5 inches) in Tinicum Township.

**E46-881. Metroplex West Associates, L.P.**, 350 Sentry Parkway, Building 630, Suite 300, Blue Bell, PA 19422, Plymouth Township, **Montgomery County**, ACOE Philadelphia District.

To transfer a portion of permit E46-809 from the Goldenberg Development Corporation to Metroplex West Associates, L.P. for maintenance associated with the following activities.

1. To maintain approximately 540 linear feet of a 10-foot by 6-foot existing masonry arch stream enclosure in and along an unnamed tributary of Plymouth Creek.

2. To maintain approximately 1,630 linear feet of a 30-foot by 11.5-foot precast concrete arch stream enclosure in and along Plymouth Creek.

3. To maintain a stone slope wall and associated fill within the 100-year floodway of Plymouth Creek associated with the widening of Chemical Road.

4. To maintain one 42-inch, two 48-inch, one-60 inch and one 64-inch RCP stormwater falls along Plymouth Creek.

5. To maintain one 42-inch RCP stormwater outfall along an unnamed tributary of Plymouth Creek.

The site is situated on the northerly side of Chemical Road, west of Blue Route (S.R. 476) and east of Gallagher Road (Norristown USGS Quadrangle N: 19.0 inches; W: 5.5 inches).

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

**E06-537. Quaker Hill Development Company**, R. D. 1 Box 1325, Mohnton, PA 19540, in Robeson Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a minor road crossing and an outfall structure at the channel of an unnamed tributary to Beaver Run (HQ) located at a point at Overlook Road for the purpose of constructing a residential development called Quaker Ridge (Morgantown, PA Quadrangle N: 16.48 inches; W: 1.05 inches).

**E21-312. Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055 in Upper Allen Township, **Cumberland County**, ACOE Baltimore District.

To (1) remove an existing 30-inch diameter corrugated metal pipe and an existing concrete block wall; (2) construct and maintain a 20 linear foot extension to an existing 42-foot long, 48-inch diameter corrugated metal pipe culvert and place R-5 riprap at the outlet for scour protection; (3) construct and maintain a 38-inch by 60-

inch, 20-foot long elliptical reinforced concrete pipe culvert and place R-5 riprap at the outlet for scour protection; (3) construct and maintain about 227 linear feet of trapezoidal shaped channel with three to one side slopes and 2-foot wide 0.5-foot deep low flow channel; (4) construct and maintain a 30-inch by 60-inch, 60-foot long reinforced elliptical reinforced concrete pipe culvert with about 58 linear feet of R-5 size riprap at its outlet for scour protection all for the purpose of relocating approximately 340 feet of existing stream channel of an unnamed tributary to the Yellow Breeches Creek (CWF) to reduce flooding on Grantham Road (SR 2026) located near the Village of Grantham (Lemoyne PA Quadrangle N: 5.9 inches; W: 16.7 inches).

**E36-704. Elizabethtown College**, One Alpha Drive, Elizabethtown, PA 17022 in Joy Township, **Lancaster County**, ACOE Baltimore District.

To enlarge and maintain the impounding lake of Lake Placida Dam, provide revetment on an unnamed tributary and install outfall structures to an unnamed tributary to Conoy Creek (TSF) located in Elizabethtown College Campus (Elizabethtown, PA Quadrangle N: 4.95 inches; W: 12.6 inches).

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

**E08-373. Leprino Foods Company**, 400 Leprino Avenue, Waverly, NY 14892-1384. Culvert Crossing, in South Waverly Borough, **Bradford County**, ACOE Baltimore District (Sayre, PA Quadrangle N: 22.6 inches; W: 6.02 inches).

To construct, operate and maintain twin 9.75 feet by 6.5 feet by 210 linear feet of corrugated metal culvert pipe along with the associated fill. This permit also includes 401 Water Quality Certification.

**E55-175. Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit application, in Spring Township, **Snyder County**, ACOE Susquehanna River Basin District (Beavertown, PA Quadrangle N: 4.0 inches; W: 11.9 inches).

To perform 34 feet of streambed paving in Stony Run underneath an existing structure located on S.R. 4010, Segment 0050 at offset 2416. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E63-497. Lee Glessner**, 2084 National Road, Wheeling, WV 26003. North Strabane Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain a retaining wall approximately 420 feet in length along the right bank of an unnamed tributary to Chartiers Creek (WWF) for the purpose of constructing a commercial business located on the south side of Allison Road, approximately 1,200 feet east from the intersection of S.R. 79 and Allison Road (Washington East, PA Quadrangle N: 17.6 inches; W: 12.2 inches).

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

**E20-496, PA Department of Transportation**, District 1-0, 255 Elm Street, Oil City, PA 16301. S. R. 1008 Across Boles Run in Venango Township, **Crawford**

**County**, ACOE Pittsburgh District (Edinboro South, PA Quadrangle N: 14.9 inches; W: 2.9 inches).

To remove the existing structure and to construct and maintain a reinforced concrete arch having a clear span of 24 feet and a rise of 12.5 feet across Boles Run on S.R. 1008, Section 001, Segment 0100, Offset 0075 immediately west of Capp Road.

**E20-498, PA Department of Transportation**, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. S. R. 886, South Main Street across tributary to French Creek, in Cambridge Springs Borough, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 9.4 inches; W: 8.35 inches).

To remove the existing bridge and to install and maintain a 60-foot long concrete box culvert having a 12-foot wide by 7-foot high waterway opening in a tributary to French Creek on S. R. 0886, Segment 0230, Offset 0661 approximately 1600 feet south of S. R. 408.

**E27-063, Northern Allegheny Resources**, 218 Elm Street, Tionesta, PA 16353. Timber Access Road Across Johns Run, in Tionesta Township, **Forest County**, ACOE Pittsburgh District (Tionesta, PA Quadrangle N: 15.4 inches; W: 5.8 inches).

To operate and maintain a 30-foot long, 6-foot diameter steel pipe culvert originally installed under DEP Permit No. GP082798602 in Johns Run on a timber access road extending approximately 2,500 feet northeast from S. R. 36 2.3 miles southeast of Tionesta.

**E42-277, Keating Township**, R. D. 1 Route 46 South, P. O. Box 103, East Smethport, PA 16730. T-350 Across Cole Creek, in Keating Township, **McKean County**, ACOE Pittsburgh District (Smethport, PA Quadrangle N: 19.3 inches; W: 13.0 inches).

To remove the existing deck and floor beams, install new footers behind the existing abutments, new steel beams and reinstall the metal deck and to maintain the bridge having an approximate clear span of 45 feet and an underclearance of 7 feet across Cole Creek on T-350 approximately 0.5 mile south of S. R. 46 west of Farmers Valley.

**E61-242, City of Oil City**, 21 Seneca Street, Oil City, PA 16301-1313. Oil Creek Stabilization Project, in City of Oil City, **Venango County**, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 11.4 inches; W: 5.5 inches).

To install and maintain rock riprap and vegetative bank protection along a total of approximately 3,400 feet the east (left) bank of Oil Creek beginning at White Bridge and extending downstream to the Allegheny River.

**E61-243, Parks Unlimited, Inc.**, R. D. 5, Box 320, Franklin, PA 16323-9402. Two Mile Run County Park Hiking Trail in Oakland Township, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 19.6 inches; W: 3.1 inches).

To conduct the following activities associated with improvements to an existing hiking trail in Two Mile Run County Park:

1. Construct and maintain a floating observation dock measuring 100 feet long projecting approximately 30 feet from the shoreline of Justus Lake having a dock surface area of 1,040 square feet at the north end of the lake.

2. Remove the existing bridge and to construct and maintain a timber pedestrian bridge having a span of 50 feet and an average underclearance of 3.5 feet across Two Mile Run immediately upstream of the lake.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA10-016NW, Aquascape Wetland and Environmental Services**, 114 Deer Road, Boyers, PA 16020. SR 89 Passive Treatment System, in Washington Township, **Butler County**, ACOE Pittsburgh District (Hilliards, PA Quadrangle N: 18.5 inches; W: 14.0 inches).

To construct and maintain a passive treatment system for the treatment of abandoned mine discharge (AMD) that has severely degraded a wetland that discharges into Slippery Rock Creek approximately 500 feet to the north. Proposed activities include the construction of a vertical flow pond, a flush pond/settling pond and an approximately 1-acre treatment wetland; and the disturbance of approximately 1 acre of the severely degraded AMD-impacted wetland area. The project is located in State Game Lands No. 95 approximately 0.4 mile southwest of Higgins Corner.

**EA43-002NW, BioMost, Inc.**, Mining and Reclamation Services, 3016 Unionville Road. North Liberty Reclamation Area, in North Liberty Township, **Mercer County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 15.1 inches; W: 11.7 inches).

To fill approximately 0.3 acre of wetlands and approximately 15 acres of open pits containing acid mine drainage associated with the reclamation of over 40 acres of abandoned minelands located along Courtney Mill Road, approximately 2,500 feet northeast of the intersection with S. R. 258.

**SPECIAL NOTICES**

**Alternative Fuels Incentive Grant (AFIG) Program  
Program Opportunity Notice  
July 2001**

The Department of Environmental Protection (DEP) Bureau of Air Quality announces the first opportunity to apply under Cycle 9 of a program to promote and expand the use of alternative transportation fuels and fuel systems such as compressed natural gas (CNG), liquefied natural gas (LNG), liquid propane gas (LPG), ethanol (E85), methanol (M85), hydrogen, hythane, electricity, coal-derived liquid fuels and fuels derived from biological materials. Grant funds can be used to pay for the difference between an alternative fuel vehicle and a conventional gasoline or diesel vehicle, to convert an existing gasoline vehicle to operate on an alternative fuel, to purchase a new energy efficient hybrid electric vehicle, to purchase and install a refueling or recharging facility, or to evaluate new alternative fuel technologies. Eligible applicants for incentive grants are schools and vocational school districts, municipal authorities, counties, cities, boroughs, incorporated towns, townships, county institution districts, nonprofit entities and corporations or partnerships incorporated or registered in the Commonwealth of Pennsylvania and Commonwealth residents. Grants awarded in this funding cycle will cover up to 20% of the applicant's eligible costs. DEP will again be awarding \$1,500 grants for hybrid electric vehicles. An application package, which provides more details on the program, can be obtained from the Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3429 or by email at [vharris@state.pa.us](mailto:vharris@state.pa.us). Applicants may fax their request to (717) 772-2302, Attn: AFIG. Specify the project type when requesting an application package. The application pack-

age is electronically available on DEP's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (directLINK "Alternative Fuels"). The deadline for submitting a Cycle 9 application to the DEP is by 4 p.m. October 1, 2001.

**Notice of Request for Proposals for Municipal Solid Waste Capacity**

The following notices are placed through the Department of Environmental Protection as required by Section 502(d) of Act 101 of 1988: the Municipal Waste Planning, Recycling and Waste Reduction Act.

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**Request for Proposals for Juniata County**

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**Juniata County Board of Commissioners**

**Mifflintown, Pennsylvania**

**Requests Proposals**

**For Municipal Solid Waste Disposal Services**

In accordance with section 272 of the Solid Waste Rules and Regulations (as amended), Juniata County Board of Commissioners has determined that waste disposal capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a minimum of 3 years with options to renew said contract for an additional 3 years and 4 years, respectively. Juniata County Board of Commissioners is hereby soliciting proposals for disposal of County generated MSW, to begin on April 1, 2002.

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**1. Solicitation for Municipal Solid Waste Disposal Services**

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Sealed proposals will be received by the Juniata County Board of Commissioners at the Juniata County Courthouse, Bridge and Main Streets, Mifflintown, PA 17059 until 4 p.m., on August 6, 2001. All proposals will be publicly opened by Juniata County Board of Commissioners at 10 a.m. on August 7, 2001, at the County Courthouse.

Copies of the Request for Proposals (RFP) may be purchased on or after July 9, 2001 only from the Juniata County Planning Office at the County Courthouse, Mifflintown, PA 17059, (717) 436-7729 by pre-payment of a nonrefundable amount of \$50 per proposal. Proposers should make checks payable to the County of Juniata.

All sealed proposals must include an executed Non-Collusion Affidavit and Proposal Bond as provided in Section D of this proposal package.

