

PENNSYLVANIA BULLETIN

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Economic Development's 2000 and
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1999

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**Latest Pennsylvania Code Reporter
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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 67]

Order Establishing Mediation Program; 126 M.D. No. 3

Order

And Now, this 15th day of September, 1999, *It Is Hereby Ordered* that effective January 1, 2000 counseled appeals of orders of the courts of common pleas and counseled petitions for review of state administrative agency action filed in Commonwealth Court's appellate jurisdiction and counseled actions filed in the Court's original jurisdiction may be referred at the discretion of the Court to the Court's Mediation Program to facilitate settlement and otherwise to assist in the expeditious resolution of matters before the Court. Cases that have not been selected by the Court for mediation may be referred at any time to the Mediation Program at the request of counsel or at the direction of any en banc or three-judge panel of the Court.

Tax appeals from orders of the Board of Finance and Revenue, which are now subject to a status conference program, and all pro se matters shall be exempt from the Mediation Program. Mediation shall be offered at no cost to the parties and shall be conducted by senior judges of the Court assigned on a periodic basis by the President Judge. A senior judge selected by the President Judge shall serve as the initial coordinator of the Mediation Program and shall screen cases for mediation and otherwise manage the Mediation Program in cooperation with the Chief Clerk of the Court.

It Is Further Ordered that within ten days after receipt of the notice of appeal, petition for review or complaint, the appellant, petitioner or plaintiff shall file with the Chief Clerk the required docketing statement on a form provided by the Court at the time of the notice of appeal, petition for review or complaint is filed. The appellant, petitioner or plaintiff shall also file a Statement of Issues with the docketing statement. The Statement of Issues shall be no more than two pages in length and shall set forth a brief summary of the issues and a summary of the case necessary for an understanding of the nature of the appeal, petition for review or complaint. Service of the Statement of Issues shall be made on all parties, and an original and five copies shall be filed with the Chief Clerk's Office along with a proof of service.

Cases shall be screened for referral to mediation immediately upon the filing of the docketing statement and any other form prescribed by the Court setting forth the issues and a summary of the case. After a case has been selected for mediation, the Chief Clerk shall notify counsel for all parties by letter of the referral to the Mediation Program and of the name of the mediation judge assigned to conduct mediation. The mediation judge shall promptly contact counsel to establish the location, date and time for mediation.

Within ten days of receiving notice of mediation, counsel shall provide the mediation judge with a mediation

statement of no more than five pages, setting forth the positions of counsel as to the key disputed and undisputed facts and legal issues in the case and stating whether prior settlement negotiations have occurred. The mediation statement shall also identify any motions filed and their disposition; the mediation judge may dispose of only those motions related to scheduling or to the mediation process. In actions arising under the Court's appellate jurisdiction, counsel for the appellant or the petitioner shall attach as exhibits to the mediation statement a copy of the judgment or order on appeal and any opinion or adjudication issued by the common pleas court or agency. Copies of the mediation statement need not be served upon opposing counsel unless so directed by the mediation judge. Documents prepared solely for mediation and the notes of the mediation judge shall not be filed with the Chief Clerk.

All cases referred to mediation shall remain subject to the Court's normal scheduling for briefing and/or oral argument. The Court's briefing and/or oral argument schedule shall not be modified by the Chief Clerk unless so directed by the mediation judge to accommodate mediation.

All mediation sessions must be attended by counsel for each party with authority to settle the matter and, if required, such other person with actual authority to negotiate a settlement, whether involving the Commonwealth of Pennsylvania, a local government unit or an individual litigant. The mediation judge may at his or her discretion require the parties (or real parties in interest) to attend mediation. In cases involving the Commonwealth government, upon direction of the mediation judge, counsel shall have available someone from the appropriate agency with authority to settle who can be reached during mediation to discuss settlement if such person is not already required to be in attendance by the mediation judge. The mediation judge may in the alternative obtain the name and title of the government official or officials authorized to settle on behalf of the state or local government unit.

No future mediation shall be conducted unless the mediation judge determines that further sessions are necessary to effectuate a settlement. The mediation judge assigned to mediate a case shall attend all future mediation sessions scheduled in the case. The mediation judge shall possess authority to impose any necessary sanctions for the failure of counsel to comply with the requirements of this order.

The mediation judge shall not disclose the substance of the mediation settlement discussions and proceedings, and counsel likewise shall not disclose such discussions and proceedings to anyone other than to their clients or to co-counsel. No information obtained during settlement discussions shall be construed as an admission against interest, and counsel shall not use any information obtained during settlement discussions as the basis for any motion or application other than one related to the Court's briefing or argument scheduling. Where settlement is reached, counsel shall prepare a written settlement agreement and obtain all necessary signatures of the parties and counsel. The agreement shall be binding

upon the parties to the agreement, and after execution counsel shall file a stipulation of dismissal within ten days thereof. Where necessary or upon the request of counsel the mediation judge may enter an appropriate order approving the settlement and remanding the case to the tribunal below for its enforcement and/or implementation.

Any case not resolved by mediation shall remain on the Court's docket and proceed as if mediation had not occurred. The mediation judge shall not participate in any decision on the merits of the case. Upon the termination of mediation either through settlement and dismissal or through a continuation of the case on the Court's docket, the mediation judge shall dispose of all documents obtained during mediation unless the mediation judge determines to retain any part of non-confidential documents until final disposition of a case. In any event, the mediation statements and any other confidential documents submitted to the mediation judge shall be destroyed immediately upon the termination of mediation.

The Court's order establishing a Mediation Program shall be published in the *Pennsylvania Bulletin* and in legal newspapers throughout the Commonwealth prior to the effective date of the Mediation Program. The order shall be posted in the Chief Clerk's Office and a copy thereof shall be mailed to all counsel whose cases have been selected for mediation. The Court also shall amend its Internal Operating Procedures to incorporate the mediation procedures and shall give notice thereof simultaneously with notice of the Court's order establishing the Mediation Program. This order may be amended at the discretion of the Court.

JOSEPH T. DOYLE,
President Judge

[Pa.B. Doc. No. 99-1658. Filed for public inspection October 1, 1999, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Amendments to Local Orphan's Court Rules; Rule L.15.1.E, Amendment to the Order of September 7, 1999 Amending the Form Used for Petition for Involuntary Termination

Order

Now, this 14th day of September, 1999, the Court hereby adopts the following Beaver County Local Orphan's Court Rules, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further Ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of the Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedure Rules Committee and one (1) copy to the *Beaver County Law Journal* for publication in the next issue of the *Beaver County Law Journal*.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Beaver County Prothonotary's Office and the Register of Wills Office.

By the Court

ROBERT C. REED,
President Judge

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

ORPHAN'S COURT DIVISION

IN RE: ADOPTION OF _____ : No. _____ of _____

PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS
(Section 2512—Adoption Act)

AND NOW, this _____ day of _____, 19 __, comes the Petitioner(s), and sets forth the following facts:

1. Names of Petitioner(s) _____

2. Describe the relationship of the Petitioner(s) to the child _____

3. Regarding the child(ren), provide the following information:

Name	Age	DOB	Sex	Religious Affiliation

4. Regarding the parent(s) who are the subject of the Petition, provide the following:

Name	Age	Address	Religious Affiliation

5. Was the mother married at any time during one year prior to the birth of the child(ren)?

Yes _____ No _____

If yes, provide the name of each husband and mother's maiden name:

6. The Petitioner(s) is authorized to seek termination pursuant to Section 2512 of the Adoption Act on the basis that the petitioner(s) is/are (check the applicable status):

- _____ a parent who seeks termination with respect to the other parent;
- _____ an agency;
- _____ an individual having custody or standing in loco parentis to the child, who has filed a report of intention to adopt as per Section 2531 of the Adoption Act;
- _____ an attorney representing a child or a guardian ad litem representing a child who has been adjudicated dependent under 42 Pa.C.S. § 6431(c) (relating to adjudication).

7. The grounds for termination of parental rights upon which the petitioner(s) rely are: (check applicable grounds)

- _____ the parent by conduct continuing for a period of at least (6) months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties;
- _____ the repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent;
- _____ the parent is the presumptive but not the natural father of the child;
- _____ the child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found;
- _____ the child has been removed from the care of the parent by the Court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.
- _____ in the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four month period to provide substantial financial support for the child;
- _____ the parent is the father of a child who was conceived as a result of a rape;
- _____ the child has been removed from the care of the parent by the Court or under a voluntary agreement with an agency, twelve (12) months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

8. The facts which support each of the grounds checked above, and which establish that termination of parental rights would be in the best interests of the child, are set forth as follows (provide a statement of the facts underlying your petition, or a report from Children and Youth Services.)

9. If the petitioner(s) is not an agency, has a Petition for Adoption been filed or is adoption presently contemplated?
Yes _____ No _____

Is the child(ren) placed in the care of the petitioners?

Yes _____ No _____

If yes, give the date of placement _____

10. The petitioner(s) will assume custody of the child(ren) if this petition is granted.

11. If the father of the child(ren) has not been identified, has a claim of paternity been filed?

Yes _____ No _____

12. Is either parent entitled to benefits under the Soldiers' and Sailors' Civil Relief Act (50 U.S.C.A. § 501, et seq).

13. The following exhibits are attached:

- _____ birth certificate of child(ren);
- _____ consent of parent for petitioner under age eighteen (18).
- _____ statement of facts or report from Children and Youth Services

14. **VERIFICATION:**

I, (We) verify that the statements made in this Petition are true and correct. I understand that statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

WHEREFORE, the Petitioner(s) request that a hearing be scheduled and a citation issued to the respondent(s) directing them to appear before the Court at a day and time scheduled.

[Pa.B. Doc. No. 99-1659. Filed for public inspection October 1, 1999, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1689 S 1989

Order

And Now, this 15th day of September, 1999, the Dauphin County Local Rules of Civil Procedure are amended as follows:

Rule 215.1. Jury Trials

* * *

(3) COMPILATION OF TRIAL LIST

* * *

(c) A trial list preference may be requested in all cases in which a jury previously has been impanelled and sworn, or which were listed and available for trial in the preceding civil trial session but were not reached [at the conclusion of the session]. Such preference shall be presented in the form of an application for preference. The application must be filed with the Prothonotary at least three weeks prior to the first day of the trial session. Copies must be served upon all other counsel and the Court Administrator's Office. The Calendar Judge will determine the order of preference.

* * *

(4) [CALL OF LIST—A single call of the trial list will be held one (1) week prior to the first day of each session of civil jury trials, as specified in the Court calendar.]

[(5)] CALENDAR JUDGE—The Calendar Judge will have supervision of the cases on the Civil Jury Trial List, including the following:

* * *

(d) [Conduct of the call of the list.]

[(e)] Assignment of cases.

These amendments shall be effective January 1, 2000.

By the Court

CLARENCE C. MORRISON,
President Judge

[Pa.B. Doc. No. 99-1660. Filed for public inspection October 1, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 76]

Food Employe Certification

The Department of Agriculture (Department) hereby adopts Chapter 76 (relating to food employe certification).

Authority

The Food Employe Certification Act, 3 Pa.C.S. §§ 6501—6510 (act), provides the legal authority for this rulemaking. Sections 6503(d) and 6505 of the act (relating to certification advisory board and programs; and rules and regulations), respectively: (1) require the Department to adopt food safety protection and training standards for the certification of supervisory employes who are responsible for the storage, preparation, display or serving of food to the public in establishments regulated by the Department or local health organizations; and (2) delegate to the Department the power to adopt regulations necessary for the proper enforcement and administration of the act.

Need for the Regulations

Section 6505 of the act requires this rulemaking.

In addition, section 6504(c) of the act (relating to organic certification) requires that food establishments come into compliance with the act by July 1, 2001. The rulemaking provides a detailed explanation of these requirements, and sets forth the standards and procedures under which these requirements are to be implemented. The act was the product of an industry-driven initiative to establish minimum food safety training requirements to be met by at least one supervisory employe in most food establishments in this Commonwealth. These requirements are specific to the category of food establishment involved. The promulgation of this rulemaking will allow affected food establishments almost 2 years within which to become familiar with the requirements of the regulations and arrange for the appropriate training and testing of supervisory employes to meet this July 1, 2001, compliance deadline.

In summary, the Department is satisfied there is a need for this rulemaking.

Comments

Notice of proposed rulemaking was published at 27 Pa.B. 2936 (June 21, 1997), and provided for a 30-day public comment period.

Comments were received from Representative Raymond Bunt, Jr., Chairperson of the House Committee for Agriculture and Rural Affairs (House Committee), the Independent Regulatory Review Commission (IRRC), Representative David J. Steil, Representative Matthew N. Wright, the Pennsylvania Food Merchants Association (PFMA), the Erie County Department of Health (ECDH), Health Regulation Compliance, Inc. (HRC), the Pennsylvania Restaurant Association (PRA), the Chester County Health Department (CCHD), the Allegheny County Health Department (ACHD), Radnor Township and Giant Food Stores, Inc. (Giant Foods).

Comment: Representative Steil offered a general comment in support of the proposed rulemaking and urged the Department to move forward expeditiously to promul-

gate the final-form regulations. Representative Wright also offered general support for the regulations.

Response: The Department is moving forward with the referenced final-form regulations.

Comment: The HRC suggested the final-form regulations be entitled "Food Manager Certification" or "Supervisory Employe Certification."

Response: The Department declines to implement this suggestion, to keep the final-form regulations consistent with the title of the act.

Comment: The HRC commented that the mandatory compliance period of July 1, 2001, in proposed § 76.1(a) (relating to compliance) is too far distant, and that compliance should be required sooner than that date. Representative Wright also raised this concern.

Response: The act prescribes this mandatory compliance date (in 3 Pa.C.S. § 6504(c)). Although the Department will encourage voluntary compliance in advance of that date, it cannot change this statutory deadline by regulations.

Comment: Section 76.1(d)(1) of the proposed rulemaking would have exempted food establishments where only commercially prepackaged food is handled and sold from having to comply with the regulations. IRRC, EDH and HRC asked whether this would allow a retail food store that offers only potentially hazardous prepackaged food to its customers to be exempt from the regulations. The HRC suggested the paragraph be revised to exempt food establishments that offer only "prepackaged nonpotentially hazardous foods."

Response: A retail food store that offers only commercially prepackaged food is exempt from the act and these regulations—regardless of whether some portion of the prepackaged food offered by the retail food store is potentially hazardous food. The referenced exemption is prescribed by section 6510(a) of the act (relating to exemptions). For this reason, the Department declines to implement the commentators' suggestion.

Comment: The CCHD offered general objections to the extensive list of terms and definitions in proposed § 76.2 (relating to definitions). The CCHD thought many of the terms were unnecessary, or would be more properly included in a separate State FDA Food Code. The CCHD also offered that many of the terms defined in this section are not defined in the FDA Food Code. The CCHD also offered that the list of defined terms in this section is incomplete.

Response: The Department does not intend § 76.2 of the final-form regulations to present an exhaustive list of every term related to food safety, or to override any provisions of the FDA Food Code. The Department seeks to provide clarification of the many terms it uses throughout the text of the final-form regulations. The definitions originate from the act, the FDA Food Code, technical texts and other food science information sources.

Comment: IRRC recommended deleting the qualifying phrase "unless the context clearly indicates otherwise" from the initial sentence of proposed § 76.2.

Response: The referenced qualifying phrase has been deleted from the final-form regulations.

Comment: IRRC and the PRA commented on the definition of “foodborne disease outbreak” in proposed § 76.2. That term includes “a single case of illness such as one person ill from botulism or chemical poisoning.” The PRA offered the opinion this phrase was not consistent with the 1997 FDA Food Code, and should be deleted. IRRC requested the Department review the 1997 FDA Food Code and make sure the text of this definition is consistent with the Federal definition.

Response: The Department reviewed the recently-released 1999 FDA Food Code and incorporated its definition of “foodborne disease outbreak” into the final-form regulations.

Comment: The PFMA suggested the Department define “majority of a quorum of the advisory board” in § 76.2 of the final-form regulations.

Response: The Department accepts this comment, but has inserted the suggested clarification in § 76.18 (relating to advisory board) of the final-form regulations.

Comment: The ECDH suggested that the definition of “potentially hazardous food” in proposed § 76.2 is incomplete, and should address eggs, cut or peeled fruit or vegetables, and garlic or oil mixtures that are not preserved.

Response: The ECDH is correct in that the FDA Food Code addresses the referenced foods under its definition of “potentially hazardous food.” The Department has not revised its definition of this term in the final-form regulations, though, since the definition is prescribed by section 6502 of the act. The first sentence of § 76.2 resolves any difference between a defined term set forth in that section and a defined term in the FDA Food Code in favor of the FDA Food Code. For this reason, although the act prescribes a particular definition of “potentially hazardous food,” the expanded FDA Food Code definition may be applied.

Comment: The ECDH requested clarification of the definition of a “supervisory employe” in proposed § 76.2. Specifically, the ECDH expressed concern that a person might hire himself out to a number of different food establishments as a “certified supervisory employe” for purposes of the act. The ECDH also asked for clarification of the phrase “designated by the business owner.”

Response: The commentator’s point is well taken. The definition of “supervisory employe” is prescribed by section 6502 of the act. However, the act also clarifies in section 6503(d) of the act (relating to certification advisory board and programs) that the certified supervisory employe must be “. . . responsible for the storage, preparation, display or serving of foods to the public . . .”, and must also have “supervisory authority” in section 6504(a) of the act. The Department has added this statutory clarification to the definition.

The Department believes the phrase “designated by the business owner” is self-explanatory.

Comment: IRRC recommended the definition of “temperature danger zone” in proposed § 76.2 be revised to reflect temperatures in both degrees Celsius and degrees Fahrenheit. Radnor Township asked whether the temperatures set forth in the proposed rulemaking would be revised in the final-form regulations to conform to the FDA Food Code.

Response: The Department has revised the definition of this term in the final-form regulations by deleting references to specific temperatures. This revision was prompted by both the comments and the Department’s

expectation that the FDA Food Code will ultimately prescribe temperatures different from those originally proposed by the Department.

Comment: The CCHD suggested proposed § 76.3(a)(2) (relating to requirements for food establishments) be revised to reflect the industry-specific category of food establishment described in that paragraph be a food service that prepares or serves, or both, potentially hazardous foods to the consumer.

Response: The Department has implemented this suggestion in the final-form regulations.

Comment: The CCHD and ACHD expressed concern over the industry-specific categories of food establishments in proposed § 76.3(a)(1)–(5). The ACHD raised questions as to the relevance of having different industry-specific categories, and made the point that a person with a good grasp of the causes of foodborne illness should be able to apply that knowledge in more than one segment of the food industry without having to take a separate training course. The CCHD also questioned the relevance of these separate categories, and asked which certification programs and hours would be acceptable for each of these industry-specific categories.

Response: Section 6503(d) of the act requires the completion of “industry-specific training programs” by supervisory employes seeking certification under that statute. This language leaves the Department to define—by regulation—the appropriate industry-specific categories. The ACHD is correct in that the basic science of food safety and procedures for the prevention of foodborne illness apply from one industry-specific category of food establishment to the next. The act requires the Department fine-tune this training to the extent possible, though. The Department believes the categories listed in § 76.3(a)(1)–(5) of the final-form regulations are reasonable. The Department will remain receptive to suggested revisions as it implements this regulation. If experience proves another set of categories would be more workable, the Department will revise this regulation to adopt these categories.

In response to the CCHD’s question, the final-form regulations do not identify the specific certification training programs that are appropriate for each industry-specific category of food establishment. The final-form regulations allow persons to apply for and obtain approval of certification training programs. It is quite likely that the Department will approve some certification training programs as adequate for most—if not all—of the industry-specific categories of food establishments. In other words, it is possible a single certification training program may be approved by the Department as adequate for all five industry-specific categories of food establishments. In response to the CCHD’s comment, § 76.5(d)(3) (relating to certification training programs: obtaining the Department’s approval) of the final-form regulations has been revised to reflect that an application for certification training program approval may seek approval under more than one of the industry-specific categories of food establishments.

Comment: The CCHD offered the suggestion that a new industry-specific category of food establishment—for mobile or temporary, or both, food facilities—be added in § 76.3(a). The CCHD feels these operations often “pose considerable public health-communicable disease concerns.”

Response: The Department declines to implement this suggestion in the final-form regulations. A mobile or

temporary food facility would fit within one of the five industry-specific categories in § 76.3(a) of the final-form regulations. If subsequent experience shows there would be some advantage to creating the suggested category, the Department will revisit this regulation.

Comment: IRRC and Radnor Township noted that a single food establishment might fall into more than one of the industry-specific categories in § 76.3(a), and that § 76.3(b) requires a food establishment to have at least one certified supervisory employe who is certified with respect to the industry-specific category of the food establishment. The logical question: If a grocery store also contains a bakery that produces potentially hazardous food and has a counter where food is prepared and served, would it be necessary for the grocery store to have a supervisory employe, or supervisory employes, with certifications in each of the industry-specific categories applicable to the store? IRRC stated "the Department needs to clarify the requirements for food establishments that could qualify under more than one industry-specific category."

Response: The answer to the question posed is "yes." If a single store falls within multiple industry-specific categories, it shall have a certified supervisory employe who is certified with respect to each of those industry-specific categories. This requirement is not expected to be unduly burdensome or onerous, though, in light of the fact that a single certification training program may be approved as acceptable training for certification in more than one industry-specific category of food establishment.

In response to the comment, § 76.3(b) of the final-form regulations has been revised to clarify the issues raised by the commentators.

Comment: The PFMA suggested proposed § 76.3(b) be revised to clarify that a certified supervisory employe be responsible for implementing company policies, procedures and standards for the prevention of foodborne illness.

Response: Although the Department has not implemented the exact suggestion offered by the commentator, it has revised the definition of "supervisory employe" in § 76.2 of the final-form regulations to incorporate references to the "supervisory authority" of an employe and the general responsibilities of an employe in sections 6504(a) and 6503(d) of the act, respectively.

Comment: The CCHD offered the opinion that the phrase "or designate" in proposed § 76.3(b) would create a "loophole" by which a person who is not an employe or on full-time status could be a food establishment's "certified supervisory employe."

Response: Section 76.3(b) of the final-form regulations includes the phrase "or designate" because that phrase is contained in the definition of "supervisory employe" in section 6502 of the act.

Comment: Radnor Township asked whether a certified supervisory employe, as described in proposed § 76.3(b), would have to be present at a food establishment for every shift of that food establishment.

Response: A food establishment's certified supervisory employe need not be present at a food establishment for every shift.

Comment: IRRC suggested proposed § 76.3(c) and (d) be revised by replacing the phrase "shall bring itself into compliance" with "shall comply."

Response: The Department accepts this suggestion, and has implemented it in the final-form regulations.

Comment: IRRC noted that proposed § 76.3(c) would require a new food establishment to comply with the act within 90 days, while proposed § 76.3(d) would require an existing food establishment that loses its certified supervisory employe (through employe turnover or other circumstances) to comply with the act within 3 months of the loss. IRRC suggested the Department use one term consistently—either 3 months or 90 days. The ACHD offered a similar comment.

Response: The 3-month period referenced in § 76.3(d) is prescribed by section 6504(d) of the act. The 90 day period referenced in § 76.3(c) derives from the provision in section 6503(d) of the act, which affords a supervisory employe that period from his date of employment within which to pass the required certification test. The Department believes it reasonable to use this same 90-day time period in calculating the time within which a new food establishment shall bring itself into compliance. For this reason, the Department declines to implement the suggested revision in the final-form regulations.

Comment: IRRC recommended proposed § 76.3(e) be rewritten for greater clarity, and offered recommended language in this regard.

Response: The Department agrees that IRRC's recommended language is more clear and straightforward than that of proposed § 76.3(e), and has revised § 76.3(e) of the final-form regulations to adopt IRRC's suggested language.

Comment: Proposed § 76.3(e)(2) and (6) would require a food establishment to retain certain records for 1 year. IRRC offered the observation that this 1-year record retention period was not necessary, and recommended the Department consider establishing a shorter record retention period in the final-form regulations.

Response: The Department accepts this recommendation, and has revised § 76.3 of the final-form regulation to establish a 4-month record retention period.

Comment: Giant Foods and the PFMA noted that proposed § 76.3(e) requires specific records be maintained at the food establishment site, and suggested the final-form regulation be revised to afford food establishments the option to retain these records at the food establishment's corporate office. The PFMA also suggested that this revision would make recordkeeping and retrieval easier for both food establishments and the Department.

Response: The Department declines to implement this recommendation. A Department employe who conducts an inspection of a food establishment should be able to determine with certainty, during the course of that inspection, whether the food establishment is in compliance with the act and its attendant regulations. This would not be possible if necessary paperwork is retained at some distant corporate office and is not immediately available at the time of inspection. The Department believes that the recordkeeping requirements in § 76.3(e) are not unduly burdensome, and represent the minimum information the Department needs to check compliance with the act and its attendant regulations.

Comment: Proposed § 76.3(f) requires that records be available during "reasonable hours." IRRC suggests changing the phrase to "normal business hours of the food establishment." IRRC believes that this phrase will clarify when records are expected to be made available.

Response: The Department accepts this recommendation, and has implemented it in the final-form regulations.

Comment: Giant Foods and the PFMA offered the comment that proposed § 76.3(g)—which requires posting of the original certificate of a food establishment's certified supervisory employe in public view in the food establishment—should be revised to specify the exact location where the certificate should be posted. PFMA suggested this location be “in the entranceway, in the customer service area or at the cash register for establishments having no customer area.”

Response: The Department is reluctant to implement this suggestion, given the variety of layouts of food establishments. The Department believes the general requirement the certificate be posted “in public view” is adequate. A food establishment meets this posting requirement as long as the certificate is visible and readable from some location in the establishment that is accessible to the public.

The Department revised § 76.3(h) to reflect that a food establishment should return a certificate to the person to whom it is issued upon termination of employment or when the employe is no longer a certified supervisory employe with respect to that food establishment.

Comment: Proposed § 76.4 (relating to eligibility to apply for certification) would require a person to have received a score of at least 70% on an approved certification examination to be eligible to apply to the Department for certification. Several commentators questioned this 70% standard, and recommended alternative approaches to determining eligibility. The PRA suggested the final-form regulation recognize examinations developed to various National standards. CCHD took the position that any specified passing score is too restrictive. It noted that some courses only give pass/fail results. The CCHD also recommended the final-form regulation reflect that any examination shall meet “current psychometric standards.” IIRC considered these comments, reviewed the proposed 70% standard and the requirement that an examination consist of at least 80 questions (prescribed in § 76.8 (relating to format of a certification examination)), and recommended the Department consider whether these standards and requirements might exclude some courses that would otherwise qualify. ACHD indicated that there is a current food safety training course which administers a test that has only 60 questions.

Response: The Department firmly believes that a supervisory employe should demonstrate a mastery of the subject matter of an approved certification examination in order to be eligible for certification, and that the 70% standard is a reasonable demonstrator of the test-taker's mastery of that subject matter. The public has a basic understanding that a person who scores less than 70% on an examination has not mastered the subject matter addressed in that test. The Department did not set out to establish lowest-common-denominator standards that could be met by every food safety program. If the Department's 70% standard—or any other requisite for the Department's approval of a certification training program—works to exclude some food safety courses from being approved, the Department views this as acceptable.

One of the most widely-used food safety training programs is the “ServSafe” program developed by the Education Foundation of the National Restaurant Association. Under that program, the minimum passing score is 75% and the certification examination consists of at least 80 multiple-choice questions.

If there is a food safety course that awards its students a pass/fail grade, this would not, per se, prevent the

Department from approving the course. If the pass/fail determination is based upon a test which meets the criteria of the final-form regulation and the test scores can be conveyed to the Department, the course may be approved. If a person “passes” the course with an examination score of less than 70%, though, the Department would not certify that person.

The Department does not consider the 80-question minimum requirement for an approved certification examination to be unreasonable, particularly in light of the volume of required subjects set forth in § 76.7 (relating to certification training programs: food safety protection and training standards) of the final-form regulations.

Comment: The CCDH expressed concern that proposed § 76.4 requires any person seeking certification from the Department to first complete an approved certification program. The CCDH would prefer there be some mechanism by which persons experienced in food safety procedures could be grandfathered-in for certification, rather than requiring these persons to attend a course of instruction in an area with respect to which they are already familiar. The CCDH recommended there be a challenge test (a test without the pretest training) or some other approach that would spare food safety experts the time and expense of attending certification training programs.

Response: The Department declines to implement this recommendation. Section 6503(d) of the act requires certification be granted “following the completion of industry-specific training programs recommended by the advisory board and approved by the department.” In addition, the training and continuing education requirements set forth in the final-form regulations will help keep a certified supervisory employe's food safety knowledge current. The Department also notes that the act and the final-form regulations afford a person until July 1, 2001, within which to obtain the required training and certification.

Comment: IIRC noted that proposed § 76.5 (relating to certification training programs: obtaining the Department's approval) would provide guidelines for approval of certification training programs, but would not prescribe minimum hours of instruction. IIRC suggested that a minimum hour requirement is a core element of a certification training program, and recommended the Department prescribe the specific minimum hours of instruction that will be required. Similarly, the PFMA and CCHD requested the Department revise § 76.7 of the final-form regulations to specify the total number of training hours necessary for a program to become an approved certification training program.

Response: The Department agrees with IIRC and all the other commentators in this regard, and has revised § 76.7 of the final-form regulations to prescribe a minimum of 15 hours of instruction in an approved certification training program. This 15-hour minimum instruction requirement is further explained in § 76.7(a)(1)—(7) of the final-form regulations, which divides this 15-hour period among seven basic course topics.

Comment: The ACHD suggested that proposed § 76.5(a) is too strict if it would require the Department's approval of any changes to previously-approved certification training programs.

Response: The Department agrees with the commentator, and has revised § 76.5(a) in the final-form regula-

tions to reflect that it is not necessary for the Department to approve nonsubstantive changes to a previously-approved certification training program. As a means of monitoring whether the program changes are, in fact, nonsubstantive, the Department has also added language to require these changes be reported to the Department.

Comment: The PRA, ACHD and ECHD asked whether a single certification training program could be approved with respect to all 5 of the industry-specific categories of food establishment in § 76.3(a)(1)—(5) of the final-form regulations. As an example, the PRA referenced its “ServSafe” certification training program and noted it had been approved in other states as acceptable training for food service employes in “restaurants, congregate feeding sites, contract feeders, institutional feeding, grocery stores, convenience stores, etc. . .”

Response: The answer to this question is “yes.” A certification training program’s content might be adequate to address any combination of the five industry-specific categories of food establishment. In response to this comment, the Department has revised § 76.5(b) of the final-form regulations to reflect the possibility that a single approved certification training program might cover multiple industry-specific categories of food establishments.

Comment: The ECHD expressed concern that proposed § 76.5 does not prescribe any minimum training, experience or educational requirements for those persons who will teach approved certification training programs. CCHD took the opposite view, and stated that it was not necessary, in proposed § 76.5(d), to describe the contents of a complete application.

Response: The Department is satisfied that the information and materials required under the application process described in § 76.5(d)(1)—(9) of the final-form regulations will provide the Department and the Food Employee Certification Advisory Board (Advisory Board) adequate information as to whether a certification training program should be approved. For this reason, the Department has not made any revision to the final-form regulations in response to these comments.

Comment: Proposed § 76.5(d)(4) would require an application for certification training program approval to contain a copy of any examination to be administered as part of the program, plus the answer key. IRRC and the PRA expressed apprehension that this proprietary product might be distributed beyond the Department or the Advisory Board. IRRC also expressed apprehension that examinations might find their way to prospective examinees.

Response: The Department will consider exams and answer keys submitted to it under § 76.5(d)(4) of the final-form regulations confidential and the proprietary documents of the entity submitting them, and will make no further distribution beyond the Department and the Advisory Board. Advisory Board members will also be apprised that these documents are to be considered proprietary information. In response to the comment, the Department has revised § 76.5(g) of the final-form regulations to clarify that certain materials it receives in the application process will be considered confidential and proprietary. The Department has also made a similar revision to § 76.13(d) (relating to obtaining departmental approval of a continuing education course) of the final-form regulations.

Comment: This comment is similar to the preceding comment. Proposed § 76.5(d)(5) would require an applica-

tion for certification training program approval to include a copy of all teacher materials for the program. Giant Foods expressed concern over this provision, and suggested the final-form regulation be revised to afford an applicant the option to submit a listing of teacher materials instead of the materials, themselves.

Response: The Department believes it is important to review the teacher materials for any certification program with respect to which approval is sought, and declines to implement the suggested revision in the final-form regulations. To the extent the commentator’s concerns may be driven by a desire to protect proprietary information or otherwise keep their work product from being used by other entities, the Department will consider teacher materials confidential and the proprietary information of the entity submitting them, and will make no further distribution beyond the Department and the Advisory Board. Advisory Board members will also be apprised that teacher materials are to be considered proprietary information. As stated in the preceding response, the Department has revised §§ 76.5(g) and 76.13(d) of the final-form regulations to clarify that certain materials it receives in the application process will be considered confidential and proprietary.

Comment: The ECDH asked if—in the context of reviewing an application for approval of a home study certification training program—the materials the applicant would be required to submit under proposed § 76.5(d)(6) would be the course materials the home study course proposes to forward to its students.

Response: The answer to this question is “yes.”

Comment: The ECDH reviewed proposed § 76.5(f) and asked whether an approved certification training program must be reapproved at least 90 days before it is conducted. ECDH also suggested requiring course re-approval only if changes are made to the curriculum.

Response: Once a certification program is approved, it need not be reapproved each time it is offered. For example, if a certification program is approved in 1999 and is offered to students in 1999, it need not be reapproved if it is offered again in 2000. The 90-day deadline in § 76.5(f) of the final-form regulations provides the Department and the Advisory Board a reasonable period following receipt of a complete application within which to evaluate the application and communicate a decision on the application to the applicant, and affords the applicant a reasonable prospect that—barring complications with the application—the program could be approved in advance of the planned date on which the applicant wishes to conduct the program for the first time.

Comment: Giant Foods suggested the 90-day deadline in proposed § 76.5(f) be reduced to 45 days.

Response: The Department declines to implement the suggested revision in the final-form regulations. The Department believes the 90-day period in § 76.5(f) of the final-form regulations is necessary, to afford adequate time to schedule and convene a meeting of the Advisory Board to consider the application. This deadline also serves to decrease the number of times the Advisory Board shall meet each year.

Comment: Giant Foods requested the Department define the phrase “a majority of the Advisory Board” in proposed § 76.5(g).

Response: The Department has added language to § 76.18(d) (relating to Advisory Board) of the final-form

regulations to reflect that a quorum of that body is a simple majority of its members, and a simple majority of a quorum is necessary for approval of any motion before that body.

Comment: The ACDH suggested that the audit permitted under § 76.6 (relating to certification training programs: audit by Department) should also address “control of the tests, proctoring, cheating, teaching to the test, etc. . .”

Response: The Department believes that the broad language of § 76.6 of the final-form regulations provides the Department adequate authority to monitor approved certification training programs. The Department is reluctant to attempt to list all of the factors it might consider in the course of its audit of such a program, since it would be difficult to make such a listing all-inclusive.

Comment: The House Committee reviewed proposed § 76.7 and noted that the section did not make reference to the “industry-specific training programs” prescribed by section 6503(d) of the act. The House Committee noted appropriate references to industry-specific categories of food establishments throughout the proposed regulation, and questioned the absence of this subject in proposed § 76.7—the section prescribing appropriate food safety protection and training standards.

Response: The Department agrees that § 76.7 of the final-form regulations should contain language requiring a more precise link between the subject matter of a certification program and the industry-specific category of food establishment with respect to which certification program approval is sought. In response to this comment, § 76.7 of the final-form regulations has been revised to make repeated references to the requirement that instruction in a training program be relevant to the industry-specific category of food establishment addressed in the certification training program.

Comment: The House Committee took note of the use of the term “training program” in proposed § 76.7(a), and asked whether it is the same thing as a “certification program” and whether the term “certification training program” would be more accurate.

Response: The Department agrees that the term “certification training program” is the most descriptive term for the programs described in the final-form regulations, and has revised the final-form regulations throughout to make consistent use of this term.

Comment: The CCHD offered the general comment that the material in proposed § 76.7(b)—(h) was too detailed, and would not allow for new food safety information to be added to certification training programs.

Response: The referenced sections do not prevent future certification training programs from addressing advancements in food safety science and procedures.

Comment: The HRC suggested proposed § 76.7 require a certification training program to address Hepatitis A vaccine, the availability of this vaccine and the availability of other vaccinations that relate to foodborne disease as they become available.

Response: Section 76.7(d)(1)(iii) of the final-form regulations requires that a certification training program address “Hepatitis A infection.” If experience demonstrates more emphasis should be placed on the topics described by the commentator, the Department will revisit the regulation.

Comment: IRRC suggested the Department delete the phrase “or hazardous analysis critical control point” from

§ 76.7(e)(1)(v) of the final-form regulations, since “HACCP” is defined in § 76.2.

Response: IRRC’s suggestion has been implemented in the final-form regulations.

Comment: IRRC noted the use of the acronym “MSDS” in proposed § 76.7(f)(2), and suggested the acronym be spelled-out and defined in § 76.2 of the final-form regulations.

Response: IRRC’s suggestion has been implemented in the final-form regulations.

Comment: Proposed § 76.7(g)(6) and (7) would require that a portion of training address facilities and equipment layout and, in particular, plumbing and management of solid and liquid waste. The ECHD asked whether these paragraphs cover the information that should be given regarding sewage disposal.

Response: The Department believes the phrase “plumbing design” and “management of solid and liquid waste” in § 76.7(g)(6) and (7) of the final-form regulations fairly include sewage disposal.

Comment: The ACHD notes that all of the food certification program training areas should be in compliance with the recommendations set forth at the 1996 Food Protection Conference.

Response: The Department’s main reference in developing the final-form regulations has been the recently-issued 1999 FDA Food Code, rather than the 1996 Food Protection Conference.

Comment: Proposed § 76.8 (relating to format of a certification examination) would restrict food certification examinations to multiple choice or true or false formats. Both IRRC and the PRA offered the opinion that there is no need to restrict the test format because there are other testing formats available. The ACHD also questioned the Department’s acceptance of true-or-false questions, since someone with no food safety knowledge could answer half of these questions correctly.

Response: The Department agrees with the commentators and has revised § 76.8 of the final-form regulations to delete any requirement the examination be in a multiple choice or true-or-false format. The Department will not prohibit the use of true-or-false questions, but understands that the typical examination uses a multiple-choice format. If subsequent experience demonstrates a need to prohibit true-or-false examinations altogether, the Department will revisit this regulation.

Comment: IRRC recommended the Department revise § 76.9 of the final-form regulations (relating to reporting results of certification examination) to specify whether the 20-day time period referenced in that section pertains to “business days” or “calendar days.” The PRA recommended that this period refer to “business days.” The HRC recommended this period be lengthened to 45 days.

Response: The Department has revised this section to clarify that the referenced period refers to calendar days. This will be an easier standard to enforce. In recognition of the concern raised by the PRA and HRC, though, the 20-day period has been changed to a 30-calendar-day period in the final-form regulations.

Comment: Radnor Township asked who would be responsible to grade certification examinations (which are referenced in proposed § 76.9).

Response: The person who reports the examination score to the Department under § 76.9 of the final-form regulations is ultimately responsible for the accuracy of

the scoring of the examination, and is free to delegate examination scoring responsibilities.

Comment: Proposed § 76.10 (relating to applying for certification) would require a person to apply to the Department for certification. Both the PFMA and Giant Foods suggested requiring either that a person or a corporate representative of that individual apply to the Department for certification. Giant and the PFMA believe that a corporate office may be able to process a supervisory employee's application for certification more quickly than the supervisory employee.

Response: The Department believes the language of § 76.10 of the final-form regulations would allow the process the commentators describe. If, for example, Giant Foods arranges for a supervisory employee to attend and complete a certification training program, it may obtain and submit a certification application on its employee's behalf. If certification is granted, though, the certificate will be issued to the certified supervisory employee, rather than Giant Foods.

Comment: In the context of its review of proposed § 76.10, the CCHD requested clarification of whether a person who conducts a certification training program or proctors a certification examination could distribute applications for certification forms to persons taking the training. Similarly, Giant Foods asked whether a corporation could obtain application forms for its supervisory employees.

Response: The Department will provide application forms to any person who requests them—regardless of whether they are requested by a prospective applicant, a prospective applicant's employer, the person conducting the certification training program attended by the prospective applicant, or any other person. Section 76.10(b) of the final-form regulations has been revised to clarify that anyone may obtain a certification application form from the Department. An instructor or examination proctor is free to obtain and distribute these forms.

Comment: The ECHD reviewed proposed § 76.10(b)(2), which requires an applicant for certification to submit the date and location of the approved certification training program as part of the application, and questioned whether this information would be adequate to constitute "official proof" that the applicant had completed required training.

Response: The Department will verify whether an applicant has successfully completed required training by referring to the confirmation required of the person who proctors the certification examination. Section 76.9 of the final-form regulations requires the proctor to provide the Department a copy of the examination score, the date and location of the examination and the industry-specific category of food establishment addressed in the certification training course. The Department will use this information to cross-check the representations a person makes on an application for certification.

Comment: IRRC and the PFMA suggested proposed § 76.11 (relating to certificate) be revised to allow for the replacement of lost, stolen or damaged certificates.

Response: The Department accepts this comment, and has added § 76.11(d) to the final-form regulations to establish a procedure for replacing lost, stolen or damaged certificates.

Comment: The HRC commented that the certificate described in proposed § 76.11 should be valid for the industry-wide average of 2 years rather than 5 years.

Response: The 5-year effective life of a certificate, as set forth in § 76.11(a)(4) of the final-form regulations, is prescribed by section 6504(f) of the act, and cannot be altered by regulation.

Comment: The ACHD and ECHD reviewed proposed § 76.12 (relating to renewal of certification) and suggested that the final-form regulations require that a certificateholder take a written examination every 5 years to ensure that continuing education efforts have been successful.

Response: Although the Department agrees that periodic retesting of certificateholders might work to benefit the long-term credibility and effectiveness of food safety promotion efforts, it is constrained to follow the provisions of the act which provide in section 6504(f) of the act, that although continuing education courses are required, the courses may not include a written examination.

Comment: Giant Foods requested the 7.5-hour course requirement for continuing education courses, in proposed § 76.12(a), be reduced to 4 hours.

Response: The Department believes the 7.5 hour minimum requirement in § 76.12(a) of the final-form regulations is a reasonable minimum standard for a continuing education course, and for this reason declines to implement the requested revision.

Comment: Giant Foods and the PFMA requested that proposed § 76.12(a)—(c) be revised to allow a corporate representative to renew a certified supervisory employee's certification.

Response: As is the case with initial applications for certification (§ 76.10), the Department will provide application for renewal of certification forms to any person who requests them regardless of whether they are requested by a prospective applicant, a prospective applicant's employer, or any other person. Section 76.12(b) of the final-form regulations has been revised to clarify that anyone may obtain an application for renewal of certification form from the Department. This revision is similar to a revision appearing in § 76.10(b) of the final-form regulations.

Comment: The CCHD noted that proposed § 76.13(c)(2) (relating to obtaining Departmental approval of a continuing education course) would require a course to address changes, updates or advances in food safety. The commentator makes the point that after 5 years from initial certification a certificateholder would benefit from a general review of the material that was presented in the initial certification training course.

Response: The Commentator's point is well taken. The Department has revised § 76.13(c)(2) of the final-form regulations to allow a continuing education course to consist of a general review of food safety considerations and procedures.

Comment: The CCHD offered the observation that proposed § 76.13 would not prescribe curriculum guidelines for continuing education courses, and requested the Department consider adding the curriculum guidelines in the final-form regulations.

Response: The Department is satisfied with the general continuing education course subject matter parameters in § 76.13(c) of the final-form regulations, and intends to allow a measure of flexibility and innovation within these parameters. If subsequent experience reveals a need to establish more specific requirements, the Department will revisit this regulation.

Comment: The PRA presented a factual situation which drives its suggestion that proposed § 76.14 (relating to reciprocity with other states) be revised. Under that section, the Department would accept certification issued by another state if the other state has a similar food employe certification program and that state and the Department have a reciprocal agreement in this regard.

The PRA presented the following scenario: A restaurant chain has multiple units in many states, and trains its managers at a central training facility outside this Commonwealth using the "ServSafe" training program of the Educational Foundation of the National Restaurant Association. If the state at which the training facility is located does not, itself, have both a food employe certification program and a reciprocity agreement with the Department, the proposed language of § 76.14 would prohibit those managers from going to work in this Commonwealth and having their certification be accepted in this Commonwealth because the residual training state did not require certification.

Response: The basic requirements of § 76.14 of the final-form regulations are prescribed by section 6506 of the act.

In addition, the Department believes the commentator might be confusing reciprocity with eligibility to apply for certification in this Commonwealth. Under the factual situation the commentator relates, a manager who successfully completes the "ServSafe" program out-of-State is free to apply for certification in this Commonwealth, as long as the "ServSafe" program is an approved certification training program. The fact that the state in which the training occurs does not have reciprocity with the Commonwealth under § 76.14 of the final-form regulations does not limit or prohibit a person who has successfully completed an approved certification training program in another state from applying for certification under the act. The Department has not implemented the commentator's suggested revision.

Comment: The CCHD offered the general comment that proposed § 76.14 should be combined with proposed § 76.17 (relating to preemption and local governmental authority).

Response: The Department declines to combine these two sections. The act treats the subject matter of these two sections separately, as well. Preemption is addressed in section 6503(c) of the act. Reciprocity is addressed in section 6506 of the act.

Comment: IRRC and the PRA suggested proposed § 76.15 (relating to suspension or revocation of certification) be revised to address the procedure by which revoked or suspended certificates would be reinstated.

Response: The Department accepts this suggestion, and has implemented it by adding § 76.15(d) to the final-form regulations. That new subsection provides for automatic reinstatement of a suspended certificate if the suspension period ends before the expiration date printed on the certificate. If the expiration date for the certificate occurs during the period of suspension, though, the affected person shall reapply for certification after the suspension period. If a certificate is revoked, the revoked certificate will not be reinstated and the affected person shall reapply for certification at the end of the revocation period.

Comment: Giant Foods noted that proposed § 76.15(a) would provide that "the Department may suspend or revoke the certification of a certificateholder if that person does one or more of the following . . .", and sug-

gested this provision be revised to only allow revocation or suspension when a certificateholder repeatedly performs one or more of the violations described in proposed §§ 76.15(a)(1)–(4).

Response: The Department declines to implement this suggestion in the final-form regulations. As written, § 76.15 affords the Department a measure of discretion in deciding whether to suspend or revoke certification. The provision reads that the Department may suspend or revoke certification under some circumstances. The Department believes there are food safety violations that might justify suspension or revocation of a certificate the first time they occur, and believes it must preserve the option to take action against a certificateholder when such a violation occurs.

Comment: The House Committee suggested that proposed § 76.17 be reworded to explain more fully the complimentary relationship between State and local authorities, and characterized this relationship as essential to the success of food employe certification efforts State-wide.

Response: The Department believes § 76.17 of the final-form regulations addresses the full extent of the interplay between the Department and local food employe certification programs that predate September 1, 1994. These local food employe certification programs are free to operate within the boundaries of their respective local government units. A local government unit with its own pre-September 1, 1994 food employe certification program may make reciprocal agreements with other local government units. If a local government unit with its own pre-September 1, 1994 food employe certification program wants its certified food employes to be accepted Commonwealthwide, though, that program's training certification program would have to be approved by the Department and the Advisory Board in accordance with the act and the regulations.

Comment: The ACHD expressed the opinion that a food certification program offered by local health units should be accepted Statewide if the course is comparable to those approved by the Department and the Advisory Board in accordance with the act. The commentator also recommended proposed § 76.17 be revised to allow for reciprocal agreements between local health units and the Department.

Response: The Department declines to implement this recommendation. Section 6503(e) and (f) of the act carves out a rather narrow exemption for certain local food employe certification programs established prior to September 1, 1994. The Department believes that the local food employe certification training program standards of an exempt county, city, borough, incorporated town or township should not be accepted outside that local government unit unless the local government unit applies to the Department and receives approval of its certification training program in accordance with the act and the regulations. If this occurs, a person who successfully completes the Department-approved certification training program (and meets the other requirements of the act and the regulations) can apply to the Department for a certificate.

Comment: The CCHD commented that proposed § 76.17(d) was confusing and repetitive, and should be deleted.

Response: The Department disagrees, and has retained the referenced provision in the final-form regulation. The

referenced subsection attempts to clarify the responsibilities of local government units that retain exclusive responsibility for food employe certification within their jurisdictions.

Comment: The CCHD reviewed proposed § 76.18 (relating to Advisory Board) and suggested that the composition of the Advisory Board establishes an imbalance between industry-political interests and public health interests in favor of the former. The ECHD and Radnor Township offered similar comments. The HRC proposed adding at least seven positions to the Advisory Board: three persons with adult education/food manager training, two persons with medical backgrounds and two persons with public health backgrounds. Representative Wright proposed that at least six Advisory Board members have medical backgrounds and that at one of these six should be associated with Pennsylvania State University.

Response: Section 76.18 of the final-form regulations restates the Advisory Board composition prescribed in section 6503 of the act. The Department notes, though, that the referenced section of the act allows for at least one person from the large list of food service, governmental and public health organizations in section 6503(a)(5) of the act to be members of the Advisory Board. Section 76.18(b)(8) of the final-form regulations restates this, and allows for at least one representative from each of the groups listed in § 76.18(b)(8)(i)—(xiii). The Department will consider all of the comments received on this subject as it assembles the Advisory Board. If the Department perceives a need to have more than one Advisory Board members from any of these designated interests, it may do so.

Comment: IRRC and the CCHD noted that the proposed rulemaking does not impart any authority or obligation upon a certified supervisory employe to implement food safety measures or otherwise implement his food safety training in the food establishment at which the certified supervisory employe is employed. IRRC expressed concern that the certified supervisory employe will not be effective in protecting the public health if the employe is powerless to implement food safety measures, and recommended the Department clarify the extent of the certified supervisory employe's responsibilities and authority. The House Committee offered a similar comment, and asked for clarification of the extent to which the regulation requires certified supervisory employes to implement their food safety training in the workplace. The House Committee raised its question in the context of its consideration of proposed § 76.19 (relating to civil penalties).

The House Committee also noted that proposed § 76.19 would allow for the imposition of a civil penalty upon any "person or food establishment" that violates the act or a regulation, and asked for clarification of the circumstances under which a civil penalty might be imposed.