All proposals must be made on the Proposal Forms and be in accordance with the Instruction to Proposers contained in this Request for Proposals. The Proposer is required to submit one original and three copies of the Proposal to Juniata County Board of Commissioners at the address listed. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the proposer, the statement Proposal for Municipal Solid Waste Disposal Services" and be addressed to:

Juniata County Board of Commissioners  
Courthouse  
Bridge and Main Streets  
Mifflintown, PA 17059  
Attention: William H. Stong, Acting Planning  
Director

**APPLICATION ANNOUNCEMENT FOR THE  
COMMUNITY WASTE TIRE RECREATIONAL  
GRANT PROGRAM**

Applications for the 2001 Community Waste Tire Recreational Grant Program are now available from the Department of Environmental Protection (DEP). Under the program, qualified school districts, municipalities and nonprofit organizations in Pennsylvania are awarded grants to use waste tires as a primary material to construct and/or renovate recreational areas and facilities. Applications for the program will be accepted by DEP until 4 p.m. on Friday, September 21, 2001.

Each year, Pennsylvania generates approximately 12 million waste tires. This number is in addition to the estimated 16 million waste tires that currently exist in stockpiles throughout the Commonwealth. Abandoned waste tire piles not only rob the State from the use of viable land, but they also can cause serious environmental, health and safety problems, including tire fires and mosquito infestations. By providing grant funding under the Community Waste Tire Recreational Grant Program, DEP is helping to create a demand for waste tires and is proving that waste tire reuse and recycling can benefit communities throughout Pennsylvania.

Applications for the 2001 Community Waste Tire Recreational Program may be obtained by contacting Dawn Heimbach of the Bureau of Land Recycling and Waste Management at (717) 787-9871 or by e-mail at [daheimbach@state.pa.us](mailto:daheimbach@state.pa.us). Applications are also available electronically on DEP's website at <http://www.dep.state.pa.us> (directLINK "waste tires").

**Notice of Certification to Perform Radon-Related  
Activities in Pennsylvania**

In the month of June 2001 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Allied Home Inspections, Inc.	1857 Sturbridge Drive Lancaster, PA 17601	Testing
Karen Amspacker	525 Main Street, 2nd Floor Bethlehem, PA 18018	Testing
Willis Bortmas	370 Red Dog Road Butler, PA 16001	Testing
Rob Bruno Boro Environmental	501 Sharp Avenue Glenolden, PA 19036	Testing
Jeffrey Calta	106 Vensel Lane Chicora, PA 16025	Testing
Carl Distenfeld TCS Industries, Inc.	4326 Crestview Road Harrisburg, PA 17112	Testing Laboratory
Ronald Fridley	3838 Yerkes Road Collegeville, PA 19426	Testing
Jeff Hicks	11 Long View Drive Stroudsburg, PA 18360	Testing
Raymond Johnson Key Technology, Inc.	929 Mount Zion Road Lebanon, PA 17046	Laboratory
Michael Lieb	407 Burmont Road Drexel Hill, PA 19026	Testing
Thomas Moore	421 Redgate Road Sewickley, PA 15143	Testing
Jerry Petrill	R. R. 9 Box 423A Greensburg, PA 15601	Mitigation
Shawn Price Air Check, Inc.	1936 Butler Bridge Road Fletcher, NC 28732	Laboratory
David Robertson	801 Yale Avenue, Suite G4 Swarthmore, PA 19081	Testing
Jeffrey Saulsbury Saulsbury Enviro. Consultant, Inc.	307 Lucille Street Pittsburgh, PA 15218	Testing
Eugene Spoeehr	801 Yale Avenue, Suite G4 Swarthmore, PA 19081	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Lawrence Transue	710 Frost Hollow Road Easton, PA 18040	Testing
Richard Walmer	929 Mount Zion Road Lebanon, PA 17046	Testing

[Pa.B. Doc. No. 01-1313. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **Air Quality Technical Advisory Committee; Notice of Change in Meeting Location**

The location of the Air Quality Technical Advisory Committee meeting scheduled for July 26, 2001, has been changed from Harrisburg to Ebensburg. The meeting will begin at 8 a.m. in the Ebensburg District Office, 286 Industrial Park Road, Ebensburg, PA.

For further information, contact Terry Black at (717) 787-2030. Persons with a disability who wish to attend should contact Susan Peterson at (717) 772-3949 to discuss how the Department may accommodate their needs.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-1314. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **Availability of Technical Guidance**

Technical guidance documents are on DEP's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "July 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its nonregulatory documents, as necessary, throughout 2001.

#### *Ordering Paper Copies Of DEP Technical Guidance*

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes To Technical Guidance Documents*

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

#### *Draft Technical Guidance*

DEP ID: 362-0300-007 Title: Alternate and Experimental Systems Guidance Description: This document applies to the siting, design and construction of all alternate and experimental onlot sewage treatment systems proposed

under the requirements of 25 Pa. Code §§ 73.71 and 73.72. The purpose of this document is to provide current technical standards for all available alternate and experimental onlot systems and to update these standards periodically through amendments to this document. Anticipated Effective Date: October 1, 2001 Comment Period Ends: August 20, 2001 Contact: Trudy Troutman at (717) 783-3795 or e-mail at [trutroutma@state.pa.us](mailto:trutroutma@state.pa.us).

#### *Draft Technical Guidance—Substantive Revision*

DEP ID: 400-2200-001 Title: Guidelines for the Development and Implementation of Environmental Emergency Response Plans Description: The purpose of this document is to improve and preserve the purity of the waters of the Commonwealth by prompt adequate response to all emergencies and accidental spills of polluting substances for the protection of public health, animal and aquatic life and for recreation. The document is being revised to reflect changes in the Addendum, Section 2, Item I, Certification Requirements for Non-Storm Water Discharges. References to regulations have been updated in Table I and Procedures, Item A. Some addresses and telephone contact numbers have also been updated. Anticipated Effective Date: September 1, 2001 Comment Period Ends: August 20, 2001 Contact: Charles High at (717) 787-5027 or e-mail at [chigh@state.pa.us](mailto:chigh@state.pa.us).

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-1315. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **Low-Level Waste Advisory Committee; Change of Meeting Date**

The annual meeting of the Low-Level Radioactive Waste Advisory Committee has been changed from Thursday, September 27, 2001, to Friday, September 21, 2001. The meeting will still be held at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The contact for the meeting is Rich Janati, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-2163 or (800) 232-2786, email [Rjanati@state.pa.us](mailto:Rjanati@state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Kelly Sharp at (717) 787-2480 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-1316. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Notice of Extension of General NPDES Permit for Stormwater Discharges Associated with Industrial Activities

Under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.101), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (DEP), by this notice, issues a 4 month time extension of its current General NPDES Permit for stormwater discharges associated with industrial activities (PAG #3) and related permit documents.

The current general permit is scheduled to expire August 3, 2001. The proposed extension will extend the current permit, as is in its entirety, until December 3, 2001. The extension will be effective on August 4, 2001, and shall expire on December 3, 2001. On or before August 4, 2001, DEP will redate and post the current permit and related documents (the NOI and the Instructions, Fact Sheet and DMRs) on the DEP website as amendment #3. No other changes will be made to the documents under amendment #3. All of the current permit documents, as updated for amendment #3, will continue to be in use until they are revised after subsequent rulemaking.

The general permit documents are currently under DEP review for a major update to reflect new information and other changes since the original documents were last updated. This extension provides for the continuation of the use of the existing general permit in the interim until the regulatory process for final revisions are completed.

The amendment #3 permit documents package will continue to be available from the Department's Regional and Central Offices until it is replaced or updated.

The permit document package is on file in DEP's central office of the Bureau of Water Supply and Wastewater Management at the following location. It is also available on DEP's website at <http://www.dep.state.pa.us/dep/deputate/watermgt/Wqp/Forms/FM-WQ0083b.doc>. The package can also be obtained by calling the telephone number or sending an e-mail message to:

Department of Environmental Protection  
Bureau of Water Supply and Wastewater Management  
11th Floor, Rachel Carson State Office Building  
P. O. 8467  
Harrisburg, PA 17105-8467  
(717) 783-3795  
E-mail address: [trutrutma@state.pa.us](mailto:trutrutma@state.pa.us)

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

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 01-1317. Filed for public inspection July 20, 2001, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Design, Construction and Commissioning Services; Request for Proposals

The Department of General Services (DGS) is seeking interested firms to submit sealed proposals for consideration for the following project:

**DGS 948-67DBC**— Construction of the Commonwealth Mail Processing and Legislative Services Facility, Harrisburg State Hospital Grounds, Harrisburg, Dauphin County, PA. A brief description of the project is as follows: Design, construction and commissioning services required to construct a new Commonwealth Mail Processing and Legislative Services Facility.

**RFP Price**—\$75 (Includes 6% Pa. Sales Tax) per RFP. Checks must be made payable to the Commonwealth of Pennsylvania. This price is nonrefundable. Requests for the RFP should be mailed to the Department of General Services, Bureau of Professional Selections and Administrative Services, Room 107, Headquarters Building, 18th & Herr Streets, Harrisburg, PA 17125. Contact Bidders Services at (717) 787-3923 or [www.dgs.state.pa.us](http://www.dgs.state.pa.us) for the names of those who have secured the RFP.

#### Preproposal Conference

A preproposal conference is scheduled for Thursday, July 26, 2001, at 10 a.m. in Conference Room 101, Headquarters Building, 18th and Herr Streets, Harrisburg, PA. A site visit will occur after the preproposal conference. Contact the DGS project coordinator, Art Pfeiffer, at (717) 783-3761.

All questions regarding the RFP or to clarify matters concerning the RFP must be submitted in writing to the issuing office by no later than 5 p.m., Monday, July 30, 2001. Only firms requesting the RFP will receive a copy of all submitted questions and answers.

All proposals are due Friday, August 10, 2001, no later than 2 p.m., in Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Responses received after this due date and time will be returned unopened.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 01-1318. Filed for public inspection July 20, 2001, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Albert Einstein Healthcare Network for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Albert Einstein Healthcare Network has requested an exception to 28 Pa. Code §§ 553.2, 553.3 and 555.3 (relating to ownership; governing body responsibilities; and requirements for membership and privileges).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: [DDITLOW@STATE.PA.US](mailto:DDITLOW@STATE.PA.US).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1319. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Allegheny General Hospital for Exception

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

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1320. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Alliance Imaging, Inc. for Exception

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

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1321. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Altoona Hospital for Exception

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

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1322. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Ephrata Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Ephrata Community Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).



The 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: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and 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) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1323. Filed for public inspection July 20, 2001, 9:00 a.m.]

#### **Application of Ephrata Community Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Ephrata Community Hospital has requested an exception to the requirements of 28 Pa. Code § 151.21 (relating to fire drills).

The 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: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and 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) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1324. Filed for public inspection July 20, 2001, 9:00 a.m.]

#### **Application of Hamot Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department)

hereby gives notice that Hamot Surgery Center has requested an exception to 28 Pa. Code § 555.22 (relating to preoperative care).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1325. Filed for public inspection July 20, 2001, 9:00 a.m.]

#### **Application of HealthSouth Rehabilitation Hospital of Altoona for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that HealthSouth Rehabilitation Hospital of Altoona has requested an exception to 28 Pa. Code § 107.62 (relating to oral orders).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1326. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of HealthSouth Rehabilitation Hospital of York for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that HealthSouth Rehabilitation Hospital of York has requested an exception to 28 Pa. Code § 51.3(c) (relating to notification).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1327. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of HealthSouth Surgery Center of Lancaster for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that HealthSouth Surgery Center of Lancaster has requested an exception to 28 Pa. Code § 551.21(a) (relating to criteria for ambulatory surgery).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1328. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Jameson Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Jameson Memorial Hospital has requested an exception to 28 Pa. Code §§ 138.15 and 138.17(c) (relating to high-risk cardiac catheterizations; and PTCA).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1329. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Meadville Medical Center has

requested an exception to 28 Pa. Code § 51.23 (relating to positron emission tomography).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1330. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **Application of Milton S. Hershey Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Milton S. Hershey Medical Center has requested an exception to 28 Pa. Code § 51.3(a) (relating to notification).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1331. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **Application of Monongahela Valley Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Monongahela Valley Hospital has requested an exception to the requirements of 28 Pa. Code §§ 138.15 and 138.17(c) (relating to high risk cardiac catheterizations; and PTCA).

The 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: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and 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) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1332. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **Application of Shadyside Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Shadyside Medical Center has requested an exception to 28 Pa. Code § 551.22(4) (relating to criteria for performance of ambulatory surgery on pediatric patients).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other 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 Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1333. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Somerset Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Somerset Hospital has requested an exception to the requirements of 28 Pa. Code §§ 138.15 and 138.17(c) (relating to high risk cardiac catheterizations; and PTCA).

The 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: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and 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) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1334. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of St. Francis Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that St. Francis Health System has requested an exception to the requirements of 28 Pa. Code § 51.3(f) and (g)(4) (relating to notification).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing 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: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and 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) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1335. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Temple University School of Podiatric Medicine for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Temple University School of Podiatric Medicine 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: 9.5.E2 (relating to clean assembly/workroom), 9.5.F2 (relating to ambulatory (outpatient) operating rooms), 9.5.F3 (relating to rooms for post anesthesia recovery), 9.5.H1a and 9.5.H2 (relating to details and finishes).

The 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: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and 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) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1336. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Tyler Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Tyler Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).

The 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: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and 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) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1337. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Application of Uniontown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Uniontown Hospital has requested an exception to the requirements of 28 Pa. Code §§ 138.15 and 138.17(c) (relating to high risk cardiac catheterizations; and PTCA).

The 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: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and 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) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1338. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, August 15, and Thursday, August 16, 2001.

The meeting will be held at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057, from 9 a.m. to 3 p.m.

The Department reserves the right to cancel this meeting without prior notice.

For additional information contact Thomas M. DeMelfi, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010 Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who desire to attend the meeting, and require an auxiliary aid, service or other accommodation to do so, should contact Thomas DeMelfi at (717) 783-0572 or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Services at (800) 654-5984[TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1339. Filed for public inspection July 20, 2001, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Payments to Nursing Facilities July 1, 2001 Proposed Rates

The purpose of this notice is to announce the proposed changes in payment rates for nursing facilities beginning July 1, 2001, and to identify the methodology and justification for these proposed rates. Under 42 U.S.C.A. § 1902(a)(13)(A), as amended by section 4711 of the Balanced Budget Act of 1997, (Pub.L. No. 105-33), a state must use a public process when it proposes to make changes in payment rates or payment methodologies for nursing facility services under its approved Title XIX State Plan. The Department of Public Welfare (Department) is not proposing to amend its State Plan or to

change its regulations, 55 Pa. Code Chapter 1187, relating to the rate-setting methodology used to set nursing facility payment rates. Rather, the Department is proposing to make changes in its nursing facility payment rates because those rate changes are required by the rate-setting methodology contained in its approved State Plan and regulations. The Department will promulgate amendments to the case-mix payment methodology relating to movable property costs and exceptional payment policies for durable medical equipment in the near future. These proposed rates do not reflect those amendments; however the Department expects the amendments to be finalized and incorporated into the final rates.

#### *Rates*

The proposed July 1, 2001, rates are available at the local County Assistance Offices throughout the Commonwealth, on the Office of Medical Assistance Programs' website at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) or by contacting Tom Jayson in the Policy Section of the Bureau of Long Term Care Programs at (717) 772-2525.

#### *Methodology*

The methodology that the Department used to set the proposed rates based on CMI adjustments is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

#### *Justification*

The justification for the proposed rates is that they were set under the rate-setting methodology required by the Commonwealth's approved State Plan and the current regulations.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 2001-2002 is \$92.010 million (\$41.964 million in State funds).

Interested persons are invited to submit written comments about the proposed rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to Department of Public Welfare, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-298. (1) General Fund; (2) Implementing Year 2001-02 is \$41,964,000; (3) 1st Succeeding Year 2002-03 is \$45,779,000; 2nd Succeeding Year 2003-04 is \$45,779,000; 3rd Succeeding Year 2004-05 is \$45,779,000; 4th Succeeding Year 2005-06 is \$45,779,000; 5th Succeeding Year 2006-07 is \$45,779,000; (4) 2000-01 Program—\$722,565,000; 1999-00 Program—\$693,625,000; 1998-99—\$712,631,000; (7) Long Term Care; (8) recommends adoption. Funds for these changes were included in the 2001-02 budget.

[Pa.B. Doc. No. 01-1340. Filed for public inspection July 20, 2001, 9:00 a.m.]

## Plans to Cease Operations at Mayview MR Unit

Citing declining resident population and rising institutional costs, the Department of Public Welfare (Department) has announced plans to cease operations at the Mayview Mental Retardation Unit, a State operated institution for people with mental retardation on the grounds of Mayview State Hospital, Allegheny County. The facility is expected to close by July 30, 2001, once the individual needs of the final three residents at the unit are fully met.

In accordance with Act 3 of 1999, the Department will hold a public hearing at 6 p.m., Wednesday, July 25, 2001, at the Holiday Inn Pittsburgh South, 164 Fort Couch Road.

State law requires the Department to hold a public hearing on any State mental health or mental retardation facility within 30 days of a closure announcement or following a downsizing of 20% or more in patient population since December 31, 1997.

This closure announcement is the result of numerous factors including the successful placement of individuals with mental retardation into small community homes that provide alternatives to State-center treatments and living arrangements.

Individuals or organizations wishing to testify should contact Mary Puskarich, Regional Program Manager at (412) 565-5144 by July 20, 2001. Anyone requiring special accommodations is asked to inform the Department at the time of scheduling.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 01-1341. Filed for public inspection July 20, 2001, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Approval of Ignition Interlock Systems

Notice is hereby given that pursuant to 42 Pa.C.S. § 7002(d), the following ignition interlock system devices are on the Department of Transportation's current approved list:

Alcohol Countermeasure Systems Corporation's—  
Ignition Interlock Model WR2.

Consumer Safety Technology, Incorporated's—  
Intoxalock™

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-1342. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Enhanced Emission Inspection; Notice of Intent to Promulgate Regulation and Request for Public Participation

The Department of Transportation, Bureau of Motor Vehicles, pursuant to the authority contained in Sections 4351, 4701, 4706, 4707, and 4721 of the Vehicle Code, Act of June 17, 1976, P. L. 162, No. 81, as amended (75 Pa.C.S. §§ 4351, 4701, 4706, 4707, and 4721), announces its intention to amend Title 67 of Department Regulations by providing for equipment specifications to be used for onboard diagnostic (OBD) testing in Pennsylvania's enhanced vehicle emissions inspection program.

The purpose of this notice is to provide an opportunity to review and comment on the proposed technical specifications for manufacturers of the current PA 97 test equipment to upgrade those analyzers currently utilized by official emission inspection stations so that those analyzers can be used to perform OBD testing of model year (MY) 1996 and newer vehicles. Additionally, the specifications will provide the technical information needed for any qualifying party that wishes to provide "stand alone" OBD testing equipment for use in an OBD testing program.

The Department anticipates that these changes will affect owners of inspection stations, new and used car dealers and manufacturers of emissions testing equipment. Accordingly, all interested persons desiring to comment on the proposed specifications should request a copy of the proposed specifications from Peter Gertz, Gertz@dot.state.pa.us, (717) 787-2895 on or before July 27, 2001. Comments must be received in writing or by electronic mail no later than the close of business August 10, 2001. Comments should be directed to Peter Gertz, Vehicle Inspection Division, 4th Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, or to Gertz@dot.state.pa.us.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-1343. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Public Transportation Grants Management Accountability Performance Review Criteria for Class 4 Transit Entities

#### I. Introduction

Act 3 of 1997, Section 1315, requires the periodic completion of management performance audits by all transit entities receiving financial assistance under public transportation grant programs administered by the Pennsylvania Department of Transportation (the Department). The Act further stipulates that the Department shall establish criteria to be followed by transit entities in the completion of these audits. The following guidance is intended to fulfill this requirement. These guidelines are applicable to Class 4 transit entities.

While the legislation specifically references "audits", the following guidance will use the term "management performance review" or "review" to establish a clear distinction between the annual independent financial audits which transit entities are required to complete, and the management reviews described herein.

#### II. Schedule for Completion

Class 4 transit entities shall begin the initial management performance review no later than July 1, 2002. Thereafter, Class 4 transit entities shall perform a management performance review at least once every 10 years. The Department shall perform the review through qualified independent contractors within the months of the scheduled initiation of the review. If a class 4 entity wishes to perform its own review through qualified independent contractor, the class 4 entity must provide written notice to the Department no later than one year prior to the initiation date of the next scheduled review and that review must be performed within ten months of the scheduled initiation of the review.

The Department shall pay for other costs of the management performance reviews for class 4 transit entities. For those class 4 entities that chose to use its own qualified independent contractor to complete the management performance review, the Department will pay for the cost of such review provided the following requirements are met.

1. The qualified independent contractor (herein referred to as the consultant) will be selected through an open, competitive process consistent with state and local law and regulation.

2. The scope of work paid for by the Department must be consistent with the functions and activities listed below.

Procurement documents must specify the required scope for the review, which shall be in compliance with this guidance, and must be submitted to the Department for written approval prior to advertisement. Transit entities that provide both urban Class 3 transit service, and rural class 4 service may elect to conduct one management performance review, in accordance with this guidance, encompassing both urban service and rural services.

#### III. Organization Functional Review

The consultant shall conduct a system performance review to determine the operating efficiency and service effectiveness for both the transit system as a whole and for selected organization functions and activities of the agency. The analysis of the efficiency and effectiveness of the forenamed organization shall, at a minimum, include the functions and activities listed below. The transit entity is encouraged to include additional functions and activities in their evaluation as it finds appropriate.

##### *Organization Functions to be Reviewed:*

1. Board of Directors
2. Management/Administration
3. Finance
4. Human Resources
5. Transit Operations
6. Vehicle/Facility Maintenance
7. Marketing/Promotion
8. Planning/Government Relations
9. Capital Planning

#### IV. Systemwide Performance Evaluation

The analysis of systemwide performance shall, at a minimum, include the following transit industry performance measures.

*Transit Performance Measures to be Included:*

1. Operating cost per vehicle mile and/or per vehicle hour
2. Operating cost per originating passenger
3. Originating passengers per vehicle mile and/or per vehicle hour
4. Total employees per vehicle mile and/or per vehicle hour
5. Total vehicle miles and/or total vehicle hours per peak vehicle
6. Average age of the active vehicle fleet
7. Ratio of operating revenue to operating expenses (required for fixed route services only)
8. Average trip length (required for demand response services only)

Transit entities are encouraged to supplement these measures with additional performance factors which would be helpful in determining the agency's overall operating efficiency and service effectiveness.

The review shall include a time-series trend analysis of the above performance measures for the agency for the five most recently completed fiscal years. Based on this trend analysis, the consultant shall identify the areas of relative improvement and relative decline. To the maximum extent possible, the consultant shall identify the probable causes of these relative changes and make recommendations intended to strengthen the performance of the transit system.

In addition to this systemwide trend analysis, the review shall include a comparison of the above performance measures for the agency, for the most recently available fiscal year, with the same measures for approximately five "peer" transit systems. The peer transit systems, to the maximum extent possible, should have similar operating characteristics including service area, number of vehicles, types of services offered, etc. The selected peer transit systems may be either systems within, or outside of Pennsylvania.

Based on this peer-group analysis, the review shall identify the transit entity's areas of relative strength and relative weakness when compared to the peer group. To the maximum extent possible, the consultant shall identify the probable causes of these comparative strengths and weaknesses, and make recommendations intended to strengthen the performance of the transit system.

Finally, the review must include an evaluation of the results of the customer satisfaction surveys completed by the transit agency in accordance with Section 1315(c) of Act 3 of 1997. At a minimum this analysis must address the following six state-mandated subject areas:

- a. On-Time Arrival & Departure
- b. Vehicle Cleanliness
- c. Fares
- d. Driver Courtesy
- e. Safety
- f. Overall Customer Satisfaction

The transit entity is encouraged to evaluate additional areas of customer satisfaction that were included in the

agency's customer satisfaction survey. This analysis shall include a time-series trend analysis of this information for the five most recently completed fiscal years. Based on this trend analysis, the consultant shall identify the areas of relative improvement and relative decline. To the maximum extent possible, the consultant shall identify the probable causes of these relative changes and make recommendations intended to improve customer satisfaction.

*V. Transit System Response and Submission of Independent Review*

Upon receipt of the final report, each transit entity shall prepare an action plan addressing the findings and the recommendations contained in the independent review. The action plan must be approved by the transit entity's governing body within two months of receipt of the final report. Upon approval of the action plan by the transit entity's governing body, a copy of the independent review report and the agency's action plan must be submitted to the Department.