Response: Although the act requires most food establishments in this Commonwealth to have at least one certified supervisory employe by July 1, 2001, it does not require that these certified supervisory employes make any specific use of their food safety training in the workplace. Food establishments are regularly inspected by the Department or local authorities, or both, and can be prosecuted for food safety and sanitation violations. In addition, sanitation problems can cost a food establishment business. A food establishment with a certified supervisory employe, trained in food safety and sanitation in accordance with the act, has a built-in interest in

availing itself of the food safety and sanitation knowledge of that certified supervisory employe. Against this backdrop, the Department declines to revise the final-form regulation to impart upon certified supervisory employes duties or responsibilities that are not prescribed by the act.

Section 76.19 of the final-form regulations allows for the imposition of civil penalties, but this remedy is in addition to any other remedy available at law, in accordance with section 6508 of the act. As stated, the Department inspects food establishments and has statutory authority under which to prosecute persons for violations of food safety and sanitation standards. The Department does not expect civil penalty provisions to be a frequent occurrence, since the Department can, in most cases, proceed with a criminal prosecution at less cost. It is likely a civil penalty would be more commonly sought with respect to technical violations of the procedures or requirements of the regulations, rather than violations that more directly affect public health and safety.

Comment: IRRC offered the general recommendation that the Department revise the final-form regulations by deleting the phrase "other information the Department might reasonably require," as it appears in proposed §§ 76.5(d)(9), 76.11(a)(7), 76.12(b)(5) and 76.13(c)(6). In each instance, the phrase is used to afford the Department some discretion to require additional information necessary to a decision.

Response: Although the Department declines to implement this recommendation, it has revised the referenced paragraphs in the final-form regulations to fine-tune the purpose for which additional information might be required. The Department has made similar revisions in the most recent regulations it promulgated in Title 70—the regulations required under the Consolidated Weights and Measures Act 3 Pa.C.S. §§ 4101—4149 (relating to Consolidated Weights and Measures Act). The Department believes it important to retain a measure of flexibility and discretion, but agrees that the other information language should be narrowed as it has been in the final-form regulations.

Fiscal Impact

Commonwealth

The final-form regulations will not impose any costs on the Commonwealth or have any fiscal impact upon the Commonwealth beyond those costs and fiscal impacts imposed by the act itself. The act requires the Department devote employe time to the review of proposed training programs, the keeping of required records and other functions. Although the Department will inspect food establishments for compliance, employes of the Department are already charged with the responsibility to inspect and license food establishments. The addition of the inspection responsibilities imposed by the act will not appreciably increase the Department's costs.

Political Subdivisions

The final-form regulations will impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The final-form regulations will not impose costs or other adverse fiscal consequences beyond those imposed by the act itself. In accordance with the act, most food establishments in this Commonwealth will have to ensure that they employ at least one certified supervisory employe. Although the food establishment might impose the cost of necessary training on the supervisory employe, it is more likely the food establishment, itself, would absorb these costs.

General Public

The final-form regulations will impose no costs and have no fiscal impact upon the general public. Although food establishments might incur some costs in obtaining certification for a supervisory employe, these costs are expected to be modest. In view of this expectation, and the fact that certification is valid for 5 years at a time, it is not likely any costs imposed by the act will measurably impact upon consumers.

Paperwork Requirements

The act requires that the Department issue certificates to supervisory employes who successfully complete an approved certification training program and pass an approved examination. It also requires the Department to monitor compliance and enforce its provisions. This will certainly result in an increase in paperwork. The final-form regulations, though, do not impose paperwork requirements beyond those imposed by the act itself.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Martha M. Melton.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 11, 1997, the Department submitted a copy of the notice of proposed rulemaking published at 27 Pa.B. 2936 to IRRC and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment. In compliance with section 5(b.1), the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

In preparing these final-form regulations, the Department has considered all comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the House and Senate Committees on August 21, 1999, and were approved by IRRC on September 9, 1999.

Findings

The Department finds the following:

(1) Public notice of its intention to adopt the regulation encompassed by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240)(45 P. S. §§ 1201 and 1202) and their attendant regulations, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The modifications that were made to these regulations in response to comments received do not enlarge the purpose of the proposed rulemaking published at 27 Pa.B. 2936.

(4) The adoption of the regulations in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under authority of the authorizing statute, orders the following:

(1) The regulations of the Department, 7 Pa. Code Chapter 76, are amended by adding §§ 76.1—76.19 to read as set forth in Annex A.

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

(3) The Secretary of Agriculture shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

SAMUEL E. HAYES, Jr.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5033 (September 25, 1999).)

Fiscal Note: Fiscal Note 2-107 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 7. AGRICULTURE****PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES****CHAPTER 76. FOOD EMPLOYE CERTIFICATION**

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§ 76.1. Compliance.

(a) *Mandatory compliance.* On or after July 1, 2001, a food establishment shall comply with the act and this chapter, unless it is exempt under subsection (d).

(b) *Interim compliance optional.* A food establishment need not comply with the act or this chapter until July 1, 2001, but is encouraged to do so in advance of that date.

(c) *Benefit of interim compliance.* If a food establishment that voluntarily complies with the act and this chapter is the subject of an action to recover fines or penalties for a violation of the Food Act, and the violation occurs prior to July 1, 2000, the voluntary compliance of the food establishment will be considered a mitigating factor in determining whether the food establishment shall be assessed more than the minimum fine or civil penalty required by law.

(d) *Exemption for certain types of food establishments.* The following food establishments are exempt from the requirements of the act and this chapter:

(1) A food establishment where only commercially pre-packaged food is handled and sold.

(2) A food establishment that does not handle potentially hazardous food.

(3) A food establishment that is a food manufacturing facility engaged in the manufacture of prepackaged foods and which does not manufacture potentially hazardous food.

§ 76.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless otherwise defined in the most current FDA Food Code:

Act—3 Pa.C.S. Chapter 65 (relating to the Food Employee Certification Act).

Adulterated food—Food that is considered adulterated under section 8 of the Food Act (31 P. S. § 20.8).

Adulteration—An action that creates adulterated food.

Advisory Board or Board—The Food Employee Certification Advisory Board.

Air dry—The exposure of wet articles to air for the purpose of drying through evaporation.

Air gap—The vertical distance between the point where water enters a plumbing fixture—such as a sink—and the level at which the plumbing fixture would overflow.

Asymptomatic—Presenting no symptoms of disease.

Backflow device—A device that prevents liquid from flowing back or moving toward the source from which the liquid was introduced.

Bacteria—Single cell microorganisms.

Bacteria growth—Multiplication of bacteria through cell division.

Bakery—A food establishment in which baked products (breads, rolls, cakes, doughnuts, biscuits, pies, macaroni, spaghetti, noodles, and the like) are manufactured for human consumption.

Bleach—Sodium hypochlorite, a chemical sanitizer.

CIP or cleaned in place—

(i) Cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

(ii) The term does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place cleaning without the use of a CIP system.

Certificate—A document issued by the Department to a particular person to evidence that the named individual has demonstrated adequate food protection knowledge and is certified for purposes of section 6503(d) of the act (relating to certification advisory board and programs) with respect to an industry-specific category of food establishment.

Certificateholder—A person holding a valid certificate.

Certified supervisory employe—A supervisory employe holding a valid certificate.

Cleanability—The property of being cleanable or accessible for cleaning.

Cleaning—The process by which dirt or other foreign matter is removed from an article.

Communicable disease—An infectious disease transmissible to persons or animals by direct or indirect means.

Confirmed disease outbreak—A foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative organism and epidemiological analysis implicates food as the source of the illness.

Contamination—Soiling, staining, corrupting or infecting by contact or association.

Critical control point—A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Critical item—An action which violates a food sanitation standard and which may contribute to food contamination, illness or environmental health hazard.

Cross-contamination—The transfer of bacteria or other microorganisms from one source to another.

Department—The Department of Agriculture of the Commonwealth.

Detergent—A cleaning agent.

Easily cleanable—

(i) A characteristic of a surface that:

(A) Allows effective removal of soil by normal cleaning methods.

(B) Is dependent upon the material, design, construction and installation of the surface.

(C) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose and use.

(ii) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subparagraph (i) to different situations in which varying degrees of cleanability are required, such as one of the following:

(A) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining.

(B) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

Escherichia coli or E. coli—Gram-negative rod-shaped bacteria normally present in the intestines of man and animals, which may be pathogenic and are indicative of fecal contamination when found in food or water.

FDA Food Code—A publication of recommendations by the United States Food and Drug Administration (FDA) for safeguarding public health and ensuring safe food.

Food—

(i) A raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(ii) The term does not include medicines and drugs.

Food Act—The Food Act (31 P. S. §§ 20.1—20.18).

Food contact surface—One of the following:

(i) A surface of equipment or a utensil with which food normally comes into contact.

(ii) A surface of equipment or a utensil from which food may drain, drip or splash into a food or onto a surface normally in contact with food.

Food establishment—

(i) A room, building, place or portion thereof or vehicle maintained, used or operated for the purpose of selling to the public, commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing, transporting or handling food.

(ii) The term includes retail food stores and public eating and drinking licensees, except those portions of establishments operating exclusively under milk or milk products permits and those portions of establishments operating exclusively under United States Department of Agriculture inspection.

(iii) The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast, homestead or inn as defined in the Public Eating and Drinking Place Law.

*Food processor—*A food establishment that manufactures foods using methods such as cutting, grinding, chipping, peeling, baking, dicing, shredding, extrusion, drying, whipping, blanching, heating, extraction, smoking, freezing, fermenting, mixing or dehydrating, or that packages, cans, jars or otherwise places food in containers.

*Food service—*A food establishment that prepares food for the consumer, or serves foods to the consumer, or both. This category of food establishment includes restaurants, hotels, auction house stands, hot dog vendors, flea market stands, nursing home kitchens, school cafeterias, college/university cafeterias, roadside stands, hand-dipped ice cream and yogurt sellers, college snack bars, stands at fairs and carnivals, caterers, snow-cone stands, camp kitchens, church kitchens, private clubs and associations, and food vendors at stadiums, racetracks, parks and public charity events.

*Foodborne disease outbreak—*The occurrence of two or more cases of a similar illness resulting from ingestion of a common food.

*Frozen dessert manufacturer—*A food establishment that is located in this Commonwealth and that is required to be licensed under authority of the Frozen Dessert Law (31 P. S. §§ 417-1—417.14).

*Fungi—*A division of lower plant life which includes yeasts, molds, mildew and mushrooms.

*HACCP—Hazard Analysis Critical Control Point—*A system that identifies and monitors specific foodborne hazards (biological, chemical or physical properties) that can adversely affect the safety of the food product.

*Handwash sink—*A sink specifically designated for hand washing.

*Hazard—*A biological, chemical or physical property that may cause an unacceptable consumer health risk.

*Hepatitis A infection—*A viral foodborne illness that can be transmitted from an infected person, through food, to another person.

*Hermetically sealed container—*A container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

*Highly susceptible population—*A group of persons who are more likely than other populations to experience

foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center.

*Infection—*A disease or condition due to the growth of microorganisms in a host.

*Intoxication—*Illness caused by ingestion of food containing a bacterial toxin.

*Lag phase—*The time period needed for bacteria to acclimate to a new environment, during which bacterial growth is limited or nonexistent.

*Log phase—*The time period which follows the lag phase and during which bacteria undergo accelerated growth.

*MSDS or Material Safety Data Sheet—*A data sheet supplied by manufacturers of hazardous chemicals which gives proper labeling of the product, hazard warnings and the name of the manufacturer.

*Nonfood contact surface—*Exposed surfaces which do not, under normal use, come into contact with food.

*pH—*The symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

*ppm—*Parts per million, or milligrams per liter (mg/l).

*Parasite—*A living organism which derives its nourishment from another living organism.

*Pathogenic organism—*A disease-producing organism.

*Person—*A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth), estate, trust, foundation or natural person.

*Plan review—*The process by which plans and specifications for the construction, remodeling or alteration of a food establishment are reviewed for conformance to specified standards.

*Poisonous or deleterious substance—*A substance that would be considered poisonous or deleterious under section 11 of the Food Act (31 P. S. § 20.11).

*Potable water—*Safe drinking water as defined in the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Potentially hazardous food—

(i) A food which consists in whole or in part of milk or milk products, eggs, meats, poultry, fish, shellfish, edible crustaceans or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(ii) The term does not include foods that have a pH level of 4.6 or below or a water activity of 0.85 or less under standard conditions or food products in hermetically sealed containers processed to maintain commercial sterility.

*Product protection—*Safety measures used to prevent food contamination.

Public eating and drinking place—

(i) A place within this Commonwealth where food or drink is served to or provided for the public, with or without charge, or a place which otherwise conforms to the definition in section 1 of the Public Eating and Drinking Place Law (35 P. S. § 655.1).

(ii) The term does not include dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

Public Eating and Drinking Place Law—The act of May 23, 1945 (P. L. 926, No. 369) (35 P. S. §§ 655.1—655.13).

Quaternary ammonium compound—A chemical sanitizer which is a derivative of ammonium hydroxide or its salts.

Ready-to-eat food—

(i) Food that is in a form that is edible without washing, cooking or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.

(ii) The term includes:

(A) Unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food.

(B) Raw, washed, cut fruits and vegetables.

(C) Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet.

(D) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks or shells are removed.

Reduced oxygen packaging—

(i) The reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is 21% oxygen.

(ii) The term includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen and vacuum packaging including sous vide.

Retail food store—A food establishment or a section of a food establishment where food and food products are offered to the consumer and intended for off-premises consumption.

Salmonella enteritidis—Pathogenic *Salmonella* bacteria found in food which, if ingested in sufficient numbers, may cause salmonellosis in humans.

Salmonellosis—Foodborne disease caused by pathogenic *Salmonella* strains.

Sanitization—The application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

Secretary—The Secretary of the Department.

Slacking—The process of moderating the temperature of food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

Staphylococcus—Spherical bacteria which occur in grape-like clusters, certain types of which cause food poisoning by releasing toxins.

Supervisory employe—An owner or a person employed by or designated by the business owner to fulfill the requirements of the act, and who has supervisory author-

ity and is responsible for the storage, preparation, display or serving of foods to the public in establishments regulated by the Department or local health organizations.

Temperature danger zone—The temperature range which is favorable for the growth of many types of pathogenic organisms in potentially hazardous foods.

Test strips—Indicator papers which, when immersed, assume a color that can be compared to a known color standard to measure sanitizer strength.

Time and temperature—Important factors in controlling the growth of pathogenic organisms in potentially hazardous foods.

Toxin—A poisonous substance produced by pathogenic organisms.

Transmissibility—The ability of a disease to be conveyed person-to-person, organism-to-person, food-to-person, person-to-food.

Virus—An intracellular, parasitic microorganism that is smaller than a bacterium.

Warewashing—The cleaning and sanitizing of food-contact surfaces of equipment and utensils.

Water activity—A measure of the free moisture in a food. The term is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol AW (aw).

§ 76.3. Requirements for food establishments.

(a) *Industry-specific categories of food establishments.* A food establishment that is not exempt from compliance under § 76.1(d) (relating to compliance) shall be classified under one or more of the following industry-specific categories:

- (1) A food processor that manufactures potentially hazardous foods.
- (2) A food service that prepares potentially hazardous foods for the consumer, or serves potentially hazardous foods to the consumer, or both.
- (3) A bakery that processes potentially hazardous foods.
- (4) A retail food store that offers potentially hazardous food that is not exempt under § 76.1(d) to the consumer.
- (5) A frozen dessert manufacturer.

(b) *Certified supervisory employe.* A food establishment shall employ or designate at least one certified supervisory employe who is certified with respect to the industry-specific category of the food establishment. If a food establishment falls within more than one of the industry-specific categories in subsection (a), the food establishment shall employ or designate one or more certified supervisory employes so that, in the aggregate, there is a certified supervisory employe who is certified with respect to each of the applicable industry-specific categories of the food establishment.

(c) *New food establishment.* A new food establishment shall comply with subsection (b) within 90 days of the date it commences operation.

(d) *Employe turnover.* If a food establishment loses its only certified supervisory employe through employe turnover or for any other reason, the food establishment shall comply with subsection (b) within 3 months of the date it lost its previous certified supervisory employe.

(e) *Certification records.* A food establishment shall maintain, at the food establishment site, a list of certified supervisory employes under its employment during the last 4 months including: name, certificate number, certification category, issuance date, expiration date, date employment began and date employment terminated.

(f) *Availability of records.* Upon request by the Department, a food establishment shall make the records described in subsection (e) available for inspection by the Department during normal business hours of the food establishment.

(g) *Posting of certificate.* A food establishment shall post the original certificate of its certified supervisory employe in public view at its business location.

(h) *Return of certificate.* A certificate is the property of the Department and is issued to the individual person identified on its face. A food establishment shall promptly deliver the certificate to a certified supervisory employe who leaves the employ of the food establishment or who otherwise ceases to be a certified supervisory employe with respect to that establishment.

§ 76.4. Eligibility to apply for certification.

A person shall successfully complete an approved certification training program and obtain a score of 70% or higher on an approved certification examination in order to be eligible to apply to the Department for certification.

§ 76.5. Certification training programs: Obtaining the Department's approval.

(a) *Approval required.* A person shall obtain the Department's approval of a training program before the certification training program will be considered an approved certification training program for purposes of the act and this chapter. Substantive revisions or changes to a previously-approved certification training program shall also be approved by the Department. Although nonsubstantive revisions to a previously-approved certification training program do not require approval of the Department, notice of these nonsubstantive revisions shall be communicated in writing to the Department, at the address in § 76.16 (relating to contacting the Department), before being implemented. Approval under this section authorizes a person to develop and approve certification examinations, conduct certification examinations and certify the results of certification examinations to the Department in accordance with this chapter.

(b) *General requirements for approval.* The Department will approve a certification training program if it addresses at least one industry-specific category of food establishment described in § 76.3(a) (relating to requirements for food establishments), meets the food safety protection and training standards described in § 76.7 (relating to certification training programs: food safety protection and training standards) and has been recommended for approval by the Advisory Board. A single certification training program may be approved with respect to more than one industry-specific category of food establishment.

(c) *Obtaining an application form.* The Department will provide an application form for certification training program approval, or an application form for approval of revisions or changes to a previously-approved certification training program, upon request. Requests for these forms shall be directed to the Department at the address in § 76.16.

(d) *Contents: application for certification training program approval.* The application form for certification training program approval shall require the following information:

(1) The applicant's name, address and telephone number.

(2) A course syllabus demonstrating that the program would meet the minimum hour and content requirements in § 76.7 (relating to certification training programs: food safety protection and training standards).

(3) The industry-specific category or categories of food establishment, as described in § 76.3(a) (relating to requirements for food establishments), to be addressed by the certification training program.

(4) A copy of the examination to be administered at the conclusion of the certification training program, together with an answer key for that examination, if these documents are available.

(5) A copy of all teacher materials for the certification training program, unless the certification training program is a home-study program.

(6) A copy of all materials to be distributed to persons taking the program.

(7) If the certification program is a home study program, the proposed site and date the approved certification examination is to be administered.

(8) Other information the Department might reasonably require in evaluating the certification training program.

(e) *Contents: application for approval of changes or revisions to a previously-approved certification training program.* The application form for approval of changes or revisions to a previously-approved certification training program shall require the applicant's name, address and telephone number and only the information listed in subsection (d) that is relevant to the change or revision with respect to which approval is sought.

(f) *Deadline for filing the application.* An application for certification training program approval or for approval of changes or revisions to a previously-approved certification training program shall be delivered to the Department, at the address in § 76.16, at least 90 days in advance of the proposed date upon which the program is to be conducted.

(g) *Departmental and Advisory Board action on application.* The Department and the Advisory Board will consider application materials submitted to them under subsection (d)(4)—(6) confidential and the proprietary documents of the applicant, and will make no distribution of these materials. The Advisory Board will consider whether to recommend Departmental approval of a certification training program. If a simple majority of a quorum of the Advisory Board recommends Departmental approval of a certification training program, the Department will grant its approval, if the other criteria in subsection (b) are met. The Department will mail the applicant its written approval of the certification training program, its denial of approval or a request for additional clarification or documentation.

§ 76.6. Certification training programs: Audit by Department.

The Department may attend and audit an approved certification training program to ascertain whether the program is conducted in accordance with the act and in conformity to the program syllabus. A person offering or

conducting an approved certification training program shall allow the Department's auditors entry to the program and provide copies of course materials.

§ 76.7. Certification training programs: Food safety protection and training standards.

(a) *Minimum hours of instruction/overview of topics.* A certification training program shall consist of at least 15 hours of instruction relevant to the industry-specific category with respect to which certification is sought. As described in detail in subsections (b)—(h), a certification training program shall contain instruction in the following topics for the minimum hours indicated:

- (1) Foodborne illness: 2 hours
- (2) Time and temperature: 2 hours
- (3) Relationship between personal hygiene and food safety: 3 hours
- (4) Food safety tracking system: 3 hours
- (5) Cleaning and sanitizing: 2 hours
- (6) Facilities and equipment layout: 2 hours
- (7) Statutory and regulatory requirements: 1 hour

(b) *Topic: Foodborne illness.* At least 2 hours of the instruction in a certification training program shall pertain to the topic of foodborne illness relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

- (1) Terms and definitions necessary to an understanding of foodborne illness. At a minimum, this shall include the following terms:
 - (i) Bacteria.
 - (ii) Communicable disease.
 - (iii) Confirmed disease outbreak.
 - (iv) Fungi.
 - (v) Potentially hazardous foods.
 - (vi) Infection.
 - (vii) Intoxication.
 - (viii) Parasite.
 - (ix) Pathogenic organism.
 - (x) Time and temperature.
 - (xi) Virus.
- (2) Microorganisms that commonly cause foodborne infection or intoxication.
- (3) The process by which microorganisms cause foodborne illness.
- (4) The definition, characteristics and recognition of potentially hazardous foods.
- (5) Factors that contribute to foodborne illness.
- (6) Prevention of food contamination from employes, equipment, premises, utensils and consumers.
- (7) Prevention of food contamination from chemicals.
- (8) Emerging pathogens.

(c) *Topic: Time and temperature.* At least 2 hours of the instruction in a certification training program shall pertain to the topic of time and temperature relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of time and temperature requirements. At a minimum, this shall include the following terms:

- (i) Bacteria growth.
- (ii) Contamination.
- (iii) Critical control point.
- (iv) Critical item.
- (v) Cross-contamination.
- (vi) Food contact surface.
- (vii) Hermetically sealed container.
- (viii) Lag phase.
- (ix) Log phase.
- (x) Ready-to-eat foods.
- (xi) Reduced oxygen packing.
- (xii) Slacking.
- (xiii) Temperature danger zones.
- (xiv) Water activity.

(2) Prime factors which control the growth, survival and toxin production rate of pathogenic microorganisms in food during receiving, storing, cooking, thawing, cooling, preparation, holding/displaying, serving, freezing, transporting, reheating and storing after production.

(3) The types, uses and calibration of food thermometers.

(4) Proper food temperatures during refrigeration, freezing, cooling, hot holding, cooking, reheating, thawing and preparation.

(d) *Topic: Relationship between personal hygiene and food safety.* At least 3 hours of the instruction in a certification training program shall pertain to the topic of the relationship between personal hygiene and food safety relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the relationship between personal hygiene and food safety. At a minimum, this shall include the following terms:

- (i) Asymptomatic.
- (ii) Escherichia coli.
- (iii) Hepatitis A infection.
- (iv) Highly susceptible group.
- (v) Pathogenic organism.
- (vi) Salmonella enteritidis.
- (vii) Staphylococcus.
- (viii) Transmissible.

(2) Prevention of food contamination by food establishment employes, including the following subjects:

- (i) Handwashing techniques and frequency.
- (ii) Relationship of hand contact to foodborne illness.
- (iii) Contamination by poor hygienic practices such as sneezing, coughing and scratching.
- (iv) Clothing.
- (v) Fingernails.
- (vi) Eating, drinking or using tobacco.

- (vii) Hair restraint.
- (viii) Animals in the workplace.
- (3) Employee health, including the following subjects:
 - (i) Infections or diseases which can be transmitted by open wound, sinus infection, virus or sore throat.
 - (ii) Identifying employees who may transmit infection or disease.
 - (iii) High risk groups.
 - (iv) Imposition and removal of employee exclusions and restrictions.
 - (v) Mandatory and voluntary reporting of foodborne illness.
- (4) Preventive measures such as training, written cleaning and sanitation schedules and procedures, self-inspection, integrated pest management and preventative maintenance.
- (e) *Topic: Food safety tracking system.* At least 3 hours of the instruction in a certification training program shall pertain to the topic of food safety tracking systems relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:
 - (1) Terms and definitions necessary to an understanding of a food safety tracking system. At a minimum, this shall contain the following terms:
 - (i) Adulteration.
 - (ii) Contamination.
 - (iii) Critical control point.
 - (iv) Cross-contamination.
 - (v) HACCP.
 - (vi) Product protection.
 - (2) Receiving food, including the following subjects:
 - (i) Approved sources.
 - (ii) Condition of food.
 - (iii) Thermometers and temperature checks.
 - (iv) Rejection for adulteration, temperature violations, distressed merchandise or condition of carrier.
 - (3) Safe storage of food, including the following subjects:
 - (i) Dry storage temperature and practices.
 - (ii) Refrigeration and freezer holding temperatures and product protection.
 - (iii) Shelf life.
 - (iv) Cross-contamination and adulteration.
 - (v) Product protection in retail service/display areas and storage areas.
 - (vi) Product labeling.
 - (vii) Labeling of poisonous or toxic materials.
 - (viii) Original containers.
 - (ix) Working containers.
 - (x) Food storage prohibitions, including locker rooms, toilet rooms, garbage rooms and under sewer lines.
 - (4) Preparation and processing of food, including the following subjects:
 - (i) Personal hygiene.

- (ii) Practices regarding disposable gloves.
- (iii) Contamination by chemical or physical additives.
- (iv) Cross-contamination.
- (v) Equipment/utensils.
- (vi) Hazards to humans in using equipment.
- (vii) Machine guards, slicer blades and protective light shields.
- (viii) Corrective actions.
- (ix) Potentially hazardous foods.
- (x) HACCP.
- (xi) Critical control point.
- (f) *Topic: Cleaning and sanitizing.* At least 2 hours of the instruction in a certification training program shall pertain to the topic of cleaning and sanitizing relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:
 - (1) Terms and definitions necessary to an understanding of cleaning and sanitizing procedures. At a minimum, this shall contain the following terms:
 - (i) Adulteration.
 - (ii) Air dry.
 - (iii) Bleach.
 - (iv) CIP.
 - (v) Cleaning.
 - (vi) Contamination.
 - (vii) Cross-contamination.
 - (viii) Detergent.
 - (ix) Easily cleanable.
 - (x) Food contact surface.
 - (xi) Nonfood contact surface.
 - (xii) pH.
 - (xiii) ppm.
 - (xiv) Sanitization.
 - (xv) Test strips.
 - (xvi) Warewashing.
 - (xvii) Quaternary ammonium compound.
 - (2) MSDS Fact Sheets.
 - (3) Proper use of hot water or chemicals in sanitizing.
 - (4) The difference between cleaning and sanitizing.
 - (5) Types of sanitizers, their usage and the use of test strips.
 - (6) Detergents.
 - (7) Procedures to wash-rinse-sanitize.
 - (8) The frequency with which food contact surfaces, utensils, equipment and nonfood contact surfaces should be sanitized.
 - (9) Equipment.
 - (10) Manual warewashing.
 - (11) Mechanical warewashing.
 - (12) The proper use of cleaning methods such as air drying, wiping cloths, CIP and water temperature.
 - (g) *Topic: Facilities and equipment layout.* At least 2 hours of a certification training program shall pertain to the topic of facilities and equipment layout relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the proper layout of equipment and facilities. At a minimum, this shall contain the following terms:

- (i) Air gap.
 - (ii) Backflow device.
 - (iii) Cleanability.
 - (iv) Potable water.
 - (v) Handwash sink.
 - (vi) Plan review.
- (2) Proper equipment design and location.
- (3) Construction of floors, walls and ceilings.

(4) Design of equipment such as refrigeration, hot holding, heating, ventilation, pest control, lighting and freezer equipment, and design of the buildings in which the equipment is located.

(5) Acceptable water sources, water quality and quantity and water distribution systems.

(6) Plumbing design, construction, location, materials and operation.

(7) Management of solid and liquid waste, recyclables, refuse and returnables.

(8) Review of plans for equipment and building layout and design.

(h) *Topic: Statutory and regulatory requirements.* At least 1 hour of a training program shall pertain to the topic of statutory and regulatory requirements relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the requirements imposed by the act and this chapter. At a minimum, this shall contain the following:

- (i) The act.
- (ii) The certificate.
- (iii) The certified supervisory employee.

(2) Statutes and regulations relevant to the industry-specific category of food establishment that is the subject of the approved certification program.

§ 76.8. Format of a certification examination.

Although it is recommended that a certification examination consist of at least 100 questions, under no circumstances may a certification examination consist of fewer than 80 questions. The questions shall adequately test food protection knowledge with respect to an industry-specific category of food establishment described in § 76.3(a) (relating to requirements for food establishments).

§ 76.9. Reporting results of a certification examination.

A person who proctors a certification examination shall, within 30 calendar days of proctoring the examination, mail or deliver to any person who took the examination written confirmation of that person's examination score, the date and location of the examination and the industry-specific category of food establishment addressed in the examination. The examination score shall be expressed as the percentage of correct answers. Within that same 30-day time period, the proctor shall mail the same information to the Department at the address in § 76.16 (relating to contacting the Department), using a form provided by the Department upon request.

§ 76.10. Applying for certification.

(a) *Application required.* A person who has attained a score of 70% or higher on a certification examination may apply to the Department for certification. Certification is granted through issuance of the certificate described in § 76.11 (relating to certificate).

(b) *Form of application.* A person seeking certification under the act, or any other person, may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The application form requires the following information:

(1) The name and mailing address of the person seeking certification.

(2) The location and dates of any approved certification program completed by the person seeking certification.

(3) The location and date of the certification examination.

(4) The industry-specific food establishment category (as described in § 76.3(a) (relating to requirements for food establishments)) with respect to which certification is sought.

(5) Other information the Department might reasonably require in determining whether to issue the applicant a certificate.

(c) *Application fee.* A person applying for certification under this section shall pay an application fee of \$20, by check or money order made payable to the "Commonwealth of Pennsylvania." This payment shall accompany the application.

(d) *Department action on application.* The Department will, within 30 days of receiving an application and the application fee, mail the applicant a certificate, a disapproval notice or a request for additional clarification or documentation.

§ 76.11. Certificate.

(a) *Contents of certificate.* A certificate will bear the following information:

(1) The name of the person to whom it is issued.

(2) The industry-specific category of food establishment, as described in § 76.3(a) (relating to requirements for food establishments), with respect to which the person is certified.

(3) The date upon which the certificate was issued.

(4) The expiration date of the certificate, which shall be 5 years from the date of issuance.

(5) A unique identification number.

(6) A statement that the Department has determined the person identified on the certificate to possess adequate food protection knowledge and to be a certificateholder with respect to the industry-specific category of food establishment designated on the certificate.

(7) Other information the Department might reasonably include on the certificate.

(b) *Ownership of certificate.* A certificate issued by the Department will remain the property of the Department. A certificateholder, certified supervisory employee, food establishment or other person having physical possession

of a certificate shall, upon written notice from the Department, surrender and return the certificate to the Department.

(c) *Obligation to allow display.* A certified supervisory employe shall allow his employer to display the certificate issued by the Department, as required in § 76.3(g). Upon termination of a certified supervisory employe's employment, the employer shall surrender the certificate to the certificateholder named on the certificate.

(d) *Replacement of certificate.* The Department will issue a certificateholder a replacement certificate and mail it to the certificateholder within 30 days of receiving a written request for a replacement certificate from the certificateholder and an explanation of the need for the replacement certificate.

§ 76.12. Renewal of certification.

(a) *General requirement.* A certificateholder shall obtain at least 7.5 hours of approved continuing education in the area of food safety and sanitation every 5 years, commencing with the date the certificate is issued. An approved continuing education course will not require a written examination as a condition of completion. If a certificateholder fails to obtain this approved continuing education and deliver a complete certification renewal application to the Department prior to the expiration date of the certificate, the certificate shall expire and the certificateholder shall successfully complete an approved certification program and a certification examination before certification will be granted.

(b) *Application for renewal.* A person seeking renewal of certification under this section, or any other person, may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The form requires the following information:

- (1) The name and mailing address of the applicant.
- (2) Copies of course descriptions, course-completion certificates, college course transcripts and descriptions and similar documentation to evidence compliance with the requirement in subsection (a).
- (3) The industry-specific food establishment category or categories, as described in § 76.3(a) (relating to requirements for food establishments), with respect to which the applicant is certified.
- (4) The identification number and expiration date of the certificate.
- (5) Other information the Department might reasonably require in considering renewal of the certificate.

(c) *Application fee.* A person applying for recertification under this section shall pay an application fee of \$20, by check or money order made payable to the "Commonwealth of Pennsylvania." This payment shall accompany the application.

(d) *Departmental action on application.* The Department will, within 30 days of receiving an application, mail the applicant a certificate (as described at § 76.11(a) (relating to certificate)), its denial of renewal of certification or a request for additional clarification or documentation.

§ 76.13. Obtaining Departmental approval of a continuing education course.

(a) *Approval required.* A person shall obtain the Department's approval of a continuing education course

before the course will be considered an approved continuing education course for purposes of § 76.12 (relating to renewal of certification). Revisions or changes to a previously-approved continuing education course must also be approved by the Department.

(b) *General requirements for approval.* The Department will approve a continuing education course if it instructs participants in current food protection practices and has been recommended for approval by the Advisory Board.

(c) *Application for approval.* A person seeking the Department's approval of a continuing education course under this section may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The form shall require the following information:

- (1) The name and mailing address of the applicant.
- (2) A course syllabus demonstrating that the course addresses regulatory or food industry changes, updates or advancements, or offers a general review of food safety considerations and procedures.
- (3) A copy of all teaching materials for the course.
- (4) A copy of all materials to be distributed to persons taking the course.
- (5) The proposed sites and dates of the course.
- (6) Other information the Department might reasonably require in evaluating whether to approve the continuing education course.

(d) *Departmental and Advisory Board action on application.* The Department and the Advisory Board will consider application materials submitted to them under subsection (c)(3) and (4) confidential and the proprietary documents of the applicant, and will make no distribution of these materials. The Advisory Board will consider whether to recommend Departmental approval of the continuing education course. If a simple majority of a quorum of the Advisory Board recommends Departmental approval of a continuing education course, the Department will grant its approval, if the other requirements of subsection (b) are met. The Department will mail the applicant its written approval of the continuing education course, its denial of approval or a request for additional clarification or documentation.

§ 76.14. Reciprocity with other states.

The Department may accept certification issued to a person by another state if the following apply:

- (1) The other state has requirements for certification that are comparable to those imposed by the act.
- (2) The Department and the other state jurisdiction have entered into a reciprocal agreement to accept each state's certification program as meeting the requirements of the act.

§ 76.15. Suspension or revocation of certification.

(a) *Basis for action.* The Department may suspend or revoke the certification of a certificateholder if that person does one or more of the following:

- (1) Violates a provision of this chapter.
- (2) Violates another sanitation regulation.
- (3) Violates the Public Eating and Drinking Place Law or its attendant regulations.
- (4) Violates the Food Act or its attendant regulations.

(b) *Notice.* The Department will provide a certificateholder with written notice of its intention to

suspend or revoke certification, which will apprise the certificateholder of the duration of the suspension or revocation and afford that person notice and opportunity for an administrative hearing before the Department prior to the effective date of the suspension or revocation.

(c) *Delivery of notice.* The Department will deliver the notice described in subsection (b) to the affected certificateholder by personal service or by regular mail to the address provided by the certificate holder on his application for certificate under § 76.10 (relating to applying for certification).

(d) *Reinstatement.* If a period of suspension ends before the expiration date of the suspended certificate, the certificate will be considered reinstated at the end of the suspension period. If a certificate is suspended and the period or suspension ends after the expiration date of the suspended certificate, the certificate is expired and the holder of the expired certificate may reapply for certification at the end of the suspension period in accordance with the act and this chapter.

§ 76.16. Contacting the Department.

A person seeking applications or information relating to the act or this chapter shall forward the request, in writing, to the following address:

ATTN: Food Employee Certification
 Department of Agriculture
 Bureau of Food Safety and Laboratory Services
 2301 North Cameron Street
 Harrisburg, PA 17110-9408

§ 76.17. Preemption and local governmental authority.

(a) *General.* The regulation of food safety protection and training standards for employes of food establishments is preempted by the Department except that, in accordance with section 6503(f) of the act (relating to certification advisory board and programs), a food employe certification program established by a county, city, borough or incorporated town or township prior to September 1, 1994, may remain in effect.

(b) *Limitation of local certification.* If a county, city, borough, incorporated town or township elects to operate a food employe certification program that was in existence prior to September 1, 1994, the certification of persons under that local program shall be valid only within the geographic boundaries of the local government unit. This program validity may be extended to other states or local government units through agreements among other states, or local government units which operate food employe certification programs that predate September 1, 1994.

(c) *Option of certain local government units.* A county, city, borough, incorporated town or township having a food employe certification program that was in effect prior to September 1, 1994, may apply to the Department in accordance with the procedure in § 76.5 (relating to approved certification training programs: obtaining the Department's approval) to become an approved certification training program with respect to one or more industry-specific categories of food establishments.

(d) *Effect of a local government unit's decision with respect to exercising option.* If a county, city, borough, incorporated town or township having a food employe certification program which was in effect prior to September 1, 1994, does not exercise the option described in subsection (c) or does not obtain Departmental approval

of its certification training program with respect to any particular industry-specific category of food establishment, the unit of local government shall retain exclusive responsibility for certification of the food employes who would otherwise fall into that industry-specific category.

§ 76.18. Advisory Board.

(a) *Purpose.* The Advisory Board shall review and recommend Departmental approval of industry-specific certification programs which meet the requirements of the act and this chapter.

(b) *Composition.* The Advisory Board will be appointed by the Secretary and consist of at least 21 members. The membership of the Advisory Board is as follows:

(1) The Secretary, or a designee, who will serve as chairperson.

(2) The Chairperson of the Agriculture and Rural Affairs Committee of the Senate, or a designee.

(3) The Chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives, or a designee.

(4) The Minority Chairperson of the Agriculture and Rural Affairs Committee of the Senate, or a designee.

(5) The Minority Chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives, or a designee.

(6) A consumer representative.

(7) Two representatives of production agriculture.

(8) At least one person recommended by each of the following:

(i) The Pennsylvania Association of Milk Dealers.

(ii) The Pennsylvania Restaurant Association.

(iii) The Pennsylvania Food Merchants Association.

(iv) The Pennsylvania Convenience Store Council.

(v) The Pennsylvania Bakers Association.

(vi) The Pennsylvania Food Processors Association.

(vii) The Pennsylvania Veterinary Medical Association.

(viii) The County Commissioners Association of Pennsylvania.

(ix) The Pennsylvania League of Cities and Municipalities.

(x) The Pennsylvania State Association of Boroughs.

(xi) The Pennsylvania State Association of Township Commissioners.

(xii) The Pennsylvania State Association of Township Supervisors.

(xiii) The Pennsylvania School Food Service Association.

(9) At least one of the Advisory Board members described in paragraph (8) shall have experience in the field of public health.

(c) *Terms of appointees.* Advisory Board members described in subsection (b)(1), (2), (3), (4) or (5) shall be ex officio members. The terms of the initial appointees of the Secretary under subsection (b)(6)—(8) will be 2, 3 or 4 years, as determined by the Secretary, and will be staggered so that the terms of approximately 1/3 of these initial appointees expire in each of the 2nd, 3rd and 4th years of the Advisory Board's existence. Thereafter, the term of each of these appointees shall be 3 years. The

term of a person appointed to replace another member whose term has not expired shall be only the unexpired portion of that term. Persons may be appointed to successive terms.

(d) *Quorum*. A simple majority of the Advisory Board membership shall constitute a quorum of that body. A simple majority of a quorum is required for any formal action of the Advisory Board.

§ 76.19. Civil penalties.

(a) *General*. The Department may assess a civil penalty of up to \$300 against a person or food establishment that violates the act or this chapter for the first offense. The Department may assess a penalty of up to \$1,000 for each subsequent offense.

(b) *Notice*. The Department will provide a person or food establishment written notice of a violation of the act or this chapter and an opportunity for an administrative hearing on the violation prior to the imposition of a civil penalty.

(c) *Time for correction of condition giving rise to civil penalty*. If the Department assesses a civil penalty against a food establishment for failing to have the required certified supervisory employe, it will allow the food establishment 90 days from the violation giving rise to the initial civil penalty before it may assess another civil penalty. During that 90-day period, the food establishment shall comply with the act and this chapter.

[Pa.B. Doc. No. 99-1661. Filed for public inspection October 1, 1999, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 72]

Sewage Enforcement Officer Application Requirements for Certification

The Environmental Quality Board (Board) by this order adopts an amendment to Chapter 72 (relating to administration of sewage facilities permitting program). This final-form rule clarifies procedures relating to applications for certification of sewage enforcement officers (SEOs) outlined in § 72.54 (relating to applications for certification) to read as set forth in Annex A.

The Board approved this final-form rule at its meeting of July 20, 1999.

A. Effective Date

This amendment will go into effect immediately upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information, contact Milton Lauch, Chief, Division of Wastewater Management, Bureau of Water Quality Protection, 11th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 787-8184, or William S. Cumings, Jr., Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, 400 Market

Street, P. O. Box 8464, 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) Web site at <http://www.dep.state.pa.us>.

C. Statutory Authority

The amendment is being promulgated under the authority of section 9 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.9) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510.20).

D. Background and Purpose of Final Regulation

This final-form rule is intended to clarify the requirements of § 72.54(a) relating to application requirements for persons who submit applications for certification as SEOs within this Commonwealth. This section requires that a candidate for certification as an SEO successfully complete precertification training courses administered by the Department prior to sitting for an examination for that certification. Currently, precertification training is being provided to candidates for certification shortly before the scheduled examination dates.

Under existing § 72.54(a), applicants for certification are required to submit documentation of the successful completion of precertification training to the State Board for Certification of Sewage Enforcement Officers (Certification Board) at least 40 days prior to the scheduled examination. As explained in the Preamble to the proposed rulemaking at 29 Pa.B. 979 (February 20, 1999), the Department and the Certification Board believe it is appropriate to provide a more streamlined process for the submission of documentation concerning the completion of training, particularly where the training has been completed shortly before the scheduled date of a certification examination. Accordingly, this final-form rule establishes a deadline for the submission of training documentation from 40 days prior to the examination to "no later than the commencement of the scheduled examination for which the precertification training was held."

A notice of proposed rulemaking was published at 29 Pa.B. 979. The notice provided a 30-day public comment period. The Board received one comment on the proposal, and a Comment and Response Document has been developed. Draft copies of this final rulemaking and the Comment and Response Document were provided to members of the Sewage Advisory Committee and the Certification Board, and the members had no objections to its adoption by the Board.

E. Summary of the Comments and Response on the Proposed Rulemaking and Amendment to the Proposed Rule

The Board received a comment from the Certification Board which was fully supportive of the proposed amendment. The Certification Board suggested, however, that § 72.54(a) be further amended by reducing the minimum time for submission of an application for the certification examination and the related fee from 40 days to 30 days. The Certification Board asserted this reduction of the time period would give applicants more flexibility, while at the same time giving the Certification Board sufficient time to receive and evaluate applications for certification. The Board concurs with this recommendation and has adopted the change in the final rulemaking.

F. Benefits, Costs and Compliance

Executive Order 1996-1 provides for a cost/benefit analysis of the final-form rule.

Benefits

Applicants for certification as SEOs will benefit from the amendment because they will not need to submit documentation of the successful prerequisite training for certification until the commencement of the scheduled examinations, which will be held shortly after the conclusion of the training course. In addition, applicants for certification will have more flexibility in submitting applications as a result of the reduction in the minimum time for submission of applications.

Costs

There are no additional costs to the Commonwealth, its citizens or applicants for certification as SEOs associated with this amendment.

Compliance Costs

The amendment is not expected to impose any additional compliance costs on the regulated community.

G. Sunset Review

This final-form regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 9, 1999, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Chairpersons of the Committees with a copy of the comments received, as well as other documentation.

In preparing this final-form rule, the Department considered the comments received from the public. No comments were received from IRRC or either of the Committees.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form rule was deemed approved by the Senate and House Committees on August 23, 1999. IRRC met on September 9, 1999, and approved the final-form rule in accordance with section 5.1(e) of the Regulatory Review Act.

I. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 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) This final-form rule does not enlarge the purpose of the proposal published at 29 Pa.B. 979.

(4) This final-form rule is necessary and appropriate for the administration and enforcement of the authorizing acts identified in Section C of this Preamble.

J. Order

The Board, acting under authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 72, are amended by amending § 72.54 to read as set forth in Annex A.

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

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

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

JAMES M. SEIF,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5031 (September 25, 1999).)

Fiscal Note: Fiscal Note 7-344 remains valid for the final adoption of the subject regulation.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 72. ADMINISTRATION OF SEWAGE FACILITIES PERMITTING PROGRAM

Subchapter D. CERTIFICATION OF SEWAGE ENFORCEMENT OFFICERS

§ 72.54. Applications for certification.

(a) Correctly completed applications and an application fee of \$25 shall be received by the Board at least 30 days prior to the scheduled examinations. In addition, the applicant shall provide documentation of the successful completion of required precertification training courses to the Board no later than the commencement of the scheduled examination for which the precertification training course was held.

(b) Incomplete or erroneous applications shall be returned to the applicant.

(c) The application fee is a processing fee and will not be refunded.

[Pa.B. Doc. No. 99-1662. Filed for public inspection October 1, 1999, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD
[25 PA. CODE CHS. 121, 126 AND 139]
Gasoline Volatility Requirements—Low Reid Vapor Pressure**

The Environmental Quality Board (Board) amends Chapters 121, 126 and 139 (relating to general provisions; standards for motor fuels; and sampling and testing) to read as set forth in Annex A. The amendments eliminate the use of Federal reformulated gasoline (RFG) as a compliant fuel in the Pittsburgh-Beaver Valley area during the ozone season. The amendments also provide that compliance records shall be kept onsite for all points in the distribution network except at retail facilities. Retail

facilities are required to retain compliance records onsite for the correct ozone season only. In addition, the amendments make a technical language correction relating to sampling procedures. The Board approved the final amendments at its July 20, 1999, meeting.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4310; or R. A. Reiley, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, 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 final rulemaking is available electronically through the Department of Environmental Protection's (Department) Web Site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

This action is being taken under the authority of section 5 of the Air Pollution Control Act (35 P.S. § 4005), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. *Background and Summary of the Amendments*

These amendments eliminate the use of RFG as a compliant fuel in the Pittsburgh-Beaver Valley Area during the ozone season. Because of concerns with implementation of the existing regulation as it relates to RFG, the Department is eliminating the RFG provisions. Since refiners and marketers have been supplying low Reid vapor pressure (RVP) gasoline during the ozone season, these amendments will have minimal practical consequences. While this low RVP gasoline is more stringent than the Federal requirement, it is necessary because it is part of a comprehensive plan for the Pittsburgh area to attain and maintain the National health-based standard for ground level ozone. These amendments also require that compliance records be kept onsite for all points in the distribution network except at retail facilities. Retail facilities are required to retain compliance records onsite for the correct ozone season only. Finally, these amendments also correct the technical language relating to sampling procedures.

These amendments were submitted to and approved by the Air Quality Technical Advisory Committee (AQTAC) and the Small Business Assistance Program Compliance Advisory Committee.

E. *Summary of Comments*

There were four commentators to the proposed rulemaking.

One commentator supported the move to require all gasoline sold in the Pittsburgh area to comply with the RVP standard of 7.8 pounds per square inch (psi).

The Board appreciates the support for this rule change.

All of the commentators believed that requiring facilities to keep records onsite for 2 years imposes additional and unnecessary recordkeeping on the regulated community. The commentators requested that the regulation be

changed to allow records for retail facilities to be stored elsewhere and that the records could be provided when requested within a short lead time. Another commentator proposed that the regulation be amended to require that records be kept onsite only during the current ozone season and that records be retained after that at a designated location for the remainder of the 2-year retention period.

While the Board understands that there may be space limitations at some facilities, the requirement to maintain records onsite at points in the distribution chain is essential for enforcement of the program. A lapse in time between an inspection and the receipt of pertinent records would seriously hinder the effectiveness of the program, especially when a violation of the volatility standard is discovered. Therefore, to retain the ability to conduct effective inspections, the Board will not make the suggested change. The Board does not agree that the onsite recordkeeping requirement places unnecessary burdens on every point in the distribution network; however, the Board does believe that the requirement to keep records onsite for 2 years could place unnecessary burdens on retail facilities that have limited space onsite. Therefore, the rule will be amended to require retail stations to keep the records onsite only during the current compliance period (June 1st through September 15th). The records then may be moved to an alternate location for the remainder of the 2-year retention period.

One commentator believed it is unnecessary to require terminals to be held to a compliance date of May 1st for low RVP fuel. The commentator recommended the terminal compliance date be changed to May 15th which will provide adequate time to ensure that all retail stations are turned over to 7.8 psi RVP by June 1st. The program start and end dates are not proposed to be changed because the Board believes that May 1st is the appropriate starting date.

When the proposed clean fuels program for the Pittsburgh area was originally published on May 3, 1997, the Board received eight separate comments detailing the importance of setting the compliance dates to be consistent with the dates in the Federal summertime volatility program (May 1st start date at the terminal level, June 1st start date at the retail stations, and September 15th as the end date). The Board agreed with the need for consistency with the Federal volatility program and the rule was revised accordingly. The Board does not believe it appropriate to change any of these dates in light of the number of comments received in response to the May 3, 1997, proposal. Furthermore, it is likely that members of the public and the regulated community did not comment again on this issue because the program start and end dates were not proposed to be changed.

One commentator states that the requirement to have gasoline with an RVP of 7.8 psi at the terminal level by May 1st contradicts the Federal requirement to have 9.0 psi RVP gasoline at terminals by the same date. The commentator believed that the Commonwealth has not demonstrated in its State Implementation Plan (SIP) the need for an RVP level in May that is more stringent than the Federal standard to achieve the National Ambient Air Quality Standard (NAAQS) for ozone. In addition, the commentator believed that unusual supply disruptions may occur if the Commonwealth's program dates are not in line with the Federal program.