The transit entity shall implement its action plan in accordance with the time frames specified in the plan.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-1344. Filed for public inspection July 20, 2001, 9:00 a.m.]

**Vehicle Equipment and Inspection; Notice of Intent to Promulgate Regulation and Request for Public Participation**

The Department of Transportation, Bureau of Motor Vehicles, pursuant to the authority contained in Section 4103, 4721 and 6103 of the Vehicle Code, Act of June 17, 1976, P. L. 162, No. 81, as amended (75 Pa.C.S. §§ 4103, 4721 and 6103), and consistent with the goals of Executive Order 1996-1, February 6, 1996, Regulatory Review and Promulgation, announces its intention to amend Title 67 of Department Regulations by amending Chapter 175, Vehicle Equipment and Inspection.

The purpose of this rulemaking is to respond to reported deficiencies in the current requirements of Chapter 175 by amending the regulations pertaining to business hours for official inspection stations.

The Department anticipates that this rulemaking will affect owners of inspection stations, as well as new and used car dealers. Accordingly, the Department is requesting that within ten (10) days of the publication of this notice in the *Pennsylvania Bulletin*, all interested persons desiring to participate in the development of this rulemaking or that have questions, suggestions, or comments, please contact Kris Singer at 1101 South Front Street, Third Floor, Riverfront Office Center, Harrisburg, PA 17104, or by calling (717) 787-2895.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-1345. Filed for public inspection July 20, 2001, 9:00 a.m.]



## FISH AND BOAT COMMISSION

### Closures of New Brighton Access on the Beaver River, Beaver County; Tarentum Access on the Allegheny River, Allegheny County; and Elizabeth Access on the Monongahela River, Allegheny County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4 (relating to limiting access to Commission property and other restrictions), will temporarily close three of its public access areas in the southwest region of this Commonwealth for maintenance and repair. These access areas will be closed during times that they are posted "closed." The three access areas that the Commission will temporarily close are:

- (1) New Brighton Access on the Beaver River, Beaver County, located off Routes 18 and 65 in New Brighton at River Road and 21st Street.
- (2) Tarentum Access on the Allegheny River, Allegheny County, located in Tarentum off Route 28 under the Route 366 bridge.
- (3) Elizabeth Access on the Monongahela River, Allegheny County, located at the foot of Market Street in Elizabeth.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 01-1346. Filed for public inspection July 20, 2001, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Mandated Benefits

Section 9 of Act 34 of 1993 requires that the Health Care Cost Containment Council (Council) review proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Senator Edwin G. Holl, Chairperson of the Senate Banking and Insurance Committee, to review Senate Bill 779, Printers Number 871 (O'Pake). Senate Bill 779 would require all group and individual health insurance policies to provide coverage for annual prostate specific antigen (PSA) examinations for men age 50 and older. In addition, policies would be required to provide coverage for PSA examinations for men under age 50 upon a physician's recommendation.

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of documentation to the Council no later than September 21, 2001. The documentation should be mailed to Flossie Wolf, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with any or all of the following information categories described in section 9 of Act 34:

- (i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of this Commonwealth.

- (ii) The extent to which insurance coverage for the proposed benefit already exists, or if no coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of this Commonwealth.

- (iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

- (iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

- (v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

- (vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the results of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

- (vii) The results of any other relevant research.

- (viii) Evidence of the financial impact of the proposed legislation, including at least:

- (A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.

- (B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.

- (C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.

- (D) The impact of the proposed benefit on administrative expenses of health care insurers.

- (E) The impact of the proposed benefits on benefits costs of purchasers.

- (F) The impact of the proposed benefits on the total cost of health care within this Commonwealth.

MARK P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 01-1347. Filed for public inspection July 20, 2001, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(d) and (g) of the Regulatory Review Act (71 P. S. § 745.5(d) and (g)) provide 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 committees' comment period. The Commission's Comment are based upon the criteria contained in subsections 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-form Submission Deadline</i>
16A-6311	State Board of Psychology Examination Fees	07/05/01	06/04/03

31 Pa.B. 2380 (May 5, 2001)

16A-658	State Board of Physical Therapy Examination Fees	07/05/01	06/04/03
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31 Pa.B. 2379 (May 5, 2001)

### **State Board of Psychology Regulation No. 16A-6311**

#### **Examination Fees**

**July 5, 2001**

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 State Board of Psychology (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by June 4, 2003, the regulation will be deemed withdrawn.

#### **Remaining language in Chapter 41—Clarity.**

The Board is deleting three fees related to examinations from section 41.12. However, there is existing language throughout Chapter 41 that references the fees and examinations being deleted. The language appears in the following sections:

Section 41.11(a)(4)—Licenses.

Section 41.31(a)(1), (2) and (b)—Qualifications for taking licensing examination.

Section 41.42(a) and (b)—Reexamination.

To be consistent with the Board's proposal and to provide clarity to the readers of Chapter 41, the Board should delete the language pertaining to the fees and examinations that is no longer applicable from the above sections.

### **State Board of Physical Therapy Regulation**

**No. 16A-658**

#### **Examination Fees**

**July 5, 2001**

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 State Board of Physical Therapy (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by June 4, 2003, the regulation will be deemed withdrawn.

#### **Remaining language in Chapter 40—Clarity.**

The Board is proposing to delete three examination fees in section 40.5. However, there is language in the existing Chapter 40 which refers to those fees and examinations. The language appears in the following sections:

Section 40.13. Areas of examination.

Section 40.14. Failure; reexamination.

Section 40.15. Examinations.

Section 40.16. Licensure by endorsement.

To be consistent with the Board's proposal and to provide clarity to the readers of Chapter 40, the Board should also delete the language pertaining to the deleted fees and examinations from the above sections.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-1348. Filed for public inspection July 20, 2001, 9:00 a.m.]

## **INSURANCE DEPARTMENT**

### **Application for Approval to Merge**

The Reamstown Mutual Insurance Company, a Commonwealth domiciled mutual property insurance company, has submitted a Plan of Merger, whereby it proposes to merge with Reamstown Mutual Fire Insurance Company, a domiciled mutual property insurance company. The survivor of the merger would be The Reamstown Mutual Insurance Company. The initial filing was received on July 2, 2001, and was made under requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. §§ 1921—1932 and 21205—21207). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert A. Kotal, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, faxed to (717) 787-8557 or submitted via e-mail to rkotal@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1349. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of the Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of January 18, 2001, published at 31 Pa.B. 746 (February 3, 2001).

Persons who have questions concerning this notice should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

#### As of July 9, 2001

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4001	Acceptance Insurance Company	222 South 15th Street Suite 600 North Omaha, NE 68102-1616
4002	Admiral Insurance Company	1209 Orange Street Wilmington, DE 19801
4005	Adriatic Insurance Company	314 East Thayer Avenue Bismarck, ND 58501
4011	Alea London Limited	The Corn Exchange 55 Mark Lane London, England EC3R 7NE
4017	Allianz Underwriters Insurance Company	3400 Riverside Drive Suite 300 Burbank, CA 91505-4669
4047	American Dynasty Surplus Lines Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
4050	American Empire Surplus Lines Insurance Company	1209 Orange Street Wilmington, DE 19801
4052	American Equity Insurance Company	7676 East Pinnacle Peak Road Scottsdale, AZ 85255
4054	American Healthcare Specialty Insurance Company	425 W. Capitol Avenue Suite 1800 Little Rock, AR 72201
4055	American International Specialty Lines Insurance Company	1400 West Benson Blvd., Suite 315 Anchorage, AK 99503
4881	American Safety Indemnity Company	600 Bank of Oklahoma Plaza 201 Robert S. Kerr Avenue Oklahoma City, OK 73102
4062	American Western Home Insurance Company	600 Fidelity Plaza Oklahoma City, OK 73102
4081	Appalachian Insurance Company	Allendale Park P. O. Box 7500 Johnston, RI 02919-0500
4085	Assicurazioni Generali Di Trieste	Piazza Duca Degli Abruzzi, 2 Trieste, Italy 34132
4090	Associated Electric & Gas Insurance Services Limited	Liberty International 73 Front Street, 3rd Floor Hamilton, Bermuda HM11
4095	Associated International Insurance Company	21820 Burbank Boulevard, # 330 Woodland Hills, CA 91367
4100	Audubon Indemnity Company	795 Woodways Parkway Suite 310 Ridgeland, MS 39157
4000	AXA Reinsurance UK plc	London Underwriting Centre 3 Minster Court, Mincing Lane London, England EC3R 7DD
4135	British Aviation Insurance Company Limited	Fitzwilliam House 10 St. Mary's Axe London, England EC3A 8EQ
4145	Caliber One Indemnity Company	1209 Orange Street Wilmington, DE 19801

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4150	Canal Indemnity Company	400 East Stone Avenue Greenville, SC 29601
4158	Centennial Casualty Company	2200 Woodcrest Place Suite 200 Birmingham, AL 35209
4160	Century Surety Company	2400 Corporate Exchange Drive Columbus, OH 43231
4200	CGU International Insurance PLC	St. Helen's 1 Undershaft London, England EC3P 3DQ
4170	Chubb Custom Insurance Company	32 Loockeman Square Dover, DE 19901
4175	Clarendon America Insurance Company	224 West State Street Trenton, NJ 08608
4140	CNA Reinsurance Company Limited	Fountain House 125-135 Fenchurch Street London, England EC3M 5DJ
4180	Colony Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-6865
4193	Columbia Casualty Company	CNA Plaza Chicago, IL 60685
4196	Commercial Underwriters Insurance Company	200 Corporate Pointe Suite 300 Culver City, CA 90230
4210	Commonwealth Insurance Company	595 Burrard Street, Suite 1500 Bentall Centre III Vancouver, B.C., Canada V7X 1G4
4213	Connecticut Specialty Insurance Company	9 Farm Springs Road Farmington, CT 06032
4216	Copenhagen Reinsurance Company (UK) Limited	25/26 Lime Street London, England EC3M 7HR
4215	Copenhagen Reinsurance Company Limited	4, Lyngby Hovedgade P. O. Box 325 Lyngby, Denmark DK-2800
4220	Coregis Indemnity Company	181 West Madison Avenue Suite 2600 Chicago, IL 60602
4222	Cross River Insurance Company	10306 Regency Parkway Drive Omaha, NE 68113
4879	Crum & Forster Specialty Insurance Company	One Commercial Plaza Hartford, CT 06103
4225	Crusader Insurance Company	23251 Mulholland Drive Woodland Hills, CA 91364
4230	Dakota Specialty Insurance Company	316 North Fifth Street Bismarck, ND 58502
4240	Discover Specialty Insurance Company	500 West Madison, Suite 2600 Chicago, IL 60661
4245	Eden Park Insurance Company	One Indiana Square Suite 1800 Indianapolis, IN 46204
4255	Empire Indemnity Insurance Company	809 Northwest 36th Street Oklahoma City, OK 73118
4268	Essex Insurance Company	1209 Orange Street Wilmington, DE 19801
4270	Evanston Insurance Company	Ten Parkway North Deerfield, IL 60015

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4275	Everest Indemnity Insurance Company	Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
4280	Executive Risk Specialty Insurance Company	82 Hopmeadow Street Simsbury, CT 06070-7683
4315	Fidelity Excess and Surplus Insurance Company	515 Main Street Cincinnati, OH 45202
4317	Fireman's Fund Insurance Company of Ohio	312 Walnut Street Suite 1100 Cincinnati, OH 45202
4319	First Financial Insurance Company	528 South Fifth Street Suite 210 Springfield, IL 62701-1822
4320	First Mercury Insurance Company	One South Wacker Drive Suite 2740 Chicago, IL 60606
4321	First Specialty Insurance Corporation	237 East High Street Jefferson City, MO 65102
4329	Frontier Pacific Insurance Company	101 West Broadway Suite 700 San Diego, CA 92101-8208
4331	Fulcrum Insurance Company	3636 North Central Avenue Phoenix, AZ 85012
4333	Gemini Insurance Company	Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
4335	General Agents Insurance Company of America, Inc.	5623 North Western, Suite B Oklahoma City, OK 73118
4337	General Security Indemnity Company	2 World Trade Center New York, NY 10048-2495
4338	General Star Indemnity Company	695 East Main Street P. O. Box 10354 Stamford, CT 06904-2354
4345	Generali-France Assurances	5, rue de Londres Paris, France 75009
4350	Genesis Indemnity Insurance Company	316 North Fifth Street Bismarck, ND 58501
4360	Gotham Insurance Company	330 Madison Avenue New York, NY 10017
4010	Great American E & S Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
4370	Great Lakes Reinsurance (UK) PLC	Upper Ground Floor, 1 Minster Court Mincing Lane London, England EC3R 7AA
4332	Groupama Insurance Company Limited	Gan House 12 Arthur Street London, England EC4R 9BJ
4380	Guilford Insurance Company	528 South Fifth Street Suite 210 Springfield, IL 62701-1822
4385	Gulf Insurance Company U.K. Limited	Suite 616, The Lloyds Bldg. 1 Lime Street London, England EC3M 7DQ
4390	Gulf Underwriters Insurance Company	951 Hornet Drive Hazelwood, MO 63042
4420	Houston Casualty Company	13403 Northwest Freeway Houston, TX 77040-6094

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4427	Illinois Emcasco Insurance Company	815 Commerce Drive Oak Brook, IL 60521-1978
4432	Illinois Union Insurance Company	525 West Monroe Street Chicago, IL 60631
4438	Indemnity Marine Assurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
4441	Indian Harbor Insurance Company	Seaview House 70 Seaview Avenue Stamford, CT 06902-6040
4445	Industrial Insurance Company Limited	Vattuniemenkuja 8 A Helsinki, Finland FIN-00035
4430	INEX Insurance Exchange	1 South Wacker Drive Suite 2720 Chicago, IL 60606-4617
4448	International Insurance Company of Hannover Limited	Fountain House 130 Fenchurch Street London, England EC3M 5DJ
4451	Interstate Fire & Casualty Company	55 East Monroe Street Chicago, IL 60603
4425	ITT Pacific Insurance Company, Limited	Hartford Plaza Hartford, CT 06115
4460	Kemper Indemnity Insurance Company	1 Kemper Drive Long Grove, IL 60049-0001
4465	Kemper Surplus Lines Insurance Company	1 Kemper Drive Long Grove, IL 60049-0001
4471	Landmark American Insurance Company	11032 Quail Creek Road Suite 200 Oklahoma City, OK 73120
4472	Landmark Insurance Company	777 South Figueroa Street Los Angeles, CA 90017
4475	Legion Indemnity Company	190 S. LaSalle Street Chicago, IL 60603
4478	Lexington Insurance Company	1209 Orange Street Wilmington, DE 19801
4482	Liberty Mutual Insurance Company (UK) Limited	4th Floor, One Minster Court Mincing Lane London, England EC3R 7AA
4480	Liberty Surplus Insurance Corporation	175 Berkeley Street Boston, MA 02117
4492	Lloyd's (Underwriters at)	One Lime Street London, England EC3M 7HA
4530	Marine Insurance Company Limited	34/36 Lime Street London, England EC3M 7JE
4540	Maritime Insurance Company Limited	P. O. Box 6 Surrey Street Norfolk, England NR1 3NS
4565	Monticello Insurance Company	1209 Orange Street Wilmington, DE 19801
4575	Mt. Hawley Insurance Company	9025 N. Lindbergh Drive Peoria, IL 61615
4590	NAMIC Insurance Company, Inc.	3601 Vincennes Road Indianapolis, IN 46268
4598	National Fire & Marine Insurance Company	3024 Harney Street Omaha, NE 68131-3580
4605	Nautilus Insurance Company	7273 East Butherus Drive Scottsdale, AZ 85260

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4595	NIC Insurance Company	One Penn Plaza New York, NY 10119-0002
4637	North American Capacity Insurance Company	650 Elm Street Manchester, NH 03101-2524
4645	Northern Assurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
4652	Northfield Insurance Company	Monroe House Law Ctr 237 E. High Street Jefferson City, MO 65101
4665	Nutmeg Insurance Company	Hartford Plaza Hartford, CT 06115
4667	Ocean Marine Insurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
4668	Old Republic Union Insurance Company	307 North Michigan Avenue Chicago, IL 60601
4700	Pacific Insurance Company	c/o CT Corp 818 West 7th Street Los Angeles, CA 90017
4730	Preferred National Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-6865
4735	Princeton Excess and Surplus Lines Insurance Company	2711 Centerville Road Suite 400 Wilmington, DE 19808
4740	Professional Underwriters Liability Insurance Company	50 West Broadway Salt Lake City, UT 84101
4755	QBE International Insurance Limited	14 Fenchurch Avenue London, England EC3M 5BS
4756	Queensway International Indemnity Company	10199 Southside Boulevard, Bldg 1 Suite 200 Jacksonville, FL 32256
4787	Rock River Insurance Company	3400 80th Street Moline, IL 61265-5886
4793	Royal Surplus Lines Insurance Company	500 Winding Brook Drive Glastonbury, CT 06033
4802	SAFECO Surplus Lines Insurance Company	SAFECO Plaza Seattle, WA 98185
4810	Savers Property & Casualty Insurance Company	700 West 47th Street Kansas City, MO 64112-1802
4816	Scottsdale Insurance Company	One Nationwide Plaza Columbus, OH 43215
4819	Sheffield Insurance Corporation	One South Wacker Drive, Suite 2700 Chicago, IL 60606
4821	Sirius International Insurance Corporation	Birger Jarlsgatan 57B Stockholm, Sweden SE-113 93
4453	Specialty Surplus Insurance Company	1 Kemper Drive Long Grove, IL 60049-0001
4804	SR International Business Insurance Company Limited	71-77 Leadenhall Street London, England EC3A 2PQ
4806	St. Paul Reinsurance Company Limited	52 Lime Street London, England EC3M 7BS
4807	St. Paul Surplus Lines Insurance Company	32 Loockerman Square Dover, DE 19901
4835	Starr Excess Liability Insurance Company, Ltd.	1010 Centre Road Wilmington, DE 19850

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4845	Steadfast Insurance Company	Suite 202 32 Lookerman Square Dover, DE 19901
4849	Stonewall Insurance Company	580 Walnut Street Cincinnati, OH 45202
4860	Storebrand Skadeforsikring AS	P. O. Box 1380 Vika Oslo, Norway 0114
4875	Terra Nova Insurance Company Limited	41/43 Mincing Lane London, England EC3R 7SP
4880	Through Transport Mutual Insurance Association Limited	Windsor Place, Queen Street P. O. Box HM655 Hamilton, Bermuda HMCX
4870	TIG Specialty Insurance Company	650 California Street San Francisco, CA 94108
4882	Travelers Excess and Surplus Lines Company	One Tower Square Hartford, CT 06183
4884	Tudor Insurance Company	91 Court Street Keene, NH 03431
4893	U. S. Underwriters Insurance Company	316 North Fifth Street Sixth Floor Bismarck, ND 58501
4887	ULICO Indemnity Company	320 West Capital Street Suite 1000 Little Rock, AR 72201-3525
4890	Unionamerica Insurance Company Limited	The London Underwriting Centre 3 Minster Court, Mincing Lane London, England EC3R 7DD
4897	United Capitol Insurance Company	P. O. Box 324 Wayne City, IL 62895
4900	United Coastal Insurance Company	40 North Central Avenue Phoenix, AZ 85004
4395	United National Specialty Insurance Company	Three Bala Plaza, East Suite 300 Bala Cynwyd, PA 19004
4930	Vesta Insurance Company Limited	Folke Bernadottes vei 50 Bergen, Norway 5020
4935	Voyager Indemnity Insurance Company	3237 Satellite Boulevard, Suite 400 Duluth, GA 30096
4955	Wausau General Insurance Company	2000 Westwood Drive Wausau, WI 54401
4957	Westchester Surplus Lines Insurance Company	Six Concourse Parkway Suite 2500 Atlanta, GA 30328-5346
4962	Western Heritage Insurance Company	6263 N. Scottsdale Road Suite 240 Scottsdale, AZ 85250
4963	Western Indemnity Insurance Company	820 Gessner Suite 1200 Houston, TX 77024
4966	Western World Insurance Company	91 Court Street Keene, NH 03431
4925	Winterthur International America Underwriters Insurance Company	5810 East Skelly Drive Suite 700 Tulsa, OK 74135
4980	Yorkshire Insurance Company Limited	Pitheavlis Perth, Scotland PH2 0NH



<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
4985	ZC Specialty Insurance Company	400 West 15th Street Suite 7 Austin, TX 78701
4990	Zurich International (Bermuda) Ltd.	The Zurich Centre, 90 Pitt's Bay Road P. O. Box HM 2268 Hamilton, Bermuda HMJX
4995	Zurich Specialties London Limited	The Zurich Building 90 Fenchurch Street London, England EC3M 4JX

Since publication of the January 18, 2001, eligible surplus lines insurer list, the following significant changes have occurred:

	<i>Key Number</i>	<i>Company Name</i>	<i>Date</i>
Additions:	4011	Alea London Limited	02/26/01
Deletions:	4440	Independence Indemnity Insurance Company	11/16/00
	4159	Century American Insurance Company	04/06/01
Name Changes:			
	From:	4879	Transnational Insurance Company
To:	4879	Crum & Forster Specialty Insurance Company	
From:	4395	Hallmark Insurance Company	07/01/01
To:	4395	United National Specialty Insurance Company	

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1350. Filed for public inspection July 20, 2001, 9:00 a.m.]

#### **Capital Advantage Insurance Company; Request for Gatekeeper PPO Approval; Filing No. CAIC-2001-4**

On June 29, 2001, Capital Advantage Insurance Company (CAIC) submitted an application for review and approval by the Insurance Department and the Department of Health of an insured primary care physician gatekeeper Preferred Provider Organization for the service area of Berks County (Filing CAIC-2001-4). This application was submitted in accordance with the provisions of 31 Pa. Code Chapter 152 (relating to preferred provider organizations) and the Insurance Departments' Gatekeeper PPO Statement of Policy.

CAIC is a wholly owned subsidiary of Capital Blue Cross.

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

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1351. Filed for public inspection July 20, 2001, 9:00 a.m.]

#### **Capital Blue Cross and Pennsylvania Blue Shield; Individual Comprehensive Major Medical Program Rate Increase; Filing No. 01-R**

Capital Blue Cross and Pennsylvania Blue Shield request to increase the rates for the individual comprehensive major medical program known as ClassicComp. The proposed increase is 14.40% for non-HIPAA eligible contractholders and 31.61% for HIPAA eligible contractholders. This rate change will produce an estimated additional annualized income of \$3.14 million and will affect approximately 6,000 contracts. An effective date of January 1, 2002, is requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mather, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1352. Filed for public inspection July 20, 2001, 9:00 a.m.]

**Capital Blue Cross and Pennsylvania Blue Shield;  
Individual Major Medical Program Rate Increase;  
Filing No. 01-Q**

Capital Blue Cross and Pennsylvania Blue Shield request to increase the rates for the Individual Major Medical Program. The proposed increase is 41.20%. This rate change will produce an estimated additional annualized income of \$1.8 million and will affect approximately 2,300 contracts. An effective date of January 1, 2002, is requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1353. Filed for public inspection July 20, 2001, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; Direct Pay  
Preferred Major Medical Plan Rate Increase;  
Filing No. 1-PMM-01-HBCBS**

Highmark Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase its premium rates for its Direct Pay Preferred Major Medical Plan. The filing requests an increase of 10.8% of current premium, or \$12.23 per contract per month. This will affect about 4,100 contractholders and produce additional premium income of about \$0.6 million. The requested effective date of the change is January 1, 2002. Also requested is an increase in the deductible from \$500 to \$750.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1354. Filed for public inspection July 20, 2001, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; Direct Pay  
Special Care Hospital Plan; Filing No. 2-SSC-01-  
HBCBS**

By filing No. 2-SSC-01-HBCBS, Highmark Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase its premium rates for its Direct Pay Special Care Hospital Plan. The filing requests an increase of 25.6% of

current premium, or \$11.48 per contract per month. This will affect about 20,650 contractholders and produce additional premium income of about \$2.8 million. The requested effective date of the change is January 1, 2002.