The program start and end dates were not proposed to be changed because the Board believes that the proposed dates are the appropriate dates. Under section

211(c)(4)(A) of the Federal Clean Air Act, states are preempted from prescribing a control regarding a fuel characteristic that is not identical to the Federal requirement. However, under section 211(c)(4)(C), the United States Environmental Protection Agency (EPA) is authorized to grant a state a waiver of this preemption if the state control is necessary to achieve the NAAQS.

The Commonwealth requested the necessary waiver, and on June 8, 1998, the EPA published a direct final rule in the *Federal Register* proposing to grant the Commonwealth that waiver under the Clean Air Act. No negative comments were received, and a waiver was granted to the Commonwealth effective on July 23, 1998. This waiver allows the use of fuel with an RVP standard more stringent than the Federal requirement in the Pittsburgh ozone nonattainment area. This same EPA action finalized approval of the Commonwealth low RVP program distribution schedule that requires terminals to be fully converted to 7.8 psi RVP fuel by May 1st and retail and wholesale purchaser-consumer facilities to be converted to 7.8 psi RVP fuel by June 1st. Consequently, this approved SIP revision is now Federal law. Since this SIP revision was approved by the EPA, it is not subject to review at the State level as the commentator suggests.

The comment that unusual supply disruptions may occur if the suggested change is not made is unwarranted. Low RVP fuel was required in the Pittsburgh ozone nonattainment area at the terminal level beginning on May 1, 1998, and at retail stations by June 1, 1998, and no unusual supply or price disruptions were reported. The program ran smoothly by all accounts and the compliance rate was extremely high.

F. *Summary of the Regulatory Revisions*

The Board deletes the definition for the term "RFG—Federal Reformulated Gasoline" and eliminates RFG from the term "compliant fuel." The Board also eliminates references to RFG in §§ 126.301—126.303 (relating to compliant fuel requirement; recordkeeping and reporting; and compliance and test methods). In addition, the Board clarifies the record retention requirements in § 126.302 that records shall be kept onsite for all points in the distribution network except at retail facilities. Retail facilities are required to retain compliance records onsite for the current ozone season only. Finally, the Board corrects technical language in § 139.4(18) (relating to references).

G. *Benefits, Costs and Compliance*

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

Compliance Costs

There are no increased costs to the regulated community as a result of these amendments. Since low RVP gasoline is already required in the area, there will be no additional cost to the public or to local or State governments. Low RVP gasoline on average is 2¢ per gallon less than RFG gasoline. In addition, the vast majority of stations already use low RVP gasoline in place of RFG gasoline.

Compliance Assistance Plan

The Board plans to educate and assist the public and regulated community with understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing Regional Compliance Assistance Program.

Paperwork Requirements

There are no additional recordkeeping and reporting costs for an entity that sells or transfers gasoline intended for use in the seven county Pittsburgh-Beaver Valley Area during the ozone season.

H. *Sunset Review*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 8, 1998, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House and Senate Committees on August 23, 1999. IRRC met on September 9, 1999, and deemed approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act.

J. *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 28 Pa. B. 4792 (September 26, 1998).

(4) These final-form regulations are necessary and appropriate for administration and enforcement of authorizing acts defined in Section C of this Preamble and are reasonably necessary to achieve and maintain the NAAQS for ozone.

K. *Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121, 126 and 139, are amended by amending §§ 121.1, 126.301—126.303 and 139.4 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(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 Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

JAMES M. SEIF,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 5032 (September 25, 1999).)

Fiscal Note: Fiscal Note 7-341 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Compliant fuel—Low RVP gasoline.

* * * * *

RACT—*Reasonably Available Control Technology*—The lowest emission limit for VOCs or NO_x that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

RFP—*Reasonable Further Progress*—The annual incremental reduction in emissions of an air contaminant as required by section 172(c)(2) of the Clean Air Act (42 U.S.C.A. § 7502(c)(2)), for the purpose of ensuring attainment of the applicable NAAQS by the applicable statutory deadline.

* * * * *

CHAPTER 126. STANDARDS FOR MOTOR FUELS

Subchapter C. GASOLINE VOLATILITY REQUIREMENTS

§ 126.301. Compliant fuel requirement.

(a) This subchapter applies to gasoline which is sold or transferred into or within the Pittsburgh-Beaver Valley Area during the period May 1 through September 15, 1998, and continuing every year thereafter.

(b) A refiner, importer, distributor, reseller, terminal owner and operator or carrier, may not:

(1) Sell, exchange or supply gasoline that is not a compliant fuel during the period described in subsection (a).

(2) Blend, mix, store or transport or allow blending, mixing, storing or transporting of compliant fuel with noncompliant fuel during the period described in subsection (a).

(c) A retailer or wholesale purchaser-consumer may not sell, exchange or supply gasoline that is not a compliant fuel during the period June 1 through September 15, 1998, and continuing every year thereafter.

§ 126.302. Recordkeeping and reporting.

(a) Beginning with the terminal owner or operator who sells or transfers gasoline intended for use in the Pittsburgh-Beaver Valley Area during the period described in § 126.301(a) (relating to compliant fuel requirements), each time the physical custody of or title to a shipment of gasoline changes hands, other than when gasoline is sold or transferred for use in motor vehicles at a retail outlet or wholesale purchaser-consumer's facility, the transferor shall provide to the transferee a copy of the record described in this subsection. This record shall legibly and conspicuously contain, at a minimum, the following information:

- (1) The date of the sale or transfer.
- (2) The name and address of the transferor.
- (3) The name and address of the transferee.
- (4) The location of the gasoline at the time of transfer.
- (5) The volume of gasoline which is being sold or transferred.

(6) A statement or grade code certifying that the gasoline has an RVP of 7.8 pounds per square inch or less per gallon.

(b) A person who transports, stores or sells compliant fuel that is intended for use in the Pittsburgh-Beaver Valley Area during the period described in § 126.301(a), shall segregate the compliant fuel from noncompliant fuel and the documentation described in subsection (a) shall accompany the compliant fuel at all times.

(c) Each person in the gasoline distribution network shall maintain records containing the compliance information listed in subsection (a). These records shall be retained for at least 2 years from the date of the sale or transfer of compliant fuel.

(d) The records containing the compliance information in subsection (a) for the period described in subsection (c) shall be kept onsite at each point in the distribution network except for retail outlets. Retail outlets shall retain these records for the period described in subsection (c) and only those records for the current period described under § 126.301(c) shall be kept onsite. At the end of each period described under § 126.301(c), these records may be transferred to an alternate location for the remainder of the period described under subsection (c) and be made available to the Department upon request.

§ 126.303. Compliance and test methods.

Compliance with the 7.8 pounds per square inch RVP standard shall be determined by use of the sampling and testing methods specified in this section. Sampling or testing of gasoline required by this chapter shall be accomplished as follows:

(1) Sampling of gasoline for the purpose of determining compliance with this subchapter shall be conducted in accordance with 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility).

(2) Testing of gasoline for purposes of determining compliance with this rule shall be conducted in accordance with 40 CFR Part 80, Appendix E (relating to test for determining Reid Vapor Pressure (RVP) of gasoline and gasoline-oxygenate blend).

CHAPTER 139. SAMPLING AND TESTING

**Subchapter A. SAMPLING AND TESTING
METHODS AND PROCEDURES**

GENERAL

§ 139.4. References.

The references referred to in this subchapter are as follows:

* * * * *

(18) "Sampling procedures for fuel volatility," 40 CFR Part 80, Appendix D (relating to sampling procedures for fuel volatility).

* * * * *

[Pa.B. Doc. No. 99-1663. Filed for public inspection October 1, 1999, 9:00 a.m.]

**Title 28—HEALTH AND
SAFETY**

**HEALTH CARE COST CONTAINMENT COUNCIL
[28 PA. CODE CH. 912]
Severity Methodology**

The Health Care Cost Containment Council (Council), under the authority of section 5(b) of the Pennsylvania Health Care Cost Containment Act (35 P. S. § 449.5(b)), is submitting final-form regulations to amend §§ 912.1, 912.3 and 912.31 (relating to legal base and purpose; definitions; and principle). The amendments remove specific reference to a particular methodology currently used by the Council to afford the Council flexibility in selecting an alternative methodology for measuring provider quality and provider service effectiveness.

Purpose

The purpose is to give the Council greater flexibility in responding to the marketplace than the present regulations allow. The amendments will enable the Council to change its vendor if the vendor fails to meet its contractual requirements.

Summary of Amendments

The amendments remove specific reference to the MedisGroups methodology to afford the Council flexibility in selecting a methodology for measuring provider quality and provider service effectiveness.

Affected Parties

All data sources in this Commonwealth currently are required to use the MedisGroups methodology.

Paperwork Requirements

The amendments will not impose additional paperwork on the private sector, the general public or the Commonwealth and its political subdivisions.

Fiscal Impact

The amendments will have no fiscal impact on the regulated community, the State or local governments.

Effective Date

The amendments will be effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

The Council continually monitors its regulations. Therefore, no sunset date has been assigned.

Contact Person

For further information, contact Marc P. Volavka, Executive Director, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717)232-6787.

Response to Public Comment

Written comments, suggestions or objections were requested within a 30-day period after publication of the proposed amendments at 29 Pa.B. 332 (January 16, 1999). Comments were submitted by the Hospital and Healthsystem Association of Pennsylvania and the Hospital Council of Western Pennsylvania. In addition, the Council received comments from the Pennsylvania Medical Society after the 30-day comment period ended. In preparing the final-form regulations, the Council has considered all comments received.

In general, the comments supported the intent of the proposed amendments. It was suggested by the Hospital and Healthsystem Association of Pennsylvania and the Hospital Council of Western Pennsylvania, however, that the Council should remove specific reference to "clinical" factors in the definition of "patient severity." The Council's detailed response to these comments was submitted to the Independent Regulatory Review Commission (IRRC) with the final-form regulations. The Council's response outlines reasons why this suggestion was not incorporated into the final-form regulations, the main reason being that severity adjustment systems, whether they are "clinical" or "administrative" systems, incorporate some degree of "clinical" information. A copy of the complete response is available to the public upon request.

Regulatory Review

On January 5, 1999, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.4(a)), the Council submitted copies of the proposed revisions, which were published at 29 Pa.B. 332, to IRRC, the Senate Public Health and Welfare Committee and House Health and Human Services Committee for review and comment. The Council, in accordance with section 5(b.1) of the Regulatory Review Act (71 P. S. § 745.5(b.1)), also provided IRRC and the Committees with the Regulatory Analysis Form prepared in compliance with Executive Order 1982-2 (relating to improving government regulations) and copies of comments received.

In preparing the final-form regulations, the Council has considered the comments received from the public and IRRC. No comments on the proposed amendments were received from either of the legislative committees. The text of the final-form regulations is identical to that submitted under the proposed rulemaking.

The final-form regulations were deemed approved by the Senate Public Health and Welfare Committee and the House Health and Human Services Committee on August 18, 1999. IRRC met on August 19, 1999, and approved the final-form regulations under section 5(c) of the Regulatory Review Act.

Order

(a) The regulations of the Council, 28 Pa. Code Chapter 912, are amended by amending §§ 912.1, 912.3 and 912.31 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(d) The amendments adopted by this order shall take effect upon publication in the *Pennsylvania Bulletin*.

LEONARD BORESKI,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa. B. 4749 (September 4, 1999). For a statement of policy relating to this rulemaking, see 29 Pa.B. 5109 (October 2, 1999).)

Fiscal Note: 100-14. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART VI. HEALTH CARE COST CONTAINMENT COUNCIL

CHAPTER 912. DATA REPORTING REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 912.1. Legal base and purpose.

(a) This chapter is promulgated by the Council under section 6 of the act (35 P. S. § 449.6).

(b) This chapter establishes submission schedules and formats for the collection of data from health care facilities specified in section 6 of the act.

§ 912.3. Definitions.

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

* * * * *

Major ambulatory service—Surgical or medical procedures, including diagnostic and therapeutic radiological procedures, commonly performed in hospitals or ambulatory service facilities, which are not of a type commonly performed or which cannot be safely performed in physicians' offices and which require special facilities, such as operating rooms or suites or special equipment, such as fluoroscopic equipment or computed tomographic scanners, or a postprocedure recovery room or short term convalescent room.

Pennsylvania Uniform Claims and Billing Form format—The Uniform Hospital Billing Form UB-82/HCF-1450, and the HCFA 1500, or their successors, as developed by the National Uniform Billing Committee, with additional fields as necessary to provide the data in section 6(c) and (d) of the act (35 P. S. § 449.6(c) and (d)).

* * * * *

Subchapter B. PENNSYLVANIA UNIFORM CLAIMS AND BILLING FORM SUBMISSION SCHEDULES

§ 912.31. Principle.

The Council may, within its discretion and for good reason, grant exceptions to sections within this chapter

when the policy and objectives of this chapter and the act are otherwise met.

[Pa.B. Doc. No. 99-1664. Filed for public inspection October 1, 1999, 9:00 a.m.]

Title 58—RECREATION

STATE HORSE RACING COMMISSION

[58 PA. CODE CHS. 163 AND 165]

Rules of Racing

The State Horse Racing Commission (Commission), acting under authority conferred by section 202(a) of the Race Horse Industry Reform Act (4 P. S. § 325.202(a)), hereby amends Chapters 163 and 165 (relating to rules of racing; and administrative rules).

The Commission reviewed this order and considered its purpose and likely impact in accordance with Executive Order 1996-1, "Regulatory Review and Promulgation." This order will help clarify and update the present rules of racing and bring them into conformance with surrounding racing jurisdictions. This order also addresses a compelling public interest and is otherwise in compliance with Executive Order 1996-1.

Notice and Comments

Notice of proposed rulemaking was published at 28 Pa.B. 4797 (September 26, 1998). These final-form regulations are being adopted with changes to the proposed rulemaking. The Commission only received comments from one individual commentator and from the Honorable Senator Robert J. Thompson, Vice Chairperson of the Senate State Government Committee. The Commission also received comments and suggested changes from the Independent Regulatory Review Commission (IRRC). The comments and the Commission's response follow:

Section 163.95. Coupled entries

The individual commentator expressed his concern that the uncoupling of entries for horses entered by the same trainer could lead to hidden ownership of horses or other devious acts. The Commission presumes the individual commentator was in essence referring to possible collusion between trainers and jockeys to affect the outcome or fix the race. As the Commission explained in its proposed rulemaking, in today's heavily regulated thoroughbred industry and in light of the extensive recordkeeping requirements and significant investigative capabilities, the potential for hidden ownership or collusion has been greatly diminished, if not completely eradicated. Nevertheless, the Commission is ever mindful of its legislative mandate to protect the integrity of the sport and pari-mutuel wagering system for patrons in this Commonwealth. Accordingly, the Commission believes the benefit of the uncoupling amendment to the patron exceeds the potential risk of hidden ownership.

IRRC stated that the language of § 163.95(b) was not consistent with the Commission's overall intention of removing the restriction for trainers from the coupled entry rule. IRRC suggested appropriate language, which would be phrased in the positive and therefore, less confusing. The Commission agrees with IRRC's suggested changes and has implemented those changes to subsection (b).

IRRC also asked the Commission to explain the Commission's rationale for prohibiting a trainer from having

more than two horses in the same race, but not an owner. Proposed § 163.95(d), which specifically prohibits trainers from entering more than two horses, has been proposed by the Commission to bring its regulations into conformity with surrounding racing jurisdictions. As previously stated, while the Commission believes the benefit of updating the coupled entry rules outweighs the potential for collusion or the appearance of collusion, the Commission nevertheless believes that certain reasonable controls, such as those in § 163.95(d) should be implemented or maintained, or both.

Section 165.531. Definitions.

IRRC suggested the Commission clarify the definition of "breeder." The Commission concurs with IRRC's suggested language and has implemented the changes accordingly. Additionally, IRRC questioned how the Commission arrived at the 90-day period in the definition of "Pennsylvania-bred horse" and specifically, whether the 90-day period is a sufficient limitation to assure that a foal qualifies as a Pennsylvania-bred horse. After consultation with the Pennsylvania Breeding Fund Advisory Board and the Pennsylvania Horse Breeders Association (PHBA), the Commission concluded that 90 days would be a reasonable compromise period. The Commission believed that a period less than 90 days might not ensure a substantial contribution to this Commonwealth's commerce. Likewise, the Commission believed that a period more than 90 days might become too onerous on the Fund program participants.

As previously explained, the Commission's existing regulations simply require that the horse be foaled in this Commonwealth to qualify for the Breeders Fund Program and the program's entitlements. Due to the monetary success of the program, out-of-State breeders have been quick to take advantage of the overly broad definition of a Pennsylvania-bred without contributing to this Commonwealth's thoroughbred industry. The Commission believes the amendment will modify the current trend and help ensure the continued success of the Breeders Fund Program.

Senator Robert J. Thompson and IRRC questioned how the PHBA, which is responsible for the registration and records for Pennsylvania-bred horses, will determine that owners and breeders have met the conditions of the 90-day period. The breeder or an authorized agent, or both, is solely responsible for submitting information regarding the foal and all pertinent information regarding the 90-day period by way of an application/affidavit. The breeder or the breeder's agent shall specifically provide and attest to information regarding the farm at which the mare or foal domiciled for at least 90 days during the calendar year of foaling. The application/affidavit makes clear the consequences to the breeders or his agent if the information provided is fraudulent. This form has been approved by the Commission.

Senator Thompson and IRRC also suggested the Commission incorporate the eligibility requirements which shall be met by the breeders into the regulations. The Commission is not inclined to do so. The Commission believes the foal application/affidavit clearly and adequately explains the requirements for registration as a Pennsylvania-bred: 1) The horse must be foaled in this Commonwealth; and 2) The foal or dam must spend a minimum of 90 days at a facility in this Commonwealth. These requirements only affect those individuals who wish to voluntarily participate in the Breeders Fund Program. Accordingly, the Commission does not believe it

is necessary to add further regulation or add the application/affidavit to the existing regulations.

Section 165.118(j). Trifecta.

IRRC suggested that, for purposes of clarity, the Commission delete its proposed language and simply add a cross reference to § 163.95 (relating to coupled entries) which would clarify what horse would have to run as a coupled entry. The Commission agrees with IRRC's suggested changes and has implemented them accordingly.

Fiscal Impact

Commonwealth

The Commission has determined that the amendments will have no adverse fiscal impact on the Commonwealth.

Political Subdivisions

The amendments will not have any direct fiscal impact on political subdivisions.

Private Sector

The amendments will not have any negative fiscal impact on the private sector within this Commonwealth. There may be limited fiscal impact upon out-of-State breeders who enter this Commonwealth to become eligible for the Breeders' Fund Program. This impact should be offset as a result of the commerce generated with the new 90-day requirement for the dam and foal, which will have to be met to qualify for the Pennsylvania-bred registration.

General Public

The amendments will not have any fiscal impact on the general public. The amendments will, however, bring the Commission's regulations relating to coupled entries into conformity with the other surrounding racing jurisdictions.

Paperwork Requirements

The amendments will not generate any new substantial paperwork for the public or the Commonwealth.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 14, 1998, the Commission submitted a copy of the notice of proposed rulemaking published at 28 Pa.B. 4797 to IRRC and to the Chairpersons of the House and Senate Standing Committees on State Government for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of all comments received.

In preparing these final-form regulations, the Commission has considered all comments received from IRRC, the Committees and the public. These final-form regulations were approved by the Committees on August 10, 1999, and were approved by IRRC on August 19, 1999, in accordance with section 5(c) of the Regulatory Review Act.

Contact Person

Further information is available by contacting the State Horse Racing Commission, Room 304, Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, Attention: Benjamin H. Nolt, Jr., Executive Secretary, (717) 787-1942.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments encompassed by this order has been given under section 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240)(45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The adoption of the amendments in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 163 and 165, are amended by amending §§ 163.95, 163.531, 163.532, and 165.118 and deleting §§ 163.533, 163.534 and 163.537 to read as set forth in Annex A.

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

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

(d) This order shall be effective upon publication in the *Pennsylvania Bulletin*.

BENJAMIN H. NOLT, Jr.,
Executive Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 4749 (September 4, 1999).)

Fiscal Note: Fiscal Note 34-63 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 58. RECREATION****PART IV. HORSE RACING COMMISSION****CHAPTER 163. RULES OF RACING****ENTRIES AND SUBSCRIPTIONS****§ 163.95. Coupled entries.**

(a) The term "entry" means a horse made eligible to run in a race. When starters in a race include two or more horses owned by the same person, they shall be coupled as an entry, with no exceptions. A wager on one horse in the entry shall be a wager on all horses in the entry. If a race is split in two or more divisions, horses in an entry shall be seeded in separate divisions, but the divisions in which they compete and their post positions shall be drawn by lot.

(b) Horses owned wholly or in part by the same trainer, person or the spouse of the person shall be coupled and run as an entry.

(c) If one horse is scratched after the betting is under way, the remaining horse shall run as a betting entry.

(d) Starters in a race which include two horses of different ownership trained by the same person, trained in the same stable or trained by the same management may not be coupled as an entry and shall constitute

separate wagering interests. In no case may more than two horses having common trainer ties as defined in this section start in a race.

PENNSYLVANIA BREEDERS' FUND PROGRAM**§ 163.531. Definitions.**

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

Breeder—A breeder is the owner of the dam at the time of foaling. When a horse is held under a lease or partnership registered with the jockey club, the lease or partnership will be deemed to be the owner.

Pennsylvania-bred horse—A Pennsylvania-bred horse is a thoroughbred horse foaled in this Commonwealth, which during the year of foaling, the foal or its dam spent a minimum of 90 days at a facility in this Commonwealth and is subsequently registered with the Pennsylvania Horse Breeders Association and the Jockey Club.

Pennsylvania sire—A Pennsylvania sire is a thoroughbred stallion that regularly stands for a breeding season in this Commonwealth and is registered with the Pennsylvania Horse Breeders Association.

§ 163.532. Eligibility for Pennsylvania-bred races.

To be eligible for preferences in races in which registered Pennsylvania-breds are preferred and to be eligible for entry in races which are restricted by condition to registered Pennsylvania-breds, a horse shall be registered as a Pennsylvania-bred with the Pennsylvania Horse Breeders Association at the time of entry.

§ 163.533. (Reserved).**§ 163.534. (Reserved).****§ 163.537. (Reserved).****CHAPTER 165. ADMINISTRATIVE RULES****Subchapter E. PARI-MUTUEL WAGERING****§ 165.118. Trifecta.**

(a) No trifecta wagering may be conducted without permission of the Commission. The only races in which "trifecta" type pari-mutuel wagering is permitted, are those races designated by the Commission and a separate pool is established therefor.

(b) The trifecta is a form of pari-mutuel wagering in a single race in which the bettor selects a ticket combining in exact finishing order, as officially posted the first, second and third place winner.

(c) Trifecta tickets shall be sold only at trifecta windows by the licensee.

(d) The trifecta is not a parlay and except as set forth in this section, has no connection with or relation to the win, place and show betting and will be calculated as an entirely separate pool.

(e) Trifecta tickets shall be sold in at least \$2 denominations or in such denominations as from time to time are approved by the Commission.

(f) If no ticket is sold on the winning combination of a trifecta pool, the net pool shall be distributed to the holders of tickets selecting the win and place finishers in that order. If no ticket is sold combining the win and place finish, the net pool will be distributed to the holders of tickets selecting the winner. If less than three horses finish, the payoff will be made to holders of tickets selecting the finishing horses in order, ignoring the balance of the selection.

(g) If no ticket is sold that would require distribution of the trifecta pool to a winner defined in this section, the licensee shall make a complete and full refund of the Trifecta Pool.

(h) In the event of a dead heat or dead heats, all trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead heated, shall be winning tickets. The payoff will be calculated as a place pool by dividing the net trifecta pool by the total purchase price of winning tickets.

(i) In the event of a scratch in the trifecta no exchanges will be made. All tickets which include the scratched horse are eliminated from further participation in the trifecta pool and will be refunded.

(j) Coupled entries and fields are allowed in trifecta races as set forth in § 163.95 (relating to coupled entries).

(k) Trifecta tickets shall be sold only by the licensee through pari-mutuel machines programmed to print all selections on one ticket. Resale of these tickets from one individual to another is prohibited and shall be grounds for ejection.

(l) Each association shall print in heavy type in a conspicuous place in its daily printed program all the provisions of this section and post printed copies of this section about the track in places as it deems available.

[Pa.B. Doc. No. 99-1665. Filed for public inspection October 1, 1999, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 453]

Distribution of Highway Maintenance Funds

The Department of Transportation (Department), under the authority contained in 75 Pa.C.S. §§ 6103 and 9104 (relating to promulgation of rules and regulations by department; and standards and methodology for data collection), proposes to delete Chapter 453 (relating to distribution of highway maintenance funds) as set forth in Annex A.

Purpose of this Chapter

Chapter 453 describes the standards and methodology for data collection for application of the rules governing distribution of State highway maintenance funds in 75 Pa.C.S. Chapter 91 (relating to State highway maintenance), to provide a reasonable balance of highway quality and conditions among the counties.

Purpose of this Proposed Rulemaking

The purpose of this rulemaking is to delete Chapter 453. Chapter 453 is no longer needed because 75 Pa.C.S. § 9104 no longer requires the promulgation of standards and methodology for data collection in the form of regulations. Changes to the standards and methodology for data collection are to be published as a notice in the *Pennsylvania Bulletin*.

The Department will publish all changes to the standards and methodology for data collection in the *Pennsylvania Bulletin*. A notice will first be announced in the *Pennsylvania Bulletin* that a change to the standards and methodology of data collection is being considered. After a sufficient amount of time has passed for questions or comments concerning the proposed change, a notice of the changes to the standards and methodology for data collection will be published in the *Pennsylvania Bulletin*.

Persons and Entities Affected

This proposed rulemaking affects Department maintenance districts within this Commonwealth and the general motoring public which has occasion to use the State roadway network.

Fiscal Impact

This proposed rulemaking will not impose increased costs on private persons, State or local governments. This rulemaking will not occasion the development of additional reports or other paperwork requirements.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 21, 1999, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Transportation. In addition to submitting this proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

Sunset Date

The Department is not establishing a sunset date for these regulations since these regulations are being deleted.

Public Comments

Interested persons are invited to submit, within 30 days of publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the proposed amendments to J. Michael Long, P.E., Section Chief, Roadway Management Division, Bureau of Maintenance and Operations, 555 Walnut Street, 7th Fl. Forum Place, Harrisburg, PA 17120.

Contact Person

The contact person is J. Michael Long, P.E., Section Chief, Roadway Management Division, Bureau of Maintenance and Operations, 555 Walnut Street, 7th Fl. Forum Place, Harrisburg, PA 17101, (717) 787-6899.

BRADLEY L. MALLORY,
Secretary

Fiscal Note: 18-352. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. VEHICLE CODE PROVISIONS

ARTICLE III. HIGHWAY

(Editor's Note: The Department is proposing to delete the current version of Chapter 453 as it appears in the *Pennsylvania Code*, pages 453-1—453-5 (serial pages (251085)—(251089).)

CHAPTER 453. (Reserved)

§§ 453.1—453.4. (Reserved).

[Pa.B. Doc. No. 99-1666. Filed for public inspection October 1, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 53]

[M-00991249F0007 and L-00990143]

Natural Gas Choice and Competition

The Pennsylvania Public Utility Commission (Commission) on August 12, 1999, adopted a proposed rulemaking implementing changes in requirements mandated in the Natural Gas Choice and Competition Act for natural gas distribution companies regarding recovery of natural gas

costs. The contact persons are Thomas P. Maher, Fixed Utility Services, (717) 787-5704, and Lawrence F. Barth, Law Bureau, (717) 772-8579.

Executive Summary

On June 22, 1999, Governor Thomas J. Ridge signed into law 66 Pa.C.S. §§ 2201—2211 (relating to the Natural Gas Choice and Competition Act) (act). Under 66 Pa.C.S. § 1307(f)(1)(II) (relating to sliding scale of rate adjustments) a natural gas distribution company may file a tariff to establish a mechanism by which its rates for natural gas sales may be adjusted on a regular basis but no more frequently than monthly. This monthly adjustment is to reflect actual or projected changes in natural gas costs currently reflected in rates. In the event that the natural gas distribution company adjusts rates more frequently than quarterly, it shall also offer retail gas customers a fixed rate option which recovers natural gas costs over a 12-month period.

The proposed regulation establishes parameters for the following: 1) the reconciliation mechanism and period; 2) the contract period and customer sign-up procedures; and 3) applicability to Chapter 56 (relating to standards and billing practices for residential utility service) regarding the Commission's standards and billing practices for residential utility service.

Through this proposed regulation, the Commission is seeking comments and reply comments from interested parties.

Public meeting held
August 12, 1999

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka; Nora Mead Brownell; Aaron Wilson, Jr.

Proposed Rulemaking Order

By the Commission:

I. Introduction

On June 22, 1999, Governor Thomas J. Ridge signed into law the act. Under the act, retail customers will have the ability to choose their natural gas supplier.

Previously, most consumers bought natural gas supply requirements as a bundled product from their jurisdictional public utility. The cost of this natural gas supply typically included the cost of transporting the gas through the interstate pipeline system, storing the gas if necessary, delivering the gas and the cost of the gas itself. As each natural gas distribution company's service is restructured, all customers will have the ability to purchase gas from sources independent of their local distribution company.

With regard to service for customers who continue to purchase gas from their natural gas distribution company, the act provides that each company may file a tariff which would permit it to adjust its rates on a regular basis as frequently as once a month. See 66 Pa.C.S. § 1307(f)(1)(II). Prior to the act, utilities were limited to making these adjustments no more frequently than once every quarter. Regardless of how frequently a utility chooses to adjust its rate, recovery of its costs is subject to annual reconciliation. *Id.*

Should a natural gas distribution company choose to adjust its rates more frequently than quarterly, it must offer its retail customers a fixed rate option which recovers natural gas costs over a 12-month period which is subject to annual reconciliation. *Id.*

The act directs us to promulgate rules or regulations governing the adjustments discussed above as well as the fixed rate option. In that regard, we are today setting forth for comment the proposed regulations which shall apply to each natural gas distribution company offering a fixed rate option.

II. Discussion

A. General Information

We must note at the outset that the fixed rate option is not a novel concept in itself. The New York Public Service Commission (NY PSC) has been experimenting with just such an option and now has adopted it on a permanent basis. *In the Matter of the Commission's Request for Gas Distribution Companies to Reduce Gas Cost Volatility and Provide for Alternative Gas Purchasing Mechanisms*, Case 97-G-0600, Order (Issued August 31, 1998). The NY PSC directed utilities to offer customers a fixed price option after steep increases in the price of natural gas experienced during the winter of 1996-97. *In the Matter of the Commission's Request for Gas Distribution Companies to Reduce Gas Cost Volatility and Provide for Alternative Gas Purchasing Mechanisms*, Case 97-G-0600, Order (Issued June 5, 1997).

We will . . . require each LDC [local natural gas distribution company] to submit proposals for a fixed price option. . . . Our preference is for proposals that would fix all elements of cost (including commodity, capacity, and LDC margin). We anticipate that this would be coupled with an outreach and education program to be conducted by LDCs to inform the public of this new option.

Id. at 2. The NY PSC also directed its natural gas utilities to review their gas procurement practices and to consider using purchase options such as indices, cash market and financial transactions in an attempt to foster price stability. *Id.*

With respect to the fixed price options, the NY PSC let the customer decide whether the fixed price would be in effect for the heating season or longer, but in no event would the price remain fixed for more than 1 year. *In the Matter of the Commission's Request for Gas Distribution Companies to Reduce Gas Cost Volatility and Provide for Alternative Gas Purchasing Mechanisms*, Case 97-G-0600, Order Resolving Petitions for Rehearing and Requiring the Filing of Fixed Price Option Tariffs (Issued October 7, 1997) at 4. Consistent with this, the NY PSC limited contracts to no more than 1 year. *Id.* at 5.

Moreover, the NY PSC noted that the plans submitted by the natural gas utilities differed as to what was to be fixed:

some would fix only the commodity cost of the gas while other plans would fix that element as well as additional costs, such as pipeline demand and transportation costs.

Id. at 6. The NY PSC decided that each gas utility must, at a minimum fix the commodity cost of gas. Other elements of cost could also be fixed with subsequent reconciliation to account for variations in weather, pipeline rates and similar fluctuations.

The New York experience may be instructive to us, however, it need not dictate how we will require natural

gas distribution companies to provide a fixed rate option. As neighboring states with a mix of urban, suburban and rural regions New York and the Commonwealth have much in common. However, we must note that the NY PSC acted on its own initiative implementing fixed price plans in response to a specific problem—upward price spikes during the winter of 1996-97. On the other hand, the General Assembly has changed preexisting Commonwealth law to permit utilities to adjust supply costs on a more frequently than quarterly basis and to require companies making such adjustments to offer a fixed rate option to their customers. This is part of a pervasive change to the regulation of natural gas distribution companies in this Commonwealth.

Based, in part, on the New York experience, we seek comments on the following proposed regulation for natural gas distribution companies which wish to adjust their rates more frequently than quarterly and, therefore, are required to offer a fixed rate option to their customers.

B. Reconciliation Mechanism

There are several reconciliation methodologies which may be considered regarding sales made under the fixed rate option. These could include the following:

1) inclusion of these sales, on an annual 12 month basis, within the current 66 Pa.C.S. § 1307(f), reconciliation process with no separate recognition given to the fixed rate option sales, revenues or costs;

2) a separate reconciliation on an annual 12 month basis, of the fixed rate option sales, revenues and costs which is clearly severed from the section 1307(f) reconciliation, and is performed in the same fashion and using the same mechanism as the section 1307(f) reconciliation;

3) a separate reconciliation on a heating season basis, of the fixed rate option sales, revenues and costs which is clearly severed from the section 1307(f) reconciliation, and is performed in the same fashion and using the same mechanism as the section 1307(f) reconciliation. The nonheating season sales would then be adjusted on a monthly basis;

4) no reconciliation of the fixed rate option sales, gas revenues and gas costs, which have been severed from the section 1307(f) reconciliation mechanism. This would mean that there would be no recovery by the natural gas distribution company of net undercollections and no refund to customers of overcollections.

We are seeking specific comments on two reconciliation methodologies. A separate fixed rate option reconciliation calculation, consistent with the Company's current section 1307(f) reconciliation mechanism could be employed for sales revenues and gas costs, pursuant to the fixed rate option. This reconciliation would clearly sever all sales, revenues and gas costs from the section 1307(f) reconciliation, and thus would prevent any cross subsidization between section 1307(f) customers and fixed rate option customers.

Alternatively, no reconciliation of the fixed rate option sales, revenues and gas costs would be required. The fixed rate option sales and costs would not be reflected in the section 1307(f) reconciliation charges. This method would be consistent with a competitive market place and also with the current practice of competitive Electric Generation Suppliers in the electric industry regarding kilowatt-hour (Kwh) sales, revenues and production costs.

We are interested in receiving comments on whether the fixed rate option should be reconcilable or if it should be severed from the section 1307(f) process.

C. Fixed Rate Option Reconciliation Period

The reconciliation period for a fixed rate option could track one of several time frames. The reconciliation period could conceivably be a calendar year or the company's Section 1307(f) rate effective period. It could also be based upon the company's selected year end.

We are seeking comments on the implementation of the reconciliation period to be utilized and whether companies which must make annual filings under section 1307(f), offering a fixed rate option should mirror their current section 1307(f) time frame. In addition, we seek comments on whether companies with gross interstate annual operating revenues less than \$40 million and greater than \$6 million may employ their current gas cost rate (GCR) reconciliation period regarding a fixed rate option offering.

D. Fixed Rate Option Contract Period

The act provides for the recovery of natural gas costs over a 12-month period, subject to annual reconciliation. This recovery provision does not necessarily need to coincide with the contract period of the fixed rate option offering, which may be a calendar year, the company's section 1307(f) recovery year or some other 12-month term. Additionally, the contract period may be for a 12-month period with the fixed rate option effective only for the heating months, the non-heating months billings would be based upon a rate, adjusted monthly reflecting actual sales, revenues and gas costs.

We are seeking comments on a 12-month contract term which, however need not be a calendar year. We are also seeking comment on whether a 12-month term may provide the distribution companies with a manageable process regarding customer sign-up, gas supply procurement and billing options.

E. Customer Sign-up Period

The process of when and how customers may elect to sign up for participation in a fixed rate option offering needs to be established. We propose that customers eligible for the fixed rate option should be provided a 3 month window which ends on the first day of the contract period. This may be accomplished by each company providing notice to eligible customers along with each of the three billings preceding the commencement of the contract year. Each customer who is eligible for the fixed rate option program should be provided a clear and understandable method to request participation in the program. This application should include the following information at a minimum: 1) customer name; 2) account number; 3) address; 4) billing address if different; 5) a clear description of the fixed rate option program including what components of the bill will be fixed; 6) the price per unit; and 7) any other information deemed relevant to provide a clear understanding of the fixed rate option program offering.

F. Applicability of Chapter 56

Chapter 56 contains the Commission's Standards and Billing Practices for Residential Utility Service. It should be noted that all provisions of Chapter 56 will be applicable to customers receiving service under any fixed rate option program. Budget bill options required by § 56.12(7) will continue to be available to residential consumers.

Accordingly, under 66 Pa.C.S. §§ 501, 1301, 1307 and 1501, and the Commonwealth Documents Law (45 P. S. § 1201 et seq.), and the regulations promulgated there-

under at 1 Pa. Code §§ 7.1—7.4, we propose to amend our regulations by adding § 53.69, as noted above and as set forth in Annex A; Therefore,

It Is Ordered that:

1. The Secretary shall submit this order and Annex A to the Office of the Attorney General for preliminary review as to form and legality.

2. The Secretary shall submit a copy of this order, together with Annex A, to Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this order and Annex A for review and comments by the designated standing committees of the General Assembly, and for review and comments by the Independent Regulatory Review Commission.

4. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. Within 30 days of the date of publication of this order in the *Pennsylvania Bulletin*, an original and 15 copies of any comments concerning this order shall be submitted to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. One copy of a diskette containing comments in electronic format should also be submitted. One copy of each comment should also be submitted to the contact persons below.

6. The contact persons for this matter are Thomas P. Maher, Fixed Utility Services, (717) 787-5704, maher@puc.state.pa.us, and Lawrence F. Barth, Assistant Counsel, Law Bureau, (717) 772-8579, barth@puc.state.pa.us. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau (717) 772-4579.

7. A copy of this order and Annex A be sent to each natural gas distribution company subject to the Commission's jurisdiction, each natural gas supplier licensed to conduct business within this Commonwealth, the Office of Consumer Advocate, the Office of Small Business Advocate and the Commission's Office of Trial Staff.

By the Commission

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-207. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS

RECOVERY OF FUEL COSTS BY GAS UTILITIES

§ 53.69. Fixed rate option.

(a) Components of the fixed rate option shall include all gas costs as defined in section 1307(g) of the act (relating to sliding to scale of rates; adjustments). The natural gas distribution company may offer a fixed rate option to collect these costs for either the heating season or for another time period which exceeds the heating season in duration, but in no event exceeds 12 months.

(b) Natural gas distribution companies adjusting rates for natural gas sales on a regular, less than quarterly but no more frequent than monthly, basis shall submit a separate reconciliation calculation of the fixed rate option service, consistent with the company's response to § 53.64(i) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million). This reconciliation shall present the fixed rate option sales, revenues and costs, separated from the reconciliation of other retail sales. The reconciliation period of fixed rate option sales shall be the same period used to reconcile the company's other retail sales as presented in compliance with section 1307(f)(3) of the act.

(c) Eligible customers may sign up for the fixed rate option during the 3-month period which ends on the 1st day of the 12-month fixed rate option contract period.

(d) Chapter 56 (relating to standards and billing practices for residential utility service) is applicable to all fixed rate option sales to residential customers.

[Pa.B. Doc. No. 99-1667. Filed for public inspection October 1, 1999, 9:00 a.m.]

**STATE BOARD OF
MEDICINE
STATE BOARD OF
NURSING**

[49 PA. CODE CHS. 18 AND 21]

Certified Registered Nurse Practitioners Prescriptive Authority

The State Boards of Medicine and Nursing (Boards) propose to amend their regulations governing certified registered nurse practitioners (CRNPs) Chapters 18 and 21 (relating to State Board of Medicine; and State Board of Nursing), to read as set forth in Annex A, relating to CRNP prescriptive authority.

A. Effective Date

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

B. Statutory Authority

Section 15(b) of the Medical Practice Act of 1985 (63 P. S. § 422.15(b)) authorizes the Boards to jointly promulgate regulations authorizing CRNPs to perform acts of medical diagnoses and prescription of medical, therapeutic, diagnostic or corrective measures. Section 2(1) of the Professional Nursing Law (63 P. S. § 212(1)) similarly indicates that a professional nurse may perform acts of medical diagnosis or prescription of medical therapeutic or corrective measures only if the Boards promulgate regulations authorizing these acts. These provisions were originally enacted in the practice acts of 1974. Under the 1974 laws, the Boards jointly promulgated the current regulations which provide for certification of nurse practitioners.

C. Background and Purpose

In accordance with their statutory authority the Boards have negotiated rulemaking which would authorize

CRNPs to prescribe and dispense drugs. CRNPs are advanced practice nurses who are certified by the Boards in a particular clinical specialty area. See §§ 18.21 et seq. and 21.251 et seq. An applicant for certification as a CRNP shall be a currently licensed professional or registered nurse who has successfully completed a course of study of at least 1 academic year in a program approved by the Boards. See §§ 18.41 and 21.271. Almost all nurse practitioner programs grant a master's degree and include a course in advanced pharmacology. The proposed regulations will enable Pennsylvania CRNPs to make full use of their advanced education and skills.

At the present time CRNPs in most states have varying degrees of prescriptive and dispensing authority. Only about eight states do not permit CRNPs to prescribe or dispense drugs.¹ The remaining states authorize CRNPs to prescribe or dispense, or both, with varying degrees of regulation or limitation. Of the states permitting CRNPs to prescribe drugs, 32 states require the authority to be identified in the collaborative agreement, 13 states limit prescribing authority to substances which are not controlled, and 27 allow prescription of controlled substances, but with varying degrees of regulation or limitation.²

D. Description of Proposed Regulations

The proposal would add two new sections to the existing regulations regarding CRNPs. The first section, §§ 18.53 and 21.283, of the State Board of Medicine and the State Board of Nursing, would establish the requirements a CRNP shall meet to prescribe and dispense drugs: completion of a CRNP program approved by the Boards, which includes a course in advanced pharmacology, and adherence to standards for prescribing already established by the State Board of Medicine and the Department of Health.

The second sections, §§ 18.54 and 21.284, specify categories of drugs which a CRNP may prescribe and dispense without restriction, those which the CRNP may prescribe and dispense with limitations, and those which the CRNP may not prescribe or dispense. The first category contains those drugs a CRNP will be able to prescribe and dispense without specific limits (§§ 18.54(b) and 21.284(b)). The second category contains those drugs a CRNP will be able to prescribe and dispense only if the collaborative agreement between the physician and CRNP authorizes prescribing and dispensing those drugs (§§ 18.54(c) and 21.284(c)). The third category contains those drugs which a CRNP may not prescribe or dispense (§§ 18.54(d) and 21.284(d)). This section also establishes the parameters for prescribing and dispensing controlled substances (§§ 18.54(f) and (g) and 21.284(f) and (g)). Further provisions would establish procedures to deal with an inappropriately prescribed or dispensed drug (§§ 18.54(e) and 21.284(f)), requirements pertaining to prescription blanks (§§ 18.54(h) and 21.284(h)) and documentation of the prescription in a patient's medical record (§§ 18.54(i) and 21.284(i)).

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed regulations the Boards solicited input and suggestions from the regulated community. The Boards mailed a draft on June 26, 1998, to 54 organiza-

tions, entities and individuals who had an interest in CRNP prescribing. The Boards received 373 responses to the solicitation. The Boards revised the draft as a result of the responses.

F. Fiscal Impact and Paperwork Requirements

There will not be an adverse fiscal impact or additional paperwork imposed on the Commonwealth, political subdivisions or the private sector. Citizens of this Commonwealth will benefit from having more ready access to cost-effective, quality health care.

There will be a very slight increase in paperwork to the regulated community in regard to certain categories of drugs because a CRNP would be authorized to prescribe or dispense from these categories only if the authorization is documented in the collaborative agreement.

G. Sunset Date

The Boards continuously monitor their regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 17, 1999, the Boards submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposal, the Boards have provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Boards in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Boards within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections prior to final publication of the proposed regulations by the Boards, the General Assembly and the Governor of objections raised.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulations to Cindy Warner, Health Licensing Division, Bureau of Professional and Occupational Affairs, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of the proposed regulations in the *Pennsylvania Bulletin*. Please cite to *CRNP Prescriptive Authority* when submitting comments. Please do not send copies of the same comment to both Boards.

DANIEL B. KIMBALL, Jr., M.D.,
Chairperson
State Board of Medicine
and

CHRISTINE ALICHNIE, Ph.D., R.N.,
Chairperson
State Board of Nursing

Fiscal Note: 16A-499. No fiscal impact; (8) recommends adoption.

¹ U.S. Department of Health and Human Services, Health Resources & Services Administration, "Curriculum Guidelines & Regulatory Criteria for Family Nurse Practitioners Seeking Prescriptive Authority to Manage Pharmacotherapeutics in Primary Care, Summary Report, 1998 (Curriculum Guidelines)," (Prepared by National Council of State Boards of Nursing and National Organization of Nurse Practitioner Faculties) page 14, Table 1.

² Curriculum Guidelines, pages 17-18, Tables 3-4.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS

CRNP PRACTICE

§ 18.53. Prescribing and dispensing drugs.

A CRNP may prescribe and dispense drugs if:

(1) The CRNP has completed a CRNP program which is approved by the Boards or, if completed in another state, is equivalent to programs approved by the Boards.

(2) The CRNP program includes a core course in advanced pharmacology.

(3) In prescribing and dispensing drugs a CRNP shall comply with standards of the State Board of Medicine in §§ 16.92—16.94 (relating to prescribing, administering and dispensing controlled substances; packaging; and labeling of dispensed drugs) and the Department of Health in 28 Pa. Code § 25.51—25.58, 25.61—25.81 and 25.91—25.95 (relating to prescriptions and labeling of drugs, devices and cosmetics and controlled substances).

§ 18.54. Prescribing and dispensing parameters.

(a) The Board adopts the *American Hospital Formulary Service Pharmacologic-Therapeutic Classification* to identify drugs which the CRNP may prescribe and dispense subject to the parameters identified in this section.

(b) A CRNP may prescribe and dispense a drug from the following categories without limitation (unless the drug is limited or excluded under other subsections):

- (1) Antihistamines.
- (2) Anti-infective agents
- (3) Cardiovascular drugs.
- (4) Contraceptives including foams and devices.
- (5) Diagnostic agents.
- (6) Disinfectants for agents used on objects other than skin.
- (7) Electrolytic, caloric and water balance.
- (8) Enzymes.
- (9) Antitussive, expectorants and mucolytic agents.
- (10) Gastrointestinal drugs.
- (11) Local anesthetics.
- (12) Serums, toxoid and vaccines.
- (13) Skin and mucous membrane agents.
- (14) Smooth muscle relaxants.
- (15) Vitamins.
- (16) Hypoglycemic agents.
- (17) Endocrine replacement agents.

(c) A CRNP may prescribe and dispense a drug from the following categories if that authorization is documented in the collaborative agreement:

- (1) Autonomic drugs.
- (2) Blood formation, coagulation and anticoagulation drugs, and thrombolytic and antithrombolytic agents.
- (3) Central nervous system agents, except that the following drugs are excluded from this category:
 - (i) General anesthetics.
 - (ii) Monoamine oxidase inhibitors.
- (4) Myotics and mydriatics.
- (5) Antineoplastic agents originally prescribed by the collaborating physician and approved for ongoing therapy.

(d) A CRNP may not prescribe or dispense a drug from the following categories:

- (1) Gold compounds.
- (2) Heavy metal antagonists.
- (3) Radioactive agents.

(e) If a collaborating physician learns that the CRNP is prescribing or dispensing a drug inappropriately, the collaborating physician shall immediately advise the CRNP and the CRNP shall stop prescribing or dispensing the drug and shall advise the pharmacy to stop dispensing the drug. The CRNP shall immediately advise the patient to stop taking the drug. This action shall be noted by the CRNP in the patient's medical record.

(f) Restrictions on CRNP prescribing and dispensing practices are as follows:

(1) CRNP may write for a Schedule II controlled substance for up to a 72-hour dose. The CRNP shall notify the collaborating physician immediately (within 24 hours).

(2) A CRNP may prescribe a Schedule III or IV controlled substance for up to 30 days. The prescription may not be refilled unless the collaborating physician authorizes refills.

(g) A CRNP may not:

(1) Prescribe or dispense a Schedule I controlled substance as defined in section 4 of the Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § 780-14).

(2) Prescribe or dispense a drug for a use not permitted by the United States Food and Drug Administration.

(3) Delegate prescriptive authority specifically assigned to the CRNP by the collaborating physician to another health care provider.

(h) A prescription blank shall bear the certification number of the CRNP, the name of the CRNP in printed format at the top of the blank and a space for the entry of the DEA registration number, if appropriate. The collaborating physician shall also be identified as required in § 16.91 (relating to identifying information on prescriptions and orders for equipment and service).

(i) The CRNP shall document in the patient's medical record the name, amount and dose of the drug prescribed, the number of refills, the date of the prescription and the CRNP's name.

CHAPTER 21. STATE BOARD OF NURSING

Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS

CRNP PRACTICE

§ 21.283. Prescribing and dispensing drugs.

A CRNP may prescribe and dispense drugs if:

(1) The CRNP has completed a CRNP program which is approved by the Boards or, if completed in another state, is equivalent to programs approved by the Boards.

(2) The CRNP program includes a core course in advanced pharmacology.

(3) In prescribing and dispensing drugs a CRNP shall comply with standards of the State Board of Medicine in §§ 16.92—16.94 (relating to prescribing, administering and dispensing controlled substances; packaging; and labeling of dispensed drugs) and the Department of Health in 28 Pa. Code §§ 25.51—25.58, 25.61—25.81 and 25.91—25.95 (relating to prescriptions and labeling of drugs, devices and cosmetics and controlled substances).

§ 21.284. Prescribing and dispensing parameters.

(a) The Board adopts the *American Hospital Formulary Service Pharmacologic-Therapeutic Classification* to identify drugs which the CRNP may prescribe and dispense subject to the parameters identified in this section.