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

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1355. Filed for public inspection July 20, 2001, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; Security 65  
Hospital Plan; Filing No. 1-65S-01-HBCBS**

Highmark Blue Cross Blue Shield requests approval to increase the premium rates for its Security 65 Hospital Plan. The filing requests increases of \$0.0 per contract per month for Plan A (or 0%), \$2.10 per contract per month for Plan B (or 3.2%), \$2.54 per contract per month for Plan C (or 3.1%) and \$14.73 per contract per month for Plan H (or 11.1%). This will affect about 96,900 contractholders and produce additional premium income of about \$3.65 million. The requested effective date of these changes is January 1, 2002.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1356. Filed for public inspection July 20, 2001, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; Security 65  
Medical Surgical Plan Rate Increase for Western  
Region; Filing No. 1-DPCM-01-HBCBS**

Highmark Blue Cross Blue Shield requests approval to increase the premium rates for its Security 65 Medical Surgical Plan which covers Medicare Part B benefits. The filing requests an increase of 25.3% of current premium: \$11.49 per contract per month for Plans A, B and H and \$12.10 per contract per month for Plan C. This will affect about 96,900 contractholders and produce additional premium income of about \$13.68 million. The requested effective date of these changes is January 1, 2002.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1357. Filed for public inspection July 20, 2001, 9:00 a.m.]

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1358. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Highmark, Inc.; Direct Pay 65 Plus Drug Plan Rate Increase; Filing No. 1-65P-01-HBCBS

Highmark Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase its premium rates for its Direct Pay 65 Plus Drug Plan. The filing requests an increase of 28.6% of current premium, or \$27.15 per contract per month. This will affect about 25,918 contractholders and produce additional premium income of about \$8.4 million. The requested effective date of the change is January 1, 2002.

<i>Region</i>	<i>Percentage Increase</i>	<i>Amount (millions)</i>	<i>Increase PCPM</i>	<i>Number of Contracts</i>
Capital Blue Cross	5.5%	\$0.2	\$2.20	7,400
Independence Blue Cross	24.3%	\$1.9	\$11.50	13,750
Highmark Blue Cross				
—Blue Shield	14.7%	\$1.3	\$5.19	20,550
—Blue Cross of Northeastern PA	0.0%	\$0.0	\$0.00	3,100
<b>Total</b>	<b>15.6%</b>	<b>\$3.4</b>	<b>\$6.27</b>	<b>44,800</b>

The filing requests an average increase of about 15.6% of current premium. This will affect about 44,800 contractholders and produce additional premium income of about \$3.4 million. The requested effective date of the change is January 1, 2002.

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

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1359. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Highmark Inc.; Special Care Medical Surgical; Filing No. 2-SCMS-01-HI

By Filing No. 2-SCMS-01-HI, Highmark Inc., d/b/a Highmark Blue Cross Blue Shield and d/b/a Pennsylvania Blue Shield, requests approval to increase its Special Care Medical/Surgical in the Capital Blue Cross, Independence Blue Cross and Highmark Blue Cross Blue Shield regions. No change is requested for the Northeastern Pennsylvania region. Increases will vary by region, as follows.

### Highmark Inc. d/b/a Pennsylvania Blue Shield; Ancillary Provider Agreement Addendum; Filing PBS-DIA-01

On July 6, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted a Renal Dialysis Provider addendum to be attached to, and made part of, the Ancillary Provider Agreement previously submitted to the Insurance Department (Department) on June 22, 2001, under Filing No. 200135. Highmark Filing No. 200135 was previously published for public comment at 31 Pa.B. 3653 (July 7, 2001).

In this filing (PBS-DIA-01) and the previous filing (200135) submitted under section 9 of the Accident and Health Filing Reform Act (40 P.S. §§ 3801—3815), Highmark seeks approval of Ancillary Provider Agreements in order to operate as a hospital plan corporation and a professional health plan corporation under the trade name Pennsylvania Blue Shield in the 21 counties of the Capital region in South Central Pennsylvania.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, during the 30 day comment period provided for under the previously submitted Ancillary Provider Agreement Filing No. 200135 published at 31 Pa.B. 3653.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1360. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **Insurance Services Office, Inc.; Personal Auto Advisory Prospective Loss Cost Revision**

On June 29, 2001, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a loss cost level change for private passenger automobile insurance.

The rating organization requests an overall 7.0% increase in loss costs to be effective October 1, 2001.

Unless formal administrative action is taken prior to August 28, 2001, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail at mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1361. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **Pioneer Life Insurance Company; Individual Medicare Supplement Policy Forms IMP-9500-APA, IMP-9500-BPA, IMP-9500-CPA, IMP-950-DPA and IMP-9500-EPA; Requesting Rate Increase**

Pioneer Life has filed for approval rate increases for its Medicare Supplement forms, effective September 1, 2001. The increases requested by standardized Medicare Supplement plan are 35% for Plan A, 30% for Plan B, 15% for Plan C, 30% for Plan D and 24% for Plan E. The proposed rate increase will affect approximately 19,000 policyholders and will produce estimated additional annual premium of \$8.8 million for Commonwealth policyholders.

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

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1362. Filed for public inspection July 20, 2001, 9:00 a.m.]

### **Vincent P. Noble; Doc. No. AG01-05-007**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and the Insurance Department's (Department) Special Rules of the Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

A prehearing telephone conference initiated by this office is scheduled for August 23, 2001, at 10 a.m. Each party shall provide the Administrative Hearings Office Docket Clerk a telephone number to be used for the telephone conference on or before July 26, 2001. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation.

On or before August 2, 2001, Vincent P. Noble shall file with the Administrative Hearings Office and serve upon the Department a prehearing statement which shall contain (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for his case. Failure of Vincent P. Noble to timely file a prehearing statement shall be deemed a withdrawal of his appeal. Should Vincent P. Noble file a prehearing statement, the Department shall file and serve a prehearing statement containing the same required information on or before August 13, 2001.

Except as established during the prehearing telephone conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 9, 2001, with the Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harris-

burg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 16, 2001.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1363. Filed for public inspection July 20, 2001, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution # CB-01-130, Dated June 1, 2001. This resolution authorizes the side letter between the Commonwealth of Pennsylvania and the District 1199P, Service Employees International Union, AFL-CIO, regarding the \$155/biweekly payment for Registered Nurses who work for the Forensic Treatment Center at Waymart SCI. The estimated cost of the payments for 23 Registered Nurse 2s at SCI-Waymart is approximately \$91,000 per year.

#### *Governor's Office*

Manual M110.2—2001-02 Rebudget Instructions, Dated June 2001.

Management Directive No. 205.24—Display of Flags on Commonwealth Grounds and Buildings, Amended May 24, 2001.

Management Directive No. 260.1—Organization Requests, Amended May 30, 2001.

Management Directive No. 325.4—Agency Annual Audit Plan, Amended June 11, 2001.

Management Directive No. 505.12—Annual List of Employees, Amended June 26, 2001.

Management Directive No. 580.11—Documentation of Classified Service Personnel Actions, Amended June 6, 2001.

Administrative Circular No. 01-14—Relocation—Pennsylvania Human Relations Commission Central Office, Dated May 24, 2001.

Administrative Circular No. 01-15—Submission of Construction Requisitions Financed by Lapsing Funds, Dated May 30, 2001.

Administrative Circular No. 01-16—Workers' Compensation Rates, Dated June 13, 2001.

Administrative Circular No. 01-17—2001-02 Rebudget Instructions, Dated June 22, 2001.

Administrative Circular No. 01-18—Relocation—Pennsylvania Fish & Boat Commission, Dated June 22, 2001.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 01-1364. Filed for public inspection July 20, 2001, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before August 13, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

#### **Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.**

**A-00117965. Northeast Paramedics Services, Inc.** (44 Pierce Street, Kingston, Luzerne County, PA 18704), a corporation of the Commonwealth of Pennsylvania—temporary authority—to transport, as a common carrier, by motor vehicle, persons, both ambulatory and non-ambulatory, in paratransit service, from the facilities of Meadows Nursing Center, located in Dallas, Luzerne County, to points in the counties of Luzerne, Lackawanna and Wyoming, and return; subject to the following condition: that the vehicles utilized will be equipped with wheelchair lifts. Application for permanent authority appeared at 31 Pa.B. 3659 (July 7, 2001).

**A-00118011. Blacklick Valley Foundation and Ambulance Service, Inc.** (1077 First Street, Nanty-Glo, Cambria County, PA 15943), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the borough of Nanty-Glo, Cambria County, and within an airline distance of 25 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania, and return. *Attorney:* Kevin D. Persio, P. O. Box 239, Ebensburg, PA 15931.

#### **Notice of Motor Carrier Applications— Persons in Limousine Service**

The following applications for authority to transport persons in limousine service between points in Pennsylvania have been filed with the Pennsylvania Public Utility Commission. The applications will be considered without hearing in the absence of substantive protests limited to the issue of applicant fitness. Protests to these applications are due on or before August 13, 2001.

- A-00117971 Black Top Limousine, Inc.  
1727 Passyunk Avenue  
Philadelphia, PA 19103  
*Attorney:* John J. Gallagher  
1760 Market Street  
Suite 1100  
Philadelphia, PA 19103
- A-00118013 Millennium Limo, Inc.  
P. O. Box 602  
Jamison, PA 18929-0602
- A-00118014 Robert Kerr Associates, Inc.  
t/d/b/a United Limousine and  
Transportation Service  
P. O. Box 5298  
Somerset, NJ 08873
- A-00118016 LaMonica Limousine, Inc.  
2636 Sunset Drive  
West Mifflin, PA 15122

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1365. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Telecommunications

**A-310892F0002. United Telephone Company of Pennsylvania d/b/a Sprint and American Fiber Network, Inc.** Joint petition of the United Telephone Company of Pennsylvania d/b/a Sprint and American Fiber Network, Inc. for approval of a master resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and American Fiber Network, Inc. filed on June 29, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and American Fiber Network, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1366. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Telecommunications

**A-311120. United Telephone Company of Pennsylvania d/b/a Sprint and Devon Mobile Communications, Inc.** Joint petition of the United Telephone Company of Pennsylvania d/b/a Sprint and Devon Mobile

Communications, Inc. for approval of an opt-in master commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Devon Mobile Communications, Inc. filed on June 29, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Devon Mobile Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1367. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Telecommunications

**A-310957F0002. United Telephone Company of Pennsylvania d/b/a Sprint and KMC Telecom Holdings, Inc. d/b/a KMC Telecom V, Inc.** Joint petition of the United Telephone Company of Pennsylvania d/b/a Sprint and KMC Telecom Holdings, Inc. d/b/a KMC Telecom V, Inc. for approval of a master interconnection and resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and KMC Telecom Holdings, Inc. d/b/a KMC Telecom V, Inc. filed on June 29, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and KMC Telecom Holdings, Inc. d/b/a KMC Telecom V, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1368. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Telecommunications

**A-311121. Verizon Pennsylvania Inc. and Massachusetts Local Telephone Company.** Joint petition of

Verizon Pennsylvania Inc. and Massachusetts Local Telephone Company for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Massachusetts Local Telephone Company filed on June 29, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Massachusetts Local Telephone Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1369. Filed for public inspection July 20, 2001, 9:00 a.m.]

### Telecommunications

**A-310183F0002. Verizon Pennsylvania Inc. and Sprint Communications Company L.P.** Joint petition of Verizon Pennsylvania Inc. and Sprint Communications Company L.P. for approval of amendment no. 3 to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Sprint Communications Company L.P. filed on July 2, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Sprint Communications Company L.P. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1370. Filed for public inspection July 20, 2001, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of an Engineering Firm

#### Systemwide Biennial Bridge Inspection

#### Reference No. 3-140

The Turnpike Commission (Commission) will retain an engineering firm to perform the reinspection of approxi-

mately 850 structures owned by the Commission. The structures include bridges that are 8 feet or more in length and culverts which are 20 feet or more in length. The work will be performed in order to meet the current National bridge inspection standards of the Federal Highway Administration and the Pennsylvania Department of Transportation's (Department) Bridge Management System (BMS).