(b) A CRNP may prescribe and dispense a drug from the following categories without limitation (unless the drug is limited or excluded under other subsections):

- (1) Antihistamines.
- (2) Anti-infective agents.
- (3) Cardiovascular drugs.
- (4) Contraceptives including foams and devices.
- (5) Diagnostic agents.
- (6) Disinfectants for agents used on objects other than skin.
- (7) Electrolytic, caloric and water balance.
- (8) Enzymes.
- (9) Antitussive, expectorants and mucolytic agents.
- (10) Gastrointestinal drugs.
- (11) Local anesthetics.
- (12) Serums, toxoid and vaccines.
- (13) Skin and mucous membrane agents.
- (14) Smooth muscle relaxants.
- (15) Vitamins.
- (16) Hypoglycemic agents.
- (17) Endocrine replacement agents.

(c) A CRNP may prescribe and dispense a drug from the following categories if that authorization is documented in the collaborative agreement:

- (1) Autonomic drugs.
- (2) Blood formation, coagulation and anticoagulation drugs, and thrombolytic and antithrombolytic agents.
- (3) Central nervous system agents, except that the following drugs are excluded from this category:

(i) General anesthetics.

(ii) Monoamine oxidase inhibitors.

(4) Myotics and mydriatics.

(5) Antineoplastic agents originally prescribed by the collaborating physician and approved for ongoing therapy.

(d) A CRNP may not prescribe or dispense a drug from the following categories:

(1) Gold compounds.

(2) Heavy metal antagonists.

(3) Radioactive agents.

(e) If a collaborating physician learns that the CRNP is prescribing or dispensing a drug inappropriately, the collaborating physician shall immediately advise the CRNP and the CRNP will stop prescribing or dispensing the drug and will advise the pharmacy to stop dispensing the drug. The CRNP shall immediately advise the patient to stop taking the drug. This action shall be noted by the CRNP in the patient's medical record.

(f) Restrictions on CRNP prescribing and dispensing practices are as follows:

(1) A CRNP may write a prescription for a Schedule II controlled substance for up to a 72-hour dose. The CRNP shall notify the collaborating physician immediately (within 24 hours).

(2) A CRNP may prescribe a Schedule III or IV controlled substance for up to 30 days. The prescription may not be refilled unless the collaborating physician authorizes refills.

(g) A CRNP may not:

(1) Prescribe or dispense a Schedule I controlled substance as defined in section 4 of the Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § 780-14).

(2) Prescribe or dispense a drug for a use not permitted by the United States Food and Drug Administration.

(3) Delegate prescriptive authority specifically assigned to the CRNP by the collaborating physician to another health care provider.

(h) A prescription blank shall bear the certification number of the CRNP, the name of the CRNP in printed format at the top of the blank and a space for the entry of the DEA registration number, if appropriate. The collaborating physician shall also be identified as required in § 16.91 (relating to identifying information on prescriptions and orders for equipment and service).

(i) The CRNP shall document in the patient's medical record the name, amount and dose of the drug prescribed, the number of refills, the date of the prescription and the CRNP's name.

[Pa.B. Doc. No. 99-1668. Filed for public inspection October 1, 1999, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

[49 PA. CODE CH. 19]

Application Fees

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend § 19.4 (relating to fees) by revising certain application fees to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

The proposed amendment is authorized under section 30(b) of the Board of Vehicles Act (act) (63 P. S. § 818.30(b)).

C. Background and Purpose

The act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs, the fees for services to licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

$$\begin{array}{l} \text{number of minutes to perform the function} \\ \times \\ \text{pay rate for the classification of personnel performing the} \\ \text{function} \\ + \\ \text{a proportionate share of administrative overhead.} \end{array}$$

The analysis determined that the fees for nine services do not accurately reflect the actual cost of providing those services: license application as vehicle salesperson or representative; license application as vehicle manufacturer, distributor or manufacturer's branch; license application as vehicle dealer, broker, used or branch lot; reinspection after failure; change of employment status-vehicle salesperson or representative; business change with no inspection; business change with inspection; certification of license history; and verification of license.

The current fees have not been revised since 1989. In addition, no fee is currently in place for reinspection after failure or certification of license history.

In this proposal, fees for the services identified previously would be adjusted to allocate costs to those who use the service or make an application. The Board would continue to apportion enforcement and operating costs to

the general licensing population by means of its license renewal fees through the biennial reconciliation of revenue and expenditures.

D. Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendments the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

E. Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The proposed amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

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

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 17, 1999, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposal, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the proposed amendment, by the Board, the General Assembly and the Governor, of objections raised.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to Teresa Woodall, Administrative Officer, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-600 (Application Fees), when submitting comments.

ROBERT G. PICKERILL,
Chairperson

Fiscal Note: 16A-600. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

GENERAL PROVISIONS

§ 19.4. Fees.

Vehicle salesperson license application	\$	[15]	25
Vehicle representative license application		[15]	25
Vehicle manufacturer license application		[20]	30
Manufacturer branch license application		[20]	30
Wholesale distributor license application		[20]	30
Vehicle dealer license application		[55]	65
Vehicle broker license application		[55]	65
Dealer or broker branch license application		[55]	65
Used vehicle lot license application		[55]	65
Vehicle salesperson change of employer trans- fer application		[15]	25
Business name or post office address change		[15]	30
Business physical location change		[20]	60
Verification of licensure		[10]	15
Reinspection after failure			45
Certification of license history			25
Biennial renewal—vehicle salesperson license			35

* * * * *

[Pa.B. Doc. No. 99-1669. Filed for public inspection October 1, 1999, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

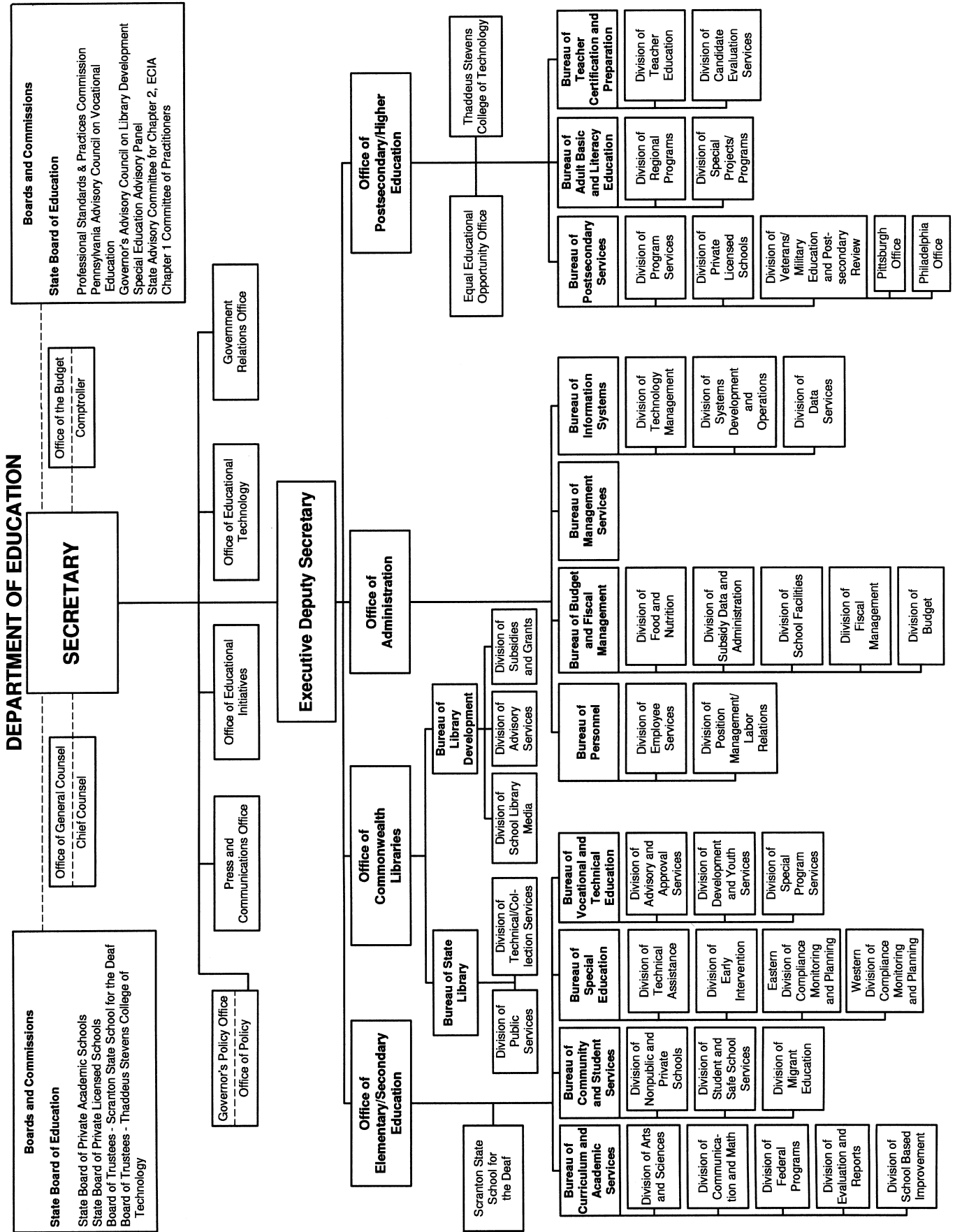
Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective September 13, 1999.

The organization chart at 29 Pa.B. 5108 (October 2, 1999) 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. 99-1670. Filed for public inspection October 1, 1999, 9:00 a.m.]



Title 28—HEALTH AND SAFETY

HEALTH CARE COST CONTAINMENT COUNCIL [28 PA. CODE CH. 911] Severity Methodology

The Health Care Cost Containment Council (Council), under the authority of section 5(b) of the Pennsylvania Health Care Cost Containment Act (35 P. S. § 449.5(b)), is submitting a statement of policy to amend §§ 911.1, 911.3 and 911.4 (relating to definitions; Council adoption of methodology; and adoption of data elements to be reported to the Council). The amendments remove specific reference to a particular methodology currently used by the Council to afford the Council flexibility in selecting an alternative methodology for measuring provider quality and provider service effectiveness.

Purpose

The purpose of this statement of policy is to give the Council greater flexibility in responding to the marketplace. The amendments will enable the Council to change its vendor if the vendor fails to meet its contractual requirements.

Summary of Amendments

The amendments remove specific reference to the MedisGroups methodology to afford the Council flexibility in selecting a methodology for measuring provider quality and provider service effectiveness.

Affected Parties

All data sources in this Commonwealth are currently required to use the MedisGroups methodology.

Paperwork Requirements

The amendments will not impose additional paperwork on the private sector, the general public or the Commonwealth and its political subdivisions.

Fiscal Impact

The amendments will have no fiscal impact on the regulated community, the State or local governments.

Effective Date

The amendments will be effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

The Council continually monitors its statements of policy and regulations. Therefore, no sunset date has been assigned.

Contact Person

For further information, contact Marc P. Volavka, Executive Director, Pennsylvania Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787.

LEONARD BORESКИ,
Chairperson

(Editor's Note: The regulations of the Council, 28 Pa. Code Chapter 911, are amended by amending a statement of policy at §§ 911.1, 911.3 and 911.4 to read as set forth in Annex A, with ellipses referring to the existing text of the policy statement. For a regulation relating to this statement of policy, see 29 Pa.B. 5094 (October 2, 1999)

Fiscal Note: 100-15. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART VI. HEALTH CARE COST CONTAINMENT COUNCIL

CHAPTER 911. DATA SUBMISSION AND COLLECTION

Subchapter A. STATEMENT OF POLICY

§ 911.1. Definitions.

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

* * * * *

Major ambulatory service—Surgical or medical procedures. The term includes, but is not limited to, diagnostic and therapeutic radiological procedures, commonly performed in hospitals or ambulatory service facilities, which are not of a type commonly performed or which cannot be safely performed in a physician's office and which require special facilities such as operating rooms or suites or special equipment such as fluoroscopic equipment or computed tomographic scanners, or a postprocedure recovery room or short-term convalescent room.

Patient severity—A measure of severity of illness as defined by the Council using appropriate clinical findings, such as physician examinations, radiology findings, laboratory findings and pathology findings or any other relevant clinical factors.

* * * * *

§ 911.3. Council adoption of methodology.

Under section 6(d) of the act (35 P. S. § 449.6(d)), the Council will adopt a methodology required to collect and report provider quality and provider service effectiveness. Periodically, the Council will review the methodology and, if a change is necessary, it will be made by majority vote of the Council at a public meeting. Notice of the change will be given to all appropriate data sources within 30 days and at least 180 days before the change is to be implemented.

§ 911.4. Adoption of data elements to be reported to the Council.

* * * * *

TABLE A

**PENNSYLVANIA UNIFORM CLAIMS AND BILLING
FORM DATA ELEMENTS**

<i>Field</i>	<i>Data Element</i>	<i>Definition</i>
		* * * * *
20	Patient Discharge Status	The status of the patient at discharge.
21c	Unusual Occurrence	Infections acquired while in the hospital. Nosocomial infections are defined as those infections that are clinically manifested after 72 hours in the hospital, unless: <ol style="list-style-type: none"> 1. They are evident within 72 hours after admission and are related to a previous hospitalization; 2. They are related to a hospital procedure performed within the first 72 hours.
		* * * * *

[Pa.B. Doc. No. 99-1671. Filed for public inspection October 1, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Application Period for Agricultural and Rural Youth Organization Grant Program

The Department of Agriculture (Department) announces the opening of the application period for funding from the Agricultural and Rural Youth Organization Grant (ARYOG) Program for 2000. Grant applications will be accepted at Room 310, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, from October 18 to December 3, 1999. Applications must be postmarked by December 3, 1999, to be considered for funding. Telefax submissions are not acceptable.

The ARYOG Program was created by the General Assembly through the passage of Act 33, effective August 6, 1991. The program is funded through the Rural Rehabilitation Corporation assets. For program guidelines, see the Agricultural and Rural Youth Organization Grant Program policy statement published in the April 4, 1992, edition of the *Pennsylvania Bulletin* (7 Pa. Code Chapter 137f).

The objective of the ARYOG Program is to encourage projects which will increase knowledge and awareness of agricultural issues and other issues specific to rural areas within this Commonwealth. This educational effort is directed toward the youth of this Commonwealth.

For this application year, the Agricultural and Rural Youth Organization Grant Program will award direct grants of up to \$2,500 and matching grants up to \$10,000.

Obtaining Applications

Applications are available upon request by contacting any Department regional office or the Department of Agriculture, Rm. 310, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-9944 or (717) 783-3181.

Regional Offices:

Northwest—Region I
Director George Gregg
13410 Dunham Rd.
Meadville, PA 16335
(814) 332-6890

Northcentral—Region II
Director J. Wayne Yorks
2130 County Farm Road, Suite #102
Montoursville, PA 17754-9685
(570) 433-2640

Northeast—Region III
Director Russell Gunton
Route 92 South, P. O. Box C
Tunkhannock, PA 18657-0318
(570) 836-2181

Southwest—Region IV
Director R. Edwin Nehrig
5349 William Flynn Highway
Gibsonia, PA 15044-9644
(724) 443-1585

Southwest Central—Region V
Director Kenneth R. Mowry
1304 7th Street
Cricket Field Plaza
Altoona, PA 16601-4863
(814) 946-7315

Southcentral—Region VI
Director Warren Mathias
P. O. Box 419
Summerdale, PA 17093-0419
(717) 787-3400

Southeast—Region VII
Director Frank Stearns
Rt.113
P. O. Box 300
Creamery, PA 19430
(610) 489-1003

For further assistance, contact Carl Muller, Economic Development Specialist for the Bureau of Market Development, Room 310, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-9944 or (717) 783-3181.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 99-1672. Filed for public inspection October 1, 1999, 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 September 21, 1999.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-15-99	Hudson United Bancorp, Mahwah, New Jersey, to acquire 100% of the voting shares of JeffBanks, Inc., Haverford, Pennsylvania, and so indirectly acquire Jefferson Bank, Haverford, Pennsylvania	Mahwah, NJ	Approved

New Bank Charters

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-20-99	The Legacy Bank of Harrisburg Harrisburg Dauphin County	2600 Commerce Drive Harrisburg Dauphin County	Commenced Operations

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-17-99	Summit Bank, Bethlehem, and Prime Bank, Philadelphia Surviving Institution—Summit Bank, Bethlehem	Bethlehem	Effective

Branch acquired by merger:

6425 Rising Sun Avenue
Philadelphia
Philadelphia County
(Former Main Office of Prime Bank)

Note: All branch offices of Prime Bank will become branch offices of Summit Bank subsequent to the merger.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-15-99	Patriot Bank Pottstown Montgomery County	151 Good Drive Lancaster Lancaster County	Approved
9-15-99	Patriot Bank Pottstown Montgomery County	500 Office Center Dr. Fort Washington Montgomery County	Approved
9-15-99	Patriot Bank Pottstown Montgomery County	65 E. Elizabeth Ave. Bethlehem Northampton County	Approved
9-15-99	Jefferson Bank Haverford Montgomery County	11725 Bustleton Ave. Philadelphia Philadelphia County	Authorization Rescinded
9-20-99	Summit Bank Bethlehem Northampton County	Genuardi's Family Market 2395 York Road Jamison Bucks County	Filed
9-20-99	Summit Bank Bethlehem Northampton County	Genuardi's Family Market 73 Old Dublin Pike Doylestown Bucks County	Filed
9-21-99	Northwest Savings Bank Warren Warren County	800 State Street Erie Erie County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-13-99	First Liberty Bank & Trust Jermyn Lackawanna County	<i>To:</i> Route 435 Moscow Lackawanna County <i>From:</i> Route 502 Moscow (Daleville) Lackawanna County	Effective
9-17-99	Laurel Bank Johnstown Cambria County	<i>To:</i> Route 88 & Route 188 Rices Landing Jefferson Township Greene County <i>From:</i> 36 Green Street Jefferson Greene County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-20-99	Laurel Bank Johnstown Cambria County	1235 Main Street Shanksville Somerset County	Approved
9-20-99	Laurel Bank Johnstown Cambria County	976 Barn Street Hooversville Somerset County	Approved
9-20-99	Laurel Bank Johnstown Cambria County	7109 Mason Dixon Hwy. Meyersdale Somerset County	Approved

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
9-14-99	Schuylkill County School Employees Credit Union, Pottsville, and Good Samaritan Hospital Pottsville Federal Credit Union, Pottsville Surviving Institution—Schuylkill County School Employees Credit Union, Pottsville	Pottsville	Filed

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-1673. Filed for public inspection October 1, 1999, 9:00 a.m.]

**DEPARTMENT OF
EDUCATION****Application of Potomac College, Washington, D.C.
for Approval of its Request to Offer Degree
Programs in York and Pittsburgh, PA***Notice of Opportunity for Hearing
and Invitation to Protest*

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Potomac College located in Washington, D.C. for a Certificate of Authority approving the institution's offering of Bachelor of Science degree programs in Management and in Computer Systems Management in York, PA beginning in September, 2000,

and in Pittsburgh, PA beginning in September, 2001. The programs are categorized as nontraditional and are geared to the working adult.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write

to the aforementioned office to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Dr. Warren Evans at the previously listed telephone number

to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-1674. Filed for public inspection October 1, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface 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 effluent limitations and special conditions. These proposed determinations are tentative.

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 123.6E.

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. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

PA 0057819. Sewage, **New Hanover Township**, 2943 North Charlotte Street, Gilbertsville, PA 19525-9718.

This application is for issuance of an NPDES permit to discharge treated sewage from New Hanover Township wastewater treatment plant in New Hanover Township, **Montgomery County**. This is a new discharge to Swamp 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 0.825 mgd are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅ (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N) (5-1 to 10-31)	4.0		8.0
(11-1 to 4-30) (7-1 to 10-31)	12.0		24.0
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		

Other Conditions:

The EPA waiver is in effect.

Conditions for future permit modification.

Effective disinfection.

PA 0036897. Sewage, **Borough of South Coatesville**, 136 Modena Road, South Coatesville, PA 19320.

This application is for renewal of an NPDES permit to discharge treated sewage from Borough of South Coatesville wastewater treatment plant in South Coatesville Borough, **Chester County**. This is an existing discharge to the West Branch of Brandywine 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 01, based on an average flow of 0.365 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 ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	7.0		14.0
(11-1 to 4-30)	21.0		42.0
Phosphorus (as P) (4-1 to 10-31)	2.0		4.0
Total Residual Chlorine	0.5		1.2
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.

Conditions for future permit modification.

Effective disinfection.

PA 0056316. Sewage, **Robert G. Fitton**, 3260 Mink Road, Kintnersville, PA 18930-9547.

This application is for renewal of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in Springfield Township, **Bucks County**. This is an existing discharge to an unnamed tributary to Haycock 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 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0011436. Industrial waste, **Handy and Harmon Tube Company**, 701 West Township Line Road, Norristown, PA 19403-4629.

This application is for renewal of an NPDES permit to discharge treated groundwater and stormwater from the Handy and Harmon Tube Company in East Norriton Township, **Montgomery County**. This is an existing discharge to Stoney 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 average flows are as follows:

For Monitoring Point MP101:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chloroform	0.086		0.22
Tetrachloroethylene	0.010		0.025
1,1,1 Trichloroethane	monitor/report		
Trichloroethylene	0.0097		0.024
Zinc	monitor/report		

For Outfall 001 during nonstormwater events:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			90°F
pH	within limits of 6.0—9.0 standard units at all times		
Total Dissolved Solids	monitor/report		

Stormwater monitoring for Outfall 001 as follows:

	<i>Instantaneous Maximum</i>
CBOD ₅	monitor/report
COD	monitor/report
Oil and Grease	monitor/report
pH	monitor/report
Total Suspended Solids	monitor/report
Total Kjeldahl Nitrogen	monitor/report
Total Phosphorus	monitor/report
Dissolved Iron	monitor/report
Trichloroethylene	monitor/report

Other Conditions:

The EPA waiver is in effect.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.

PA 0063266. Industrial waste, SIC: 2611, **Ponderosa Fibres of PA**, 6 Horwith Drive, P. O. Box 190, Northampton, PA 18067.

This proposed action is for renewal of an NPDES permit to discharge treated process into the Lehigh River in Northampton Borough, **Northampton County**.

The receiving stream is classified for the following uses: warm water trout stocking fishery, aquatic life, water supply and recreation.

Effluent requirements for TDS and Total Phenols were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of .360 mgd are:

<i>Parameter</i>	<i>Monthly Average (lbs/day)</i>	<i>Daily Maximum (lbs/day)</i>	<i>Instantaneous Maximum (lbs/day)</i>
CBOD ₅	1,156	2,127	
Percent Removal/CBOD ₅	monitor and report		
TSS	180	340	
Percent/Removal/TSS	monitor and report		
TDS	17,000	17,000	
Color			100 pt-CO units
Temperature			110°F
pH			6—9 su at all times
Total Phenols	monitor and report		

Stormwater Outfalls 001 and 002—Uncontaminated stormwater

The EPA waiver is in effect.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PA 0034304. Industrial waste and Sewage, SIC: 3341, **Cambridge Lee Industries**, P. O. Box 14026, Reading, PA 19612-4026.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage and industrial waste to Schuylkill River, in Ontelaunee 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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located 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 0.04 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N	20	40
Total Residual Chlorine (Interim)	monitor and report	—
(Final)	1.0	2.0
Dissolved Oxygen	minimum of 5.0 at all times from 6.0 to 9.0 inclusive	
pH		
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	10,000/100 ml as a geometric average	

The proposed effluent limits for Outfall 002 for a design flow of 0.392 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0 to 9.0 inclusive	
Total Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Osmotic Pressure	monitor and report	—	—
Total Zinc	0.796	1.592	1.990
Total Copper	0.121	0.242	0.303
Total Molybdenum	monitor and report	—	—
Temperature	—	monitor and report	—

The proposed effluent limits for Outfall 005 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0 to 9.0 inclusive	
Total Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Osmotic Pressure	monitor and report	—	—
Oil and Grease	15	30	30
Total Zinc	0.796	1.592	1.990
Total Copper	0.121	0.242	0.303
Total Molybdenum	monitor and report	—	—
Temperature	—	monitor and report	—

Persons 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 in effect.

PA 0013609. Industrial waste, SIC: 3089, 2541, 2542 and 3827, **HMG Intermark Worldwide Manufacturing Company**, 234 South Eighth Street, Reading, PA 19602-1217.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Schuylkill River, in Reading City, **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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Borough of Pottstown located 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 0.10 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 su at all times	
Total Suspended Solids	10	20	25

Persons 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 in effect.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA 0003042. Industrial waste, SIC: 2819, **Welland Chemical, Inc.**, P. O. Box 26, Mill Street, Newell, PA 15466.

This application is for amendment of an NPDES permit to discharge treated process water, from the Newell Works in Newell Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Washington Township Municipal Authority, located at 1390 Fayette Avenue, Belle Vernon, PA 15012, 4.1 miles below the discharge point.

Outfall 002: existing discharge, design flow of 0.06 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)	monitor and report				
Suspended Solids			30	100	
Oil and Grease			15	20	
Temperature (°F)					110
Ammonia (as N)			6.4	64	
Nitrate (as N)			150	300	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Outfall 003: existing discharge, design flow of 0.003 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)	monitor and report				
Suspended Solids			30	100	
Oil and Grease			15	20	
Temperature (°F)					110
Ammonia (as N)			6.4	64	
Nitrate (as N)			150	300	
pH	not less than 6.0 nor greater than 9.0				

PA 0095231. Industrial waste, SIC: 4941, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701.

This application is for issuance of an NPDES permit to discharge treated process water from the Arcadia Water Treatment Plant in Montgomery Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to Cush Creek, classified as a CWF fishery with existing and/or potential uses for aquatic life, water supply and recreation.

Outfall 001: new discharge, design flow of 0.0008 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	monitor and report				
TSS			30		60
Total Iron			2		4

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Aluminum			4		8
Manganese			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0095265. Industrial waste, SIC, **Heilwood Water Treatment Plant, Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701.

This application is for issuance of an NPDES permit to discharge treated process water from Heilwood Water Treatment Plant in Pine Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Yellow Creek, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation.

Outfall 001: new discharge, design flow of 0.001 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
TSS			30		60
Total Iron			2		4
Aluminum			4		8
Manganese			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0032425. Sewage, **DCNR—Bureau of State Parks, Ohiopyle State Park**, P. O. Box 105, Dinnerbell Road, Ohiopyle, PA 15470-0105.

This application is for renewal of an NPDES permit to discharge treated sewage from the Ohiopyle State Park Campground Sewage Treatment Plant in Stewart Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Youghiogheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority located on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.04 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.5			5.0
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	0.01			0.02
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.

PA 0216747. Sewage, **Consol PA Coal Company, Waynesburg Operations**, P. O. Box 174, Graysville, PA 15337.

This application is for renewal of an NPDES permit to discharge treated sewage from West Finley Portal STP in West Finley Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale to Robinson Fork, 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 Bayer Corporation on the Ohio River in West Virginia.

Outfall 001: existing discharge, design flow of 0.025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5			10
(11-1 to 4-30)	15			30
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	0.5			1.0
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Regional Office: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

PA 0221210. Sewage, **Faith Baptist Church of Albion**, 11311 State Route 18, Albion, PA 16410-0013.

This application is for renewal of an NPDES permit to discharge treated sewage to an unnamed tributary to Conneaut Creek in Conneaut Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. There is no potable water supply affected by the discharge.

The proposed effluent limits for Outfall 001, based on an average design flow of 0.0008 mgd, are:

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
CBOD ₅	10	20
Total Suspended Solids	20	40
Phosphorus as P	1.0	
Total Residual Chlorine	1.4	3.3
Fecal Coliform	200/100 ml as a geometric average	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

PA 0001791. Industrial waste, SIC: 3499 and 3089, **Osram Sylvania Products**, 816-827 Lexington Avenue, Warren, PA 16365.

This application is for renewal of an NPDES permit, to discharge treated industrial wastewater, NCCW and stormwater to the Allegheny River in the City of Warren, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, 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 97 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.33962 mgd, are:

Outfall No. 101

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	monitor and report		
Total Cadmium	0.004	0.008	0.010
Total Chromium	0.8	1.6	2.0
Total Copper	2.07	3.38	5.2
Total Lead	0.43	0.69	1.1
Total Nickel	2.38	3.98	5.9
Total Silver	0.015	0.03	0.042
Total Zinc	0.8	1.41	2.0
Total Cyanide**	.65	1.2	1.6
Total Toxic Organics***		2.13	
Total Suspended Solids	20	60	60
Oil and Grease	15		30
Fluoride	72	112	180

<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 at all times	

The proposed discharge limits, based on a design flow of 0.285 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper	monitor and report		
pH		6.0 to 9.0 at all times	

The proposed discharge limits, based on a design flow of 0.126 mgd, are:

Outfall No. 002

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Oil and Grease	15		30
pH		6.0 to 9.0 at all times	

The proposed discharge limits, based on a design flow of 0.063 mgd, are:

Outfall No. 003

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Oil and Grease	15		30
pH		6.0 to 9.0 at all times	

The proposed discharge limits, based on a design flow of 0.058 mgd, are:

Outfall No. 004

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper	monitor and report		
pH		6.0 to 9.0 at all times	

The proposed discharge limits, based on a design flow of 0.0046 mgd, are:

Outfall No. 006

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Oil and Grease	15		30
pH		6.0 to 9.0 at all times	

The proposed discharge limits, based on a design flow of n/a mgd, are:

Outfall No. 005, 006, 007, 008, 009 and 010

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>

These discharges are uncontaminated stormwater discharges. Refer to Special Condition No. 6 in Part C of this permit.

The EPA waiver is not in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period

will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA0041581	Liverpool Municipal Auth. P. O. Box 357 Liverpool, PA 17045	Perry County Liverpool Borough	Susquehanna River	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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 Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

A. 5899402. Ararat Township, R. R. 1, Box 23E, Thompson, PA 18465. Application to construct and operate

sewage collection system, to serve vacation homes surrounding Fiddle Lake, located in Ararat Township, **Susquehanna County**. Application received in the Regional Office—September 13, 1999.

A. 5899403. Camp Chen-A-Wanda, Inc., R. R. 1, Thompson, PA 18465. Application to construct and operate two sewage pumping stations, located in Ararat Township, **Susquehanna County**. Application received in the Regional Office—September 13, 1999.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

A. 6599409. Sewerage. Daniel R. Smith, P. O. Box 88, Tars, PA 15688. Application for the construction and operation of a small flow sewage treatment plant to serve the Smith Residence located in East Huntingdon Township, **Westmoreland County**.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

WQM Permit No. 6199403. Sewerage, Stanley E. Guiste, SRSTP, R. R. 2, Box 134A, Kennerdell, PA 16363. This project is for the construction of a single residence sewage treatment plant in Clinton Township, **Venango County**.

WQM Permit No. 2499403. Sewerage, Robert Nasoni, SRSTP, 1135 S. Michael Street, St. Marys, PA 15857. This project is for the construction of a single residence sewage treatment plant in City of St. Marys, **Elk County**.

WQM Permit No. 2099410. Sewerage, David S. Graham, SRSTP, 400 Ash Street, Kane, PA 16735. This project is for the construction of a single residence sewage treatment plant in North Shenango Township, **Crawford County**.

INDIVIDUAL PERMITS

(PAS)

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface 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 and special conditions. The proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision of 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 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 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 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above 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.

Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

NPDES Permit PAS10B011. Stormwater. **Armstrong County Industrial Development Authority**, 402 Market Street, Kittanning, PA 16201, has applied to discharge stormwater from a construction activity located in North Buffalo Township and South Buffalo Township, **Armstrong County** to Pine Creek and Nicholson Run.

NPDES Permit PAS10L021. Stormwater. **Level 3 Communication**, 14023 Denver West Parkway, Second Floor, Golden, CO 80401-3107, has applied to discharge stormwater from a construction activity located in Brownsville Township, Henry Clay Township, Menallen Township, North Union Township, Redstone Township, City of Uniontown and Wharton Township, **Fayette County** to Beaver Creek, Bennington Spring Run, Big Sandy Creek, Braddock Run, Coal Lick Run, Deadman Run, Jennings Run, Meadow Run, Monongahela River, Noahs Glade Run, Pinkham Run, Redstone Creek, UNT Beaver Creek, UNT Big Sandy Creek, UNT Braddock Run, UNT Deadman Run, UNT Dunlap Creek, UNT Fourmile Run, UNT Hall Run, UNT Jennings Run, UNT Lick Run, UNT Little Sandy Creek, UNT Meadow Run, UNT Pinkham Run, UNT Redstone Creek, UNT Saltlick Run; Allenport Borough, California Borough, Carroll Township, Charleroi Borough, Coal Center Borough, Donora Township, Dunlevy Borough, Elco Borough, City

of Monongahela, New Eagle Borough, North Charleroi Borough, Rosco Borough, Speers Borough, Union Township, and West Brownsville Borough, **Washington County** to Dry Run, Hooder Run, Huston Run, Lily Run, Maple Creek, Mingo Creek, Monongahela River, Pigeon Creek, Pike Run, UNT Monongahela River and Wood Run; and Baldwin Borough, City of Clairton, Dravosburg Borough, City of Duquesne, Homestead Borough, Jefferson Borough, City of Pittsburgh, West Homestead Borough, West Mifflin Borough, Whitaker Borough, **Allegheny County** to Becks Run, Homestead Run, Lobbs Run, Monongahela River, Ohio River, Peters Creek, Sawmill Run, Streets Run, Thompson Run, UNT Monongahela River and West Run.

SAFE DRINKING WATER

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

Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

A. 1599513. Public water supply. **City of Coatesville Authority**, 114 E. Lincoln Highway, Coatesville, PA 19320. This proposal involves the permitting of West Chester Road existing booster station in the City of Coatesville, **Chester County**.

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. 2299503. Public water supply, **PA-American Water Company, Dauphin County**. *Responsible Official:* Bruce E. Juergens, PE. *Type of Facility:* Replacement of gas rechlorination system with an onsite sodium hypochlorite generation system at the Redland Pressure Reducing Station. *Consulting Engineer:* Bruce E. Juergens, PE, 800 W. Hershey Park Dr., Hershey, PA 17033-0888. *Application received:* September 3, 1999.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Application No. MA. The Department has received a permit application from the **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830, Pike and Lawrence Townships, **Clearfield County**, for installation of 8" water distribution piping, 100,000 gallon water storage tank and booster pumps to provide water service to the Mt. Zion area of Lawrence Township, from the existing Montgomery Run Water Treatment Plant.

Application No. Minor Amendment. The Department has received a permit application from **Fulmer's Personal Care Homes**, R. R. 2, Box 146, 333 Ertel Road, Williamsport, PA 17701, Old Lycoming Township, **Lycoming County**. The application is for bulk water hauling.

A. 4146363. The Department has received a permit application from **Culligan Store Solutions**, 1030 Lone Oak Road, Suite 110, Eagan, MN 55121-2251, to install a Culligan Store Solutions Fresh Drinking Water System at the Giant No. 111, 2222 East College Avenue in State College, PA 16801, College Township, **Centre County**.

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, 303, 304 and 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 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 as 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's 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 Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Herzog Farm, Upper Uwchlan Township, **Chester County**. Michael S. Welsh, Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355, has submitted a revised Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and polycyclic aromatic 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 *Daily Local News* on August 30, 1999.

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

Pennsylvania Power & Light Company (PP & L)—Decommissioned South 6th Street Substation, Borough of Emmaus, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned South 1st Street Substation (Main Street and Kleins Lane), Borough of Emmaus, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned South 4th Street Substation (South 4th at Post Street), City of Allentown, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Meadow Substation, City of Allentown, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Greenleaf Substation (Greenleaf and New Streets), City of Allentown, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation

2of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Shawnee Substation (W. Third and Shawnee Streets), City of Bethlehem, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Centronia Substation (near Broadway and Haines Mills), City of Allentown, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Canal Substation (21st Street and Route 329), Borough of Northampton, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Didier Substation (Rt. 412 and Cokeworks Road), City of Bethlehem, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Pembroke Substation (Pembroke Road), City of Bethlehem, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Tatamy Substation (Tatamy Road near Nazareth), Borough of Tatamy, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs

(polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned West Pittston Substation (Ash and Elm Streets), Borough of West Pittston, **Luzerne County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Horton Substation (Horton and Main Streets), City of Wilkes-Barre, **Luzerne County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Pittston Substation (Benedict Street), City of Pittston, **Luzerne County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Clarks Summit Substation (Dalton Railway Street), Borough of Clarks Summit, **Lackawanna County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Brockton Substation, Schuylkill Township, **Schuylkill County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Sand Hill Substation, Derry Township, **Dauphin County**. PP & L Inc., GENTW8, Two North Ninth Street, Allentown, PA 18101-1179, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs.

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 *Harrisburg Patriot News* on April 30, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

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

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits 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 plan approval and operating permit. Comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001-4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

40-399-041: DMS Shredding Inc. (400 Mill Street, Dunmore, PA 18512), for operation of a light iron metal shredder in Hanover Township, **Luzerne County**.

45-310-003E: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044), for operation of their existing stone crushing plant in Hamilton Township, **Monroe County**.

40-399-038A: Intersil Corp. (125 Crestwood Road, Mountaintop, PA 18707), for operation of their FAB 8 line in Wright Township, **Luzerne County**.

35-313-008: Gentex Corp. (P. O. Box 315, Carbondale, PA 18407), for operation of a plastic film and sheet extruding unit in Archbald Borough, **Lackawanna County**.

40-313-034: HPG International, Inc. (Crestwood Industrial Park, Mountaintop, PA 18707), for operation of their plastic calendaring line 11 in Wright Township, **Luzerne County**.

35-399-032: Thomson Consumer Electronics (200 Keystone Industrial Park, Dunmore, PA 18512), for operation of the glass cleaning operation with new scrubber in Dunmore, **Lackawanna County**.

35-322-003C: Dominion Energy, Inc. (Alliance Sanitary Landfill, P. O. Box 28, Taylor, PA 18517), for operation of a thermal oxidizer and flare in Taylor Borough, **Lackawanna County**.

66-320-001: Procter and Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629), for operation of a rotogravure printing operation along Route 87, Washington Township, **Wyoming County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

36-03094: Snavely's Mill Inc. (333 Snavely Mill Road, Lititz, PA 17543), for operation of a wheat receiving and Hammermill operations controlled by respective Alamco baghouses in Warwick Township, **Lancaster County**.

07-310-025A: Grannas Bros. Stone & Asphalt Co., Inc. (P. O. Box 488, Hollidaysburg, PA 16648), for operation of a limestone crushing and screening plant, controlled by a fabric collector and wet suppression at the Ganister Quarry in Catherine Township, **Blair County**. This source is subject to 40 CFR Part 60, Subpart 000—Standards of performance for Nonmetallic Mineral Processing Plants.

07-308-001F: Fry Metals, Inc. (4100 Sixth Avenue, Altoona, PA 16602), for operation of the soft metal melting area controlled by a fabric filter in the City of Altoona, **Blair County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

SMOP-49-00013: Foster Wheeler Mt. Carmel, Inc. (P. O. Box 490-D, Marion Heights Road, Marion Heights, PA 17832-0490), for their greenhouse facility in Mt. Carmel Township, **Northumberland County**. The facility's main sources include two no. 2 fuel oil/natural gas/propane-fired boilers. These sources have the potential to emit major quantities of sulfur oxides (SOx). The facility has taken restrictions on its yearly operating hours to limit potential SOx emissions below Title V thresholds. The sources also emit nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOCs) and particulate matter (PM).

41-318-044: Ralph S. Alberts Co., Inc. (60 Choate Circle, Montoursville, PA 17754), for operation of a surface coating operation in the Borough of Montoursville, **Lycoming County**.

17-303-006A: Clearfield Asphalt and Construction Supply, Inc. (R. R. 1, Box 179, Laurel Run Road, Curwensville, PA 16833), for operation of a batch asphalt plant and associated air cleaning device (a fabric collector) and for operation of a diesel generator in Lawrence

Township, **Clearfield County**. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

19-320-001E: Haddon Craftsmen, Inc. (4411 Old Berwick Road, Bloomsburg, PA 17815), for operation of a heatset web offset printing press (HCM-015) and book block binding line in South Centre Township, **Columbia County**.

47-310-002B: Royer Limestone Co. (c/o HRI, Inc., P. O. Box 155, State College, PA 16804-0155), for operation of a jaw crusher and associated air cleaning device (a water spray dust suppression system) in Limestone Township, **Montour County**.

41-318-043: John Savoy & Son, Inc. (300 Howard Street, Montoursville, PA 17754), for operation of a wood furniture finishing operation in Montoursville Borough, **Lycoming County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-10-028F: Armstrong Cement & Supply Co. (100 Clearfield Road, Cabot, PA 16023), for operation of Cement Kilns 1 and 2 in West Winfield, **Butler County**.

PA-20-232B: Meadville Plating Co. (10775 Franklin Pike, Meadville, PA 16335), for operation of two chrome plating tanks in West Mead Township, **Crawford County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.

06-05025: Morgan Corp. (One Morgan Way, Morgantown, PA 19543), for a heavy duty truck manufac-

turing facility controlled by various methods in Caernarvon Township, **Berks County**.

06-05075: Columbia Petroleum Corp. (625 Linden Street, Richland, PA 17087-0278), for a bulk gasoline and fuel oil terminal controlled by vapor recovery and floating roofs in Muhlenberg Township, **Berks County**.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

21-312-021A: Arnold Fuel Oil, Inc. (P. O. Box 2621, Harrisburg, PA 17105), for installation of a loading rack at the Star Mechanicsburg Terminal in Silver Spring Township, **Cumberland County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

17-314-001E: Equimeter, Inc. (P. O. Box 528, DuBois, PA 15801), for construction of a synthetic elastomer (rubber) curing oven and modification of two existing curing ovens to process synthetic elastomer material, all three to be controlled by existing air cleaning devices (a venturi scrubber and a packed bed scrubber) at Plant 1 in the city of DuBois, **Clearfield County**.

OP-47-0001C: PP & L, Inc. (2 North Ninth Street, Allentown, PA 18101-1179), for installation of an air cleaning device (a selective catalytic reduction system) on a 750 megawatt rated capacity bituminous coal-fired utility boiler (Unit 2) at the Montour Steam Electric Station in Derry Township, **Montour County**.

TVOP-49-00003A: ACF Industries, Inc. (P. O. Box 109, Milton, PA 17847), for installation of an air cleaning device (a second fabric collector) on a railcar grit blast operation in Milton Borough, **Northumberland County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-33-002B: Owens-Brockway Glass Container, Inc. (Route 219 North, Plant No. 19, Brockway, PA 15824), for installation of 1,000 kWatts of electric boost on "A" glass melting furnace in Snyder Township, **Elk County**. Owens-Brockway, Plant No. 19 is a Title V Facility.

PA-24-126A: U. S. Resistor, Inc. (1016 Delaun Road, St. Marys, PA 15857), for minor modification of existing parts degreaser to define degreaser as a batch cold cleaning machine in St. Marys, **Elk County**.

PA-10-047E: Mine Safety Appliances Co., Callery Chemical Division (1420 Mars-Evans City Road, Evans City, PA 16033), for construction of a new facility to produce elemental potassium metal in Forward Township, **Butler County**. The new process will duplicate the current process. Emissions from the process will not change from current levels.

Leatherwood, Inc.
Pinecreek Township, Jefferson County

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA 33-153A: Leatherwood Inc. (Route 830, Pinecreek Township, Jefferson County) has submitted an application (PA-33-153A) to the Department of Environmental Protection (Department) for plan approval to construct a landfill with an enclosed flare and candle flare to control Nonmethane Organic Compounds (NMOC). The landfill is subject to New Source Performance Standards (NSPS), 40 CFR Part 60 Subpart WWW. This public notice is required in accordance with 25 Pa. Code § 127.44. It is projected that the landfill will emit the following pollutants in the noted quantities.

Particulate matter—34.3 tons per year
 Particulate matter less than 10 microns—14.8 tons per year
 Sulfur oxides—3.2 tons per year
 Carbon monoxide—2.4 tons per year
 Nitrogen oxides—9.2 tons per year
 Volatile organic compounds—1.2 tons per year

The plan approval will be subject to the following conditions:

1. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval for the purposes of shakedown, startup and compliance verification tests.

2. The source shall comply with 25 Pa. Code §§ 123.1, 123.21, 123.31 and 123.41 for fugitive matter, sulfur compound, odor and visible emissions.

3. The facility shall comply with all applicable requirements of New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart WWW. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

4. The landfill gas (LFG) shall be collected in accordance with 25 Pa. Code § 273.292 so as to prevent offsite migration.

5. The gas collection system shall be designed: To collect gas from the maximum possible area of the landfill; and to accommodate the maximum gas generation rate of the landfill.

6. The gas collection system shall be operated and maintained to ensure that the gas collection rate is no less than the gas generation rate as demonstrated by negative pressure at the wells. Each well pressure shall be measured monthly. No positive pressure shall be measured at the wells. Each well shall be equipped with a throttling valve to enable adjustment of the gas collection rate, if necessary. Reports shall be kept on file for a period of 5 years and made readily available to Department personnel upon request.

7. The landfill gas shall be vented to the flare system in accordance with the following schedule, if waste has been deposited in the cell:

Cell 1 by the year 2004.
 Cell 2 by the year 2007.
 Cell 3 by the year 2009.
 Cell 4 by the year 2013.

8. Each well shall be operated with a landfill gas temperature less than 55°C and with either a nitrogen level less than 20% or an oxygen level less than 5%. The above parameters shall be monitored monthly. Monitoring reports shall be kept on file for a period of 5 years and made readily available to Department personnel upon request.

9. The owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a serpentine pattern spaced 30 meters apart for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector or other portable monitor meeting Section 3, 40 CFR Part 60, Appendix A, Method 21. Reports shall be kept on file for a period of 5 years and made readily available to Department personnel upon request.

10. The candle flare shall be designed and operated in accordance with 40 CFR 60.18.

11. The enclosed flare shall be an enclosed ground type flare which is shrouded with no visible flame shooting from the flare.

12. The enclosed flare shall be installed, operated and maintained once the landfill generates 400 scfm of LFG to the gas collection system.

13. A flare shall be in operation at all times the gas collection system is operating.

14. The enclosed flare shall be designed to achieve and maintain a destruction/removal efficiency (DRE) of at least 98% (by weight) for nonmethane organic compounds (NMOC).

15. Within 60 days prior to the installation of the enclosed flare, a test procedure and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples for the enclosed flare shall be submitted to the Department.

16. Within 60 days of the installation of the enclosed flare, or within 60 days of the Department's approval of the test procedure, whichever is later, stack tests shall be performed in accordance with the provisions of 25 Pa. Code Chapter 139 to determine the destruction/removal efficiency for total nonmethane organic compounds and NO_x measured as NO₂.

17. At least 2 weeks prior to the test, the Department shall be informed of the date and time of the test.

18. Within 60 days after completion of the test, two copies of the complete test report, including all operating conditions, shall be submitted to the Department for approval.

19. The enclosed flare shall be equipped with a continuous pilot ignition source using an auxiliary fuel.

20. The enclosed flare shall be operated with a flame present at all times. The enclosed flare shall be equipped with an automatic shut-off mechanism designed to immediately stop the flow of gases when a flame-out occurs. During restart or start-up, there shall be sufficient flow of auxiliary fuel to the burners such that unburnt landfill gases are not emitted to the atmosphere.

21. Temperature sensing devices of the enclosed flare shall be installed at a place to show that the exhaust gases, prior to being discharged into the atmosphere, have achieved a minimum temperature of 1,500°F for at least 0.3 second. If during the stack test, a temperature higher than 1,500°F is maintained then the enclosed flare shall always be operated at the higher temperature.

22. The flue gas temperature of the enclosed flare shall be continuously measured and recorded. Records shall remain on file for a period of 5 years and shall be made readily available to Department personnel upon request.

23. The enclosed flare shall be designed for and operated with no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. The opacity of the emissions shall not be equal to or greater than 60% at any time.

24. There shall be no landfill gas leaks which result in concentrations of 500 ppmv or more measured as propane (or 1,375 ppmv or more measured as methane) at a distance of 0.5 inch from any equipment. The landfill equipment subject to this requirement shall include the gas wells, piping or any other connections or fittings along the landfill gas transfer paths of a landfill gas collection system and disposal system. Monitoring shall be conducted on a quarterly basis. Monitoring reports shall be kept on file for a period of 5 years and made readily available to Department personnel upon request.

25. The facility shall either:

a) Install, calibrate and maintain a gas flow rate measuring device that shall record the flow to the control devices at least every 15 minutes; or

b) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

26. Petroleum contaminated soils shall not be used as daily landfill cover.

27. 25 Pa. Code § 273.217 requires landfill operators to implement fugitive dust control measures. This criteria specifies the reasonable actions that are necessary for the prevention of fugitive dust emissions from the operation of landfills in accordance with these requirements. The fugitive emission control criteria are as follows:

a) Parking lots/areas and the landfill access roadways from the public highway to the landfill and other haul roads inside the landfill shall be paved, maintained and cleaned by vacuum sweeping or any other approved means. All parking lots/areas shall be cleaned at least weekly and the access roadways cleaned at least daily.

b) The access roadways if unpaved at the unloading areas (active cells) shall have a crown so that water runs off and does not pool. Water or other dust suppressants shall be applied to the unpaved road surface to reduce fugitive dusts. Water, if used, shall be applied at least twice a day, weather permitting. Dust suppressants, if used, shall be applied as needed, but at least once a month.

c) Water or other dust suppressants shall be applied on the shoulder of access roadways and the shoulder of the public highway for a distance of 500 feet in both directions. Water, if used, shall be applied at least twice a day, weather permitting. Dust suppressants, if used, shall be applied at least once a month. Application of dust suppressants on the public highway shall be done in accordance with the appropriate Pennsylvania Department of Transportation (PennDOT) Bulletins.

d) No waste oil shall be used as dust suppressant for the unpaved surface.

e) Earth or other material deposited by trucking or other means on the paved roadways, including public highway, shall be promptly removed from the paved roadways.

f) Upon leaving the landfill, the undercarriage, wheels and chassis of the vehicles which were used to transport wastes and earth shall be washed, as necessary, to prevent earthen carryout onto roadways.

g) All trucks entering the landfill shall be covered.

h) A speed limit of 15 miles per hour shall be observed on all paved access roadways and 10 miles per hour on all unpaved areas. Speed limit signs shall be posted consistent with the requirements of PennDOT (overall dimension 30" x 24", "SPEED LIMIT" in 4 inch letters and 10 inch numerals.

28. A detailed record describing the time, location, type and amount of roadway surface treatment shall be maintained at the landfill site for at least 5 years. At a minimum, the record shall include the following:

a) For paved roads and parking lot areas:

i) Daily log of engine run time and odometer reading for the vacuum sweeper.

ii) Daily log of time and location of any maintenance.

iii) Identification, time and location of any maintenance, repairs, patching or repaving of roads.

iv) A log explaining the reasons any required vacuum sweeping was not performed.

b) For unpaved roads and shoulders of paved roads:

i) Log of time and location of treated areas.

ii) Daily log of meter reading of spray-bar and/or pump and odometer reading of trucks used to apply dust suppressants and the identification of these dust suppressants.

iii) Daily log of the dilution ratios of the dust suppressants and diluent used if chemical suppressants are used.

iv) Purchase records of the chemical suppressants, if used.

c) Quarterly reports of the above records shall be submitted to the Department. The reports shall be submitted within 30 days after the end of each calendar quarter.

29. Issuance of an operating permit is contingent upon satisfactory compliance with condition numbers 1 through 28 above, upon the source being constructed and operated as stated on the application, and upon the satisfactory demonstration that the emissions from the source will not be in violation of applicable rules and regulations of the Department of Environmental Protection.

30. Information to be submitted as part of the above conditions should be submitted to Devendra Verma, Engineering Services Chief, Air Quality, 230 Chestnut St., Meadville, PA 16335.

The above conditions will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate the Best Available Technology for the source.

For additional information regarding the above, please contact Lori McNabb or Devendra Verma at (814) 332-6940, or by writing the Department at the address given above.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

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

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Coal Applications Received

03980107 (Resubmission). State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Application received for commencement, operation and reclamation of a bituminous surface auger mine located in Washington Township, **Armstrong County**, proposed to affect 341.5 acres. Receiving streams: unnamed tributaries to Allegheny River to Allegheny River. Application originally received: May 12, 1999. Application returned: June 28, 1999. Application resubmitted: September 1, 1999.

63940102R. Mulligan Mining, Inc. (transfer from Bologna Coal Company) (5945 Pudding Stone Lane, Bethel Park, PA 15102). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Smith Township, **Washington County**, affecting 108.5 acres. Receiving streams: ephemeral drainage to Burgetts Fork to Raccoon Creek and unnamed tributary to Raccoon Creek to the Ohio River. Renewal application received: September 17, 1999.

03881022R. M. B. Energy, Inc. (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Renewal application received for continued operation and reclamation of a bituminous surface auger mine located in Cowanshannock Township, **Armstrong County**, affecting 488.0 acres. Receiving streams: unnamed tributaries to the North Branch of Plum Creek. Renewal application received: September 20, 1999.

63940103R. Twilight Industries, Inc. (Division of US Natural Resources, Inc., 212 State Street, Belle Vernon, PA 15012). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Somerset Township, **Washington County**, affecting 51.0 acres. Receiving streams: unnamed tributary to Pigeon Creek. Renewal application received: September 20, 1999.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

56970103. Permit Revision, **Marquise Mining Corporation** (3889 Menoher Boulevard, Johnstown, PA 15905), for a stream crossing relative to Fallen Timber Run in Shade Township, **Somerset County**, affecting 308.9 acres, receiving stream Fallen Timber Run and an unnamed trib to unnamed trib to Stonycreek. Application received September 9, 1999.

32950101. Permit renewal for reclamation only, **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701), for continued restoration of a bituminous-auger strip mine in Brushvalley Township, **Indiana County**, affecting 183.5 acres, receiving stream Blacklick Creek. Application received September 10, 1999.

32940105. Permit renewal for reclamation only, **Kent Coal Mining Company** (P. O. Box 219, Sheloceta, PA 15774), for continued restoration of a bituminous-auger-beneficial use of ash strip mine in Center Township, **Indiana County**, affecting 180.0 acres, receiving stream unnamed tributary to Yellow Creek. Application received September 10, 1999.

32870101. Permit Revision, **Urey Coal Company** (222 Forest Ridge Road, Indiana, PA 15701), to mine through and then replace approximately 135 feet of an unnamed tributary to Cush Creek; and to mine through and then replace the unnamed tributary to Cush Creek beginning where the tributary flows under the abandoned railroad grade (the existing haulroad) and continue upstream for a

distance of 1,250 feet in Banks and Montgomery Townships, Glen Campbell Boro, **Indiana County**, affecting 145.4 acres, receiving stream unnamed tributaries to Cush Creek and Cush Creek. Application received September 10, 1999.

56703107. Permit Transfer from Badger Coal Company, Inc. to **Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), to delete 329 acres from the existing 1,192 acre operation and for continued operation and restoration of a bituminous-auger strip mine in Paint Township, **Somerset County**, affecting 863.0 acres, receiving stream unnamed tributaries to Paint Creek; to Paint Creek; to Kaufman Run; to unnamed tributaries to Kaufman Run; and to Stony Creek. Application received September 10, 1999.

56813011. Permit Renewal for reclamation only, **Zubek, Inc.** (173 House Coal Road, Berlin, PA 15530), for continued restoration of a bituminous strip mine in Stonycreek Township, **Somerset County**, affecting 73.6 acres, receiving stream Reitz Creek. Application received September 13, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17970108. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319), revision to an existing bituminous surface mine permit for a change in permit acreage from 458.0 to 475.2 acres, located in Bell Township, **Clearfield County**. Receiving streams: unnamed tributaries of Whisky Run and unnamed tributaries of Haslett Run to Whisky Run and Haslett Run both contributory to West Branch Susquehanna River. Application received September 9, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54991303. Alfred Brown Coal (R. R. 2, Box 118C, Hegins, PA 17938), commencement, operation and restoration of an underground mine operation in Blythe Township, **Schuylkill County** affecting 3.0 acres, receiving stream—unnamed tributary to Schuylkill River. Application received September 7, 1999.

54931601T. Sherman Coal Company, Inc. (P. O. Box 93, Elysburg, PA 17824), transfer and correction of an existing coal preparation operation in Frailey Township, **Schuylkill County** affecting 9.6 acres, receiving stream—none. Application received September 9, 1999.

Knox District Office, P. O. Box 669, Knox, PA 16232.

33920103. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801). Revision to an existing bituminous surface strip operation in Pinecreek Township, **Jefferson County** affecting 143.5 acres. Receiving streams: Unnamed tributary to O'Donnell Run to Sandy Lick Creek; Three unnamed tributaries to Five Mile Run to Mill Creek to Little Mill Creek to Sandy Lick Creek; all to Redbank Creek to the Allegheny River. Revision is for the addition of 12.8 acres to approved surface mining permit. Application received September 16, 1999.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Small Industrial Mineral Received

56990801. M & S Stone Quarries, Inc., commencement, operation and restoration of a small industrial mineral burgoon sandstone operation in Addison Township, **Somerset County**, affecting 2.9 acres, receiving stream unnamed tributary to Zehner Run. Application received September 9, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Applications Received

8074SM1T. Glasgow, Inc. (P. O. Box 1089, Glenside, PA 19038), transfer of an existing quarry operation from Gill Quarries, Inc. and renewal of NPDES Permit No. PA0013722 in Montgomery Township, **Montgomery County** affecting 59.0 acres, receiving stream—Park Creek. Application received September 7, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Large Noncoal (Industrial Mineral) Applications Received

08990301. Calvin C. Cole, Inc. (809 N. Elmira Street, Sayre, PA 18840), commencement, operation and restoration of a large industrial minerals (sand and gravel) permit in Athens Township, **Bradford County** affecting 9.17 acres. Receiving streams: none. Application received September 13, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 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 Safety or Encroachment Permit or the approval of Environmental Assessments must submit 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.

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.

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

E09-797. Encroachment. Katz Builders and Developers, Inc., 541 Germantown Pike, Plymouth Meeting, PA 19462. To perform the following activities associated with the North Pointe Subdivision: 1. To install and maintain 90 feet of 42-inch RCP crossing for Kitchen Lane impacting 0.20 acre of wetlands (PEM). 2. To install and maintain 84 feet of 6-foot by 3-foot concrete box culvert for Tori Court across an unnamed tributary to Aquetong Creek (HQ-CWF) and impacting 0.21 acre of

wetlands (PEM). 3. To install and maintain 90 feet of 10-foot by 2.5-foot concrete box culvert for Creekside Drive (Sta 34+20) across an unnamed tributary to Aquetong Creek and impacting 0.05 acre of wetlands (PFO). 4. To place and maintain fill in 0.04 acre of wetland (PFO) for the construction of Creekside Drive (Sta 52+50 to 55+00). 5. To install and maintain three sections of storm sewer pipe for Creekside Drive (Sta 56+20) across an unnamed tributary to Aquetong Creek and impacting 0.05 acre of wetlands (PFO). 6. To place and maintain fill in 0.17 acre of wetlands (PEM) for driveway crossings for Lots 203 to 207. 7. To perform grading work within the assumed floodway of Aquetong Creek for construction of Creekside Drive (Sta 31+50) and a pump station. The North Pointe Subdivision is located at the intersection of Kitchens Lane and PA Route 202 (Lambertville, PA Quadrangle N: 20.5 inches; W: 14.0 inches) in Solebury Township, **Bucks County**.

E46-849. Encroachment. The Philadelphia Cricket Club, 415 West Willow Grove Avenue, Philadelphia, PA 19118. To modify and maintain the existing stream bed of Lorraine Run (TSF) beneath an existing Conrail arch bridge. Work will include placing a bituminous paving surface and low flow channel to facilitate vehicular and pedestrian crossings between two contiguous parcels which are bisected by this railway. Both of these parcels are owned and operated by the Philadelphia Cricket Club. This site is bound by Joshua Road and Fort Washington State Park to the north, West Valley Green Road to the south and Stenton Avenue to the west, (Germantown, PA Quadrangle N: 20.4 inches, W: 15.3 inches) in Whitemarsh Township, **Montgomery County**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-5485.

E35-317. Encroachment. Abington Heights School District, 218 East Grove Street, Clarks Summit, PA 18411. To construct and maintain additions to the existing school facility totaling approximately 14,000 square feet within the floodplain of Leggetts Creek (TSF). The project, known as the renovation and expansion of South Abington Elementary School, includes the construction of sidewalks, parking areas and a basketball court. The project is located on the east side of S. R. 0006, approximately 0.2 mile north of the intersection with S. R. 4032 (Scranton, PA Quadrangle N: 18.5 inches; W: 8.0 inches), South Abington Township, **Lackawanna County** (Philadelphia District, U. S. Army Corps of Engineers).

E39-371. Encroachment. Upper Saucon Township, 5500 Camp Meeting Road, Center Valley, PA 18034. To place fill in 0.25 acre of (PSS) wetlands; to regrade approximately 30 linear feet of streambank along Saucon Creek (CWF); to maintain the existing single span bridge having a span of 40 feet, 4 inches and an underclearance of approximately 7 feet, 11 inches across Saucon Creek with work consisting of widening the structure 17 feet on the upstream side to a total width of 36 feet, 4 inches and road grade improvements. The project known as the Preston Lane Improvement Project, is located at the T-848 Bridge over Saucon Creek (Allentown East, PA Quadrangle N: 6.3 inches; W: 2.6 inches), Upper Saucon Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E39-372. Encroachment. Upper Saucon Township, 5500 Camp Meeting Road, Center Valley, PA 18034. To remove the existing structure and to construct and maintain a dual cell concrete box culvert in Saucon Creek (CWF), each cell having an opening as follows: 19-foot x

5-foot and 19-foot x 6-foot, depressed 1-foot below streambed elevation. The project known as the Chestnuthill Road Bridge Replacement Project is located at the T-410 Bridge over Saucon Creek (Allentown East, PA Quadrangle N: 10.3 inches; W: 6.3 inches), Upper Saucon Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E49-229. Encroachment. Pennsylvania Department of Transportation, P. O. Box 218, Montoursville, PA 17754-0218. To construct and maintain a single span bridge with a span of 60 feet over Limestone Run, to widen an existing bridge by 11 feet over Limestone Run, to relocate 131 feet of an unnamed tributary to Limestone Run and to fill in 6.4 acres of wetlands for the construction of two additional lanes on SR 147 beginning 1 mile south of SR 45 and extending 6.4 miles north (Northumberland, PA Quadrangle N: 22 inches; W: 12 inches) in the Borough of Milton, Turbot, East Chillisquaque and West Chillisquaque Townships, **Northumberland County**. Estimated stream disturbance is 210 feet; wetland impact is 6.4 acres. Wetland impacts will be mitigated.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1288. Encroachment. South Park School District, 2178 Ridge Road, Library, PA 15129-8806. To place and maintain fill in approximately 0.11 acre of wetland (PEM) adjacent to Catfish Run (TSF) for the purpose of constructing a new elementary school located approximately 1,300 feet northeast from the intersection of Brownsville Road and Wallace Road (Glassport, PA Quadrangle N: 9.5 inches; W: 16.0 inches) in South Park Township, **Allegheny County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E16-111. Encroachment. Millcreek Township, P. O. Box 4, Fisher, PA 16225. To remove the existing structure and to construct and maintain a single span reinforced concrete spread box beam bridge having a normal clear span of 25.0 meters and a minimum underclearance of 2.25 meters on an 85° skew on T-562 across Mill Creek (HQ-CWF, trout stocked and wild trout). The project will also utilize a temporary stream-crossing ford for construction equipment downstream of the project site. The project is located on T-562 across Mill Creek approximately 4.5 miles south of the intersection of SR 1001 and T-52 (Corsica, PA Quadrangle N: 20.0 inches; W: 15.1 inches) located in Millcreek Township, **Clarion County**.

E20-485. Encroachment. PA Fish and Boat Commission, Bureau of Engineering and Development, 450 Robinson Lane, Bellefonte, PA 16823. To construct and maintain an earth fill public fishing pier with rock riprap armor extending a distance of approximately 200 feet from the edge of water with a top width of approximately 30 feet occupying 0.23 acre of the lake bed and having a total volume of 2,300 cubic yards of earth fill to be obtained by excavating approximately 2 acres of the bed of Tamarack Lake in the immediate vicinity of the proposed pier. To install 20 piles of rock riprap in 5 ton piles on the lake bed for fish habitat structures. This project is located at an existing public access area along Tamarack Road on the southwestern side of the lake approximately 0.75 mile northwest of Freyermuth Road

(Cochranton, PA Quadrangle N: 15.1 inches; W: 11.4 inches) located in East Mead Township, **Crawford County**.

E25-588. Encroachment. Level 3 Communications, LLC, c/o Kiewit Construction Company, 321 Fortune Blvd., 2nd Floor, Milford, MA 01757. To install and maintain utility line stream and/or wetland crossings as part of a fiber optic cable system. This system will cross 44 miles of **Erie County** from the Pennsylvania-Ohio State line to the Pennsylvania-New York State line within the Norfolk Southern Railroad Right of Way. The majority of these crossings will be plowed into the railroad ballast and will not directly contact regulated waters of this Commonwealth. The following crossings are not to be buried in the railroad ballast.

Crossing No. 1, a fiber optic cable across a tributary of Turkey Creek by open trench disturbing approximately 16 square feet (Conneaut OH-PA Quadrangle N: 13.9 inches; W: 12.5 inches) in Springfield Township, Erie County.

Crossing No. 2, a fiber optic cable across Turkey Creek buried in railroad ballast (East Springfield, PA Quadrangle N: 14.8 inches; W: 15.8 inches) in Springfield Township, Erie County.

Crossing No. 3, a fiber optic cable across a tributary of Turkey Creek and associated exceptional value wetlands by open trench disturbing approximately 13 square feet (East Springfield, PA Quadrangle N: 15.2 inches; W: 14.95 inches) in Springfield Township, Erie County.

Crossing No. 4, a fiber optic cable across a tributary of Turkey Creek and associated exceptional value wetlands by open trench disturbing approximately 36 square feet (East Springfield, PA Quadrangle N: 15:35 inches; W: 14.6 inches) in Springfield Township, Erie County.

Crossing No. 5, a fiber optic cable across a tributary of Lake Erie and associated exceptional value wetlands by open trench disturbing approximately 6 square feet (East Springfield, PA Quadrangle N: 18.7 inches; W: 5.2 inches) in Springfield Township, Erie County.

Crossing No. 6, a fiber optic cable across a tributary of Elk Creek and associated wetlands by open trench disturbing approximately 30 square feet (Albion, PA Quadrangle N: 21.1 inches; W: 14.6 inches) in Girard Township, Erie County.

Crossing No. 7, a fiber optic cable across Elk Creek by bridge attachment (Fairview, PA Quadrangle N: 0.6 inch; W: 13.3 inches) in Girard Township, Erie County.

Crossing No. 8, a fiber optic cable across a tributary of Elk Creek and associated wetlands by open trench disturbing approximately 12 square feet (Fairview, PA Quadrangle N: 2.5 inches; W: 9.5 inches) in Girard Borough, Erie County.

Crossing No. 9, a fiber optic cable across a tributary of Lake Erie (Godfrey Run) by directional boring (Fairview, PA Quadrangle N: 3.5 inches; W: 7.8 inches) in Girard Township, Erie County.

Crossing No. 10, a fiber optic cable across a tributary of Lake Erie (Godfrey Run) by open trench disturbing approximately 10 square feet (Fairview, PA Quadrangle N: 3.9 inches; W: 7.3 inches) in Girard Township, Erie County.

Crossing No. 11, a fiber optic cable across Walnut Creek by bridge attachment (Swanville, PA Quadrangle N: 10.5 inches; W: 13.5 inches) in Fairview Township, Erie County.

Crossing No. 12, a fiber optic cable across an unnamed tributary of Lake Erie by bridge attachment (Swanville, PA Quadrangle N: 16.9 inches; W: 2.2 inches) in Millcreek Township, Erie County.

Crossing No. 13, a fiber optic cable across West Branch Cascade Creek by directional boring (Swanville, PA Quadrangle N: 17.8 inches; W: 0.5 inch) in the City of Erie, Erie County.

Crossing No. 14, a fiber optic cable across Fourmile Creek by bridge attachment (Erie North, PA Quadrangle N: 3.6 inches; W: 1.9 inches) in Lawrence Park Borough, Erie County.

Crossing No. 15, a fiber optic cable across a tributary of Fourmile Creek and associated wetlands by open trench disturbing approximately 38 square feet (Harborcreek, PA Quadrangle N: 4.7 inches; W: 16.7 inches) in Harborcreek Township, Erie County.

Crossing No. 16, a fiber optic cable across Sixmile Creek by bridge attachment (Harborcreek, PA Quadrangle N: 6.0 inches; W: 13.9 inches) in Harborcreek Township, Erie County.

Crossing No. 17, a fiber optic cable across a tributary of Sixmile Creek by open trench disturbing approximately 10 square feet (Harborcreek, PA Quadrangle N: 6.7 inches; W: 12.5 inches) in Harborcreek Township, Erie County.

Crossing No. 18, a fiber optic cable across a tributary of Sevenmile Creek by directional bore (Harborcreek, PA Quadrangle N: 7.1 inches; W: 11.6 inches) in Harborcreek Township, Erie County.

Crossing No. 19, a fiber optic cable across Sevenmile Creek by bridge attachment (Harborcreek, PA Quadrangle N: 7.5 inches; W: 11.0 inches) in Harborcreek Township, Erie County.

Crossing No. 20, a fiber optic cable across a tributary of Elliots Run by open trench disturbing approximately 6 square feet (Harborcreek, PA Quadrangle N: 8.1 inches; W: 9.7 inches) in Harborcreek Township, Erie County.

Crossing No. 21, a fiber optic cable across Elliots Run and associated wetlands by open trench disturbing approximately 30 square feet (Harborcreek, PA Quadrangle N: 8.8 inches; W: 8.3 inches) in Harborcreek Township, Erie County.

Crossing No. 22, a fiber optic cable across a tributary of Elliots Run and associated wetlands by open trench disturbing approximately 16 square feet (Harborcreek, PA Quadrangle N: 8.9 inches; W: 8.1 inches) in Harborcreek Township, Erie County.

Crossing No. 23, a fiber optic cable across a tributary of Eightmile Creek by open trench disturbing approximately 26 square feet (Harborcreek, PA Quadrangle N: 9.5 inches; W: 6.75 inches) in Harborcreek Township, Erie County.

Crossing No. 24, a fiber optic cable across Eightmile Creek and associated wetlands by open trench disturbing approximately 34 square feet (Harborcreek, PA Quadrangle N: 10.0 inches; W: 5.9 inches) in Harborcreek Township, Erie County.

Crossing No. 25, a fiber optic cable across a tributary of Scott Run and associated wetlands by open trench disturbing approximately 38 square feet (Harborcreek, PA Quadrangle N: 10.35 inches; W: 5.2 inches) in Harborcreek Township, Erie County.

Crossing No. 26, a fiber optic cable across Scott Run and associated wetlands by open trench disturbing approximately 20 square feet (Harborcreek, PA Quadrangle N: 10.8 inches; W: 4.2 inches) in Harborcreek Township, Erie County.

Crossing No. 27, a fiber optic cable across a tributary of Twelvemile Creek (HQ-CWF) and associated wetlands by open trench disturbing approximately 48 square feet (Harborcreek, PA Quadrangle N: 11.0 inches; W: 3.8 inches) in Harborcreek Township, Erie County.

Crossing No. 28, a fiber optic cable across Twelvemile Creek (HQ-CWF) by bridge attachment (Harborcreek, PA Quadrangle N: 12.1 inches; W: 1.6 inches) in Harborcreek Township, Erie County.

Crossing No. 29, a fiber optic cable across a tributary of Twelvemile Creek (HQ-CWF) by directional boring (North East, PA-NY Quadrangle N: 13.0 inches; W: 16.7 inches) in North East Township, Erie County.

Crossing No. 30, a fiber optic cable across a tributary of Sixteenmile Creek and associated wetland by open trench disturbing approximately 12 square feet (North East, PA-NY Quadrangle N: 13.5 inches; W: 15.8 inches) in North East Township, Erie County.

Crossing No. 31, a fiber optic cable across a tributary of Sixteenmile Creek and associated wetland by open trench disturbing approximately 8 square feet (North East, PA-NY Quadrangle N: 13.9 inches; W: 15.0 inches) in North East Township, Erie County.

Crossing No. 32, a fiber optic cable across Sixteenmile Creek by bridge attachment (North East, PA-NY Quadrangle N: 15.0 inches; W: 12.7 inches) in North East Borough, Erie County.

Crossing No. 33, a fiber optic cable across a tributary of Sixteenmile Creek by open trench disturbing approximately 20 square feet (North East, PA-NY Quadrangle N: 16.1 inches; W: 10.4 inches) in North East Borough, Erie County.

Crossing No. 34, a fiber optic cable across an unnamed tributary of Lake Erie and associated wetland by open trench disturbing approximately 30 square feet (North East, PA-NY Quadrangle N: 17.7 inches; W: 7.4 inches) in North East Township, Erie County.

Crossing No. 35, a fiber optic cable across Eighteenmile Creek by bridge attachment (North East, PA-NY Quadrangle N: 19.0 inches; W: 3.8 inches) in North East Township, Erie County.

Crossing No. 36, a fiber optic cable across Twentymile Creek by bridge attachment (North East, PA-NY Quadrangle N: 19.3 inches; W: 2.8 inches) in North East Township, Erie County.

E25-594. Encroachment. **Millennium Pipeline Company, L. P.**, P. O. Box 2002, 265 Industrial Park Drive. To construct, operate and maintain approximately 30.07 statute miles of 3-inch-diameter concrete weighted steel natural gas pipeline into the bed of Lake Erie (WWF). This underwater crossing enters Commonwealth Waters at the US-Canadian border (Latitude: 42°, 21', 18"; Longitude: 79°, 45', 44") approximately 22.05 miles north from the shore at the mouth of Elk Creek, Girard Township, **Erie County**. It then continues in an east-southeast direction and then exits PA waters at the PA-New York Border (Latitude: 42°, 18', 15"; Longitude: 79°, 45', 44") approximately 2.38 miles north from the shore at the PA-New York border. This project is entirely offshore in PA waters and makes landfall in the

state of NY approximately 2.58 miles east along shore of Lake Erie from PA-NY border.

E25-595. Encroachment. **Marina Holdings, LTD**, 726 West Bayfront Parkway, Erie, PA 16507. To remove two existing buildings and to construct and maintain a new two-story, 170-foot-long by 92-foot-wide building, extending approximately 29 feet out into Presque Isle Bay, beyond the existing seawall by 16 pile driven caissons for Shakespier's Bar & Grill Restaurant at Bay Harbor Marina (Erie North, PA Quadrangle N: 0.9 inch; W: 13.8 inches) in City of Erie, **Erie County**.

E61-227. Encroachment. **Rocky Grove Avenue Presbyterian Church**, 321 Rocky Grove Avenue, Franklin, PA 16323. To place and maintain a 60-inch-diameter by approximately 300-foot-long corrugated metal pipe enclosure in a tributary of French Creek (WWF), locally known as Monkey Run, adjacent to the Rocky Grove Avenue Presbyterian Church. The project is located on a tributary to French Creek in the Village of Rocky Grove approximately 2,600 feet northeast of the intersection of SR 0417 and SR 0322 (Franklin, PA Quadrangle N: 6.4 inches; W: 10.5 inches) located in Sugarcreek Borough, **Venango County**.

E62-351. Encroachment. **Allegheny Partners, LP, c/o Forest Investment Associates**, Box 1474, 312 West Main Street, Smethport, PA 16749. To remove the existing structure and to construct and maintain a single span ADM steel bridge having a span of 22.5 feet and a maximum underclearance of 6.5 feet on a private roadway across a tributary to Andrews Run (CWF). This project will also include removal of a small gravel bar approximately 25 feet upstream of the proposed bridge. The project is located across a tributary to Andrews Run approximately 600 feet east of the intersection of SR 3007 (Davey Hill Road) and T-374 (Pittsfield, PA Quadrangle N: 11.0 inches; W: 1.1 inches) located in Pittsfield Township, **Warren County**.

WATER ALLOCATIONS

Applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631-641) relating to the acquisition of rights to divert waters of this Commonwealth.

Southcentral Regional Office: Water Supply Management Program, Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. WA 50-1012. Water allocations, **Duncannon Borough, Perry County**, Duncannon Municipality. *Responsible Official:* Gerald Seabold, Borough Foreman. *Request:* Water allocation for 350,000 gallons per day from the Susquehanna River. *Consulting Engineer:* Brian L. Book, PE, HRG Inc., 120 Regent Court, Suite 102, State College, PA 16801. Application received: August 31, 1999.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

A. WA 14-883A. Succession to water rights. The Department has acknowledged that **East Haines Township Water Company** has given notice that it succeeded to all rights and obligations under the permit issued to the former Woodward Water Company, Haines Township, **Centre County**, on January 9, 1992.

STORAGE TANKS

SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permit application has been received by the Department and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Watershed Conservation, Division of Storage Tanks, P. O. Box 8762, Harrisburg, PA

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>
99011	Modular Environmental Technologies Inc. 2170 Buckthorne The Woodlands, TX 77387

17105-8762, within 30 days from the date of this publication. Comments received 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 the comment and the relevant facts upon which it is based.

<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
Schuylkill County Rush Township	3 ASTs storing potassium hydroxide 31,545 gallons total

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Actions under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

NPDES Permit No. PA0025976, Amendment No. 1. Upper Moreland-Hathoro Joint Sewer Authority, P. O. Box 535, Willow Grove, PA 19090-0535, is authorized to discharge from a facility located in Upper

Moreland Township, Montgomery County into Pennypack Creek and unnamed tributary to Pennypack Creek.

NPDES Permit No. PA0057738. Sewage. **PA DCNR Bureau of State Parks**, 11 Lodi Hill Road, Upper Black Eddy, PA 18972-9540, is authorized to discharge from a facility located at DE Canal ST Park, Virginia Forest Picnic Area in Solebury Township, **Bucks County** into Delaware River.

NPDES Permit No. PA0020397, Amendment No. 1. Sewage. **Bridgeport Borough**, 4th and Mill Streets, Bridgeport, PA 19405, is authorized to discharge from a facility located at Bridgeport WWTP in Upper Merion Township, **Montgomery County** into Schuylkill River.

NPDES Permit No. PA0035297. Industrial waste. **Sunoco, Inc (R & M)**, 1801 Market Street, Ten Penn Center, Philadelphia, PA 19103-1699, is authorized to discharge from a facility located at Sun Twin Oaks Terminal in Upper Chichester Township, **Delaware County** into an unnamed tributary to Baldwin Run.

WQM Permit No. 1599405. Sewerage. **Wawa, Inc**, 206 West Baltimore Pike, Wawa, PA 19063. Approval for the construction and operation of a sewage treatment plant and seepage beds to serve Wawa Food Market located in West Nottingham Township, **Chester County**.

WQM Permit No. 1598425. Sewerage. **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. Approval for the renewal of a spray irrigation project serving Marsh Harbour Development sewage treatment plant located in Upper Uwchlan Township, **Chester County**.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

NPDES Permit No. PA-0013676. Industrial waste. **Pocono Auto/Truckstop Plaza, Inc.**, P. O. Box 98, Bartonsville, PA 18321, is authorized to discharge from a facility located in Hamilton Township, **Monroe County**, to Pocono Creek.

NPDES Permit No. PA-0061590. Sewerage. **Eagle Rock Community Association**, 1031 Valley of Lakes, Hazleton, PA 18201, is authorized to discharge from a facility located in North Union Township, **Schuylkill County**, to Tomhicken Creek.

NPDES Permit No. PA-008231. Industrial waste. **Gold Mills, Inc., Penn Dye and Finishing Plant**, 1 Penn Dye Street, Pine Grove, PA 17963, is authorized to discharge from a facility located in Pine Grove Borough, **Schuylkill County**, to Swatara Creek.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

NPDES Permit No. PA0216062. Industrial waste, **West Penn Power, Doing Business as Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689, is authorized to discharge from a facility located at Springdale Township, **Allegheny County** to receiving waters named Allegheny River.

NPDES Permit No. PA0094293. Sewage, **United School District**, P. O. Box 168, Armagh, PA 15920, is authorized to discharge from a facility located at United School District Sewage Treatment Facility, East Wheatfield Township, **Indiana County** to receiving waters named drainage swale to Mardis Run.

NPDES Permit No. PA0098868. Sewage, **Patty Lowery**, 241 Connellsville Street, Dunbar, PA 15431, is authorized to discharge from a facility located at Lowery Mobile Home Park Sewage Treatment Plant, Dunbar Borough, **Fayette County** to receiving waters named an unnamed tributary to Dunbar Creek.

NPDES Permit No. PA0216062. Sewage, **Helvetia Coal Company**, P. O. Box 219, Shelocta, PA 15774, is authorized to discharge from a facility located at the Marshall Run Mine (Lucerne No. 9E) STP, Young Township, **Indiana County** to receiving waters named Marshall Run.

Permit No. 3299402. Sewerage. **Robert Smith**, 6281 Old Route 56, Indiana, PA 15701. Construction of a single residence sewage treatment facility located in Center Township, **Indiana County** to serve Robert Smith Property.

Permit No. 6571420, Amendment No. 1. Sewage. **Jeffrey Yorick, United Mobile Homes, Inc.**, 125 Wyckoff Road, Eatontown, NJ 07724. Construction of sewage treatment facilities located in Rostraver Township, **Westmoreland County** to serve the Port Royal Village Mobile Home Park.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.

NPDES Permit No. PA0033588. Sewage. **Country Estates, Inc.**, P. O. Box 91, Brookfield, OH 44403, is authorized to discharge from a facility located in Jefferson Township, **Mercer County** to an unnamed tributary to Lackawannock Creek.

NPDES Permit No. PA0222895. Sewage. **Butcher Small Flow Treatment Facility**, Stanley J. Butcher, 21180 Lindsey Hollow Road, Corry, PA 16407, is authorized to discharge from a facility located in Concord Township, **Erie County** to an unnamed tributary to Winton Run.

WQM Permit No. 2599415. Sewage. **Butcher Small Flow Treatment Facility**, Stanley J. Butcher, 21180 Lindsey Hollow Road, Corry, PA 16407. This project is for the construction and operation of a small flow treatment facility located in Concord Township, **Erie County**.

WQM Permit No. 4399407. Sewage. **Jamestown Municipal Authority/Borough of Jamestown**, P. O. Box 188, Jamestown, PA 16134. This project is for plans to hydraulically rerate the facility from 0.15 mgd to 0.26 mgd in the Borough of Jamestown, **Mercer County**.

INDIVIDUAL PERMITS (PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G318	352 Associates 50 Exeter Avenue Haverford, PA	East Whiteland Township Chester County	Valley Creek
PAS10-G372	Evelyn C. Dolan 155 King Pen Road Nottingham, PA	Elk Township Chester County	Unnamed Tributary to Big Elk Creek

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U093	Hercules Cement Co. 501 Center St. Stockertown, PA 18083	Northampton County Stockertown Borough and Upper Nazareth Township	Bushkill Creek

INDIVIDUAL PERMITS (PAR)

Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

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

The Department has acted on the following requests for coverage under the specified General Permit as follows:

*List of
General Permit Type*

- PAG-1 General Permit for Discharges From Stripper Oil Well Facilities
- PAG-2 General Permit for Discharges of Stormwater From Construction Activities
- 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 System
- 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-9 General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Centre County College Township	PAR10F099	Beaver Stadium Expansion PA State University Physical Plant Bldg. University Park, PA 16802	Unt. Big Hollow Run and Slab Cabin Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Boggs Township	PAR10F104	Oak Hill Estates, Phase I MacNamara Land Pntship. 400 Bush Hollow Rd. Julian, PA 16844	Unt. Moose Run and Moose Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Erie County Millcreek Township	PAR10K141	St. Mary's Home of Erie, Inc. 607 East 26th Street Erie, PA 16504	Walnut Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203

General Permit Type—PAG-3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bucks County Bristol Borough	PAR150005	ChemRex, Inc. P. O. Box 1228 Bristol, PA 19007	Delaware Canal	Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Berks County Perry Township	PAR693541	Charles K. Gallagher A-Z U-Pull-It Used Auto Parts, Inc. 194 Ridge Road Shoemakersville, PA 19555	UNT to Schuylkill River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Greene Township	PAR803553	IESI PA Blue Ridge Landfill Corp. P. O. Box 399 Scotland, PA 17254	Phillaman Run	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Tyrone Borough	PAR233510	Quality Chemicals, Inc. P. O. Box 216 Industrial Park Tyrone, PA 16686	Cook Hollow Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Washington County Hanover Township	PAR606118	Herbert Grubbs 1279 Route 18 Burgettstown, PA 15021	Kings Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Erie Erie County	PAR208324	Perry Screw Machine Company 1043 East 20th Street Erie, PA 16503-2396	Mill Creek (by way of Garrison Run)	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Toby Township Clarion County	PAR608326	Sligo Auto Salvage, Inc. Box 146, Route 68 South Sligo, PA 16255	Branch—Little Licking Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Venango Township Erie County	PAR708320	Cross/Showman Paving, Inc.—Lake Pleasant Road Asphalt Plant P. O. Box 818 Waterford, PA 16441	East Branch of LeBoeuf Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Indiana County Center Township	PAG046186	Robert Smith 6281 Old Route 56 Indiana, PA 15701	Cherry Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-5**Facility Location**County and Municipality**Permit No.**Applicant Name and Address**Receiving Stream, Body of Water or Site Name and Address**Contact Office and Telephone No.*City of Butler
Butler County

PAG058305

Pennzoil-Quaker State
Company
P. O. Box 2967
700 Milam
Houston, TX 77002Connoquenessing
CreekNorthwest Region
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942City of Butler
Butler County

PAG058325

United Refining Company
of Pennsylvania
P. O. Box 688
11 Bradley Street
Warren, PA 16365Unnamed
Tributary to
Connoquenessing
CreekNorthwest Region
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942**SEWAGE FACILITIES ACT
PLAN APPROVAL****Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).***Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110.**Location: Carroll Township, York County, 555 Chestnut Grove Road, Dillsburg, PA 17019.*

The approved plan provides for construction of a .4 mgd STP discharging to the Yellow Breeches Creek. The facility is positioned such that additional flows from Monroe Township, Cumberland County will be feasible. Additionally, certain existing flows will be redirected from the existing Dillsburg sewage treatment plant to the new facilities and the Carroll Township sewer service area will be expanded to place sewers in Carroll Manor, an existing needs area. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).***Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.***Permit No. 2698502.** Public water supply. **Mountain Water Association**, Box 297, Fairchance, PA 15436.*Type of Facility: Brownfield Hollow Well and Treatment Facility**Permit for Operation Issued: September 10, 1999.**Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.***Permit No. 5598501.** The Department issued an operation permit to **Penns Creek Municipal Authority**, Box 148, Penns Creek, PA 17862-0148, Center Township, **Snyder County** for operation of well no. 3, finished water storage tank and transmission line.

Permit No. Minor Amendment. The Department issued a construction permit to the **Mahoning Township Municipal Authority**, 1101 Bloom Road, Danville, PA 17821. The permit is for modification of Route 11 booster pump station. A 200 gpm and a 400 gpm pump will be removed and replaced with two 800 gpm pumps. A 400 gpm pump will be retained. A meter pit will be installed on the suction side of the pumps.

Permit No. Minor Amendment. The Department issued a construction permit to the **Mountain Top Area Water Association**, P. O. Box 223, Snow Shoe, PA 16874, Snow Shoe and Burnside Townships, **Centre County**. The permit is for construction of a 420,000 gallon finished water storage tank and 7,400 feet of 8" distribution line.

Permit No. Minor Amendment. The Department issued an operation permit to **State College Borough Water Authority**, 1201 West Branch Road, State College, PA 16801, State College Borough, **Centre County**. The permit was issued for operation of modifications to the discharge piping of Well No. 25 to allow its use as either a groundwater source or a source of supply to the filtration's plant on March 22, 1999. The Minor Permit Amendment authorizing operation of Well No. 25 has now been revised to prohibit the use of the well without filtration. A permit amendment has been added that requires a section of pipe to be removed to physically separate Well No. 25 from the public water supply distribution system.

Permit No. 1490505. The Department issued an operation permit to **State College Borough Water Authority**, 1201 West Branch Road, State College, PA 16801, State College Borough, **Centre County**. This permit authorizes operation of the Alexander Wellfield (Wellfield No. 6) and treatment facilities that were approved for construction by Permit No. 1490505—Construction issued February 14, 1991 and Minor Amendment—Construction issued March 2, 1998.

Permit No. Minor Amendment. The Department issued a construction permit to the **Irvona Municipal Authority**, Box 247, Irvona, PA 16656, Irvona Borough, **Clearfield County**. This minor permit amendment authorizes installation of an inflatable well packer assembly in Well No. 1 as a short-term to contamination problems that are related to a failure of the well casing.

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 to 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 methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

7500 State Road Property, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with solvents and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet site-specific standards.

Mad Platter, West Chester Borough, **Chester County**. Mark Fortna, Del Val Soil & Environmental Consultants, Inc., 4050 Skyron Drive, Suite A1, Doylestown, PA 18901, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Keystone Financial Bank, NA, Kennett Square Borough, **Chester County**. Marco Droese, P. G. Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Manor Professional Building, Suite 1, Glenmoore, PA 19343, has submitted a Remedial Investigation Report and Final Report concerning remediation of site soil contaminated with lead, BTEX and petroleum hydrocarbons; and groundwater contaminated with BTEX and petroleum hydrocarbons. The reports are intended to

document remediation of the site to meet the Statewide health and site-specific standards.

Martin E. Braam, III, Property, Bensalem Township, **Bucks County**. Richard C. Parker, Esq., 175 Strafford Avenue, Suite 220, Wayne, PA 19087, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet background standards.

Herzog Farm, Upper Uwchlan Township, **Chester County**. Michael S. Welsh, Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Pennsylvania Power & Light Company (PP & L)—Decommissioned South 6th Street Substation, Borough of Emmaus, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned South 1st Street Substation (Main Street and Kleins Lane), Borough of Emmaus, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned South 4th Street Substation (South 4th at Post Street), City of Allentown, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Meadow Substation, City of Allentown, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Greenleaf Substation (Greenleaf and New Streets), City of Allentown, **Lehigh County**. PP & L Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Shawnee Substation (W. Third and Shawnee Streets), City of Bethlehem, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Centronia Substation (near Broadway and Haines Mills), City of Allentown, **Lehigh County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Canal Substation (21st Street and Route 329), Borough of Northampton, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Didier Substation (Rt. 412 and Cokeworks Road), City of Bethlehem, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Pembroke Substation (Pembroke Road), City of Bethlehem, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the

site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Tatamy Substation (Tatamy Road near Nazareth), Borough of Tatamy, **Northampton County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned West Pittston Substation (Ash and Elm Streets), Borough of West Pittston, **Luzerne County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Horton Substation (Horton and Main Streets), City of Wilkes-Barre, **Luzerne County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Pittston Substation (Benedict Street), City of Pittston, **Luzerne County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Clarks Summit Substation (Dalton Railway Street), Borough of Clarks Summit, **Lackawanna County**. PP & L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP & L)—Decommissioned Brockton Substation, Schuylkill Township, **Schuylkill County**. PP & L, Environmental

Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. Please refer to additional *Pennsylvania Bulletin* notice.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Sand Hill Substation, Derry Township, **Dauphin County**. PP & L, Inc., GENTW8, Two North Ninth Street, Allentown, PA 18101-1179, has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to the Statewide health standard.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

Johnstown Corporation (AOC-1), Johnstown, **Cambria County**. Bryan I. Fitzpatrick, QST Environmental, 5205 Milita Hill Road, Plymouth Meeting, PA 19642, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PHCs. The report is intended to document remediation of the site to meet the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program 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 (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 reuse 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 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 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's 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 acted upon the following plans and reports:

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

Pennsylvania Power & Light Company (PP&L)—Decommissioned South 6th Street Substation, Borough of Emmaus, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned South 1st Street Substation (Main Street and Kleins Lane), Borough of Emmaus, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned South 4th Street Substation (South 4th at Post Street), City of Allentown, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Meadow Substation, City of Allentown, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Greenleaf Substation (Greenleaf and New Streets), City of Allentown, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Shawnee Substation (W. Third and Shawnee Streets), City of Bethlehem, **Northampton County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Centronia Substation (near Broadway and Haines Mills), City of Allentown, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Canal Substation (21st Street and Route 329), Borough of Northampton, **Northampton County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Didier Substation (Rt. 412 and Cokeworks Road), City of Bethlehem, **Northampton County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Pembroke Substation (Pembroke Road), City of Bethlehem, **Northampton County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Tatamy Substation (Tatamy Road near Nazareth), Borough of Tatamy, **Northampton County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned West Pittston Substation (Ash and Elm Streets), Borough of West Pittston, **Luzerne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils

found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Horton Substation (Horton and Main Streets), City of Wilkes-Barre, **Luzerne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Pittston Substation (Benedict Street), City of Pittston, **Luzerne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Clarks Summit Substation (Dalton Railway Street), Borough of Clarks Summit, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Pennsylvania Power & Light Company (PP&L)—Decommissioned Brockton Substation, Schuylkill Township, **Schuylkill County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101, has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide human health standard, and was approved on September 20, 1999.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Lancaster Dodge, formerly Stetler Auto, Manheim Township, **Lancaster County**. BL Tethys LLC, 2407 Park Drive, 1st Floor, Harrisburg, PA 17110, has submitted a final report concerning the remediation of site soils and groundwater contaminated with PHCs and BTEX. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on September 15, 1999.

GPU MetEd Former Hamburg Coal Gas Plant, Hamburg Borough, **Berks County**. GPU Energy, P. O. Box 16001, Reading, PA 19640-0002, has submitted a combined remedial investigation and final report concerning the remediation of site soils contaminated with PAHs. The combined report demonstrated attainment of the site-specific standard, and was approved by the Department on September 14, 1999.

SOLID AND HAZARDOUS WASTE**RESIDUAL WASTE PROCESSING FACILITIES**

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.

Regional Office: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.

Permit No. 301321. Atlas Environmental Services and Equipment Co., 6801 State Road, Philadelphia, PA 19135, was issued a permit for a residual waste oil transfer facility located in the **City of Philadelphia**. Bulking, storage and transfer of waste oil will be conducted at the facility under the approved permit. Permit issued by the Southeast Regional Office on September 13, 1999.

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Proposed actions on applications for permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

Following the 45-day comment period, the Regional Solid Waste Manager will make a final determination regarding the proposed permit action. Notice of the determination will be published in the *Pennsylvania Bulletin*, at which time this determination may be appealed to the Environmental Hearing Board.

Draft Permits Prepared:

A. PAD000429589. Waste Management Disposal Services of PA, Inc. A draft permit has been prepared for the modification of the postclosure permit for the portion of GROWS Landfill known as "Old GROWS" Landfill, located in Falls Township, **Bucks County**. Proposed modifications consist of modification of the groundwater monitoring plan; modification of the leachate collection, gas collection and final cap systems; and a request for a partial bond release to reflect reduced cost estimates for remaining postclosure care activities.

AIR QUALITY**OPERATING PERMITS**

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

40-310-041GP: Slusser Brothers Trucking & Excavating Co. (125 Warren Street, West Hazleton, PA 18201), for construction and operation of a portable stone crushing plant in Salem Township, **Luzerne County**.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

NMOP-14-00009: Centre Community Hospital (1800 East Park Avenue, State College, PA 16801), on September 2, 1999, for operation of boilers and generators in College Township, **Centre County**. The expiration date for this permit is August 31, 2004.

NMOP-18-00013: Lock Haven Hospital (24 Cree Drive, Lock Haven, PA 17745), on September 2, 1999, for operation of boilers and generators in Lock Haven, **Clinton County**. The expiration date for this permit is August 31, 2004.

NMOP-19-00008: Bloomsburg Hospital (549 East Fair Street, Bloomsburg, PA 17815), on September 2, 1999, for operation of boilers, generators and a sterilizer in Bloomsburg, **Columbia County**. The expiration date for this permit is August 31, 2004.

SMOP-41-00033: Susquehanna Health System, Williamsport Hospital (1100 Grampian Boulevard, Williamsport, PA 17701), on September 2, 1999, for operation of boilers, heaters and generators in Williamsport, **Lycoming County**. The expiration date for this permit is August 31, 2004.

Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

53-399-006A: SMC Powder Metallurgy, Division of St. Mary's Carbon Co., Inc. (P. O. Box 229, Galeton, PA 16922), on September 16, 1999, to allow use of lithium stearate in place of zinc stearate as a lubricant added to the metal powders processed through seven powdered metal parts sintering furnaces in Pike Township, **Potter County**.

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northwest Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

35-302-110: PEI Power Corp. (170 Power Boulevard, P. O. Box 157, Archbald, PA 18403), on September 13, 1999, for construction of an auxiliary boiler in Archbald Borough, **Lackawanna County**.

66-303-003B: American Asphalt Paving Co. (500 Chase Road, Shavertown, PA 18708), on September 16, 1999, for modification of a batch asphalt plant in Falls Township, **Wyoming County**.

45-310-003E: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044), on August 13, 1999, for modification of their existing stone crushing plant in Hamilton Township, **Monroe County**.

35-322-003C: Dominion Energy, Inc. (Alliance Land-fill Inc., P. O. Box 28, Taylor, PA 18517), for modification of the Kryogenic condensate gas plant in Taylor Borough, **Lackawanna County**.

40-313-035: Flint Ink North American Corp. (4600 Arrowhead Drive, Ann Arbor, MI 48105), for modification of their pigment mixing operation in Hazle Township, **Luzerne County**.

35-399-032: Thomson Consumer Electronics (200 Keystone Industrial Park, Dunmore, PA 18512), for modification of the glass cleaning operation with new scrubber in Dunmore, **Lackawanna County**.

35-301-039: Finch Hill Veterinary Clinic (436 Route 106, Greenfield Township, PA 18407), for installation of an animal crematory in Greenfield Township, **Lackawanna County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-3005B: Morton International (P. O. Box 15209, Reading, PA 19612-5209), on September 14, 1999, for modification of two fabric collectors at the Glenside Plant in Reading City, **Berks County**.

36-05019B: Supply Sales Co. (1411 Lancaster Avenue, Lancaster, PA 17512), on August 12, 1999, for construction of a spruce crusher at the Columbia Plant in Columbia Borough, **Lancaster County**.

36-05019C: Supply Sales Co. (1411 Lancaster Avenue, Lancaster, PA 17512), on August 12, 1999, for construction of a DC-412 fabric collector at the Columbia Plant in Columbia Borough, **Lancaster County**.

36-05067D: C & D Technologies, Inc. (82 East Main Street, Leola, PA 17540), on September 14, 1999, for installation of a negative grid caster with lead pot and a fabric filter on Route 23 in Upper Leacock Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart KK of the Standards of Performance for New Stationary Sources.

67-03045A: FKI Industries, Inc.—ACCO Chain and Lifting Products Division (76 ACCO Drive, York, PA 17402), on September 20, 1999, for modification of the 5/6 wire drawing operation controlled by a Clean America, Inc. cartridge collector in York Township, **York County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-25-070B: Gunite EMI Corp. (603 West 12th Street, Erie, PA 16501), on September 16, 1999, for construction of a paint spray booth in Erie, **Erie County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-317-006A: Colorcon (415 Moyer Boulevard, West Point, PA 19486), on September 13, 1999, for operation of a manufacturing process in Upper Gwynedd Township, **Montgomery County**.

PA-23-0075: Rhone-Poulenc Surfactants & Specialty (Blue Bell Avenue and Second Street, Marcus Hook, PA 19061), on September 13, 1999, for operation of a surfactants manufacturing facility in Marcus Hook Borough, **Delaware County**.

23-318-001E: Congoleum Corp. (Ridge Road and Yates Avenue, Marcus Hook, PA 19061), on September 15, 1999, for operation of a surface coating operation in Trainer Borough, **Delaware County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

29-318-003B: JLG Industries, Inc. (JLG Drive, Mechanicsburg, PA 17233), on August 2, 1999, to authorize temporary operation of the McConnellsburg manlift production facility covered under this Plan Approval until November 29, 1999, in Ayr Township, **Fulton County**.

36-05019A: Supply Sales Co. (1411 Lancaster Avenue, Lancaster, PA 17512), on July 3, 1999, to authorize temporary operation of a disamatic molding line covered under this Plan Approval until October 31, 1999, at the Columbia Plant in Columbia Borough, **Lancaster County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-37-299A: IMS Steel Services, Inc. (Cherry Street, P. O. Box 2372, New Castle, PA 16102), on July 31, 1999, for a steel slag and scrap processing plant in Taylor Township, **Lawrence County**.