The superstructure and substructure of each bridge shall be inspected, rated and appraised based on criteria and guidelines defined in the following documents:

1. National Bridge Inspection Standards (NBIS).
2. AASHTO Manual for Maintenance Inspection of Bridges 1983, including the 1990 revision.
3. Bridge Inspector's Training Manual 90.
4. Culvert Inspection Manual, Report No. FHWA-IP-86-2.
5. Inspection of Fracture Critical Bridge Members, Report No. FHWA-IP-86-26.
6. Bridge Management System (BMS) Coding Manual, Department Publications 100A October 1993, and its updates.
7. Manual for Inspecting Bridge for Fatigue Damage Conditions, Research Project No. 85-02.
8. Bridge Safety Inspection Manual, Policies and Procedures, Publication 238, January 1989, and its updates.
9. BMS Coding Forms D-491 and their updates or a printout of the individual structure records from BMS.
10. BMS Inspection Forms D-450 Series and their updates.

The consultant must follow the existing 2-year interval schedule. Work performed must be completed by January 31, 2003.

The following factors will be considered by the Commission during the evaluation of the firms submitting letters of interest for this project:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.
- b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.
- c. The specific experience and number of individuals who constitute the firm.
- d. Workload of the prime consultant and subconsultants for all Department and Commission projects.
- e. Number of certified inspectors and inspection teams available for this assignment and their qualifications.
- f. Capabilities of the proposed teams to address the bridge inspection, engineering evaluations and recommendations.
- g. Internal procedures for cost containment and quality assurance.
- h. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Direct inquires to James L. Stump, P.E., at (717) 939-9551, Ext. 5540; or by e-mail at [jstump@paturnpike.com](mailto:jstump@paturnpike.com). Direct contractual questions to George M. Hatalowich at (717) 986-8737; or by e-mail at [ghatalow@paturnpike.com](mailto:ghatalow@paturnpike.com).

#### General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified).

2. A three page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not submit the firms workload represented graphically.

5. An Annual Qualification Package similar to the one submitted to the Department for the current year that is in the same District as this project or one that is best suited for this project.

The Annual Qualification Package copy should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the letter of interest (subs to follow primes):

\* Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

\* Resumes of key personnel expected to be involved in the project. (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

\* Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

\* A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/MBE/WBEs in these contracts will be 10% each. Responding firms shall clearly identify DBE/MBE/WBE firms, expected to participate in these contracts, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department by calling (717) 939-9551 Ext. 4241.

Firms interested in performing the previous services are invited to submit a letter of interest and required information to Barry L. Troup, P.E., Assistant Chief Engineer for Design, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (Street address). Our mailing Address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The letter of interest and required information must be received by 12 p.m., Friday, August 10, 2001. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to these solicitations, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Chairperson*

[Pa.B. Doc. No. 01-1371. Filed for public inspection July 20, 2001, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

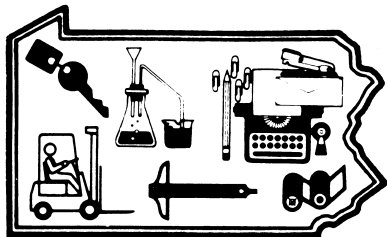
Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
State Treasurer

### PA Partnership 2001

The Department of General Services is planning their annual purchasing convention. PA Partnership 2001 will be October 9, 2001, through October 12, 2001 at the Radisson Hotel & Pittsburgh ExpoMart. For more details see the Department of General Services website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-5733.



### Commodities

**7350-09** Paper, Plastic, Foam Cups, w/Lids. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** General Services  
**Location:** Various  
**Duration:** 10/01/01—09/30/02  
**Contact:** Vendor Services, (717) 787-2199

**8506040** 1 1/4 in. Spreader Bearings.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services, (717) 787-2199

**8176480** Truck Weight Class Identification Devices. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services, (717) 787-2199

**0006-05** Bookbinding. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 10/1/01—9/30/02  
**Contact:** Vendor Services, (717) 787-2199

**6750-03** Film, Paper, Chemicals, Photographic Supplies. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 10/1/01—9/30/02  
**Contact:** Vendor Services, (717) 787-2199

**5850-01** Microcomputer, LAN Hardware & Peripherals. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Hardware & Peripherals, 5850-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5850-01 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**6350-01** Security System Services. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Security System Services, 6350-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-01 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**6350-03** Surveillance & Security Equipment & Supplies. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Surveillance & Security Equipment & Supplies, 6350-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-03 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**4562** Juki Sewing Machines or equivalent with auto foot lift and top program box.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 180, Route 405, Muncy, PA 17756  
**Duration:** 90 days  
**Contact:** Cindy Lyons, (570) 546-3171

**SRM000375** Various types of electrical items, breakers, conduit, wire, couplings, connectors, straps, covers, etc. Please use name brands listed if possible if not use approved equal. For a copy of the bid package fax a request to (717) 861-2932 or to e-mail listed below.

**Department:** Military Affairs  
**Location:** State Army Board, Bldg. 0-47 Ft. Indiantown Gap, Annville, PA 17003-5002  
**Duration:** Fiscal year 2001  
**Contact:** Anita Sommer, (717) 861-2928, asommer@state.pa.us

**10671018** Provide professional journals and magazine subscription service to Norristown State Hospital. Request bid packet #10671018 for information and listing of magazines and journals.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** January 2002 through December 2002  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

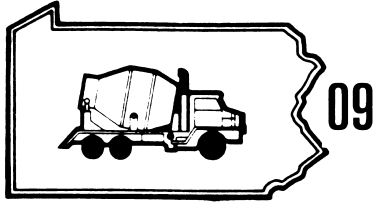
**5810-03** Microcomputer & Local Area Network (LAN) Software. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Software, 5810-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5810-03 to ensure receipt by the Commonwealth on or before 1:30 PM Eastern Time on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**9130-03** Gasoline, Unleaded. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** 10/1/01—9/30/02  
**Contact:** Vendor Services, (717) 787-2199

## SERVICES



### Construction & Construction Maintenance

**2-1-0005** This contract will provide manpower, equipment and incidental guiderail material for installation of approximately 32,000 linear feet of guiderail at various locations throughout Centre County. All guiderail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatments and end anchorages. It will be the Contractor's responsibility to pick up the material and deliver it to work sites. A mandatory prebid meeting (only one day) will be held to include review of the guiderail locations, and a site will be determined where the guiderail will be stored. The Department shall be responsible for removal of all existing guiderail and for any grading of shoulder stabilization prior to the placement of the guiderail by the Contractor. All request for bid packages must be received by FAX (814) 357-0355 or Telephone (814) 355-4731.

**Department:** Transportation  
**Location:** District 0210/Various locations throughout Centre County  
**Duration:** One year Contract  
**Contact:** Tina A Smith, (814) 355-4731

**DGS A 251-620** PROJECT TITLE: Bulk Salt Storage Facility with High Gambrel Roof. BRIEF DESCRIPTION: Construct a new 70' X 88' High Arch Salt Building. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: WEDNESDAY, August 8, 2001 at 11:00 A.M.

**Department:** General Services  
**Location:** PennDOT Maintenance Stockpile # 3, Emerickville, Jefferson County, PA  
**Duration:** ON OR BEFORE NOVEMBER 15, 2001  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS 948-67DBC** PROJECT TITLE: Construction of the Commonwealth Mail Processing and Legislative Services Facility. BRIEF DESCRIPTION: Design, construction and commissioning services required to construct a new Commonwealth Mail Processing and Legislative Services Facility. ESTIMATED RANGE: Over \$10,000,000.00. Design Construction. REQUEST FOR PROPOSAL DEPOSIT: \$75.00 per set (Includes PA Sales Tax). Checks must be made payable to: COMMONWEALTH OF PA. This price is non-refundable. Contact the office listed below to arrange for delivery of documents. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Receiving Date: FRIDAY, August 10, 2001 at 2:00 P.M. A Pre-Proposal Conference has been scheduled for Thursday, July 26, 2001 at 10:00 A.M. in Conference Room 101, at the DGS Headquarters Building, 18th and Herr Streets, Harrisburg, PA. Contact Art Pfeiffer, Tel: (717) 783-3761. A Site visit will occur after the Pre-Proposal Conference. All Firms requesting the RFP are invited and urged to attend this Pre-Proposal Conference. All Questions regarding the RFP or to clarify matters concerning the RFP must be submitted in writing to the issuing Office by no later than 5:00 P.M., Monday, July 30, 2001. Only Firms requesting the RFP will receive a copy of all submitted questions and answers.

**Department:** General Services  
**Location:** Harrisburg State Hospital Grounds, Harrisburg, PA  
**Duration:** PROPOSALS MUST REMAIN FIRM FOR 120 CALENDAR DAYS FOLLOWING RECEIPT OF PROPOSALS AND MUST SO STATE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FDC-131-1686.1** General Construction for Road Reconstruction and New Flood Wall at Shikellamy State Park in Northumberland County. Work includes clearing, excavation, rock lining, E&S measures, sheet pile wall, site drainage, bituminous paving, storm water pump station, maintenance and protection of traffic, landscaping and reinforced concrete. (Project estimate is \$100,000 to \$500,000). NOTE: Requests for Bid Documents may be made ON or AFTER July 23, 2001. Payable by CREDIT CARD ONLY—American Express, Mastercard, Discover, or Visa.

**Department:** Conservation and Natural Resources  
**Location:** Upper Augusta Township  
**Duration:** 180 Days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-131-1686.4** All electrical work associated with the Road Reconstruction and New Flood Wall at Shikellamy State Park in Northumberland County. Work includes electric utility relocation and work associated with the pumping station. (project estimate is \$0-\$50,000.00). NOTE: Requests for Bid Documents may be made ON or AFTER July 23, 2001. Payable by CREDIT CARD ONLY—American Express, Mastercard, Discover or Visa.

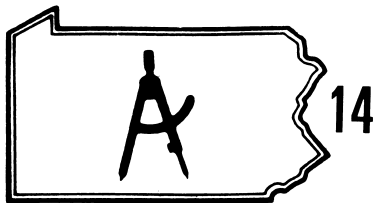
**Department:** Conservation and Natural Resources  
**Location:** Upper Augusta Township  
**Duration:** 180 Days  
**Contact:** Construction Management Section, (717) 787-5055



### Court Reporting

**CLDAGJ01-35** Provide court reporting services for the Eighteenth Investigating Grand Jury, housed in downtown Harrisburg, Dauphin County, PA. Court reporting services are required for the empanelment session on August 27, 2001 and continuing with the first Grand Jury session beginning the week of August 28/29, 2001 through the duration of the contract period.

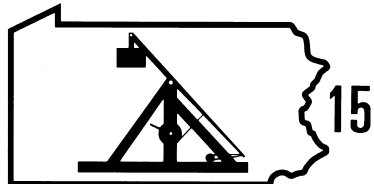
**Department:** Attorney General  
**Location:** Harrisburg (downtown), PA  
**Duration:** August 27, 2001—August 30, 2003, 18 months with a possible 6 month extension  
**Contact:** Jean Kreiser, (717) 783-2369



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

**SP1381011007** Semi-annual pumping & rinsing of oil/water separator sump tank.

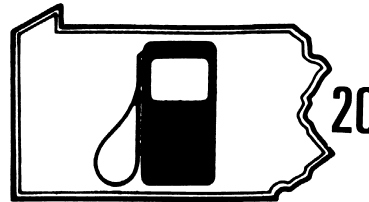
**Department:** Military Affairs  
**Location:** State Reservation Maintenance, Bldg. 11-70 (garage), Fort Indiantown Gap, Annville, PA  
**Duration:** DOA—30 June 2004  
**Contact:** Vicky Lengel, (717) 861-8579

**AQCE2001CO** An RFP to select qualified contractor(s) to conduct daily performance testing of coke oven batteries at two facilities in Pennsylvania to determine the continuous compliance status of coke oven batteries with the National Standards (40 CFR, Part 63, Subpart L, Section 63.309). A proposal may be submitted for one facility or for both facilities. Interested contractors should request an RFP no later than August 15, 2001.

**Department:** Environmental Protection  
**Location:** Monessen (Westmoreland Co); and Erie  
**Duration:** Three years, with the option to renew up to 2 additional years. The contract for the Erie facility is expected to begin on April 1, 2002; the Monessen facility on July 1, 2002.  
**Contact:** Steve Gross, (717) 787-9257

**BOGM 01-14R** Clean Out and Plug Six (6) Abandoned and Orphan Gas Wells, John F. Ferguson, Randy Bier, U. S. Army Corp of Engineers, County of Indiana, and Chris Evans Properties, estimated to be between 1,950 and 4,338 feet in depth; prepare and restore well sites; and mobilize/demobilize plugging equipment. This project issues July 20, 2001; payment in the amount of \$10.00 must be received before bid documents are sent.