PA-20-284A: Multi-Tool, Inc. (Route 198, South Street, P. O. Box 708, Saegertown, PA 16433), on August 31, 1999, for two chrome plating tanks in Saegertown, **Crawford County**.

PA-25-974A: Hi-Tech Plating Co., Inc. (1015 West 18th Street, Erie, PA 16502), on June 30, 1999, for chrome plating operations in Erie, **Erie County**.

PA-37-243A: International Metals Reclamation Co. (245 Portersville Road, P. O. Box 720, Ellwood City, PA 16117), on August 30, 1999, for a rotary calciner thermal oxidation furnace in Ellwood City, **Lawrence County**.

PA-42-185A: IA Construction Corp. (Route 155, Turtlepoint, PA 16750), on August 31, 1999, for a batch asphalt plant in Annin Township, **McKean County**.

PA-43-170B: Werner Co. (93 Werner Road, Greenville, PA 16125), on June 30, 1999, for no. 3 pultrusion line in Sugar Grove Township, **Mercer County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

Knox District Office, P. O. Box 669, Knox, PA 16232.

Coal Permits Issued

24890101. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip, tippie refuse disposal and coal ash placement operation in Fox and Horton Townships, **Elk County** affecting 377.0 acres. Receiving streams: Boderocco Run, Brandy Camp Creek, Unnamed tributary to Little Toby Creek. Application received: May 20, 1999. Permit issued: September 8, 1999.

101244-24930102-E-3. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853). Application for a stream encroachment to conduct mining activities within 100 feet of Unnamed tributary B to Brandy Camp Creek in Horton Township, **Elk County**. Mining activities may be conducted no closer than 25 feet for purposes of support facility construction and maintenance, and no closer than 50 feet for mineral extraction. Receiving streams: Unnamed tributary to Johnson Run and Unnamed tributary to Brandy Camp Creek. Application received: July 7, 1999. Permit issued: September 13, 1999.

33990105. S & M Mining (R. R. 1, Box 591, Marion Center, PA 15759). Commencement, operation and restoration of a bituminous strip and auger operation in Winslow Township, **Jefferson County** affecting 226.0 acres. Receiving streams: Sandy Lick Creek. Application received: March 10, 1999. Permit issued: September 2, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17980109. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Pike Township, **Clearfield County** affecting 145 acres. Receiving streams: Hogback Run to the West Branch of the Susquehanna River. Application received April 27, 1998. Permit issued September 9, 1999.

17753180. James M. Stott Coal Co., Inc. (P. O. Box 28, Oak Hill, WV 25901), renewal of an existing bituminous surface mine permit in Boggs Township, **Clearfield County** affecting 140 acres. Receiving streams: Laurel Run to Moshannon Creek to West Branch Susquehanna

River to Susquehanna River. Application received January 10, 1999. Permit issued September 14, 1999.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

26870203. Yowonske Construction Co. (R. D. 3, Box 343-A, Belle Vernon, PA 15012). Renewal issued for continued operation and reclamation of a bituminous surface/coke ash mine located in Redstone Township, **Fayette County**, affecting 52 acres. Receiving streams: Rowes Run to Redstone Creek to Monongahela River. Application received: June 16, 1999. Renewal issued: September 15, 1999.

03950105. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Renewal issued for continued operation and reclamation of a bituminous surface/auger mine located in West Franklin Township, **Armstrong County**, affecting 439.0 acres. Receiving streams: Patterson Creek and an unnamed tributary to Buffalo Creek. Application received: July 28, 1999. Renewal issued: September 16, 1999.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Noncoal Permits Issued

65900403. Pioneer Mid-Atlantic, Inc. (400 Industrial Boulevard, New Kensington, PA 15068). Permit revised to add 231 acres for underground mining at a large noncoal (limestone quarry) surface mining site located in Unity Township, **Westmoreland County**, affecting 492 acres. Receiving streams: unnamed tributaries to Nine Mile Run, to Nine Mile Run, to Loyalhanna Creek, to the Kiskiminetas River. Application received: June 30, 1999. Revision issued: September 16, 1999.

Knox District Office, P. O. Box 669, Knox, PA 16232.

302124-4379306-E-3. H & H Materials, Inc. (190 Canon Rd., Stoneboro, PA 16153). Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 30 feet of Little Shenango River in Lake Township, **Mercer County**. Receiving streams: Unnamed tributary to Little Shenango River. Application received: June 28, 1999. Permit issued: September 2, 1999.

Knox District Office, P. O. Box 669, Knox, PA 16232.

Small Noncoal (Industrial Minerals) Permits Issued

37982802. Siegel Excavating (R. D. 1, Box 307C, Edinburg, PA 16116). Commencement, operation and restoration of a small noncoal sand and gravel operation in Mahoning Township, **Lawrence County** affecting 5.5 acres. Receiving streams: None. Application received: May 11, 1999. Permit issued: September 2, 1999.

25992806. Raymond D. Showman & Sons, Inc. (12851 Sharp Road, Edinboro, PA 16412). Commencement, operation and restoration of a small noncoal sand and gravel operation in Washington Township, **Erie County** affecting 5.0 acres. Receiving streams: None. Application received: April 30, 1999. Permit issued: September 2, 1999.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval

and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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, 400 Market Street, Floor 2, 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 the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board 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 filed 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 sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) 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: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E58-229. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 20.0-foot (6.10-meter) x 5.5-foot (1.68-meter) precast concrete box culvert, with its invert depressed 1.0-foot (0.31 meter) below streambed elevation, in Fall Brook. The project includes the permanent placement of fill in a de minimis area of wetlands equal to 0.03 acre. The structure is located on S. R. 0167, Section 572, approximately 0.1 mile south of the intersection of S. R. 0167 and T-725 (Laurel Lake, PA-NY Quadrangle N: 2.7 inches; W: 2.6 inches), in Bridgewater Township, **Susquehanna County**.

Northcentral Region: Water Management, Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E14-352. Encroachment. **Bruce Snyder**, Eastern States Exploration Company, P. O. Box 178, Snow Shoe, PA 16874. To construct and maintain a natural gas pipeline, 3,000 feet of 6-inch diameter, under North Fork Beech Creek (Flat Street and France Crossings), unnamed tributary to Beech Creek (Pancake Crossing), unnamed tributary to Sandy Run, Beech Creek (Red Buck Road Crossing) and Rock Run. The project begins at the meter house on Flat Street in the Village of Clarence (Snow Shoe, PA Quadrangle N: 9.00 inches; W: 9.42 inches) and ends at the ESEC Compressor Station on Hall Road located approximately 1 mile south of the intersection of Hall Road and Kato-Orviston Road (Snow Shoe SE, PA Quadrangle N: 11.83 inches; W: 12.92 inches) in Snow Shoe Township, **Centre County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-354. Encroachment. **Dale S. Maurer**, 1060 Rattlesnake Pike, Julian, PA 16844. To remove a headwall and

superstructure of the existing structure and to construct and maintain a single span I-beam bridge with a span of 15 feet an underclearance of 6 feet across Dewitt Run located off Route 504 approximately 2 miles north of Route 220 (Bear Knob, PA Quadrangle N: 9.1 inches; W: 3.6 inches) in Union Township, **Centre County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E57-078A. Encroachment. **Pennsylvania Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. To: 1) remove an existing deteriorated structure and to construct and maintain a prestressed spreadbox beam bridge with a 9.4-meter (30.84-foot) clear span and a minimum underclearance of 0.843-meter (2.77-foot), plus the associated concrete wingwalls, across Rock Run; 2) fill 31.25 square meters (0.0053 acre) of wetland associated with the widening of an approach road and a rock outfall for a drainage pipe, both of which are located approximately 3.1 kilometers (1.9 miles) eastbound on Brunnerdale Road from its intersection with S. R. 3005 (Hills Grove, PA Quadrangle N: 2.13 inches; W: 2.25 inches) in Shrewsbury Township, **Sullivan County**.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E65-719. Encroachment. **DeNunzio Properties, Inc.**, P. O. Box 74, Jeannette, PA 15644. To construct and maintain three single span pedestrian bridges having normal spans of 27.5 feet, 23.5 feet and 31.0 feet and underclearances of 3.7 feet, 3.9 feet and 4.1 feet respectively across Zellers Run (WWF) for the purpose of providing access from Laurel Village Apartments to garage units. The project is located between Weaver and Rugh Streets (Greensburg, PA Quadrangle N: 7.0 inches; W: 7.1 inches) in the Borough of Southwest Greensburg, **Westmoreland County**.

E11-278. Encroachment. **Township of East Carroll**, 3350 Brick Road, Carrolltown, PA 15722. To remove the existing structure and to construct and maintain a 6-inch depressed 16.0-foot x 4.3-foot corrugated metal box culvert in Laurel Lick Run (HQ-CWF). This project is located on T-511, approximately 1.9 miles east of U. S. Route 219 (Carrolltown, PA Quadrangle N: 12.3 inches; W: 9.3 inches) in East Carroll Township, **Cambria County**.

E63-471. Encroachment. **Steve T. Cox**, R.D. 2, Monongahela, PA 15063. To place and maintain fill in a de minimis area of wetlands (PEM) equal to 0.05 acre for the purpose of constructing an access for livestock. The project is located in the headwaters of a tributary to Taylors Run (WWF) approximately 1 mile from its confluence with Pigeon Creek (Monongahela, PA Quadrangle N: 9.0 inches; W: 9.3 inches), Carroll Township, **Washington County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-303. Encroachment. **Western Butler County Authority**, 607 Market Street, P. O. Box 427, Zelenople, PA 16063. To construct and maintain the following structures, with appurtenant works, as part of the expansion of the existing Western Butler County Authority Water Pollution Control Plant on Allegheny Street within the 100-year floodplain of Glade Run and Connoquenessing Creek (Zelenople, PA Quadrangle N: 6.7 inches; W: 3.4 inches) in Zelenople Borough, **Butler County**: 1. A 90-foot diameter excess flow holding tank and valve pit.

2. A 15-foot wide by 30-foot long excess flow pump station.
 3. A 14.33-foot wide by 14.5-foot long sulfonation building.
 4. A 42-foot wide by 42-foot long clarifier and 42-foot wide by 42-foot long aeration tank with a 13.5-foot wide intermediate gallery. 5. A 13-foot wide by 43-foot long chlorine contact tank and concrete walkway. 6. Approximately 450 feet of new driveway. 7. Interior renovations to existing buildings.

E10-304. Encroachment. **Marion Township**, 236 Creek Bottom Road, Harrisville, PA 16036. To remove the existing bridge and to install and maintain a 14-foot-wide by 7.25-foot-high CM pipe arch culvert in North Branch Slippery Rock Creek on T-477 (White Oak Road) approximately 1 mile east of S. R. 0008 (Barkeyville, PA Quadrangle N: 7.5 inches; W: 14.3 inches) in Marion Township, **Butler County**.

E25-583. Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. To place concrete streambed paving 1.0-foot below the existing streambed elevation and maintain the reinforced concrete slab bridge having a span of 12 feet and an underclearance of 6 feet across Marsh Run on S. R. 3006, Segment 0110, Offset 0000 approximately 0.5 mile west of S. R. 0215 (East Springfield, PA Quadrangle N: 15.2 inches; W: 9.7 inches) in Conneaut Township, **Erie County**.

E25-589. Encroachment. **North East Township**, 10300 West Main Road, North East, PA 16428. To remove the existing structure and to install and maintain a 50-foot-long, 137-inch-wide by 87-inch-high corrugated metal pipe arch culvert in a tributary to Sixteen Mile Creek on T-751 (Cole Road) approximately 0.1 mile east of S. R. 0426 (North East, PA Quadrangle N: 9.9 inches; W: 4.4 inches) in North East Township, **Erie County**.

E61-222. Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. To place concrete streambed paving 1.0-foot below the existing streambed elevation and maintain the reinforced concrete slab bridge having a span of 17 feet and an underclearance of 8 feet across Bear Run on S. R. 0038, Segment 0190, Offset 2178 approximately 0.5 mile west of the village of Nickleville (Cranberry, PA Quadrangle N: 4.3 inches; W: 5.2 inches) in Richland Township, **Venango County**.

E62-348. Encroachment. **Pennsylvania General Energy Corporation**, 208 Liberty Street, Warren, PA 16365-2304. To install and maintain a 6 5/8-inch-outside-diameter steel natural gas line by directional drilling across the Allegheny River to supply gas to United Refinery approximately 750 feet downstream (west) of the Glade Bridge (S. R. 0006) (Clarendon, PA Quadrangle N: 13.5 inches; W: 1.5 inches) located in the City of Warren and Mead Township, **Warren County**.

WATER ALLOCATIONS

Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

Southwest Regional Office: Regional Manager, Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit issued on September 14, 1999

WA65-90C. Water allocation. **Municipal Authority of the City of New Kensington, Armstrong County, PA.**

Modification order to include the new service area in portions of Washington and Allegheny Townships in **Westmoreland County**; and Plum Borough, **Allegheny County**.

Northwest Regional Office: Regional Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.

Permit No. WA 10-1002. Water allocation. **The Municipal Authority of Adams Township**, 170 Hutchman Road, Mars, PA 16046, grants the right to purchase 150,000 gpd from the Borough of West View, West View Authority, Allegheny County, PA. This subsidiary permit request is to ensure an adequate water supply to customers in a section of Adams Township, **Butler County**.

Type of Facility: General Purpose Authority

Donald H. Warnick, Authority Engineer, The Warnick Company, Inc., 226 Sunset Drive, Butler, PA 16001-8740.

Permit Issue Date: September 14, 1999

SPECIAL NOTICES

Public Hearing Notice

102/NPDES/Stormwater

The Department of Environmental Protection (Department) Water Management Program will be holding a fact finding hearing on the following Stormwater NPDES permit application: Pennsylvania State University, Great Valley Campus, Safeguard Scientific Building, Permit No. PAS10-G377.

The hearing is scheduled for November 18, 1999, at 1:30 p.m., at Chester County Conservation District Office, Conference Room 240, 601 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on this application. The application is for stormwater construction activities, with a discharge to Little Valley Creek. A copy of this application is available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is Pennsylvania State University, University Park, PA 16802.

Comments received will be considered by the Department in completing its review and prior to taking final action concerning the application. The hearing will not be a question and answer session.

Persons intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the above address. The notice should include the person's name, address and phone number, whether one is opposed or in favor of the project and a brief statement about the presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Persons wishing to present written material directly to the Department may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact Sharon Moore, at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

[Pa.B. Doc. No. 99-1675. Filed for public inspection October 1, 1999, 9:00 a.m.]

Implementation of Revised Biological Metric

On July 24, 1999 (29 Pa.B. 3960) the Department of Environmental Protection (Department) published a notice of availability and opportunity for public comment on a revision to the application of one of the biological metrics used in evaluating candidates for special water quality protection. The Department applies five biological metrics to develop a biological condition score for the candidate that is compared to that of a reference water body of known excellent quality.

Generally, healthy aquatic systems are not dominated by any single type or group of organisms but, rather, are well balanced. An invertebrate collection dominated by a single taxon is normally an indication that an outside stress has altered the system and created conditions that favor the proliferation of one group of invertebrates (usually pollution tolerant). The metric Percent Dominant Taxon detects this condition and, when compared to a healthy, balanced reference condition, results in a poor score for the candidate water body. However, natural systems are varied and, when applied literally, this metric can yield misleading results in aquatic systems naturally dominated by one or two taxa or where the biological community is temporarily dominated by one or two taxa because their reproductive cycle has yielded large numbers of individuals over a very brief interval. In order to reflect the science, the Department proposed to consider the Hilsenhoff Index number for the dominant group of invertebrates. This index (on a scale of 1-10) reflects the sensitivity of the organism to pollution. Low Hilsenhoff Index numbers are assigned to invertebrates that are sensitive to pollution. If the Hilsenhoff Index for the dominant taxon in a sample is 0, 1 or 2 (indicative of a pollution sensitive organism) the maximum score of 6 will be assigned for the Percent Dominant Taxon metric. This will recognize that a sensitive biological community exists at the site even though it is dominated by a single taxon.

All of the 18 comments received were in support of the change in implementation. They indicated that using the Hilsenhoff pollution tolerance index will provide more meaning to the percent dominant taxon score and assist in interpreting the metric. Based on these supportive comments, the Department will begin using this revised method for implementing the Percent Dominant Taxon metric upon publication of this notice in the *Pennsylvania Bulletin*.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-1676. Filed for public inspection October 1, 1999, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of the Bloomsburg Hospital for Exception to 28 Pa. Code § 107.2

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that The Bloomsburg Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 which requires that the Medical Staff shall be limited to physicians and dentists who have made application in accordance with the bylaws, rules, and regulations of the medical staff and with the bylaws of the hospitals. The Bloomsburg Hospital wants to add licensed psychologists to the professional medical staff.

The request is on file with the Department. Persons may receive a copy of the 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: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

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 disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide 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. 99-1677. Filed for public inspection October 1, 1999, 9:00 a.m.]

Application of Chambersburg Hospital for Exception to 28 Pa. Code § 107.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Chambersburg Hospital has requested an exception to the requirements of 28 Pa. Code § 107.32 which requires that hospital departmental meetings be held monthly. Chambersburg Hospital requests that the Medical Staff Departments be allowed to hold no more than 10 meetings per year per department.

The request is on file with the Department. Persons may receive a copy of the 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: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

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 disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide 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. 99-1678. Filed for public inspection October 1, 1999, 9:00 a.m.]

Application of Crozer Chester Medical Center for Exception to 28 Pa. Code § 153.1(b)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Crozer Chester Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1(b) which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Crozer Chester Medical Center requests exemption from the following standards contained in this publication: 7.4A6 which requires at least one airborne isolation room for the newborn nurseries.

The request is on file with the Department. Persons may receive a copy of the 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: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

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 disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide 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. 99-1679. Filed for public inspection October 1, 1999, 9:00 a.m.]

Application of Good Samaritan Regional Medical Center for Exception to 28 Pa. Code §§ 107.26 and 107.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department)

hereby gives notice that Good Samaritan Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.26 which requires that the Tissue Committee shall meet at least once monthly, and its reports should be made available to the medical care evaluation committee. Good Samaritan Regional Medical Center requests their tissue committee be able to meet every other month, not monthly. The Medical Center is also requesting exception to the requirements of 28 Pa. Code § 107.32 which requires that Medical Departmental meetings should be held monthly. The Medical Center requests that they be allowed to schedule their medical departmental meetings based on the number of members and amount of issues that need to be addressed.

The request is on file with the Department. Persons may receive a copy of the 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: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

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 disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide 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. 99-1680. Filed for public inspection October 1, 1999, 9:00 a.m.]

Application of Pottstown Memorial Medical Center for Exception to 28 Pa. Code § 153.1(b)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Pottstown Memorial Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1(b) which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Pottstown Memorial Medical Center specifically requests exemption from the following standards contained in this publication: 7.14C1 which requires that appropriate areas be made available to male and female personnel for staff clothing change area and lounge. Pottstown Memorial Medical Center requests an exemption from providing a shower in this changing and lounge area.

The request is on file with the Department. Persons may receive a copy of the 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: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

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 disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide 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. 99-1681. Filed for public inspection October 1, 1999, 9:00 a.m.]

Application of Warren General Hospital for Exception to 28 Pa. Code § 153.1(b)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Warren General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(b) which require compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Crozer Chester Medical Center requests exception from the following standards contained in this publication: 1) 7.14.B11, which requires a soiled workroom with a flushing-rim sink; and 2) 7.32.G2, which requires that provisions for emergency calls will also be needed in outpatient and treatment areas where patients may be subject to incapacitation.

The request is on file with the Department. Persons may receive a copy of the 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: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

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 disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide 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. 99-1682. Filed for public inspection October 1, 1999, 9:00 a.m.]

Application of York Hospital for Exception to 28 Pa. Code § 30.41(3)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 30.41(3) which requires all licensed blood banks to maintain records to include requests for transfusion of blood or blood products, including the full name of the recipient, hospital identification number, sex, amount of blood product required and the name of the requesting physician.

The request is on file with the Department. Persons may receive a copy of the 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: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

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 disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide 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. 99-1683. Filed for public inspection October 1, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

Revenue-Neutral Reconciliation Rate Notice for the Tax Year Beginning January 1, 2000

Title 66 Pa.C.S. § 2810(a) provides "It is the intention of the General Assembly that the restructuring of the electric industry be accomplished in a manner that allows Pennsylvania to enjoy the benefits of competition, promotes the competitiveness of Pennsylvania's electric utilities and maintains revenue neutrality to the Commonwealth. This section is not intended to cause a shift in proportional tax obligations among customer classes or individual electric distribution companies. It is the intention of the General Assembly to establish this revenue replacement at a level necessary to recoup losses that may result from the restructuring of the electric industry and the transition thereto."

Title 66 Pa.C.S. § 2810(c) requires the Secretary of Revenue to publish the rate of the revenue-neutral reconciliation (RNR) tax in the form of a notice in the *Pennsylvania Bulletin* by December 1, 1998, and each October 1 thereafter until and including October 1, 2002. The tax rate established in section 2810(c) shall be

imposed upon gross receipts as provided in 66 Pa.C.S. § 2810(b) for the period beginning the next January 1. In the event the RNR tax rate is negative, a credit is provided under 66 Pa.C.S. § 2810(c)(5). This credit is available only to a taxpayer upon which tax is imposed under 66 Pa.C.S. § 2810(b).

The result of the revenue-neutral reconciliation calculation provided in 66 Pa.C.S. § 2810 is + 0.006. Therefore, the combined utility gross receipts tax rate for electric distribution companies and electric generation suppliers is effectively 0.050 for tax periods beginning on or after January 1, 2000, rather than 0.044.

The utility gross receipts tax rate, however, remains 0.050 for all gross receipts taxable under section 1101(a) of the TRC (72 P. S. § 8101(a)).

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-1684. Filed for public inspection October 1, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Opportunity for a Corridor—Design Public Hearing and Announcement of Availability of an Environ- mental Assessment/Draft Section 4(f) Evaluation

All interested persons are advised that the Pennsylvania Department of Transportation, in compliance with the National Environmental Policy Act of 1969, as amended, and in cooperation with the Federal Highway Administration, has prepared preliminary plans, an Environmental Assessment/Draft Section 4(f) Evaluation and supporting technical files for the proposed safety and capacity improvements to US Route 30. The project is referred to as SR 0030, Section 007.

The following is a description of those alternatives studied in detail.

US Route 30 Widening/Upgrade Alternative (Preferred Alternative)

The US Route 30 Widening/Upgrade Alternative would substantially improve traffic safety and capacity by widening the existing two, three and four-lane facility to accommodate five traffic lanes; two in each direction and a center turning lane. This widening would include both curbed section areas and full shoulder areas. Three shifts in roadway alignment were also developed to avoid sensitive resources. The first shift was developed to avoid right-of-way acquisition from a property listed on the National Register of Historic Places as the Defibaugh Tavern property. The second alignment shift of approximately 200 feet to the south of the existing roadway, in the area known locally as Hospital Hill, was developed to reduce the grades to meet current design criteria and avoid severe impacts to Memorial Hospital of Bedford County and the Pennsylvania State Police barracks. The third alignment shift of approximately 30 feet to the south of the existing roadway would minimize project impacts to the Hartley Farm (Mount Dallas), a property considered eligible for the National Register.

In addition to the alignment shifts, three design options would also be constructed as part of the preferred alternative. These options include the rehabilitation of the Narrows Bridge, which is listed on the National Register,

and will carry westbound traffic and the construction of a new parallel bridge just to the south of the existing bridge to carry eastbound traffic; the realignment of the existing SR 326 (Egolf Road)/US Route 30 intersection and the relocation of Township Road T-477 (Riverview Road).

The proposed improvements extend from the eastern end of the Bedford Bypass to the western end of the Everett Bypass, a distance of approximately 4.7 miles and are located in Bedford and Snake Spring Townships, Bedford County. This alternative unavoidably impacts 0.22 acres of wetlands and adversely effects four (4) National Register eligible historic sites.

No-Build Alternative

The no-build alternative would consist of no improvements to existing conditions with the exception of routine maintenance.

The preliminary plans, Environmental Assessment/Draft Section 4(f) Evaluation and supporting technical files are available for review and comment for a 45 day period at the PA Department of Transportation District Office located at 1620 North Juniata Street, Hollidaysburg, Pennsylvania 16648, Attention Thomas Prestash, P.E., Project Manager (Telephone: 814-696-7174) between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

This Environmental Assessment/Draft Section 4(f) Evaluation is also available for review at the following locations.

- Federal Highway Administration's Pennsylvania Division Office at 228 Walnut Street, Room 508, Harrisburg, PA between the hours of 8:00 a.m.—4:00 p.m., Monday through Friday;
- Bedford County Planning Commission, 203 South Juliana Street, Bedford, PA between the hours of 8:30 a.m.—4:00 p.m., Monday through Friday;
- Bedford Township Building, RD 1, Bedford, PA between the hours of 8:30 a.m.—4:30 p.m., Monday through Friday;
- Snake Spring Township Building, RD 1, Everett, PA between the hours of 9:30 a.m.—3:00 p.m., Monday through Friday;
- Bedford County Library, 240 South Wood Street, Bedford, PA between the hours of 9:00 a.m.—8:00 p.m., Monday through Friday and 9:00 a.m.—5:00 p.m. on Saturday;
- Everett Free Library, 137 East Main Street, Everett, PA between the hours of 1:00—8:00 p.m., Monday, Tuesday and Thursday, 1:00—5:00 p.m. on Wednesday, 10:00 a.m.—8:00 p.m. on Friday and 10:00 a.m.—3:00 p.m. on Saturday;
- Bedford Historical Society, 242 East John Street, Bedford, PA between the hours of 9:00 a.m.—4:00 p.m., Monday through Friday and 9:00 a.m.—12:00 noon on Saturday;
- UPMC Bedford Hospital Library, 10455 Lincoln Highway, Everett, PA. Interested persons may call (814) 623-6161 to arrange a date and time to review the document;
- Citizen's Advisory Committee, 1427 Lutzville Road, Everett, PA. Interested persons may call (814) 623-2766 to arrange a date and time to review the document.

Also, any interested party may request that a public hearing be held to present testimony concerning the specified location and major design features of the pro-

posed highway improvement, including the social, economic, environmental and other effects of alternate designs and location.

Any request to hold a public hearing and all comments on the above documents must be delivered in writing to Mr. Earl L. Neiderhiser, P.E., District Engineer, Pennsylvania Department of Transportation, District 9-0 Office, 1620 North Juniata Street, Hollidaysburg, Pennsylvania 16648 or Mr. Ronald W. Carmichael, Division Administrator, Federal Highway Administration, P. O. Box 1086, Harrisburg, PA 17101-1720 on or before November 8, 1999.

In the event a request for a public hearing is received, a further notice of the date, time and place of the hearing will be published.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-1685. Filed for public inspection October 1, 1999, 9:00 a.m.]

Retention of Engineering Firms

Northumberland and Union Counties

Project Reference No. 08430AG2420

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twenty-two (22) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects in 1) Union County; S.R. 0080, Section 055 and 2) Northumberland County; S.R. 0080, Sections 052 and 039; S.R. 0147, Section 62A, and S.R. 0147, Section 062.

The projects listed above consist of the following activities.

Projects, in order of letting:

1. S. R. 0080, Sections 052 and 039—October 1999 Letting Construction will take approximately thirty-four (34) months

Limits: Eastbound and Westbound Interstate 80—from approximately 1.0 km east of the S. R. 0015 interchange to approximately 1.5 km west of the Limestoneville interchange, covering a length of 2.7 km.

Eastbound and Westbound Interstate 180 and Northbound and Southbound S. R. 0147 from approximately 2.1 km north of Milton on S. R. 0147 at Muddy Run to approximately 1.3 km west of the S. R. 0180/80 interchange at the McEwensville interchange, covering a length of 2.7 km.

Roadway construction on Interstate 80 involves widening the two (2) lanes, eastbound and westbound from the western limit to approximately 1.8 km east of the S.R. 0180 interchange to three (3) lanes using gyratory asphalt. From this point to the eastern limit of work, the existing concrete is rubblized, or reconstructed and gyratory mix placed as the pavement course. On S. R. 0147, S.R. 0180, and the interchange ramps, the pavements are repaired as needed, and overlaid with gyratory asphalt.

Bridge construction involves; widening the substructure and replacing the superstructure for the 10 span structures over the Susquehanna River, replacing the structures over the Conrail Railroad with single span bridges,

replacing the structures over S.R. 0180 with three (3) span bridges, and widening the structures over Muddy Run.

2. S. R. 0147, Section 62A—Letting December 1999 Construction will take approximately eight (8) months

Limits: From approximately 0.7 km north of S.R. 0642 interchange to approximately 1.4 km north of the S.R. 0254 interchange, covering a length of 2.2 km.

Work involves new construction of three structures along the future northbound alignment of S.R. 0147, along with associated minor roadway and earthwork.

Structure No. 1 is a single span over Limestone Run.

Structure No. 2 is a single span over S. R. 0254.

Structure No. 3 is a single span over Red Hill Road.

3. S.R. 0080, Section 055—Letting January 2000 Construction will take approximately thirty-two (32) months

Limits: Eastbound and Westbound Interstate 80—from approximately 1.4 km west of the S. R. 0015 interchange, near Dietrich Hill Road, to approximately 1.2 km east of the S. R. 0015 interchange at the Susquehanna River, covering approximately 2.7 km.

Northbound and Southbound S. R. 0015—from approximately 1.0 km south of the S.R. 0080 interchange, near the New Columbia interchange, south of Dietrich Hill Road, covering approximately 2.0 km.

Roadway construction on Interstate 80 involves widening the existing two (2) lanes to three (3) lanes from 1.0 km west of the S. R. 0015 interchange to the eastern limit of work, utilizing gyratory asphalt. On S. R. 0015, the roadway will be completely reconstructed to provide underclear at the Interstate 80 overpass. The ramps at the S. R. 0015/0080 interchange will be patched and overlaid.

Structure work occurs on I-80, as follows; the structures over Dietrich Hill Road, will be raised, and a new deck placed. The structures over S. R. 0015 and over S. R. 1011 the North Shore Railroad will be widened.

4. S. R. 0147, Section 062—Letting June 2000 Construction will take approximately twenty-two (22) months

Limits: Northbound and Southbound—from approximately 1.8 km south of the intersection with S. R. 0045 to 2.1 km north of the intersection with S. R. 0254, covering a distance of 10.3 km.

Roadway construction involves placing earthwork, drainage, and gyratory pavement for the new northbound lanes and ramps at four interchanges. Work also includes overlaying of the existing southbound lanes with gyratory pavement and reconstruction of S. R. 0045 in the immediate vicinity of the S. R. 0045 interchange.

Structure work includes construction of one new structure over S. R. 0045 northbound, removal of one existing southbound structure approximately 2.4 km south of the S. R. 0642 interchange, and rehabilitation of the existing southbound structure over S. R. 0254.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete and asphalt paving, drainage, wetlands, CPM schedule monitoring and computer documentation system.
- b. Understanding of Department's requirements, policies, and specifications.
- c. Number of NICET and NECEPT certified inspectors in each payroll classification.
- d. Number of available inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1)	2 (1)
(NICET Highway Construction Level 4 or equivalent)	
Transportation Construction Ins. Super. (TCIS)	7 (5)
(NICET Highway Construction Level 3 or equivalent)	
Transportation Construction Inspector— Materials (TCI-Materials)	1 (1)
(NICET Highway Materials Level 2 or equivalent)	
Transportation Construction Inspector (TCI)	9 (6)
(NICET Highway Construction Level 2 or equivalent)	
Technical Assistant (TA)	3 (2)
(NICET Highway Construction Level 1 or equivalent)	

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
- 5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

Four (4) inspectors in the TCIS and TCI classification must be certified by the Northeast Center of Excellence for Pavement Technology (NECEPT) as a Field Technician.

Since a large bridge is included in this project, two (2) TCIS's and two (2) TCI's to be assigned to the bridge must have a climbing ability.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54
(TCI-Materials)	\$36.55
(TCI)	\$35.47
(TA)	\$24.39

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License *
 - 1 Vehicle for the Transportation of Nuclear Gauge *
- * at point of need when needed

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and/or TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	9
TCI-M	2
TCI	11

No resumes are required for the TA Classification.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and

additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Paul E. Heise, P.E., District Engineer
Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. John P. Ryan, P.E., District 3-0, at (570) 368-4233.

**Lackawanna, Luzerne, Pike, Susquehanna,
Wayne and Wyoming Counties**

Project Reference No. 08430AG2421

The Department will retain a cultural resource firm for an Open-End Contract to perform all phases of cultural, historical, and archeological work associated with Department planning, designing and construction of transportation projects throughout Engineering District 4-0, that is Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. The area of study may include cultural, historic, Section 4(f), Section 106 and historic and pre-historic archeology.

The Contract will be for a period of sixty (60) months from the date of execution with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the Letters of Interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during evaluation of the firms submitting the Letters of Interest:

- a. Specialized experience and technical competence of the firm.
- b. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on Open-End Contracts.
- d. Available staffing for this assignment and the ability to meet the Department's needs.
- e. Location of engineering firm with respect to the District. This will include ability/provisions for quick responses to District requests.

The selected firm will be required to provide all necessary professional, historic and archeological services, including field survey work and materials and equipment necessary to collect, analyze and organize data, prepare reports and develop mitigation plans.

The reports and other written and graphic materials to be prepared may include, but not be limited to the following:

Phase 1 Survey and Report; Phase 2 Survey and Report; Phase 1 and 2 Management Summaries and Reports; Phase 3 (Mitigation); Geomorphological Report; Phase 2 and 3 Work Plans; Historic Resources Survey; Determination of Effects Reports (Section 106); Eligibility Reports; Section 4(f) Reports; Section 2002 Reports, on non-Federal Projects; MOA's; MOU's; HABS/HAER Recordation's; Mitigation Plans; and Project Status Reports.

Cultural Resource Studies identified above are general work activities that can be expected under this Open-End Contract. A more specific and project related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Charles M. Mattei, P.E., District Engineer
Engineering District 4-0
O'Neill Highway
Dunmore, PA 18512

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the sixth (6th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Ms. Jamie McIntyre, District 4-0, at (570) 963-3144.

**Lackawanna, Luzerne, Pike, Susquehanna,
Wayne and Wyoming Counties**

Project Reference No. 08430AG2422

The Department will retain an engineering firm for three (3) Open-End Contracts for various engineering and/or environmental services on various projects located in Engineering District 4-0, that is Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. Each Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of seven (7) firms for the purpose of negotiating three (3) Open-End Contracts based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of the firm. The specific experience of individuals who constitute the firm will be considered.
- b. Understanding of the Department's requirements, Design Manuals, policies and specifications.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience with Open-End Contracts.
- d. Location of engineering firm with respect to the District. This will include ability/provisions for quick responses to District requests.

e. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants, etc.

The work and services required under these Contracts may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under these Open-End Contracts include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under these Contracts may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under these Open-End Contracts. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under these Open-End Contracts.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Charles M. Mattei, P.E., District Engineer
Engineering District 4-0
O'Neill Highway
Dunmore, PA 18512

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the sixth (6th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. George J. Roberts, P.E., District 4-0, at (570) 963-4064.

Monroe County

Project Reference No. 08430AG2423

The Department will retain an engineering firm for a multi-phase, specific project agreement to conduct environmental studies, prepare preliminary engineering plans, perform final design and provide services during construction (shop drawing reviews and consultation during construction) for the proposed improvement of the intersection between S. R. 0611, S. R. 0940 and S. R. 0196 located in the Borough of Mount Pocono, Monroe County. The design of this project is expected to have an overall duration of thirty-three (33) months with shorter, varying schedules for individual phases. This agreement will be administered by Engineering District 5-0. The estimated construction cost is \$2.0 million.

S. R. 0611 in the project area is a rural minor arterial highway with four (4) 3.7-meter lanes (two (2) in each direction) and a 1.3-meter mountable concrete divisor that runs northwest and southeast through Monroe County. S. R. 0940 in the project area is a rural minor arterial highway that runs east and west through Monroe County. West of the project area, it has four (4) 2.7-meter lanes (two (2) in each direction) and has a 1.3 meter mountable concrete divisor. East of the project area, S. R. 0940 has two (2) 3.7-meter lanes (one (1) in each direction) with no division. S. R. 0196 is a rural major collector highway that runs north and south through north-central Monroe County. It has two (2) 3.7-meter lanes (one (1) in each direction) with no division and its southern terminus is at the intersection with S. R. 0611 and S. R. 0940.

The existing intersection of these three (3) State routes consists of two (2) signalized intersections located approximately 50 meters apart (east and west). S. R. 0940 and S. R. 0196 intersect S. R. 0611 at the western signalized intersection. S. R. 0611 runs northwest and southeast through the intersection, with S. R. 0940 intersecting from the southwest at an approximate 90 degree angle and S. R. 0196 intersecting from the north at an approximate angle of 150 degrees. S. R. 0196 terminates at this intersection. S. R. 0940 then runs east along the same alignment as S. R. 0611 to the eastern signalized intersection. S. R. 0611 runs east and west through this intersection, with S. R. 0940 intersecting from the north at an approximate 90 degree angle, and a driveway to a commercial complex intersecting from the south at an approximate 90 degree angle.

The project area is bounded by commercial and residential areas to the east, south, and west, and detached residences and forest to the north. There are no existing structures in the project area.

The selected engineering firm will be required to provide a variety of engineering services as indicated below, but not limited to:

a. Preparation of a feasibility study to recommend a proposed intersection improvement alternative, including:

analysis of existing intersection, identification of feasible improvement alternatives, recommendation of a preferred alternative, and preparation of documentation justifying the selection of the recommended alternative.

b. All studies necessary for the preparation of a Categorical Exclusion Evaluation Level 4 and associated documents including: cultural resource surveys; wetlands delineation and evaluation; Section 106 documents; hazardous waste reports; archeological surveys, etc.

c. Preliminary engineering including, but not limited to: field surveying; hydraulic and hydrologic analysis; Step 9 submission; roadway design; E & S plans; soils and geotechnical reconnaissance (if necessary); maintenance and protection of traffic; right-of-way investigation; and coordination with utility companies.

d. Preparation of final roadway, including, but not limited to: roadway; final design; and preparation of plans, specifications, and estimates.

e. Consultation during construction.

All engineering services for this project will be performed in accordance with current Department Metric Design Standards.

The following factors, listed in order of importance, will be considered by the Department during evaluation of the firms submitting acceptable Letters of Interest:

- a. Specialized expertise and technical competence.
- b. Project team composition.
- c. Project team experience.
- d. Ability to expedite this project and maintain schedule and budget.
- e. Past performance.
- f. Location of consultant with respect to the project site and to the District Office.

The District will announce the firms that have been shortlisted at a open public meeting to be held in Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. All candidates that have submitted a Letter of Interest will be notified of the date. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Walter E. Bortree, P.E., District Engineer
Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
Attention: Mr. Stephen L. Caruano, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the sixth (6th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Stephen L. Caruano, P.E., District 5-0, at (610) 791-6062.

Westmoreland County

Project Reference No. 08430AG2424

The Department will retain an engineering firm to perform preliminary engineering, final design and services during construction (shop drawing review, construction consultation and plans recordation) for the Smithton Interchange Project, S. R. 0070, Section A01, located in South Huntingdon Township, Westmoreland County. The project consists of identifying and correcting the deficiencies at the Smithton Interchange (Exit 23) i.e., acceleration and deceleration lengths, ramp geometries, vertical clearances and site distance along with reconstructing approximately one (1) mile of I-70 between the Smithton High-Level Bridge and Exit 23. The estimated construction cost is \$20 million.

Included in the project are two (2) structures, a concrete arch carrying a branch of Cedar Creek under I-70 and a concrete deck steel I-beam single span bridge carrying I-70 over S. R. 3031 with an existing 15'-4" vertical clear. The proposed roadway typical for I-70 will include a 10' medial with two (2) 12' lanes and a 10' t 12' outside shoulder.

The current ADT along I-70 is 33,732 vehicles with 23% trucks. The volume of truck traffic at the interchange is significant since the Smithton Truck Stop is located in the northeast quadrant of the interchange, a truck sales and service business is located in the southwest quadrant and the Motordrome Speedway is located only a short distance away from the interchange along S. R. 3059.

The selected firm will be required to provide a variety of engineering services as indicated below, but not limited to:

a. All studies necessary for the preparation of a Categorical Exclusion Evaluation Level 3 (or Level 4 if circumstances warrant) and associated documents including: cultural resource surveys, wetlands delineation and evaluation, Section 106 documents, hazardous waste reports, archaeological surveys, etc.

b. Preliminary engineering including, but not limited to: field surveys; public/local officials coordination; traffic studies; interchange modification studies; type, size and location; Step 9; roadway design; hydrologic and hydraulic report; E & S plans, soils and geological reconnaissance; traffic control plans; right-of-way investigation and coordination with utility companies.

c. Preparation of final design activities including, but not limited to: foundation submission/core borings/geotechnical engineering report; final structure and roadway plans; signing and pavement marking plans; contour grading plan; final traffic control plan; pavement and drainage design; final right-of-way plan; specifications and cost estimate preparation.

d. Engineering services during construction including shop drawing reviews, consultation service and review of contractor's alternate design.

All engineering services for this project will be performed in accordance with current Department Metric Design Standards.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

a. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms will be considered.

b. Understanding of the Department's requirements, Design Manuals, policies and specifications.

c. Past record of performance with respect to cost control, work quality, ability to meet schedules.

d. Location of consultant with respect to the District Office. This will include ability/provisions for quick responses to District requests.

e. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants, etc.

The District will announce the firms that have been shortlisted at an open public meeting to be held in Engineering District 12-0, North Gallatin Avenue Extension, P. O. Box 459, Uniontown, PA 15401. All candidates that have submitted a letter of interest will be notified of the date. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Michael H. Dufalla, P.E., District Engineer
Engineering District 12-0
North Gallatin Avenue Extension
Uniontown, PA 15401

Attention: Mr. Jerome F. Bendo

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Jerome F. Bendo, District 12-0, at (724) 439-7377.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification

Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) 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 subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to

the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-1686. Filed for public inspection October 1, 1999, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Kane v. DEP; EHB Doc. No. 99-186-L

Borough of Kane has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in McKean County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by an interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 99-1687. Filed for public inspection October 1, 1999, 9:00 a.m.]

HOUSING FINANCE AGENCY

Request for Proposal; Conference Planning Consultant for Supportive Services Conference

The Housing Finance Agency (Agency) is currently planning a Statewide supportive service conference for May 17, 18 and 19, 2000. The conference will be held at The Penn Stater Conference Center Hotel, in State College, PA. It is anticipated that approximately 300 persons will be in attendance over a 3 day period. The Agency is requesting interested conference and convention planners to respond to a Request for Proposals (RFP). Persons interested in receiving a copy of the RFP should see the following information about how to contact the Agency or visit the Agency's website at www.phfa.org. The RFP outlines all required tasks and timeframes for interested bidders.

All responses to the RFP must be received by the Agency no later than 5 p.m. on October 13, 1999. The Agency will evaluate the reasonableness of costs, experience in conference planning and coordination, provision of services and ability to accommodate the Agency's conference needs in making its determination. Requests for copies of the RFP and requests for additional information should be directed to:

Lisa Yaffe, Pennsylvania Housing Finance Agency, 2101 N. Front Street, P. O. Box 8029, Harrisburg, PA 17105-8029, (717) 780-3874, TDD# for Hearing Impaired (717) 780-1869.

WILLIAM C. BOSTIC,
Executive Director

[Pa.B. Doc. No. 99-1688. Filed for public inspection October 1, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the act (75 P. S. § 745.5a(h)(i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form 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>
15-407	Department of Revenue Sales and Use Tax; Lawn Care Services (29 Pa.B. 3736 (July 17, 1999))	9/17/99	8/16/01
15-408	Department of Revenue Sales and Use Tax; Vending Machines (29 Pa.B. 3738 (July 17, 1999))	9/17/99	8/16/01

Department of Revenue Regulation No. 15-407

Sales and Use Tax; Lawn Care Services

September 17, 1999

We have reviewed this proposed regulation from the Department of Revenue (Department) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to consistency with the statute and clarity. We recommend

that these Comments be carefully considered as you prepare the final-form regulation.

1. *Subsection 55.6(a) Definitions.—Consistency with the statute and Clarity.*

“Lawn”

The regulation’s definition of “lawn” states that “the term does not include athletic fields, cemeteries, golf courses, fields, parks and public utility or highway right-of-ways.” Mowing and other upkeep services performed on areas in the list of exclusions are not subject to tax as “lawn care services.” However, the difference between a “lawn” and a “field” is unclear. What distinguishes a “lawn” from a “field”?

“Lawn care service”

The definition of “lawn care service” is inconsistent with the statutory definition. The Department should delete the text of the definition and replace it with a reference to the statutory definition at section 201(jj) of the Tax Reform Code (TRC) (72 P. S. § 7201(jj)).

“Shrubbery” and “tree”

“Trimming or pruning shrubbery when performed in conjunction with other lawn care services” is listed as a taxable service in subsection (c)(12). However, trimming or pruning trees is listed as a nontaxable service in subsection (d)(2). There is uncertainty over the difference between shrubbery and trees. The Department should define these terms to distinguish the difference between the two.

2. *Subsection 55.6(b) Scope.—Clarity.*

The last sentence of subsection (b) states services became taxable October 1, 1991. The purpose of this date reference is unclear. The Department should explain its purpose or delete this sentence from the regulation.

3. *Subsection 55.6(c) Examples of taxable services—Clarity.*

Subsection (c)(11) states that “overseeding, sodding or grass plugging of lawns” are taxable services. In contrast, subsection (d)(1) indicates that “seeding, sodding or grass plugging to establish a new lawn” are nontaxable services. The word “existing” should be inserted before the word “lawn” in subsection (c)(11) to clearly distinguish these services from the services to start a new lawn described in subsection (d)(1).

4. *Subsection 55.6(f) Exclusions.—Clarity.*

There are two concerns with subsection (f). First, it is entitled “exclusions” but its text uses the terms “exemption” and “exclusion.” It is our understanding that “exclusions” are those items or services that are not taxable by statute and the burden of proof to establish the contrary is on the Department. In contrast, “exemptions” are items or services that may be subject to tax under certain circumstances and the burden of proof is on the taxpayer claiming the exemption. If we are correct, clarity would be improved if there were a separate subsection for “exemptions” to distinguish them from “exclusions.”

The second concern is with the last sentence of subsection (f)(1). It states: “[T]he manufacturing, mining, processing, public utility, farming, dairying, agriculture, horticulture or floriculture exclusions do not apply.” It is unclear which “exclusions” are being referred to and how comprehensive they are. We understand these are statutory exclusions found in the TRC definitions of “sale at retail” and “use” (at 72 P. S. §§ 7201(k)(8) and 7201(o)(4), respectively). The last sentence of subsection (f)(1) should

reference these statutory provisions and state that the exclusions do not apply to the tax on lawn care services.

Department of Revenue Regulation No. 15-408

Sales and Use Tax; Vending Machines

September 17, 1999

We have reviewed this proposed regulation from the Department of Revenue (Department) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to reasonableness, economic and fiscal impact, and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. *Section 31.28. Vending machines.—Reasonableness, Economic and fiscal impact, and Clarity.*

Subsection (a) Soft Drink

The definition of “soft drink” is not as complete as the definition in section 7201 of Act 45 of 1998 (Act). Statutory definitions should not be amended in regulations. The Department should include a citation to the statutory definition of “soft drink” in the final regulation.

Selected Food and Beverage Items

The last phrase in this definition refers to other food items which are dispensed in cold form “and normally heated in an oven or microwave provided by the operator.” The Department should clarify whether the microwavable items sold are taxable if an operator does not provide a microwave.

Subsection (d)(2)

The posting of signs or stickers indicating the purchase price and the amount of tax for each item in subsection (2) can be interpreted as optional in the rulemaking. The Department should clarify whether posting such information is mandatory.

Also, subsection (2) relates to taxable property other than food and beverages. Subsection (3) relates to taxable food and beverage items. Although both of these sections address the requirements for taxing certain items, the structure of these subsections is inconsistent.

In addition, subsection (3) contains an example of how to calculate the tax; subsection (2) does not. To clarify, the Department should consider adding examples to provide additional clarity and parallel structure for these two subsections.

Subsection (d)(4)(ii)(I)

This subsection lists “juice drinks” as an item that is not taxable when sold from a vending machine. We believe the Department intended to list “juice beverages,” rather than “juice drinks,” in this subsection. The Department should correct this inconsistency in the final regulation.

Subsection (d)(4)(ii)(L)

This subsection includes the term “prepackaged frozen water-based products.” For clarity, the Department should provide examples of these products.

Subsection (e)(1)

Subsection (e)(1) states “Sales of selected food and beverage items dispensed by means of a vending machine located on the premises of a school or church are exempt

from tax, if the sales are made in the ordinary course of the activities of the school or church." The Department should clarify when sales would not be considered to be in the ordinary course of the church or school's activities.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1689. Filed for public inspection October 1, 1999, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

Reg. No.	Agency/Title	Received
7-324	Environmental Quality Board Stream Redesignations; Hay Creek, et al.	9/21/99
7-323	Environmental Quality Board Wastewater Management	9/21/99

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-1690. Filed for public inspection October 1, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of J. Catherine Newton Insurance Agency under Act 143; Meridian Insurance Company; Doc. No. AT99-08-020

A prereview telephone conference initiated by the Administrative Hearings Office shall be conducted on November 2, 1999, at 10 a.m. A date for the review shall be determined, if necessary, at the prereview telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before October 12, 1999, with the Docket Clerk, Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Answers to petitions to intervene, if any, shall be filed on or before October 28, 1999.

The parties are advised that under 40 P. S. § 24 any information or documents exchanged under this order are absolutely privileged and may not be disclosed to any outside party. Failure to maintain the confidentiality of information or documents may result in enforcement action or other civil penalty.

The agency contract at issue shall remain in force and effect pending the issuance of a Decision in this matter.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1691. Filed for public inspection October 1, 1999, 9:00 a.m.]

Alleged Violation of Insurance Laws

Shelby Casualty Insurance Co.; Doc. No. SC99-09-006

Notice is hereby given of the Order to Show Cause issued on September 21, 1999 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: Sections 5(a)(7)(iii) of the Unfair Insurance Practices Act (40 P. S. § 1171.5) and section 3 of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.3).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1692. Filed for public inspection October 1, 1999, 9:00 a.m.]

Daniel C. Angelucci; Doc. No. AG99-09-009

A prehearing telephone conference initiated by the Administrative Hearings Office shall occur on October 14, 1999, at 10 a.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq. and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

A date for a hearing shall be determined, if necessary, at the prehearing telephone conference. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

A written request for continuance of the scheduled prehearing telephone conference, for good cause, will be considered by the Presiding Officer. Prior to requesting a

continuance, a party must contact the opposing party. Continuance requests must indicate whether the opposing party objects to a continuance.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1693. Filed for public inspection October 1, 1999, 9:00 a.m.]

Erie Insurance Exchange; Erie Insurance Company; Workers' Compensation Rate Filing

On September 13, 1999, the Insurance Department received from Erie Insurance Exchange and Erie Insurance Company filings for rate level changes for Workers' Compensation insurance. These companies each request an overall 6.0% increase, amounting to +\$2,708,600 and +\$1,012,500 respectively.

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

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120 (e-mail at cromberg@ins.state.pa.us) within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1694. Filed for public inspection October 1, 1999, 9:00 a.m.]

Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Medical Professional Liability Catastrophe Loss Fund (Fund) and to the Insurance Department (Department) for insureds who are subject to the provisions of The Health Care Services Malpractice Act (40 P. S. §§ 1301.701—1301.705) (act). Organizations and physicians that self-insure their medical malpractice exposures are also required to report this claims information. These reports are required under section 809 of the act, as amended by Act 135 of 1996.

The claims information must be reported to the Fund and to the Department. The following Calendar Year 1998 claims information is due to the Fund and to the Department by November 1, 1999:

- the aggregate amount of premium earned;
- the aggregate amount of losses paid;
- the aggregate amount of losses incurred;
- the aggregate amount of loss reserves outstanding;
- the aggregate amount of loss adjustment expenses paid;
- the aggregate amount of loss adjustment expenses incurred;

- the aggregate amount of loss adjustment expense reserves outstanding;

- a table showing separately by accident year and county the number of claims first reported (or arising) in 1998;

- a table showing separately by accident year and disposition (that is, judgment of arbitration panel, judgment of court, settlement or other) the number of claims closed (or disposed) in 1998;

- a separate table for each type of disposition identified above showing for claims closed (or disposed) in 1998 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment; the basic coverage premiums collected.

Reports must be submitted in both printed form and in electronic form as an Excel or Lotus spreadsheet. The forms for submission and preformatted Excel spreadsheets have been mailed and should arrive by October 1, 1999.

Persons who have not received their forms by this date, should contact Chuck Romberger, Actuary II, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 783-2103, e-mail cromberg@ins.state.pa.us. Questions concerning the information contained in this notice may also be directed to Chuck Romberger.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1695. Filed for public inspection October 1, 1999, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Michael Capaldo; file no. 99-267-33159; State Farm Mutual Automobile Insurance Company; doc. no. P99-09-013; October 26, 1999, at 1 p.m.;

Appeal of Stephen and Marilyn Rettaliata; file no. 99-181-04655; Erie Insurance Exchange; doc. no. P99-09-012; October 27, 1999, at 1 p.m.;

Appeal of Brenda Gray; file no. 99-280-33375; MIC General Insurance Corporation; doc. no. PH99-09-011; October 28, 1999, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1696. Filed for public inspection October 1, 1999, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's residential or personal property policy. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Nationwide Mutual Fire Insurance Co.; file no. 99-215-32846; Helene DeSouza; doc. no. P99-09-014; October 27, 1999, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their design-

nated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-1697. Filed for public inspection October 1, 1999, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Delaware County, Wine & Spirits Shoppe #2303, 901 South Springfield Road, Darby, PA 19023.

Lease Expiration Date: September 30, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space on Route 13 (MacDade Boulevard), South of Church Lane and North of Springfield Road.

Proposals due: October 22, 1999 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: James M. Bradley, (215) 560-5310

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 99-1698. Filed for public inspection October 1, 1999, 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. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 25, 1999, 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 of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00116229. Don Langham and Betty Langham, t/d/b/a Langham's Limo Service (R. D. 4, Box 365, Tyrone, Huntingdon County, PA 16686) persons in limousine service between points in the counties of Blair, Centre, Huntingdon and Lackawanna, and from points in the said counties, to points in Pennsylvania, and return.

A-00116228. Steve Dunner (226 Balsam Road, Newfoundland, Wayne County, PA 18445) persons in limousine service between points in the counties of Wayne, Pike and Lackawanna, and from points in the said counties, to points in Pennsylvania, and return.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00116227. Limo Van, Inc., t/d/b/a Limo Van Express (4644 Huckleberry Road, Orefield, Lehigh County, PA 18069), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in those portions of the counties of Berks, Chester, Lehigh, Montgomery, Northampton and Philadelphia, which are located within an airline distance of 40 statute miles of the limits of the borough and township of Doylestown, Bucks County, and between said points and the Philadelphia International Airport, Tinicum Township, Delaware County, and vice versa; which is to be a transfer of the right authorized Elegant Limousine Service, Inc., under the certificate issued at A-00112099, subject to the same

limitations and conditions. *Attorney:* Paige MacDonald Matthes, P. O. Box 60457, Harrisburg, PA 17106-0457.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00107235, F. 3, Am-A. Tri County Transportation, Inc., t/d/b/a Happy Times Charter (404 19th Street, Barnesboro, Cambria County, PA 15714), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service between points in the counties of Cambria, Clearfield, Somerset, Blair, Bedford, Huntingdon, Centre and Mifflin, and from points in the said counties, to points in Pennsylvania, and return; subject to the following condition: that no right, power or privilege is granted to use luxury-type stretch limousine vehicles: *So as to permit* the transportation of persons in paratransit service, between points in the counties of Clarion, Elk, Indiana and Jefferson, and from points in the said counties to points in Pennsylvania, and return. *Attorney:* Lawrence L. Davis, 103 South Center Street, Ebensburg, PA 15931-0064.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00115770, F. 2. Robert E. Brenner, Jr., t/d/b/a Brenner Coach and Limousine (8 Green Acres Lane, New Holland, Lancaster County, PA 17557)—Additional Right—persons, in limousine service, between points in the counties of Lancaster, Lebanon, Chester, Berks and York, and from points in the said counties, to points in Pennsylvania, and return.

Service of Notice of Formal Complaints Against Philadelphia Taxi Cab Drivers

The following formal complaints have been filed against Philadelphia taxi cab drivers by the Pennsylvania Public Utility Commission:

Name of Driver	Taxi Driver Certification Complaint #	Cab #	Violation of 52 Pa. Code	Date of Violation	Amount of Fine
Clarence R. McPherson	H-00001105M9701	P-607	30.71(f) Expired TDC. 30.76(d)(7) Driving while operator's license suspended.	7/26/97	\$100.00
Donald Burton	H-00001240M9601	P-272	30.71(f) Expired TDC. 30.76(d)(8) Driving while operator's license suspended.	1/04/96	\$100.00
Zizwe M. Ndulula	H-00001281M9502	P-1291	30.74(a) TDC not on display.	5/11/95	\$50.00
Diakite Moussa	H-00001585M9501	P-849	30.75(b)(1) Dress code: Driver wearing collarless shirt.	5/03/95	\$25.00
Bradford A. Arthur	H-00001889M9501	P-1076	30.74(a) TDC not on display.	5/30/95	\$50.00
Okoro B. Onwuzurike	H-00002058M9602	P-386	30.74(a) TDC not on display.	3/12/96	\$50.00
John Kofi Andoh	H-00002068M9702	P-1201	30.74(a) TDC not on display.	5/22/97	\$50.00
Gabriel T. Ononugah	H-00002113M9804	P-1343	30.75(i) Dirty trunk.	6/26/98	\$50.00
Mathew O. Ajayi	H-00002342M9801	P-1345	30.74(a) TDC not on display.	12/12/97	\$50.00
Benjamin Nwankwo	H-00002706M9601	P-0843	30.74(a) TDC not on display. 30.75(h) No driver's log.	1/17/96	\$75.00
Kamel Chetouane	H-00003370M9702	P-768	30.74(a) TDC not on display.	9/13/97	\$100.00

Name of Driver	Taxi Driver Certification Complaint #	Cab #	Violation of 52 Pa. Code	Date of Violation	Amount of Fine
			30.75(b)(1) Dress code: Driver wearing shorts.		
Jesse L. Smith	H-00003468M9801	P-813	30.71(f) Expired TDC.	1/09/98	\$100.00
Mario Bonelli	H-00003499M9501	P-287	30.71(f) Expired TDC.	2/09/95	\$100.00
Lito Bojatin	H-00003567M9601	P-363	30.75(a)(2) Driver's standards not posted.	3/05/96	\$25.00
Issayas K. Friesenbet	H-00003886M9701	P-1439	30.74(a) TDC not on display.	8/18/97	\$50.00
William A. McNeili	H-00003952M9701	P-919	30.75(b)(1) Dress code: Driver wearing collarless shirt.	7/31/97	\$50.00
Adama Sidibe	H-00004400M9701	P-060	30.74(a) TDC not on display.	6/03/97	\$50.00
Gagik Khoudaverdov	H-00004754M9801	P-613	30.74(a) TDC not on display.	1/13/98	\$50.00
Howard Demby	H-00005164M9701	P-1078	30.75(b)(1) Dress code: Driver wearing collarless shirt.	7/07/97	\$50.00
Dennis Schork	H-00005231M9701	P-1265	30.74(a) TDC not on display.	11/29/97	\$200.00
			30.75(a)(2) Driver's standards not posted.		
			30.75(b)(1) Dress code: Driver wearing collarless shirt.		
			30.75(h)(1) Tariff and map not posted.		
Albert Blackson	H-00005441M9801	P-808	30.71(f) Expired TDC.	5/11/98	\$100.00

PLEASE BE ADVISED THAT THE COMPLAINT WILL BE PROCESSED AS FOLLOWS:

A. Under 52 Pa. Code § 30.53, you must file an answer within 15 days of the receipt of this complaint. The answer shall raise all factual and legal arguments that you wish to claim in your defense. The answer shall be notarized and the original and two copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

All answers must include the reference number of this complaint and the applicable P-number(s).

B. Under 52 Pa. Code § 30.55, if an answer is not filed within 15 days of the receipt of this complaint, a fine of \$1,000 will be assessed for each violation cited in the complaint. Additionally, if you are not authorized by the Commission to perform the service, your vehicle registration may be suspended.

C. You may elect not to contest this complaint by paying the proposed fine in Item 16 by certified check or money order. Payment must be made to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

All payments must include the reference number of this complaint and the applicable P-number(s) on the check or money order.

(Note: Personal Checks Are Unacceptable.)

D. If a timely answer is filed which contests the complaint, it will be assigned to a Special Agent or an Administrative Law Judge who will serve as the presiding officer in the case. The Agent or the Judge is not

bound by the action in Item 16. A penalty imposed by them may be greater or less than the penalty in Item 16.

E. If you file an answer which admits or does not deny the violations in this complaint, an order will be issued, without benefit of the case being heard in front of a Special Agent or an Administrative Law Judge, imposing the action sought in Item 16.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1699. Filed for public inspection October 1, 1999, 9:00 a.m.]

Telecommunications

A-310673F0002. Bell Atlantic-Pennsylvania, Inc. and Metromedia Fiber Network Services, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Metromedia Fiber Network Services, Inc. for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Metromedia Fiber Network Services, Inc., by its counsel, filed on September 17, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Metromedia Fiber Network Services, 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. 99-1700. Filed for public inspection October 1, 1999, 9:00 a.m.]

Telecommunications

A-310189F0004. Bell Atlantic-Pennsylvania, Inc. and Qwest Communications Corporation. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Qwest Communications Corporation for approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Qwest Communications Corporation, by its counsel, filed on September 17, 1999, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Qwest Communications Corporation 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. 99-1701. Filed for public inspection October 1, 1999, 9:00 a.m.]

Transfer by Sale Without Hearing

A-120700F0002. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc. for approval of the transfer by sale of its real property known as the Downtown York Columbia Gas building to York Equities, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before October 18, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Mark R. Kempic, Attorney, Columbia Gas of Pennsylvania, Inc., 650 Washington Road, Pittsburgh, PA 15228.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1702. Filed for public inspection October 1, 1999, 9:00 a.m.]

Water Service Without Hearing

A-212285F0068. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of (1) the transfer, by sale, of the water works property and rights of the Municipal Authority of the Township of Franklin to Pennsylvania-American Water Company, and (2) the right of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in additional portions of Franklin Township, Beaver County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before October 18, 1999, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan D. Simms, Esquire, Corporate Counsel, Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-1703. Filed for public inspection October 1, 1999, 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	REQUIRED DATA DESCRIPTIONS
<h3 style="text-align: center;">Legal Services & Consultation—26</h3> <p style="text-align: center;">① Service Code Identification Number</p> <p style="text-align: center;">② Commodity/Supply or Contract Identification No.</p> <p>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.</p> <p>Department: General Services Location: Harrisburg, Pa. Duration: 12/1/93-12/30/93 Contact: Procurement Division 787-0000</p> <p style="text-align: center;">③ Contract Information</p> <p style="text-align: center;">④ Department</p> <p style="text-align: center;">⑤ Location</p> <p style="text-align: center;">⑥ Duration</p> <p>⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705</p>	<p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>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.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>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</p>

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

1196179 16 each aluminum interlocking ramps. For copy of bid package fax request to (717) 787-0725.

Department: Public Utility Commission
Location: Harrisburg
Duration: FY 99-00
Contact: General Services, (717) 787-2199/4705

1150049 1 2000 model low profile cab and chassis with stake body. For copy of bid package fax request to (717) 787-0725.

Department: Agriculture
Location: Harrisburg
Duration: FY 99-00
Contact: General Services, (717) 787-2199/4705

1170219 4 each assistive devices and durable medical equipment. For copy of bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Ebensburg
Duration: FY 99-00
Contact: General Services, (717) 787-2199/4705

1177219 4 each assistive devices and durable medical equipment. For copy of bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Altoona
Duration: FY 99-00
Contact: General Services, (717) 787-2199/4705

1165169 1,560 sq. yd. carpet tiles; 18 sq. yd. attic stock, carpet tiles; 1,600 ft. 4 inch vinyl cover base; 1,578 sq. yd. adhesive to cover placement of carpet tiles; 1,560 sq. yd. installation of carpet tiles. For copy of bid package fax request to (717) 787-0725.

Department: Education
Location: Harrisburg
Duration: FY 99-00
Contact: General Services, (717) 787-2199/4705

8128540 4 each 5,000 gallon polyethylene tanks; 4 each 1,000 gallon polyethylene tanks; 1 each 2,000 gal. polyethylene safe tanks; 5 ea. pump. 110V 60 gpm. For copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Temple
Duration: FY 99-00
Contact: General Services, (717) 787-2199/4705

115129 750M UC-640/640A easy mailer. For copy of bid package fax request to (717) 787-0725.

Department: Labor and Industry
Location: Harrisburg
Duration: FY 99-00
Contact: General Services, (717) 787-2199/4705

0970002 Garage doors—quantity of two 14' high x 16'2" wide garage doors and/or approved equal. Doors will be high moisture harsh environment type door with pneumatic operators. Contact Mike Knepper at (814) 445-7905 for specifications.

Department: Transportation
Location: 1312 N. Center Ave., Somerset, PA 15501
Duration: Indefinite
Contact: R. M. Knepper, (814) 445-7905

SU-98659G01-3 Shippensburg University is seeking vendors interested in the printing of the Department of Public Welfare Grant Visitation Manual. This bid will also include supplying ring binders and the printing of cover and spine inserts for those binders. The bid due date is scheduled for October 14, 1999, by 4 p.m. Bid opening will be held at 2 p.m. on October 15, 1999. Vendors interested in receiving a bid package should fax their request to Janet Neidigh, Purchasing Agent at (717) 477-1350, or e-mail jlneid@ship.edu. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA
Duration: Indefinite
Contact: Janet Neidigh, (717) 477-1386

1160129 750M US-44FR/F3EM Request for Relief Form from Changes Notice of Financial Determination Easy Mailer Rev. 10/99. For copy of bid package fax request to (717) 787-0725.

Department: Labor and Industry
Location: Harrisburg
Duration: FY 99-00
Contact: General Services, (717) 787-2199/4705

SERVICES

Advertising—01

KURFP-0010 Kutztown University is seeking qualified firms for the creation, design and production of our undergraduate admission recruitment publication package. The package includes: viewbook, search piece, four college booklets, visitor's guide, high school poster and undecided major booklet. RFP packages are available October 4, 1999. Interested firm should submit a request in writing to Barbara Reitz, Kutztown University, Director of Purchasing, Kutztown, PA 19530, fax (610) 683-4674 or e-mail reitz@kutztown.edu. There will be a preproposal meeting on October 14, 1999. Questions requiring clarification are required by October 15, 1999, by 12 noon. Proposal submissions are required on or before October 30, 1999 by 2 p.m.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: Expires upon completion of specified services
Contact: Barbara Reitz, (610) 683-4132

Audio/Video—04

HUN 335 Contractor to supply all necessary equipment and personnel to install video equipment throughout the State Correctional Institution at Huntingdon.

Department: Corrections
Location: State Corrections Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: October 1, 1999 to June 30, 2000
Contact: Robert Jessell, (814) 643-2400

Computer Related Services—08

SP703099 The Department of Health's, Division of Data Processing (Harrisburg), Division of Vital Records (New Castle) and Division of Maternal and Child Health (Harrisburg) are notifying potential vendors of plans to issue an Invitation for Bid (IFB), within 30 days from the date of this notice, for data entry and verification services. Data contained on manually prepared forms will be transcribed by the vendor onto magnetic tape using EBCDIC coding and 6250 BPI density. Daily pickup and delivery service will be provided by the vendor during the Department of Health's regularly scheduled work days.

Department: Health
Location: Division of Data Processing, 5 Technology Park, Rm. 103, Harrisburg, PA 17110; Division of Maternal and Child Health, 725 Health and Welfare Bldg., Harrisburg, PA 17101; Division of Vital Records, 101 S. Mercer St., 4th Fl., Central Bldg., New Castle, PA 16101
Duration: October 1, 1999—September 30, 2004
Contact: William Head, (717) 783-9176

Construction and Construction Maintenance—09

FBC-11-9000 Remove existing pipe; clearing, grubbing and rough grading; excavating, backfilling and compacting; dewatering; rock lining; E&S measures; selected material surfacing; traffic signing; guide rail; landscaping; plain and reinforced concrete structures; and architectural surface treatment. Work is located east of I-380, north of the village of Thornhurst. Bid documents may be requested on or after October 4, 1999.

Department: Conservation and Natural Resources
Location: Thornhurst Township
Duration: Complete all work by October 31, 2000
Contact: Construction Management Section, (717) 787-5055

FDC-417-542R Renovate an existing washhouse to provide ADA accessibility (concrete, masonry, carpentry, plumbing, electrical, excavation and landscaping). Project is at Ricketts Glen State Park. Bid documents may be requested on or after October 4, 1999.

Department: Conservation and Natural Resources
Location: Colley Township
Duration: Complete all work by May 26, 2000.
Contact: Construction Management Section, (717) 787-5055

MI-708-98 Renovations to existing Roddy Science Center. Scope of work: Demolition, alterations, new construction, equipment and furnishings including laboratory case-work and fume hoods, and removal and reinstallation of items indicated. Plans cost: \$100 nonrefundable.

Department: State System of Higher Education
Location: Millersville University, Roddy Science Center, Millersville, PA 17551
Duration: 335 days from the date of the Notice to Proceed
Contact: Jill M. Coleman, (717) 872-3730

IN-786.1 Floor tile replacement Gordon, Langham and Wahr Halls. Work included under this project consists of the removal of asbestos floor tile and replacement with vinyl composition tile, in four dormitories at IUP. Notice to Contractors may be requested from IUP, phone (724) 357-2289, fax (724) 357-6480, Internet <http://www.iup.edu/engcons>.

Department: State System of Higher Education
Location: Indiana University, Indiana, PA 15707-1087
Duration: 6 months
Contact: Ronald E. Wolf, (724) 357-4851

FDC-307-523R Renovate an existing washhouse building (concrete work, carpentry, masonry, plumbing, electrical and landscaping). Project is at Greenwood Furnace State Park. Bid documents may be requested on or after October 4, 1999.

Department: Conservation and Natural Resources
Location: Jackson Township
Duration: Complete all work by May 26, 2000
Contact: Construction Management Section, (717) 787-5055

401-BL-557 Scranton Commons Renovation BL-557—Provide all labor, material and equipment necessary to completely renovate and create new food service stations, seating areas, new main entrance addition and plaza. Work will include but not be limited to new floors, walls and ceiling finishes, lighting, power, life safety systems, mechanical and plumbing work and food service equipment. There will be a general, HVAC, plumbing and electrical contract awarded. To obtain a copy of the bid documents submit a nonrefundable \$150 deposit to Murphy & Dittenhafer, P. O. Box 2944, 308 E. Market St., York, PA 17403, (717) 848-8627. Information on the prebid and bid dates will be included in the bid package.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: 300 calendar days
Contact: Joseph Quinn, (570) 389-4311

Engineering Services—14

08430AG2424 To perform preliminary engineering, final design and services during construction (shop drawing review, construction consultation and plans recordation) for the reconstruction and upgrading of the Smithton Interchange (Exit 23) on S. R. 0070, Section A01, located in South Huntingdon Township, Westmoreland County, Engineering District 12-0.

Department: Transportation
Location: Engineering District 12-0
Duration: Forty-two (42) Months
Contact: Consultant Agreement Division, (717) 783-9309

BMR-99-01 Notice is given that the Department will retain a contractor to study the effects of longwall mining on overlying forestland through the use of remote sensing technology. The project will consist of selecting and studying six to nine forested tracts to detect the presence of stresses associated with mine subsidence. For a copy of the Request for Proposal for Professional Services, please contact Roderick A. Fletcher, Director, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461. Faxed requests will be accepted. Estimated contract amount is between \$100,000—\$500,000. Questions may be directed to Harold Miller at (717) 783-8845, during the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Department: Environmental Protection
Location: Greene and/or Washington Counties
Duration: 15 months after the Notice to Proceed
Contact: Harold Miller, (717) 787-3174

08430AG2420 Retain an engineering firm to provide supplementary construction inspection staff of approximately 22 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services for S. R. 0080, Section 055 in Union County; and S. R. 0080, Sections 052 and 039; S. R. 0147, Section 62A; S. R. 0147, Section 062, all in Northumberland County.

Department: Transportation
Location: Engineering District 3-0
Duration: Forty-eight (48) Months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2421 Open-End Contract for cultural, historical and archeological services on various projects in Engineering District 4-0, that is Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties.

Department: Transportation
Location: Engineering District 4-0
Duration: Sixty (60) Months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2422 Three (3) Open-End Contracts for various engineering and/or environmental services on various projects in Engineering District 4-0, that is Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties.

Department: Transportation
Location: Engineering District 4-0
Duration: Sixty (60) Months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2423 A multiphase, specific project agreement to conduct environmental studies, prepare preliminary engineering plans, perform final design and provide services during construction (shop drawing reviews and consultation during construction) for the proposed improvement of the intersection between S. R. 0611, S. R. 0940 and S. R. 0196 located in the Borough of Mount Pocono, Monroe County, Engineering District 5-0.

Department: Transportation
Location: Engineering District 5-0
Duration: Thirty-three (33) Months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

FC-049H Contract is for rehabilitation of Well No. 2 at Tionesta Fish Culture Station, Tionesta Township, Forest County, PA.

Department: Fish and Boat Commission
Location: Tionesta Fish Culture Station, Tionesta Township, Forest County, PA
Duration: 60 days after receipt of order
Contact: Amos C. Ferguson, (814) 359-5105

Extermination Services—16

090671049 Provide pest and pigeon control at Norristown State Hospital. Service includes approximately 30 buildings, including large dietary areas. Tunnel areas are to be included. For specifications, request SBC No. 090671049.

Department: Public Welfare
Location: Norristown State Hospital
Duration: January 1, 2000—December 31, 2002
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

Food—19

831-99 Poultry and poultry products: Various items for delivery January through March, 2000. For specifications, request Bid Packet No. 831-99.

Department: Public Welfare
Location: Norristown State Hospital
Duration: January—March, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

832-99 Meat and meat products: Various items for delivery January through March, 2000. For specifications, request Bid Packet No. 832-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: January—March, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

833-99 Frozen entrees and miscellaneous frozen foods: Various items for delivery January through March, 2000. For specifications, request Bid Packet No. 833-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: January—March, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

834-99 Fresh baked goods: Various items for delivery January through March, 2000. For specifications, request Bid Packet No. 834-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: January—March, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

838-99 Coffee concentrate: Deliveries from January through June, 2000. For specifications, request Bid Packet No. 838-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: January—June, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

835-99 Bread, rolls, and the like: Various items for delivery January through March, 2000. For specifications, request Bid Packet No. 835-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: January—March, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

836-99 Frozen vegetables and fruit: Various items for delivery January through March, 2000. For specifications, request Bid Packet No. 836-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: January—March, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

Proposal No. 8000 Milk—Chocolate, low fat, buttermilk and skim milk.

Department: Military Affairs
Location: Hollidaysburg Veterans Home, Rte. 220 @ Meadows Intersection,
 P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: January 1, 2000 through December 31, 2000
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

837-99 Fresh fruit and vegetables: Various items for delivery January through March, 2000. For specifications, request Bid Packet No. 837-99.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: January—March, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

Hazardous Material Services—21

90780015 Pickup and dispose of medical waste.

Department: Public Welfare
Location: White Haven Center
Duration: January 1, 2000 to December 31, 2005
Contact: Sandra A. Repak, PA, (570) 443-4232

HVAC—22

063006 Maintenance service to HVAC system in front office and garage. Maintain two gas fired H. B. Smith steam boilers with power flame burners. Maintain radiators and ceiling units in front office and garage area. Maintain one roof mounted Carrier Weathermaster 50HS5009 and one Carrier 38BRB air conditioner and all components of these systems.

Department: Transportation
Location: 426 South Middletown Road, Bortondale, PA 19063
Duration: January 1, 2000 to December 31, 2000 with two 2 year renewals
Contact: Charles Stone, (610) 964-6520

DES018 The Department of Transportation is soliciting bids for emergency and routine work to heating, plumbing and air conditioning systems as needed at the: Meadville Driver Exam Site, RD 5, Box 279, Patricia Drive, Meadville, PA 16335. Requests for bid packages can be obtained by faxing request for bid package to: Susan Sobotor at (717) 783-7971 or calling (717) 783-3931.

Department: Transportation
Location: Meadville Driver Exam Site, RD 5, Box 279, Patricia Drive, Meadville, PA 16335
Duration: 5 years
Contact: Susan Sobotor, (717) 783-3931

DES016 The Department of Transportation is soliciting bids for emergency and routine work to heating, plumbing and air conditioning systems as needed at the: Selinsgrove Driver Exam Site, 1015 Route 522, Selinsgrove, PA 17870. Requests for bid packages can be obtained by faxing request for bid package to: Susan Sobotor at (717) 783-7971 or calling (717) 783-3931.

Department: Transportation
Location: Selinsgrove Driver Exam Site
Duration: 5 years
Contact: Susan Sobotor, (717) 783-3931

Janitorial Services—23

08-R-99 Perform janitorial services at Erie Job Center for a period of 2 years w/2 year option for renewal.

Department: Labor and Industry
Location: Erie Job Center, 1316 State Street, Erie, PA 16501
Duration: December 1, 1999 to September 30, 2001
Contact: Norman J. Kee, (717) 705-0450

Photography Services—32

OSM PA(MAP-99)101.3 and 102.3 The Department of Environmental Protection will issue a Request for Proposal to retain two firms to provide aerial photography, surveying, mapping reproduction and other technical services, as required, for the proper development of plans for the reclamation of abandoned mine lands, abatement of water pollution, prevention of surface subsidence and flood protection projects. Fifty percent of these projects are financed by the Federal government. The projects will be primarily located in the bituminous coalfields of western Pennsylvania and the anthracite coalfields of northeastern Pennsylvania. Letters requesting the Request for Proposals shall be sent to A. E. Friedrich, Acting Chief, Division of Acid Mine Drainage Abatement, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476 and must be received by 2 p.m., October 18, 1999. Faxed requests will be accepted at (717) 783-0470. Call John J. Stefanko at (717) 783-5896, 7 a.m.—3 p.m., M—F, if any questions.

Department: Environmental Protection
Location: Bituminous and anthracite coal regions
Duration: One year from Notice to Proceed; may be renewed up to four additional consecutive annual terms
Contact: John J. Stefanko, (717) 783-5896

Property Maintenance—33

DES017 The Department of Transportation is soliciting bids for grass cutting and snow removal at the Lebanon Driver Exam Site, 900 East Cumberland Street, Lebanon, PA 17042. Request for bid packages can be obtained by faxing request for bid packages to: Susan Sobotor at (717) 783-7971 or calling (717) 783-3931.

Department: Transportation
Location: Lebanon Driver Exam Site, 900 East Cumberland Street, Lebanon, PA 17067
Duration: 5 years
Contact: Susan Sobotor, (717) 783-3931

MN-99-0117 The contractor shall furnish and install NAPCO, or approved equal, Premium 3000 double hung replacement windows. To be installed according to manufacturer's specifications. Contractors must make an onsite visit to verify the project and scope of work. Each window to be measured to determine exact dimensions. The approximate opening size—40" x 75"—23 openings. Bid proposal on file in agency Purchasing Department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: November 1, 1999—June 30, 2000
Contact: Barbara A. Lloyd, (814) 886-8181, Ext. 166

SU-49230-19 Shippensburg University is seeking vendors interested in supplying fertilizers and weed control. The bid due date is scheduled for October 19, 1999 by 4 p.m. Bid opening will be held at 2 p.m. on October 20, 1999. Vendors interested in receiving a bid package should fax their request to Janet Neidigh, Purchasing Agent at (717) 477-1350, or e-mail jlneid@ship.edu. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA
Duration: Indefinite
Contact: Janet Neidigh, (717) 477-1386

Real Estate Services—35

373883 Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 1,856 useable sq. ft. of new or existing office space in Bradford County, PA, with minimum parking for five vehicles, within the following boundaries: within the Towanda Municipal Limits. In areas where street or public parking is not available, an additional ten parking spaces are required. The Department of Health will occupy the space. Proposals due: December 6, 1999. Solicitation No.: 92906.

Department: Health
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1999—2000
Contact: John Hocker, (717) 787-4396

Sanitation—36

SP 3864069002 Provide solid waste collection, disposal and recycling services for French Creek State Park, Berks County, PA. Sealed bids will be received at French Creek State Park, 843 Park Road, Elverson, PA 19520-9523. Documents containing all pertinent information may be obtained by contacting the Park Office and giving the company name; address and contact person.

Department: Conservation and Natural Resources
Location: French Creek State Park, 843 Park Road, Elverson, PA 19520-9523
Duration: January 1, 2000 through December 31, 2002
Contact: Randall L. Frey, Park Manager, (610) 582-9680

SP3864009004 Collection and disposal of solid waste from Evansburg State Park, 851 May Hall Road, Collegeville, Montgomery County, PA.

Department: Conservation and Natural Resources
Location: Evansburg State Park, 851 May Hall Road, Collegeville, PA 19426-1202
Duration: November 1, 1999 to October 31, 2002
Contact: Regional Park Office, (215) 453-5016

1010-024 Department is in need of four dumpsters to be located at the following stockpiles. The size of these dumpsters would be 2-30 cubic yard, 1-15 cubic yard and 1-10 cubic yard. The following locations and size of dumpsters are: 30 cubic yard dumpsters at Worthington Stockpile on SR 422 1 mile E of Worthington on SR 422, 30 cubic yard dumpster at Farm Stockpile on SR 422 4 miles E of Kittanning on SR 422, 15 cubic yard dumpster at Crooked Creek Stockpile on SR 2019 Seg. 0040 offset 0000 Crooked Creek Dam Bethel Township, 10 cubic yard dumpster at Snyderville Stockpile on SR 1037 Seg. 0110 Offset 2634 Snyderville Wayne Township. Vendor will be responsible for setting dumpster and emptying dumpster on as needed basis. Contracts have original contract and three renewals attached to it.

Department: Transportation
Location: 4 locations in Armstrong County
Duration: January 1, 2000 to December 31, 2000
Contact: Susan Carson, (724) 543-1811

Security Services—37

b-11450 Vendor to provide, install and test—long range microwave links four each; power supply two each; test set one each; and custom alarm panel one each. SCI—Graterford will supply mounts, provide and run system wiring, ac outlets and ac outlet alarm panel.

Department: Corrections
Location: State Correctional Institution Graterford, Box 246, Rt. 29, Graterford, PA 19426
Duration: 6 months
Contact: Kelly Richardson, (610) 489-4151

Vehicle, Heavy Equipment—38

2-2-00037 Fourteen each electric tailgate liquid dispensing system. Each system shall be 12 volt and have a 100 gallon capacity polypropylene tank. System supplied shall be complete with pump, pump control, nozzles, hoses, fittings, wiring and mounting hardware as required. System will be installed by Department force.

Department: Transportation
Location: District 0220, P. O. Box 245, Corner of Washington Ave. and Hall St., Hyde, PA 16843-0245
Duration: November 1, 1999 through February 29, 2000
Contact: Debbie Swank/Jake Bacher, (814) 765-0524

Miscellaneous—39

090671048 Provide subscriptions, professional journals and magazine service to Norristown State Hospital's professional and patient libraries.

Department: Public Welfare
Location: Norristown State Hospital
Duration: January—December, 2000
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

469005 Purchase battle-dress, uniform-style shirts for PennDOT Motor Carrier Division enforcement officers. Shirts must be charcoal gray, machine washable, short sleeves, 100 percent cotton ripstop, and have two large chest pockets with hidden buttons. Reference: Camo Distributors Tactical Shirt Vendor who is awarded contract must sew a badge patch above the left chest pocket and a patch 2" from the shoulder seam on each sleeve of the shirt at no additional cost to the Department. The patches will be supplied to the vendor and the exact placement of the badge patch will be worked out with the vendor prior to placing the order. Vendor must also supply a preproduction sample to Kevin N. Stewart, Motor Carrier Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900, prior to the bid opening. Need approximately 400 shirts in various sizes and quantities (Medium to XXXXLarge). Requests for bid packets can be faxed to Shannon M. Opperman at (717) 705-5523.

Department: Transportation
Location: Motor Carrier Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900
Duration: Indeterminate 1999—2000
Contact: Shannon M. Opperman, (717) 772-0881

PGC-2620 The saw-whet owl project will involve three components: develop nesting season protocol, conduct surveys with this protocol at 100 stratified-random sites, and draft a report providing the results that include a status recommendation. A protocol is needed that will provide a breeding season population index sufficient to determine status and, following repeated applications, the variability and trend in population levels at a Statewide resolution. Principle investigator must have an MS or Ph.D. in Wildlife Mngt., ecology, biology or related field. Must have publications in the past 5 years on birds in Pennsylvania. For information on this project, contact Dan Brauning, (570) 547-6938. For a bid package, contact Diane or Linda, at (717) 787-6594.

Department: Game Commission
Location: Bureau of Wildlife Management, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Survey protocols must be developed by April 3, 2000, and final report due on September 1, 2000.
Contact: Diane or Linda, (717) 787-6594

99-07 Appraisal Review Services: The objective of this project is to satisfy a need for the Commonwealth of Pennsylvania for Statewide real estate appraisal reviews in relation to acquisition of right-of-ways for various highway purposes. Additional information and a Request for Proposal (RFP) may be obtained by faxing a request for RFP 99-07 to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Statewide
Duration: Up to 10 years
Contact: Tom Schumacher, (717) 783-8906

PAS&SH09083 Hill-Rom long term care electric resident bed, Model 870C or approved equal.

Department: Military Affairs
Location: PA Soldiers & Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239
Duration: November 1, 1999 through June 30, 2000
Contact: Jeanette Gualtieri, (814) 878-4930

990214 Three utility trailers 5' wide, 8' length, 4 1/2' height; GVWR of 2,200 lbs. and GAWR of 2,000 lbs., single, straight axle with hydraulic surge brakes, customized, galvanized 10 gauge steel shelves; 8 channels, each measuring 5'L x 17"W x 7 1/2"H, spare tire mount, hitch and the like.

Department: Public Utility Commission
Location: Delivered to: PA Public Utility Commission, Department of General Services, Bureau of Vehicle Management, 2221 Forster St., Harrisburg, PA 17125
Duration: Delivery date of approximately November 30, 1999
Contact: Karen Rhinehart, (717) 787-6686

KUCC-0012.1 Kutztown University is seeking qualified contractors for the exterior signage for Keystone Hall at Kutztown University. Bid packages are available for a nonrefundable fee of \$15 from Barbara Barish, Contracts Specialists, Office of Planning and Construction, Kutztown University, P. O. Box 730, Kutztown, PA 19530, (610) 683-4602. Bid packages are available October 4, 1999 through prebid. A prebid meeting has been scheduled for October 14, 1999, at 10 a.m. in Room OM-26, Old Main Building. Bids are to be received on October 28, 1999, no later than 3 p.m. in the Office of Planning and Construction, Room 236. Bids will be opened October 28, 1999, at 3 p.m. Nondiscrimination and equal opportunity are policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 60 days after Notice to Proceed which is to be issued by December
Contact: Barbara Barish, (610) 683-4602

MN-99-0247 The contractor to provide one each Ingersoll Rand, Model P-185, or approved equal, air compressor with John Deere Powertrack diesel engine. No. 4039D diesel 239 cubic inch displacement compressor, rotary screw type, 185 CFM.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: November 1, 1999—June 30, 2000
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

RFP No. 1999-001 The Department of Aging through Act 63 of 1983 and amended in Act 1996-134 is authorized to enter into a contract with a private firm to provide limited pharmaceutical assistance for older persons within this Commonwealth. The Department will receive sealed responses to a Request for Proposal (RFP) until 3 p.m., Friday, December 10, 1999. A preproposal conference will be held on Friday, October 8, 1999, at 555 Walnut Street, 5th Floor—Forum Place, Harrisburg, PA beginning at 9 a.m. in conference room 5A. Interested bidders must request a copy of the RFP by calling (717) 783-3126, or in writing to the Department of Aging, Bureau of Administrative Services, Attention: Susan L. Sampson, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919.

Department: Aging
Location: Statewide
Duration: July 1, 2000 through June 30, 2005
Contact: Susan L. Sampson, (717) 783-3126

SP 914900010 Provide hotel accommodations for 35 rooms in the Pittsburgh area. Hotel must be accessible to people who use wheelchairs. At least eight rooms must be completely accessible for people who use wheelchairs. Sleeping rooms are needed for Friday and Saturday nights, November 5th and 6th. We will require 95% single rooms. Other accommodations required are a conference room and dining room. Complete details and specifications may be obtained by contacting the procurement office.

Department: Public Welfare
Location: Developmental Disabilities Council, Room 561, Forum Building, Harrisburg, PA 17120
Duration: November 5, 1999—November 7, 1999
Contact: Rose Wadlinger, (717) 783-3767

[Pa.B. Doc. No. 99-1704. Filed for public inspection October 1, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
5810-03 RIP #2 & SUPP. #2	09/20/99	DLT Solutions, Inc.	5,000.00	9120-02	10/01/99	Aero Oil Co., Division Adams Util- ity Services Co.	41,930.60
5810-03 RIP #2 & SUPP. #2	09/20/99	Teloquent Communica- tions	5,000.00	9120-02	10/01/99	Agway Energy Products LLC	135,364.09
5810-03 RIP #2 & SUPP. #2	09/20/99	Lucent Tech- nologies	5,000.00	9120-02	10/01/99	Columbia Pro- pane Corp.	18,316.34
5810-03 RIP #2 & SUPP. #2	09/20/99	Merant, Inc.	5,000.00	9120-02	10/01/99	Cornerstone Propane d/b/a Minns Gas	31,062.75
5810-03 RIP #2 & SUPP. #2	09/20/99	Kova Corpora- tion	5,000.00	9120-02	10/01/99	Ferrellgas, L. P.	5,178.25
5810-03 RIP #2 & SUPP. #2	09/20/99	Intellimark Pa	5,000.00	9120-02	10/01/99	Level Propane Gases, Inc.	231,475.71
5810-03 RIP #2 & SUPP. #2	09/20/99	IMR Limited	25,000.00	9120-02	10/01/99	Modern Gas Sales, Inc.	12,893.00
5810-03 RIP #2 & SUPP. #2	09/20/99	Cerebellum Software, Inc.	5,000.00	9140-01	09/22/99	Agway Energy Products, LLC	283,698.36
5810-03 RIP #2 & SUPP. #2	09/20/99	Anteon Corp.	5,000.00	9140-01	09/22/99	Bedford Valley Petroleum Corp.	49,356.49
5810-03 RIP #2 & SUPP. #2	09/20/99	Fiorano Soft- ware, Inc.	5,000.00	9140-01	09/22/99	Carlos R. Lef- fler, Inc.	870,804.13
5810-03 RIP #2 & SUPP. #2	09/20/99	Fraser Ad- vanced In- formation	5,000.00	9140-01	09/22/99	Export Fuel Co., Inc.	668.25
5810-03 RIP #2 & SUPP. #2	09/20/99	Microage of Exton	5,000.00	9140-01	09/22/99	Farm Home & Oil Co.	454,213.48
5810-03 RIP #2 & SUPP. #2	09/20/99	Simware, Inc.	5,000.00	9140-01	09/22/99	Klasen Oil Co.	600.00
5810-03 RIP #2 & SUPP. #2	09/20/99	Renewal, Inc.	5,000.00	9140-01	09/22/99	Luther P. Miller, Inc.	40,920.66
5810-03 RIP #2 & SUPP. #2	09/20/99	Welcom	5,000.00	9140-01	09/22/99	Montour Oil Service Co.	66,397.38
5810-03 RIP #2 & SUPP. #2	09/20/99	Perfect Order, Inc.	5,000.00	9140-01	09/22/99	Orris Fuel, Inc.	108,543.63
5810-03 RIP #2 & SUPP. #2	09/20/99	Enterprise Messaging Services, Inc.	5,000.00	9140-01	09/22/99	Petroleum Traders Corp.	1,007,020.79
5810-03 RIP #2 & SUPP. #2	09/20/99	Gerimenu	5,000.00	9140-01	09/22/99	Phoenix Petro- leum	168,663.80
5810-03 RIP #2 & SUPP. #2	09/20/99	CTR Systems	5,000.00	9140-01	09/22/99	Pickelner Fuel Co., Inc.	365,152.93
5810-03 RIP #2 & SUPP. #2	09/20/99	Indico Corp.	5,000.00	9140-01	09/22/99	Pipeline Petro- leum Co.	17,011.22
5810-03 RIP #2 & SUPP. #2	09/20/99	Legato Sys- tems, Inc.	5,000.00	9140-01	09/22/99	Reed Oil Co., Inc.	3,545.20
5810-03 RIP #2 & SUPP. #2	09/20/99	Ciber, Inc.	10,000.00	9140-01	09/22/99	Talley Petro- leum Enter- prises, Inc.	362,135.75

STATE CONTRACTS INFORMATION

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
1025119-01	09/20/99	Raeform Uni- form Fabrics	81,400.00	1172219-01	09/20/99	Cleveland Brothers	53,951.00
1045209-01	09/20/99	Red the Uni- form Taylor, Inc.	24,056.25	7314240-01	09/20/99	EDJ Enter- prises, Inc.	120,000.00
1071219-01	09/20/99	Dyna Tech In- dustries Ltd.	27,715.00	7314270-01	09/20/99	IBM Corpora- tion	32,503.00
1110159-01	09/20/99	Matrix Data	27,782.70	8141450-01	09/20/99	ISCO Indus- tries	30,051.06
1111219-01	09/20/99	Billows Elec- tric Supply Co., Inc.	80,960.00	8250080-01	09/20/99	Stewart-Amos Equipment Co.	112,281.00
1116189-01	09/20/99	Digital-Ink	31,181.25	8250290-01	09/20/99	Highway Equipment & Supply Co.	95,704.00
1122159-01	09/20/99	Pasco Scien- tific	56,623.80	8250480-01	09/20/99	ARTCO Equip- ment Sales, Inc.	16,962.00
1127099-01	09/20/99	Multi-Graphic Business Systems, Inc.	32,487.00				
1155219-01	09/20/99	Harrington & Sons, Inc.	37,774.00				
1156219-01	09/20/99	Harrington & Sons, Inc.	32,850.00				

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 99-1705. Filed for public inspection October 1, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

2000 and 2001 State Block Grant Program

The Department of Community and Economic Development (Department) publishes its Community Services Block Grant State Plan to the Department of Health and Human Services for the 2000 and 2001 program years.

Comments will be received at a public hearing to be held at 10 a.m., Wednesday, October 13, 1999, in Room 321 of the Forum Building, Commonwealth Avenue and Walnut Street, Harrisburg, PA 17120.

Written comments may be submitted to Dennis Darling, Director of the Community Empowerment Office, Department of Community and Economic Development, Room 352 Forum Building, Harrisburg, PA 17120, until 5 p.m. on October 13, 1999.

Persons with a disability who wish to attend this hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact Dennis Darling at (717) 787-1984 to discuss how the Department may accommodate their needs.

Copies of the State Plan are available in the Community Empowerment Office, Room 352 Forum Building, Harrisburg, PA 17120 or by calling (717) 787-1984.

SAMUEL A. MCCULLOUGH,
Secretary

Community Services Block Grant State Plan Community Food and Nutrition Application

Federal Fiscal Years Covered by this State Plan

This State Plan is for the Federal fiscal years of 2000 and 2001.

Letter of Transmittal to the Office of Community Services

The Department of Community and Economic Development (Department) has been designated by the Governor of Pennsylvania to act as the lead agency for the administration of CSBG. This letter can be found as Attachment 1. The current secretary is Samuel A. McCullough.

Executive Summary

CSBG State Legislation

As a result of the Omnibus Budget Reconciliation Act of 1981, the Commonwealth of Pennsylvania accepted the Community Services Block Grant (CSBG) for the purpose of providing a full range of services and activities having a measurable and potentially major impact on the causes of poverty in a community or those areas of a community where poverty is a particularly acute problem.

Recognizing the importance of a commitment by the State, the Pennsylvania General Assembly, as a matter of public policy, affirmed the commitment of the Commonwealth to eliminating the causes and effects of poverty by enacting and subsequently amending the Community Services Act of July 10, 1986 (act) (P.L. 1263, No. 116). The act is also intended to stimulate a better focusing of human and financial resources on the goal of eliminating poverty by providing for the continuity of programs which

presently exist throughout the Commonwealth for this purpose, and delineates the activities for which the Federal funds can be used.

Designation of Lead Agency

As stated previously, the Department has been designated by the Governor of Pennsylvania to act as the lead agency for the administration of CSBG.

Public Hearing Requirements

Public Hearing

A public hearing was held on October 7, 1999. Minutes of this hearing will be submitted when they are received.

Legislative Hearing

A legislative hearing was held for FFY 1999 in February, 1998. In accordance with section 676(a)(2)(B) of the act, the next legislative hearing will be held for the FFY 2002 State Plan.

Public Inspection of State Plan

The State Plan was published in the *Pennsylvania Bulletin* on September 25, 1999. Copies were sent to each Community Action Agency (CAA) for their comments and to the Department's Regional Offices where it is available for public inspection. A copy follows.

Statement of Federal and CSBG Assurances

Programmatic Assurances

(1) Funds made available through this grant of allotment will be used:

(a) To support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under Part A of Title IV of the Social Security Act (42 U.S.C.A. § 601 et seq.), homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families to enable the families and individuals to:

(i) remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a State program carried out under Part A of Title IV of the Social Security Act);

(ii) secure and retain meaningful employment;

(iii) attain an adequate education, with particular attention toward improving literacy skills of low-income families in the communities involved, which may include carrying out family literacy initiatives;

(iv) make better use of available income;

(vii) obtain and maintain adequate housing and a suitable living environment;

(viii) obtain emergency assistance through loans, grants or other means to meet immediate and urgent family and individual needs; and

(ix) achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and strengthen and improve rela-

tionships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;

(b) To address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation and entrepreneurship programs); and after-school child care programs; and

(c) To make more effective use of, and to coordinate with, other programs (including State welfare reform efforts). [§ 676(b)(1)]

(2) To describe how the State intends to use discretionary funds made available from the remainder of the grant or allotment described in section 675C(b) of the act in accordance with the community services block grant program, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of the community services block grant program; [§ 676(b)(2)]

(3) To provide information provided by eligible entities in the State, including:

(a) a description of the service delivery system, for services provided or coordinated with funds made available through grants made under section 675C(a) of the act, targeted to low-income individuals and families in communities within the State;

(b) a description of how linkages will be developed to fill identified gaps in services, through the provision of information, referrals, case management, and follow-up consultations;

(c) a description of how funds made available through grants made under section 675(a) will be coordinated with other public and private resources; and,

(d) a description of how local entities will use the funds to support innovative community and neighborhood-based initiatives related to the purposes of the community services block grant, which may include fatherhood initiatives and other initiatives with the goal of strengthening families and encouraging effective parenting. [§ 676(b)(3)]

(4) To ensure that eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals. [§ 676(b)(4)]

(5) That the State and the eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services, and the State and the eligible entities will coordinate the provision of employment and training activities in the State and in communities with entities providing activities through Statewide and local workforce investment systems under the Workforce Investment Act of 1998; [§ 676(b)(5)]

(6) To ensure coordination between antipoverty programs in each community in the State, and ensure, where

appropriate, that emergency energy crisis intervention programs under Title XXVI (relating to low-income home energy assistance) are conducted in such communities. [§ 676(b)(6)]

(7) To permit and cooperate with Federal investigations undertaken in accordance with section 678D of the act. [§ 676(b)(7)]

(8) That any eligible entity in the State that received funding in the previous fiscal year through a community services block grant under the community services block grant program will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b) of the act. [§ 676(b)(8)]

(9) That the State and eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnership with other organizations serving low-income residents of the communities and members of the groups served by the State, including religious organizations, charitable groups and community organizations. [§ 676(b)(9)]

(10) To require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation. [§ 676(b)(10)]

(11) To secure from each eligible entity in the State, as a condition to receipt of funding, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs; [§ 676(b)(11)]

(12) That the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system for which the Secretary facilitated development under section 678E(b) of the act. [§ 676(b)(12)]

(13) To provide information describing how the State will carry out these assurances. [§ 676(b)(13)]

Administrative Assurances

The State further agrees to the following, as required under the act:

(1) To submit an application to the Secretary containing information and provisions that describe the programs for which assistance is sought under the community services block grant program prepared in accordance with and containing the information described in section 676 of the act. [§ 675A(b)]

(2) To use not less than 90% of the funds made available to the State by the Secretary under section 675A or 675B of the act to make grants to eligible entities for the stated purposes of the community services block grant program and to make such funds available to eligible entities for obligation during the fiscal year and the succeeding fiscal year, subject to the provisions

regarding recapture and redistribution of unobligated funds outlined as follows. [§ 675C(a)(1) and (2)]

(3) In the event that the State elects to recapture and redistribute funds to an eligible entity through a grant made under section 675C(a)(1) when unobligated funds exceed 20% of the amount so distributed to such recaptured funds to an eligible entity, or require the original recipient of the funds to redistribute the funds to a private, nonprofit organization, located within the community served by the original recipient of the funds, for activities consistent with the purposes of the community services block grant program. [§ 675C(a)(3)]

(4) To spend no more than the greater of \$55,000 or 5% of its grant received under section 675A or the State allotment received under section 675B for administrative expenses, including monitoring activities. [§ 675C(b)(2)]

(5) In states with a charity tax credit in effect under state law, the State agrees to comply with the requirements and limitations specified in section 675C regarding use of funds for Statewide activities to provide charity tax credits to qualified charities whose predominant activity is the provision of direct services within the United States to individuals and families whose annual incomes generally do not exceed 185% of the poverty line to prevent or alleviate poverty among these individuals and families. [§ 675C]

(6) That the lead agency will hold at least one hearing in the State with sufficient time and Statewide distribution of notice of the hearing, to provide to the public an opportunity to comment on the proposed use and distribution of funds to be provided through the grant or allotment under section 675A or 675B for the period covered by the State plan. [§ 676(a)(2)(B)]

(7) That the chief executive officer of the State will designate an appropriate State agency for purposes of carrying out State community services block grant program activities. [§ 676(a)(1)]

(8) To hold at least one legislative hearing every 3 years in conjunction with the development of the State plan. [§ 676(a)(3)]

(9) To make available for public inspection each plan or revised State plan in such a manner as will facilitate review of and comment on the plan. [§ 676(e)(2)]

(10) To conduct the following reviews of eligible entities:

(a) full onsite review of each entity at least once during each 3-year period;

(b) an onsite review of each newly designated entity immediately after the completion of the first year in which the entity receives funds through the community services block grant program;

(c) follow-up reviews including prompt return visits to eligible entities, and their programs, that fail to meet the goals, standards and requirements established by the State;

(d) other reviews as appropriate, including reviews of entities with programs, that have had other Federal, State or local grants (other than assistance provided under the community services block grant program) terminated for cause. [§ 678B(a)]

(11) In the event that the State determines that an eligible entity fails to comply with the terms of an agreement or the State plan, to provide services under the community services block grant program or to meet appropriate standards, goals, and other requirements

established by the State (including performance objectives), the State will comply with the requirements outlined in section 678C of the act, to:

(a) inform the entity of the deficiency to be corrected;

(b) require the entity to correct the deficiency;

(c) offer training and technical assistance as appropriate to help correct the deficiency, and submit to the Secretary a report describing the training and technical assistance offered or stating the reasons for determining that training and technical assistance are not appropriate;

(d) at the discretion of the State, offer the eligible entity an opportunity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan and to either approve the proposed plan or specify reasons why the proposed plan cannot be approved;

(e) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the funding to the eligible entity unless the entity corrects the deficiency. [§ 678C(a)]

(12) To establish fiscal controls, procedures, audits and inspections, as required under sections 678D(a)(1) and 678D(a)(2) of the act.