**Department:** Environmental Protection  
**Location:** Burrell, Armstrong, Blacklick and White Townships, Indiana County  
**Duration:** 100 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994



### Fuel Related Services

**260135** Provide propane gas (bulk) to Pennsylvania Liquor Control Board's Wine & Spirits Shoppe #2604, in accordance with Type II, Federal Specification BB-C-110A-1 effective January 17, 1973 and any amendments thereto. Where required successful bidder must supply and install storage tank. This contractor shall supply all required piping, valves, gauges and fittings necessary to service the agencies' building. The gas, tanks, cylinders, valves and piping shall conform to the latest Pennsylvania Department of Labor and Industry Publication, "Regulations for Liquefied Petroleum Gas" and to the latest NFPA Pamphlet No. 58 of the National Fire Protection Association.

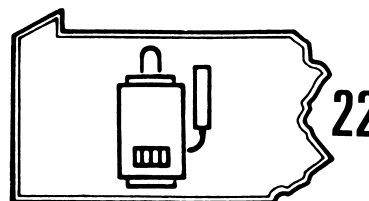
**Department:** Liquor Control Board  
**Location:** Wine & Spirits Shoppe 2604 (3-05), 105 S. Main St., Masontown, PA 15461 (Masontown Borough, (724) 583-0470)  
**Duration:** Beginning: Upon Notice to Proceed and Ending: SEPTEMBER 30, 2002  
**Contact:** Leland E. Scott, Jr., (717) 787-9854

**260133** Provide propane gas (bulk) to Pennsylvania Liquor Control Board's Wine & Spirits Shoppe #4508, in accordance with Type II, Federal Specification BB-C-110A-1 effective January 17, 1973 and any amendments thereto. Where required successful bidder must supply and install storage tank. This contractor shall supply all required piping, valves, gauges and fittings necessary to service the agencies' building. The gas, tanks, cylinders, valves and piping shall conform to the latest Pennsylvania Department of Labor and Industry Publication, "Regulations for Liquefied Petroleum Gas" and to the latest NFPA Pamphlet No. 58 of the National Fire Protection Association.

**Department:** Liquor Control Board  
**Location:** Wine & Spirits Shoppe # 4508, Jay Park, RT 209, P. O. Box 1378, Marshalls Creek, PA 18335, (Smithfield Township, (570) 223-2403)  
**Duration:** Beginning: Upon Notice to Proceed and Ending: SEPTEMBER 30, 2002  
**Contact:** Leland E. Scott, Jr., (717) 787-9854

**260134** Provide propane gas (bulk) to Pennsylvania Liquor Control Board's Wine & Spirits Shoppe #5804, in accordance with Type II, Federal Specification BB-C-110A-1 effective January 17, 1973 and any amendments thereto. Where required successful bidder must supply and install storage tank. This contractor shall supply all required piping, valves, gauges and fittings necessary to service the agencies' building. The gas, tanks, cylinders, valves and piping shall conform to the latest Pennsylvania Department of Labor and Industry Publication, "Regulations for Liquefied Petroleum Gas" and to the latest NFPA Pamphlet No. 58 of the National Fire Protection Association.

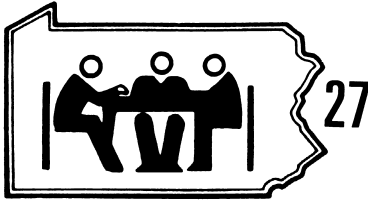
**Department:** Liquor Control Board  
**Location:** Wine & Spirits Shoppe # 5804, 1016 Mountain View Plaza, Hallstead, PA 18822, (Hallstead Borough, (570) 879-4153)  
**Duration:** Beginning: Upon Notice to Proceed and Ending: SEPTEMBER 30, 2002  
**Contact:** Leland E. Scott, Jr., (717) 787-9854



### HVAC Services

**083S06** Electrical Maintenance & Repair Contract in Franklin County at various locations such as: Franklin County Office and outlying stockpiles, estimated a total of 9 sites. Bid packages can be requested from 7:00 AM to 3:00 PM by telephone, (717) 264-4171 or Fax (717) 264-0960. When requesting bid packages the following information is needed: Name and Address of Bidder/Contractor, FID Number, and Name of Contact Person.

**Department:** Transportation  
**Location:** 619 North Franklin Street, Chambersburg, Pa. 17201  
**Duration:** 2 years with no renewals  
**Contact:** Perry Goetz, (717) 264-4171



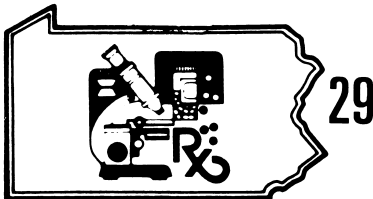
### Lodging/Meeting Facilities

**LGD-2002** A hotel/banquet facility is sought for April 18, 2002, that can accommodate 1,000 people. Must be within 15-mile radius of Harrisburg. One room is needed that can hold rounds of 10 for a luncheon event. Lunch will be a double-entry of beef and fish, salad, dessert, beverage. A dressing room is needed for the Honor Guard. A separate podium will be needed for announcer; also table/chairs for computer setup. A stage, complete with podium, microphones and plants, for 25 people for the purpose of award presenting and picture taking is needed, Registration tables, chairs and wastebaskets will be needed outside the banquet/ceremony room. On-site video services to make a tape of entire ceremony, including taping of slide presentation, along with two rear-projection screens, appropriate lighting, black drape, labor, set up and a dry run one week before event are also required. Awarding to vendor is pending upon site visit. Bids are due by August 1, 2001, by 5 pm. Bids will be opened on August 2, 2001, at 10 am in the Governor's Center for Local Government Services, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA.

**Department:** Community and Economic Development  
**Location:** within a 15 mile radius of Harrisburg  
**Duration:** One Day  
**Contact:** Joseph Spielbauer, (888) 223-6837

**CLDADJ01-36** Provide hotel accommodations in downtown Harrisburg for the Eighteenth Statewide Investigating Grand Jury housed in Harrisburg, Dauphin County, PA. Lodging is required for the Grand Jury empanelment session on August 26, 2001 for approximately 50 rooms. After the empanelment, lodging for 30 Grand Jurors is required beginning the week of August 28-29, 2001 and each succeeding night for the remainder of the contract period.

**Department:** Attorney General  
**Location:** Downtown Harrisburg  
**Duration:** 8/26/01—8/30/03, 18 months w/possible 6 months extension  
**Contact:** Jean Kreiser, (717) 783-2369



### Medical Services

**RFP 00-07-16** The Department of Health, Bureau of Managed Care, is seeking qualified vendors for conducting a statewide managed care consumer satisfaction survey using the Consumer Assessment of Health Plans Survey (CAHPS) methodology on adults enrolled in HMOs in Pennsylvania. The scope of work includes but is not limited to: project management, sample design, data collection, entry and cleaning, data analysis, report and educational brochure preparation, and web site design. Ten (10) copies of the proposal should be submitted to the Department of Health, Division of Contracts, 824 Health & Welfare Bldg., P. O. Box 90, Harrisburg, PA 17108-0090 by the time and date specified in the cover letter to the RFP. Proposals received after this time will not be considered.

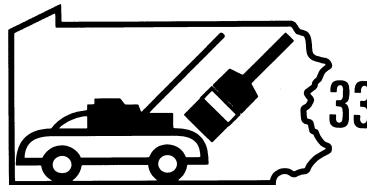
**Department:** Health  
**Location:** Contractor's worksite  
**Duration:** November 2001—June 2002  
**Contact:** Bill Wiegmann, (717) 787-5193



### Personnel, Temporary

**SP 1116000-012** The contractor shall provide six temporary clerical positions for a thirty-seven and one half hour work week at the State Correctional Institution at Pittsburgh.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** Date of fully executed contract till June 30, 2002  
**Contact:** Carol Schaeffer, Purchasing Agent, (412) 761-1955 Ext. 291



### Property Maintenance

**SP1381011008** "On call" maintenance of oil/water separator.

**Department:** Military Affairs  
**Location:** State Reservation Maintenance, Bldg. 11-70 (garage), Fort Indiantown Gap, Annville, PA  
**Duration:** DOA—30 June 2004  
**Contact:** Vicky Lengel, (717) 861-8579

**00700-021-01-AS-1** Landis Valley Museum—Structural Repairs—Blacksmith Shop Proposed project calls for all necessary repairs to structural system of the Blacksmith Shop. Work to include: repairs to sills and plates, replacement of floor joists, limited regrading and addition of vents to masonry wall. This is NOT prevailing wage applicable. For directions contact the site at (717) 569-0401 or the project manager, Ted Strosser at (717) 772-4992. A pre-bid meeting will be held on August 7, 2001 at 9:00 am at the Landis Valley Museum, Lancaster, PA for all firms interested in submitting bids for the project. Plans & Specs will be available on July 23rd. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053—ATTENTION: Judi Yingling (717) 772-2401 OR FAX (717) 214-2988. All proposals are due on Tuesday, August 21, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Landis Valley Museum, 2451 Kissel Hill Road, Lancaster, PA 17601  
**Duration:** August 1, 2001 to October 31, 2002  
**Contact:** Judi Yingling, (717) 772-2401

**63-0135.1** West Chester University of Pennsylvania of the State System of Higher Education is soliciting sealed bids for Project 63-0135.1—Warehouse and Anderson Hall Roofs. The project consists of the removal of existing built-up roofing (some materials include asbestos) and existing metal roof panels, and installation of a replacement rubber roof and reinstallation of existing metal panels. The specifications are to be ready by July 31, 2001. Performance and payment bonds will be required. Prevailing wages apply.

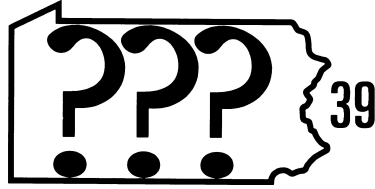
**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA  
**Duration:** 10 weeks from Notice to Proceed  
**Contact:** Jacki Marhinsen, Contracts Manager, (610) 436-2705



### Security Services

**10671015** Norristown State Hospital is soliciting bids for the service of unarmed security guards on the property of the closed facility known as Philadelphia State Hospital, 14000 Roosevelt Blvd., Phila., PA 19114. For detailed information request bid packet # 10671015.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere St., Norristown, PA 19401  
**Duration:** Oct, 2001 through June 30, 2003 w. renewal options  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026



### Miscellaneous

**RFP 0R-19** "Quality Assurance and Technical Assistance for the Ignition Interlock Program". Develop and conduct a quality assurance program for PennDOT's ignition interlock program and provide technical expertise for monitoring and potential enhancements to the specification of the ignition interlock program. For information on this project, fax to Vikki Mahoney at (717) 783-7971 the following: your name, company name, address, phone number, fax number, and e-mail address. Please reference RFP 0R-19 in your request.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** 24 months with the option to renew for up to an additional 36 months  
**Contact:** Vikki Mahoney, (717) 787-7001

**SP11670001** Vendor to provide sign language interpreter services by a certified interpreter for a Commonwealth employee with a hearing loss. Interpreter services will be required from 9:00 AM through 4:00 PM on Tuesdays, Wednesdays, and Thursdays with the option for additional days. Interested vendors may obtain a copy of the bid package by faxing a request to (717) 787-3560 or emailing a request to eblandy@state.pa.us. Include your name and address and the Bid Number in your request.

**Department:** Public Welfare  
**Location:** Office of Children, Youth and Families, Southeast Region Day Care Office, 502 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130  
**Duration:** Contract period estimated to be from 08/01/01 through 07/31/04 with the option to renew for two additional 1 year periods.  
**Contact:** Ed Blandy, Purchase Agent, (717) 772-4883

[Pa.B. Doc. No. 01-1372. Filed for public inspection July 20, 2001, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
0018-03	07/05/01	Williams & Heintz Map Corp.	30,410.00
1009151-01	07/10/01	Kay & Sons	58,400.00
1020111-01	07/10/01	Geneco Ser- vices	23,525.57
1020111-02	07/10/01	Detroit Stoker	2,343.23
1023201-01	07/10/01	Alternative Power Sources	17,722.00
1029201-01	07/10/01	Stratton Hats	79,410.60
8161430-01	07/10/01	Cumberland Equipment	23,890.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 01-1373. Filed for public inspection July 20, 2001, 9:00 a.m.]