(13) To repay to the United States amounts found not to have been expended in accordance with the act, or the Secretary may offset these amounts against any other amount to which the State is or may become entitled under the community services block grant program. [§ 678D(a)(3)]

(14) To participate, by October 1, 2001, and ensure that all eligible entities in the State participate in the Results-Oriented Management and Accountability (ROMA) System [§ 678E(a)(1)].

(15) To prepare and submit to the Secretary an annual report on the measured performance of the State and its eligible entities, as described under section 678E(a)(2) of the act.

(16) To comply with the prohibition against use of community services block grant funds for the purchase or improvement of land, or the purchase, construction or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility, as described in section 678F(a) of the act.

(17) To ensure that programs assisted by community services block funds shall not be carried out in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of these programs with any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance with any such election, or any voter registration activity. [§ 678F(b)]

(18) To ensure that no person shall, on the basis of race, color, National origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community services block grant program funds. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (U.S.C. 6101 et seq.) or with respect to an otherwise

qualified individual with a disability as provided in section 504 of the Rehabilitation Act of 19734 (29 U.S.C.A. § 12131 et seq.) shall also apply to any such program or activity. [§ 678F C]

(19) To consider religious organizations on the same basis as other nongovernmental organizations to provide assistance under the program so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution; not to discriminate against an organization that provides assistance under, or applies to provide assistance under the community service block grant program on the basis that the organization has a religious character; and not to require a religious organization to alter its form of internal government except as provided under section 678B or to remove religious art, icons, scripture or other symbols to provide assistance under the community services block grant program. [§ 679]

B. Other Administrative Certifications

The State also certifies the following:

(1) To provide assurances that cost and accounting standards of the Office of Management and Budget (OMB Circular A-110 and A-122) shall apply to a recipient of community services block grant program funds.

(2) To comply with the requirements of Public Law 103-227, Part C Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994, which requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education or library services to children under the age of 18 if the services are funded by a Federal grant, contract, loan or loan guarantee. The State further agrees that it will require the language of this certification be included in any subawards, which contain provisions for children's services and that all subgrantees shall certify accordingly.

Signature

Administrator/Director of Designated Lead Agency Date

The Narrative State Plan

Administrative Structure

State Administrative Agency

The mission of the Department is to foster opportunities for businesses and communities to succeed and thrive in a global economy, thereby enabling Pennsylvanians to achieve a superior quality of life.

The Community Empowerment Office's (CEO) mission is to improve the quality of life for low-income Pennsylvanians. The CSBG Program lies within the CEO.

Eligible Entities

CSBG funds are allocated to 42 Community Action Agencies and two Limited Purpose Agencies which provide services to all 67 counties in Pennsylvania (Attachment 2).

Distribution and Allocation of Funds

Ninety percent of the CSBG funds will be distributed to 44 eligible entities, 5% will be used as discretionary funds and 5% will be used for administration. Allocations to eligible entities for each of the 2 years will be based on a formula as described within this notice.

Description of Criteria and Distribution Formula

Allocations to eligible entities for each of the 2 years will be based on a formula comprised of two factors: the number of persons with incomes below 125% of poverty in each service area (1990 U.S. Census Data) on which 75% of the allocation will be based; and the number of unemployed persons in each service area (Pennsylvania Office of Employment Security, Pennsylvania Civilian Labor Force Data by County of Residence, 1998 Annual Average) on which 25% of the allocation will be based. All agencies receive a minimum base level allocation which currently is \$205,000.

Agencies which do not use all of their allocated funds in one State fiscal year are allowed to roll the funds over into the next fiscal year.

Description of Distribution and Use of Restricted Funds

CSBG funds will be allocated to 42 Community Action Agencies and two Limited Purpose Agencies. (A list of grantees and their geographic areas follows.) The entire State will receive CSBG services through these 44 agencies. Agencies having fund balances at the end of the State fiscal year may roll these funds into the next fiscal year.

Eligible entities will use CSBG funds to increase the availability of low cost housing and to promote economic development, employment and training initiatives, and education programs to increase literacy skills and other activities that can lead to economic self-sufficiency of low-income individuals and the chronically unemployed including Temporary Assistance for Needy Families (TANF) and General Assistance recipients. No funds have been recaptured and redistributed, as agencies are allowed to carry over balances.

Description of Distribution and Use of Discretionary Funds

For FFY 2000 and FFY 2001, CSBG Discretionary funds will be used:

to implement a technical assistance project on Fatherhood programs by the National Fatherhood Initiative;

to provide funding for a television advertising campaign targeted to absentee and noncustodial fathers; as incentive funding for individual CAAs to develop and implement microenterprise projects based upon a successful project developed by another CAA in Pennsylvania; and

to update the information technology capacity of individual CAAs.

Description of Use of Administrative Funds

For FY 2000 and FY 2001, CSBG administrative funds are projected to be used as follows:

	FY 2000	FY 2001
Personnel	\$230,000	250,000
Fringe Benefits	65,000	68,000
Indirect Costs	165,000	167,000
Travel	13,000	15,000
Operating Costs	125,000	127,000
Grants	100,000	150,000
Total	\$698,000	\$777,500

The State's Charity Tax Credit Program is called the Neighborhood Assistance Program which is designed to help improve distress neighborhoods through the creation of effective partnerships between community based organizations and the business community. No CSBG funds are utilized in this effort.

State Community Services Program Implementation

Program Overview

The Service Delivery System

CSBG funds will be allocated to 44 eligible agencies. The entire State will receive CSBG services through these 44 agencies. These agencies will provide services to low-income persons throughout the State which will result in alleviating temporary emergencies as well as providing services which will lead to self-sufficiency. In addition to emergency and self-sufficiency services, these agencies will also provide employment, education, income management, housing, nutrition and health services.

Linkages

CAAs are strongly encouraged to develop partnerships and linkages with other social service providers in their service area that allows them to fill identified gaps of services. Seven hundred and twenty-six documented partnerships were developed with social service providers, religious organizations and local governments among Pennsylvania's CAAs during the 1998-99 program year.

Coordination with Other Public and Private Resources

During the 1998-99 program year, 726 documented partnerships were developed with social service providers, religious organizations and local governments. These partnerships resulted in \$106,825,968 of additional funding for the CAAs.

Innovative Community and Neighborhood Based Initiatives

Agencies are using a variety of innovative initiatives to strengthen families. Among them are:

The Community Action Program of Lancaster County administers a Fatherhood Program that focuses on ensuring that fathers (especially noncustodial fathers) become and stay involved in the parenting of their children. Fathers attend classes dealing with child discipline, anger management, financial issues and economic self-sufficiency.

Mercer County Community Action Agency administers a Silent Partners Program. Under this Program, both corporations and individuals pledge an amount of money to be used by low-income individuals. When the CAA encounters a situation for which they cannot provide support, a silent friend is called to fulfill their pledge.

Armstrong County Community Action Agency has become a certified Driver Education Training agency and provides drivers education for their low-income clients not having a drivers license.

Bucks County Opportunity Council operates an Auto Works Program that provides transportation to and from a job for low-income clients. In addition, each client is assigned one driver, and this person also provides mentoring to the client.

The Trehab Center has developed a Microenterprise Program that provides technical assistance and follow-up support services for low-income people wanting to start their own business.

Community Needs Assessments

A community needs assessment is required from all eligible entities as part of their application for funding. Each entity is responsible for conducting their own needs assessment. The needs assessment must describe how the assessment was conducted and provide results. Goals and objectives must be based upon the findings in the assessment. Agencies may use the findings from Pennsylvania's Poverty Dialog 2000 as part of their needs assessment.

Tripartite Boards

Included with the submission of grantee applications is a breakout of the composition of the board, which is reviewed for compliance with section 676 (B) of the act. Agencies also include an updated list of board members containing names and addresses of the tripartite board members, and delineates which segment they represent. Additionally, as part of the monitoring process, board composition is reviewed. The Community Empowerment Office has two directives (directives are designed to provide additional guidance to subgrantees on a particular subject, and are included in the contract by reference) related to board composition: CSBG Directive 98-2: Administrative Procedures, requires a tripartite board for private nonprofit CSBG grantees; and CSBG Directive 98-4: CSBG Advisory Committees requires a tripartite advisory board for grantees that are units of local governments. All public community action agencies have advisory boards having the required tripartite division. They also must submit the information mentioned above in their application for funding.

State Charity Tax Credit Program

The Community Empowerment Office administers the Neighborhood Assistance Tax Credit Program which is the oldest and largest State supported tax credit program in the country. Tax credits are awarded to businesses that contribute to nonprofit agencies to provide services to low-income persons. CSBG funds are not used to offset any revenue losses incurred by the State, or for any aspect of the program.

Programmatic Assurances

Assurance 676(b)(1)

Funds made available through this grant or allotment will be used:

To support activities that are designed to assist low-income families and individuals including families and individuals receiving assistance under Part A of Title IV of the Social Security Act (42 U.S.C.A. § 601 et seq.), homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families to enable the families and individuals to:

remove obstacles and solve problems that block the achievement of self sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a State program carried out under Part A of Title IV of the Social Security Act);

secure and retain meaningful employment;

attain an adequate education, with particular attention toward improving literacy skills of low-income families in the communities involved, which may include carrying out family literacy initiatives;

make better use of available income;

obtain and maintain adequate housing and a suitable living environment;

obtain emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and

achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;

To address the needs of low-income communities through development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation and entrepreneurship programs); and after-school child care programs; and

To make more effective use of, and to coordinate with, other programs (including State welfare reform efforts).

Implementation of Assurance 676(b)(1)

Activities eligible for funding consideration out of the 90% grant moneys allocated to CAAs/LPAs, are those designed to assist TANF recipients, homeless families and individuals, migrant or seasonal farmworkers and elderly low-income individuals to:

attain self-sufficiency through intensive case management services;

secure and retain employment, through employment and training programs and necessary support services;

attain an adequate education, through education initiatives and referrals that will enable low-income, chronically unemployed individuals to participate in job training programs which can include locally initiated Private Industry Council or JTPA Service Delivery Area sponsored job training programs;

make better use of available income through budget counseling, consumer education, credit counseling and weatherization services;

obtain and maintain adequate housing and a suitable living environment by providing home repair services, housing counseling and housing rehabilitation.

obtain emergency assistance through loans and grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment related assistance;

achieve greater participation in the affairs of the community through the development of linkages and partnerships with local law enforcement agencies, local housing authorities, governmental employment and training agencies, educational institutions and other public and private resources in the community.

Several CAAs administer youth development programs that give priority to the prevention of youth problems and crime and provide for increased community involvement. These programs include:

The Community Action Agency of Delaware County administers a "Summer Youth Career Exploration Program" in which low-income tenth, eleventh and twelfth grade students are placed into private sector employment that most closely matches their career interest. The program also employs 12 college students who function as program mentors and monitors.

This agency also operates a training program that provides training in the construction industry for 10 low-income adjudicated youth during the summer months.

Lycoming-Clinton Counties for Community Action administers an "Educational Mentoring Partnership Program" in coordination with a local school district that provides services in teen fatherhood issues. Included in this program are both the prevention of teen fatherhood for at risk youth and ongoing support of identified teen fathers so they may continue their education and graduate from high school.

The Economic Opportunity Cabinet of Schuylkill County operates a summer drug and alcohol education program in low-income housing developments throughout the county. Financial support is provided by the Pottsville and Schuylkill Housing Authorities.

Westmoreland Human Opportunities provides the FAST Program to 17 school districts in Westmoreland County. This delinquency prevention program provides intensive in-home and in-school services that address the root causes of delinquent behavior at the middle school level, before it escalates to more aggressive, delinquent behavior.

The Community Action Commission supports families and youth through its "Community That Cares" (CTC) Program. CTC coordinates programs that promote education and prevention of youth violence, delinquency and drug use.

Assurance 676(b)(4)

Eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals.

Implementation of Assurance 676(b)(4)

All of the State's eligible entities either operate food pantries or know of food pantries in their service area in which to refer low-income individuals.

Assurance 676(b)(5)

The State and the eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of these services to low-income individuals and to avoid duplication of these services, and the State and the eligible entities will coordinate the provision of employment and training activities in this State and in communities with entities providing activities through Statewide and local workforce investment systems under the Workforce Investment Act of 1998.

Implementation of Assurance 676(b)(5)

All CAAs are required to describe how they coordinate services and establish linkages with other social service agencies and local governments to assure the effective delivery of services to low-income individuals and avoid duplication of services. Seven hundred and twenty-six documented partnerships were established during the FY 1998-99 program year, as reported in Goal 5 of the annual report.

In 1996, in coordination with the Pennsylvania Department of Public Welfare (DPW), the Department initiated the Supported Work Program (SWP). In FY 1997-98, \$1,925,000 of Department's money was matched with \$1,900,000 from DPW to provide employment and training services for TANF recipients. Forty-two CAAs/LPAs provide these services Statewide.

In addition, the CEO's Director, Dennis Darling, is a member of Pennsylvania's Workforce Investment Task Force and the Executive Directors of the CAAs sit on local Workforce Investment Committees.

Assurance 676(b)(6)

To ensure coordination between antipoverty programs in each community in the State, and ensure, where appropriate, that emergency energy crisis intervention programs under Title XXVI (relating to low-income home energy assistance) are conducted in these communities.

Implementation of Assurance 676(b)(6)

Some CAAs receive LIHEAP funds from DPW to provide energy crisis intervention programs. Also, CAAs that are weatherization providers receive LIHEAP funds that are coordinated with weatherization funds to provide weatherization services.

Assurance 676(b)(9)

The State and eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including religious organizations, charitable groups and community organizations.

Implementation of Assurance 676(b)(9)

In the year-end CSBG Report, eligible entities are required to report the number of partnerships their agency has established with other organizations serving low-income residents in their service area. All of the

State's eligible entities have established these partnerships within their service area. Seven-hundred and twenty-six partnerships were formed during the last program year.

*Fiscal Controls and Monitoring**State Program Monitoring*

During FY 2000-2001, 15 of the State's eligible entities will receive a full onsite review. An additional 15 will receive an onsite review during FY 2001-2002 (see Attachment 3).

Monitoring procedures shall include an onsite monitoring visit conducted for the following purposes:

- to ensure programmatic and contractual compliance through the review of agency records and interviews with agency personnel, board members and clients;
- to clarify discrepancies that cannot be resolved from the program report review;
- to follow-up on program and personnel complaints, made directly or indirectly; and
- to comply with an agency's request for an onsite visit.

Following the onsite visit a report of the monitoring review shall be given to the agency during the exit interview. It shall identify strengths and weaknesses of the program and any required remedial actions.

The agency may request a conference with the Department's Community Empowerment Office (CEO) to discuss the report and/or the Office may request a conference with the agency to discuss the report and provide technical assistance.

The Department has no newly designated agencies, nor is it anticipating any during the FFYs 2000 and 2001.

If, after receiving technical assistance and implementing corrective action procedures, any agency that continues to fail to meet the State's goals, standards and requirements as determined during an onsite monitoring visit will receive an onsite follow-up review.

Upon notification, the Department will review entities that have other Federal, State or local grants (other than CSBG) terminated for cause.

The following are the dates of the last audit conducted and the period covered by the audit for each eligible entity.

<i>Agency</i>	<i>Time Period Covered</i>	<i>Date Completed</i>
Allegheny County Department of Federal Programs	1/1/97-12/31/97	3/23/98
Pittsburgh Community Services	1/1/98-12/31/98	2/9/99
Armstrong County Community Action Agency	7/1/97-6/30/98	2/99
County of Beaver, Community Services Programs	7/1/96-6/30/97	10/1/98
Berks Community Action Program	7/1/97-6/30/98	11/98
Blair County Community Action Program	7/1/97-6/30/98	1/99
Butler County Community Action and Development	1/1/98-12/31/98	1/99
Bucks County Opportunity Council	7/1/97-6/30/98	6/30/99
Cambria County Community Action Council	7/1/97-6/30/98	9/4/98
Carbon County Action Committee for Human Services	7/1/97-6/30/98	12/10/98
Central PA Community Action	7/1/97-6/30/98	9/4/98

<i>Agency</i>	<i>Time Period Covered</i>	<i>Date Completed</i>
Chester County Office of Housing and Community Development	1/1/98-12/31/98	5/24/99
Community Action Commission	7/1/97-6/30/98	9/98
Community Progress Council	7/1/97-6/30/98	6/30/98
Community Action Agency of Delaware County	7/1/97-6/30/98	12/23/98
Greater Erie Community Action Committee	10/1/96-9/30/97	6/26/98
Fayette County Community Action Agency	7/1/97-6/30/98	12/14/98
Indiana County Community Action Program	7/1/97-6/30/98	11/18/98
Jefferson/Clarion County Economic Opportunity Association	7/1/97-6/30/98	10/9/98
Keystone Community Action Program	10/1/97-9/30/98	12/28/98
Community Action Program of Lancaster County	7/1/97-6/30/98	12/28/98
Lawrence County Social Services	7/1/97-6/30/98	10-98
Lebanon County Human Services	1/1/97-12/31/97	10/98
Community Action Committee of the Lehigh Valley	7/1/97-6/30/98	10/5/98
Commission of Economic Opportunity of Luzerne County	7/1/97-6/30/98	4/13/99
Lycoming-Clinton Counties for Community Action	7/1/97-6/30/98	2/99
Mercer County Community Action Agency	7/1/97-6/30/98	11/24/98
Monroe County Commissioners	1/1/97-12/31/98	10/2/98
Montgomery County Community Action Development Commission	7/1/95-6/30/96	12/98
Northumberland County Board of Commissioners	7/1/96-6/30/97	12/97
Northern Tier Community Action Commission	7/1/97-6/30/98	3/20/99
Mayor's Office of Community Services	1/1/97-12/31/98	10/98
Economic Opportunity Cabinet of Schuylkill County	7/1/97-6/30/98	11/19/98
Scranton/Lackawanna Human Development Agency	7/1/97-6/30/98	11/24/98
South Central Community Action Program	7/1/97-6/30/98	10/98
Community Action Southwest	7/1/97-6/30/98	1/99
Tableland Services	7/1/97-6/30/98	12/20/98
The Trehab Center	7/1/97-6/30/98	11/98
Venango/Crawford Counties Office of Economic Opportunity	1/1/97-12/31/98	8/13/98
Union-Snyder Office of Human Resources Agency	7/1/97-6/30/98	11/98
Warren-Forest Counties Economic Opportunity Council	7/1/97-6/30/98	12/98
Westmoreland Human Opportunities	7/1/97-6/30/98	9/98
Community Action Agency of Pennsylvania	7/1/96-6/30/97	12/23/98
Rural Opportunities, Inc.	7/1/97-6/30/98	5/20/99
Butler County Community Action and Development	1/1/98-12/31/98	1/99

Corrective Action, Termination and Reduction of Funding

In the case of violations or discrepancies of Federal and State laws governing CSBG programs discovered through the Department's monitoring and auditing activities, the agency shall be notified of the violation or discrepancy immediately. The agency shall respond in writing to the notice of violation or discrepancy within 2 weeks of receipt of the notice. If necessary, a follow-up monitoring visit will be conducted to ensure that corrective action has been taken.

Agency Noncompliance—Noncompliance may result in probation until compliance is attained. Probationary status may include intensified monitoring, increased reporting requirements, provision of technical assistance by the Department or its designee and/or temporary suspension of grant payments.

Agency Violation—A violation with willful disregard of Federal and State laws governing CSBG programs may result in suspension of grant payments for a designated period of time. The agency will be required to rectify the violation and reestablish itself as competent to carry out the responsibilities governing CSBG programs, as deter-

mined by the Department of Community and Economic Development (DCED).

Termination for cause:

Termination for cause shall result when the Commonwealth determines that the agency has failed to comply with the conditions of the contract and/or Federal and State laws governing CSBG programs.

When the Department proposes to terminate a CSBG program, it will notify the agency, in writing, of the actions to be taken, the reasons for these actions, and the appeals procedure, including an opportunity for a hearing on the record. This notice shall be forwarded to the agency by certified mail.

Appeal Procedure:

If the agency wishes to appeal the determination, it must submit a written request by certified mail to the Secretary of the Department addressing the reasons for the proposed termination, and any corrective actions that has been or will be taken.

This request must be made within 20 calendar days of receipt of the termination notice.

The appeal may also include a request by the agency that the Secretary, or his/her designee, hold a public hearing before making a decision, in which case a public hearing shall be held.

The Secretary shall make one of the following decisions on the agency's appeal, and shall so notify the agency of the decision in writing within 30 calendar days following the appeal or following a hearing on the appeal:

- The Secretary may uphold the appeal and remove the notice of intent to terminate.
- The Secretary may remove the notice of intent to terminate but provide the agency with notice of specific corrective actions that must be taken.

If the agency subsequently fails to take corrective actions, the Secretary may reinstate the proposed termination procedures.

- The Secretary may deny the appeal, in which case the agency shall be notified of the effective date of termination. This date shall be either the date contained in the original notice of intent to terminate or a specified date at least 30 days after the Secretary sends the decision, whichever is later. The notice of the decision shall also contain all requirements pertaining to termination of CSBG related activities and return of CSBG funds.

The agency may appeal the Department's final determination to the Secretary of the United States Department of Health and Human Services in accordance with the Community Services Block Grant Act, Section 676 A (amended).

When an agency's contract is terminated for cause, the agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the grantee for any completed work that the Department deems satisfactory.

Fiscal Controls, Audits and Withholding

Assurance 676(b)(7)

The State will permit and cooperate with Federal investigations undertaken in accordance with section 678D of the act.

Implementation of Assurance 676(b)(7)

Pennsylvania agrees that it will permit and cooperate with any Federal investigations conducted in accordance with the Reauthorization Act.

Assurance 676(b)(8)

Any eligible entity in the State that received funding in the previous fiscal year through a community services block grant under the Community Services Block Grant program will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for the termination or the reduction, subject to review by the Secretary as provided in section 678C(b) of the act.

Implementation of Assurance 676(b)(8)

Pennsylvania Act 116 (amended) provides that:

As established by the formula...determination of annual funding levels shall be made by the Secretary based on input from local agencies and the CSBG Advisory Task Force. Any Community Action Agency or migrant and seasonal farm workers organization which received funding in the previous fiscal year under this Act will not have its present or future funding terminated under this Act or reduced below the proportional share of funding it received in the previous fiscal year unless, after notice and opportunity for hearing on the record, the Commonwealth determines that cause existed for such termination or such reduction, subject however to review under section 676 A of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, Stat. 357).

For purposes of making a determination with respect to a funding reduction, the term "cause" includes:

- a Statewide redistribution of funds under this Act to respond to the results of the most recently available census or other appropriate data;
- the establishment of a new eligible entity;
- severe economic dislocation; and
- the failure of an eligible entity to comply with the terms of its agreement to provide services under this act.

Assurance 676(b)(10)

The State will require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation.

Implementation of Assurance 676(b)(10)

The State will require each of its eligible entities to establish procedures under which a low-income individual, community organization, religious organization, or representative of low-income individuals, can petition the agency for adequate board representation. All eligible entities will be required to have these procedures in their by-laws.

Accountability and Reporting Requirements

Results Oriented Management and Accountability

Assurance 676(b)(12)

The State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability (ROMA) System or another performance measure system for which the Secretary facilitated development under section 678(E)(b) of the act.

Implementation of Assurance 676(b)(12)

During the 1998-99 program year, Pennsylvania required all of its eligible entities to collect data to report on the six National Goals. Also, during that year, a ROMA Task Force was developed consisting of represen-

tatives from nine CAAs the Executive Director of the Community Action Association of Pennsylvania, a consultant and CEO staff to develop a ROMA reporting format.

This format was implemented beginning in State Fiscal Year 1998-99 (July 1, 1998-June 30, 1999). All eligible entities were required to report on this new format (see Attachment 4). This report is modeled after the National Association for State Community Services Program's Information Systems Survey (CSBG/IS) and includes the six National goals and selected outcome measures. It also includes a section for: service counts by service category; client characteristics; outcome measures and results and program and management accomplishments. This report is submitted twice a year, January 20th, and July 20th.

Annual Report

Performance Objectives

OUTCOME MEASURES AND RESULTS (1998-99)

1. Family Goals: Low-income people become more self-sufficient

<i>Measure</i>	<i>Definition of the units to which this measure applies</i>	<i>Total # of units under 125% of poverty receiving services</i>	<i>Total # of units below 125% of poverty achieving this result</i>
A. The number of participants which enrolled in agency's employment programs and obtained employment	a participant who was unemployed at the time of enrollment acquires a job that is continuously available, receives actual pay of the minimum wage or above, and works at least 20 hours per week	7,994	4,762
B. The number of participants which maintained the employment at least 90 days	a participant who was unemployed at the time of enrollment acquires a job that is continuously available, receives actual pay of the minimum wage or above, and works at least 20 hours per week and keeps that job (or an equal or better one) for at least 90 days	5,107	2,549
C. The number of participants which enhanced or maintained their employment as a result of the agency's employment services	a participant who was employed at the time of service provision keeps their continuously available job or improves their conditions of employment by gaining more hours, a better shift schedule, benefits, a raise or a promotion	4,870	3,903

2. Community Goals: The conditions in which low-income people live are improved.

<i>Measure</i>	<i>Definition of the units to which this measure applies</i>	<i># of such communities</i>	<i># of communities achieving this result</i>	<i>\$ value of increase</i>
A. The number of communities which realized an increase in assessed value of homes as a result of rehabilitation projects	a total dollar amount of materials and labor (including in-kind contributions) installed in residences in targeted communities	208	128	2,828,080
B. The number of communities which realized an increase in low-income people's access to community services and resources	identified communities are targeted for an increase in available activities and resources that improve the condition in which people at or below 125% of poverty live	223	199	

3. Community Goals: Low-income people own a stake in their community.

<i>Measure</i>	<i>Definition of the units to which this measure applies</i>	<i># of such targeted communities</i>	<i># of targeted communities achieving this result</i>
A. The number of communities which increased or maintained the participation of low-income people in advocacy and intervention activities regarding funding levels, distribution procedures for programs and funding streams for their community	in identified communities, the involvement of people at or below 125% of poverty who demonstrated positive, constructive activities of serving across a range of projects and purposes increased or remained the same	142	140
B. The number of communities which realized an increase in low-income people's participation in community service groups	in identified communities, the involvement increased of people at or below 125% of poverty level who participated in organizations which provide services or interventions that improve the conditions in which low-income people live	113	104

4. Agency Goals: Partnerships among supporters and providers of services to low-income people are achieved.

<i>Measure</i>	<i>Definition of the units to which this measure applies</i>	<i># of such targeted communities</i>	<i># of targeted communities achieving this result</i>
A. The number of communities which increased or maintained the participation of low-income people in advocacy and intervention activities regarding funding levels, distribution procedures for programs and funding streams for their community	In such targeted communities, the involvement of people at or below 125% of poverty who demonstrated positive, constructive activities of serving across a range of projects and purposes increased or remained the same	1168	1140
B. The number of communities which realized an increase in low-income people's participation in community service groups	In such communities, the involvement increased of people at or below 125% of poverty who participated in organizations which provide services or interventions that improve the conditions in which low-income people live	801	488

5. Agency Goals: Agencies increase their capacity to achieve results.

<i>Measure</i>	<i>Definition</i>	<i>\$</i>	
A. The number of partnerships which mobilized nonCSBG resources.	documented agreements among related parties make nonCSBG resources available to support the activities of the agency	106,825,968	

<i>Measure</i>	<i>Total # funding sources</i>	<i># new funding sources this year</i>	<i>Level of funding</i>	<i>Last Year</i>	<i>This Year</i>
B. The number of new funding sources which effect the total agency funding	726	99	1. Increased from	\$156,909,014 to	\$173,231,576

<i>Measure</i>	<i>Definition</i>	<i>Total # of programs</i>	<i># programs targeted to meet special needs</i>
C. The number of programs which are targeted to meet needs of special populations	activities and strategies designed to ameliorate the problems of non-dominant society members under 125% of poverty	426	159

6. Family Goals: Low income people, especially vulnerable populations, achieve their potential by strengthening family and other supportive environments.

<i>Measure</i>	<i>Definition of the units to which this measure applies</i>	<i>Total # of units under 125% of poverty receiving services</i>	<i># of units below 125% of poverty achieving this result</i>
A. The number of households which have their emergency needs ameliorated	a solution is reached for any problem determined to be threatening individual and family stability at the time service is sought by a representative of/for the household	51,890	50,295
B. The number of households which acquire stable housing	households that are homeless or living in transitional housing gain or obtain the rights for occupancy of a safe permanent residence where the length of residency is determined by the client without limitations	12,652	11,245
C. The number of participants which achieve educational goals	the actual person undertaking activities in an agency's instructional programs demonstrates success in completing their individual goals	14,849	13,988
D. The number of elderly residents which maintain independent living for at least 90 days	persons aged 55 or older who undertake activities in the agency's senior service programs are able to remain in the residence of their choice for at least 90 days	22,078	22,065
E. The number of participants that maintained or improved their desired health status	the actual person in the agency's health or wellness program demonstrated the amelioration of a physical or mental health condition, took steps to prevent or avoid a future health crisis, or kept current physical or mental health conditions from deteriorating	36,741	35,349

Program Accomplishments and Activities

The Department also continued its efforts to have Community Action Agencies increase the provision of comprehensive family development/case management services so that families served have a greater opportunity to achieve self-sufficiency. During the 1998 program year, family development/case management services remained a top Statewide priority.

For the 1998 program year, other Statewide priorities included increased agency participation at higher levels in outcome based management, to implement a ROMA reporting document, to continue and expand CAA participation in Pennsylvania's Welfare Reform activities, to increase CAA participation in case management programs utilizing a holistic approach to move low-income families and individuals toward self-sufficiency, to build upon and increase participation in Pennsylvania's Individual Development Account (IDA)/Family Savings Account Program, to increase CAA involvement in comprehensive community building programs and projects such as Pennsylvania's Comprehensive Services Program and to ensure compliance with all State and Federal regulations and directives through Statewide monitoring activities. Approximately 22 agencies were projected to be monitored.

Objective 1

To increase agency participation, at higher levels, in Outcome-Based Management (OBM), that is, to increase the number of agencies at the basic and intermediate levels of progress in transition to OBM. Included in this objective is the implementation of a data collection sys-

tem that requires the Community Action Agencies to provide data on designated outcome measures for each of the six National goals. To accomplish this, the Department, through a contract with the State CAP Association, provides ongoing training to the CAAs in the area of basic and intermediate levels of OBM, and is developing scales to measure their improvement.

Results

The Department through a subcontract with the Community Action Association of Pennsylvania, provided a range of training and technical assistance services to the Community Action Agencies (CAAs) during the 1998 program year. A new survey is planned to be taken by the Association in September, 1999. Following are the results from the 1998 survey. All CAAs have implemented ROMA and are reporting outcomes based on the six National goals. Approximately 26 CAAs have developed and are using scales.

	<i>Ranking From 1997 Assessment Process</i>	<i>Ranking From 1998 Assessment Process</i>
Advanced	0	0
Intermediate	2 Agencies, 5%	6 Agencies, 15%
Basic	16 Agencies, 42%	26 Agencies, 64%
Elementary	19 Agencies, 50%	7 Agencies, 17%
Baseline	1 Agency, 3%	1 Agency, 3%

Objective 2

To implement a ROMA Reporting document to be used by all CAAs that reports progress on the six National goals. Working in conjunction with the State CAP Asso-

ciation and the Office of Community Services, it is projected that 60% of the CAAs will develop scales for measuring outcomes during 1999.

Results

A ROMA reporting document was implemented and will continue to be refined. Through training provided by the State CAP Association 26 agencies have developed and are using some form of scaling.

Objective 3

To continue and expand CAA participation in Pennsylvania's Welfare Reform activities. CAAs will continue to participate in joint Department of Public Welfare/ Department of Community and Economic Development Welfare Reform initiative, the Supported Work Program. The objective of this partnership is to facilitate the quick transition into the workforce of TANF recipients.

Results

During the 1998-99 program year, the Department of Public Welfare contributed approximately \$2,000,000 that was matched by \$2,000,000 from the Department of Community and Economic Development. A total of 2,495 TANF recipients were enrolled, and 1,146 were placed into employment of at least 20 hours per week.

Objective 4

To continue CAA participation in case management programs utilizing a holistic approach to move low-income families and individuals toward self-sufficiency.

Results

Forty-two of the 44 CAAs and LPAs reported persons served under the self-sufficiency service category. A total of 13,082 persons received self-sufficiency services.

Objective 5

To build upon and increase CAA participation in Pennsylvania's Individual Development Account/Family Savings Account Program.

Results

Ten CAAs received Family Savings Account contracts during the 1998-99 program year. These ten CAAs are approved for \$740,250 and 1,175 persons are to open accounts. This was the first year of a 2-year contract and six of the CAAs did not begin their program until the last few months of the program year. The number of accounts opened and the amount of money deposited in these accounts will not be available until the end of the 1999-2000 program year.

Objective 6

To increase CAA involvement in comprehensive community building programs and projects such as Pennsylvania's Comprehensive Services Program.

Results

One CAA, the Community Action Commission, has received a Comprehensive Services contract through the State's Neighborhood Assistance Program and over the next 10 years will receive contributions from a local bank (in return for a 70% tax credit) to be used to rehabilitate the Harrisburg neighborhood in which its agency is located.

Objective 7

To ensure compliance with all State and Federal regulations and directives through Statewide monitoring activities. Approximately 22 (50%) will be monitored onsite.

Results

Fifteen CAAs were monitored during the 1998-99 program year.

Comparison of Planned and Actual Expenditures for Prior Fiscal Year

Type of Funds	Planned Expenditures	Actual Expenditures
Entitlement	18,683,864	16,766,524
Discretionary	1,038,158	1,034,048
Administrative	601,468	601,468
Total	20,325,777	18,402,040

Planned Distribution of Funds to Eligible Entities (as shown in previous State plan) vs. Actual Expenditures

Agency	Planned Expenditures	Actual Expenditures
Allegheny County Department of Human Resources	\$1,109,576	\$92,465
Pittsburgh Community Services	821,709	557,969
Armstrong County Community Action Agency	205,000	205,000
County of Beaver, Community Services Programs	308,529	308,529
Berks Community Action Program	389,224	325,352
Blair County Community Action Program	237,103	237,103
Butler County Community Action and Development	205,000	205,000
Bucks County Opportunity Council	422,036	422,036
Cambria County Community Action Council	307,767	223,379
Carbon County Action Committee for Human Services	205,000	117,133
Central PA Community Action	374,975	316,300

<i>Agency</i>	<i>Planned Expenditures</i>	<i>Actual Expenditures</i>
Chester County Office of Housing and Community Development	281,837	197,800
Community Action Commission	510,284	510,284
Community Progress Council	352,673	352,673
Community Action Agency of Delaware County	560,296	520,275
Greater Erie Community Action Committee	454,396	454,396
Fayette County Community Action Agency	363,786	363,786
Indiana County Community Action Program	205,000	205,000
Jefferson/Clarion County Community Action Agency	205,000	205,000
Keystone Community Action Program	336,184	336,184
Community Action Program of Lancaster County	452,816	452,816
Lawrence County Social Services	205,000	205,000
Lebanon County Human Services	205,000	205,000
Community Action Committee of the Lehigh Valley	673,584	673,584
Commission of Economic Opportunity of Luzerne County	547,116	547,116
Lycoming-Clinton Counties for Community Action	269,722	269,722
Mercer County Community Action Agency	205,000	170,830
Monroe County Commissioners	205,000	205,000
Montgomery County Community Action Development Commission	464,401	464,401
Northumberland County Board of Commissioners	290,691	187,155
Northern Tier Community Action Commission	205,000	143,000
Mayor's Office of Community Services	3,630,217	3,630,217
Economic Opportunity Cabinet of Schuylkill County	255,223	255,223
Scranton/Lackawanna Human Development Agency	351,901	351,901
South Central Community Action Program	239,030	200,000
Community Action Southwest	426,722	426,722
Tableland Services	205,000	205,000
Trehab Center	403,954	403,954
Union-Snyder Office of Human Services	205,000	205,000
Venango/Crawford Counties Office of Economic Opportunity	280,983	234,150
Warren-Forest Counties Economic Opportunity Council	205,000	205,000
Westmoreland Human Opportunities	560,071	560,071
Community Action Association of Pennsylvania	205,000	205,000
Rural Opportunities, Inc.	205,000	205,000
Total	\$18,683,864	\$16,766,524

Planned Distribution of Funds for Discretionary Purposes (as shown in previous State plan) vs. Actual Expenditures

<i>Agency</i>	<i>Planned Expenditures</i>	<i>Actual Expenditures</i>
Carbon County Action Committee	\$25,000	\$25,000
Lawrence County Social Services	42,000	42,000
Bucks County Opportunity Council	76,172	76,172
Beaver County Community Services	69,450	69,450
Keystone Community Action	132,400	132,400

<i>Agency</i>	<i>Planned Expenditures</i>	<i>Actual Expenditures</i>
Lawrence County Social Services, Inc.	25,156	25,156
Community Action Association of PA	144,676	144,676
Indiana County Community Action	24,728	24,728
Lawrence County Social Services	30,000	30,000
Economic Opportunity Cabinet of Schuylkill County	35,310	35,310
Warren-Forest Economic Opportunity Council	23,710	23,710
Cambria County Community Action Program	52,750	52,750
Blair County Community Action Program	31,361	31,361
Rural Opportunities	2,000	2,000
Community Action Southwest	68,256	68,256
Fayette County Community Action	50,000	50,000
Union-Snyder Office of Human Resources	30,832	30,832
Economic Opportunity Cabinet of Schuylkill County	45,000	45,000
Lebanon County Human Services	15,400	15,400
Trehab Center	40,000	40,000
Lawrence County Social Services	69,947	69,947
Total	\$1,034,148	\$1,034,048

Planned Use of State Funds for Administration (as shown in previous State plan) vs. Actual Expenditures

<i>Line Item</i>	<i>Planned Expenditures</i>	<i>Actual Expenditures</i>
Personnel	\$210,299	\$210,299
Fringe Benefits	62,157	62,157
Indirect Costs	163,267	163,267
Travel	11,399	11,399
Operating Expenses	136,051	136,051
Fixed Assets	18,295	18,295
Total	\$601,468	\$601,468

Client Characteristics Report

A. Total unduplicated number of persons for whom characteristics were obtained	<u>222,176</u>
B. Total unduplicated number of persons for whom characteristics were not obtained	<u>174,489</u>
C. Total unduplicated number of families containing one or more persons served	<u>113,317</u>

	<i>Number of Persons</i>		<i>Number of Persons</i>
1. <i>Gender</i>		d. Native American	281
a. Male	84,925	e. Asian/Pacific Islander	<u>463</u>
b. Female	<u>124,439</u>	f. Other	<u>2,716</u>
2. <i>Age</i>		4. <i>Education</i>	
a. 0-5	37,470	a. 0-8	28,019
b. 6-11	<u>24,330</u>	b. 9-12	<u>32,125</u>
c. 12-17	<u>20,929</u>	c. High School Grad/GED	<u>44,669</u>
d. 18-23	<u>17,618</u>	d. Some Post Secondary	<u>7,221</u>
e. 24-44	<u>51,741</u>	e. 2 or 4 Yr. College Grad	<u>4,409</u>
f. 45-54	<u>16,314</u>	5. <i>Other Characteristics</i>	
g. 55-69	<u>15,595</u>	a. Has Health Insurance	105,806
h. 70 +	<u>19,093</u>	b. Disabled	<u>20,789</u>
3. <i>Ethnicity/Race</i>		c. Veteran	<u>3,840</u>
a. Black/Not Hispanic	30,525	6. <i>Family Type</i>	
b. White/Not Hispanic	<u>148,197</u>	a. Single Parent/Female	<u>31,004</u>
c. Hispanic	<u>11,893</u>		

	<i>Number of Persons</i>
b. Single Parent/ Male	3,784
c. Two Parent Household	22,169
d. Single Person	29,622
e. Two Adults/No Children	6,629
f. Other	1,503
7. <i>Family Size</i>	
a. One	1,503
b. Two	34,280
c. Three	15,669
d. Four	15,230
e. Five	5,905
f. Six	2,476
g. Seven	1,069
h. Eight or more	747
8. <i>Source of Family Income</i>	
a. No Income	6,183
b. TANF	11,536
c. SSI	17,021
d. Social Security	15,084
e. Pension	4,097
f. General Assistance	4,122
g. Unemployment Comp.	3,319
h. Employment + Other	11,291
i. Employment Only	24,189
j. Other	7,204
9. <i>Level of Family Income</i>	
a. Up to 75%	53,842
b. 76% to 100	18,712
c. 101%-125	15,639
d. 126%-150	6,279
e. 151% +	3,905
10. <i>Housing</i>	
a. Own	24,750
b. Rent	53,318
c. Homeless	5,138
11. <i>Other Family Characteristics</i>	
a. Receives Food Stamps	30,535
b. Farmer	159
c. Migrant Worker	599
d. Seasonal Farm Worker	592

Service Counts By Service Category

<i>Service Category</i>	<i>Number of Persons Served</i>
Employment	9,205
Education	15,106
Income Management	21,177
Housing	19,822
Emergency Services	50,522
Nutrition	117,932
Linkages	66,133
Self-Sufficiency	13,082
Health	11,725
Other	0
Total	324,704

Training and Technical Assistance provided by the State

Pennsylvania's Community Action Association, with CSBG funds, has provided outcome based training,

ROMA training and scales and ladders training to CAAs throughout the FY98-99 program year. This training, as well as additional training, for example, grants writing, board training, and the like, will continue throughout the next 2 years.

Community Food and Nutrition Program

As Secretary of the Department of Community and Economic Development, I hereby certify that the Commonwealth of Pennsylvania will comply with all the requirements of subsection 681(A) of the Community Services Block Grant to provide for community based, local and Statewide programs to accomplish the objectives of the Community Food and Nutrition Program as follows:

To coordinate private and public food assistance resources, where coordination is inadequate, to better serve low-income populations;

To assist low-income communities to identify potential sponsors of child nutrition programs and to initiate these programs in underserved or unserved areas; and

To develop innovative approaches to meet the nutrition needs of low-income individuals.

By the authority delegated to me by the Governor of the Commonwealth of Pennsylvania, I certify to the above assurances of the CSBG Act.

Samuel A. McCullough

Date

Proposed CFN Funding

All funds will be awarded to the Pennsylvania Hunger Action Center (PHAC). PHAC is the only Statewide antihunger organization. For over 20 years the Center has worked to preserve publicly funded food assistance programs and build community support for hunger relief.

The Center's programmatic agenda for Fiscal Years 2000 and 2001 reflects a realistic look toward a future where government food and income assistance programs must be balanced and blended with community involvement and commitment.

The Hunger Action Center will use Federal Fiscal Year 2000 and 2001 funds to achieve the following objectives:

Objective 1

Inform the Pennsylvania public about hunger/food insecurity, the extent of the problem, its causes and its solutions. Food insecurity is defined as anxiety about running out of food and not having the resources to fill the gap.

Activities

Collect data that credibly describes the extent and impact of hunger.

Monitor the development and administration of public policies that have a direct impact on food security among Pennsylvanians living at or below the poverty line (that is, means-tested nutrition and cash assistance programs).

Distribute information collected through research and monitoring activities to the general public through: six issues of The Hunger Advocate newsletter; press releases and op-ed columns; and public speaking opportunities.

Update, on a regular basis, the Hunger Action Web Site.

Maintain a food security list-serve for antihunger groups in Pennsylvania.

Objective 2

Provide antihunger groups across the State with information that makes them more effective in increasing food security in their own communities.

Activities

Provide an updated Hunger Action site on the Internet which provides information concerning:

Reports relevant to food security;

"Best practices" of community based groups involved in food security and welfare-to-work support;

Data collected by the Hunger Action Center related to trends;

Names, addresses and telephone numbers of policy makers, and the like;

Funding opportunities; and

Upcoming events of interest to food security activists.

Meet, upon request, with local groups to discuss community food security concerns and to explore ways that Hunger Action Center staff can provide support and/or technical assistance.

Create opportunities for staff from food security organizations to meet, share ideas and explore ideas for collaboration. At least one Statewide event will be held during the year.

Objective 3

Serve as a credible participant in the development of Pennsylvania's public policy in matters related to food security.

Activities

Sustain relationships with relevant agency staff at the Pennsylvania Departments of Agriculture, Public Welfare, Health and Education and serve as a reliable source of information/advice to those staff.

Participate on the Department of Agriculture's Emergency Food Assistance Advisory Committee and, by constructive comment related to the operation of the State's emergency food programs, increase the positive impact of those funds on family stability.

Participate on the Department of Public Welfare's Income Maintenance Advisory Committee.

Objective 4

Increase popular participation in the development of public policy concerning food security.

Activities

Expand the legislative response network from the existing level of 225 persons to 350 persons by June 30, 2001.

Provide opportunity for charitable food staff to communicate their concerns to policy makers; increase response from existing level of 400 post cards to 600 by January 2001.

Plan and host a "Speak to Your Legislator" event which will allow Pennsylvanians to express public policy concerns.

Objective 5

Educate hungry people across the State about the use of the Food Information Line to access emergency food.

Activities

Marketing and promotion efforts will continue through Department of Public Welfare mailings and through newspaper ads.

Food providers will be asked to update their information about hours of operation, and the like, twice during the contract year.

An average of 400 persons a month will be served by the agency's Food Information Line, which will encourage them to utilize WIC and Food Stamp benefits, to enroll in SHARE (a wholesale buying cooperative) and to take advantage of Super Cupboard classes available through local food pantries.

Objective 6

Promote sponsorship of child nutrition programs (Summer Food, Child and Adult Care, and School Breakfast).

Activities

Frequent newsletter articles will be published in the agency's newsletter promoting these programs.

Technical assistance regarding child nutrition programs will be offered to potential sponsors through workshops at conferences and through local food security forums.

List of CFNP Grantees for the Prior Program Year

The Pennsylvania Hunger Action Center was awarded the entire grant of \$91,931 allocated to Pennsylvania for the 1998-99 program year.

CFN Accomplishments for the Prior Program Year

The following objectives were achieved during the 1998-99 program year.

Objective 1

Raise public awareness in Pennsylvania about the extent, causes of and solutions to hunger.

Results

The agency's Hunger Advocate Newsletter circulation has increased to 1,662 readers as of June 30, 1999. This is an increase from 1,500 per issue in December, 1998 and 800 in December, 1997.

Articles were published in the *Philadelphia Inquirer*, the *Harrisburg Patriot News* and the *Pittsburgh Post Gazette* concerning the decline in food stamp participation, the increase in need for charitable food, funding for the Women, Infants and Children (WIC) Program and the extent of hunger in Pennsylvania and the need for outreach.

The following public speaking engagements were conducted:

Testimony to the House Democratic Policy Committee on the links between hunger and welfare reform;

The Keynote Address to the annual meeting of member agencies of the Philadelphia Food Bank; and

A presentation on charitable food assistance to a meeting of county human service directors.

Thirty-five hundred copies of *Food and Nutrition Resources in Pennsylvania: A Reference Guide* were sent to the agency's newsletter readers, 1,300 food assistance providers and public policy makers.

Objective 2

Provide antihunger groups across the State with information that makes them more effective in increasing food security in their own communities.

Results

The agency has accomplished the following activities:

Collaborated with the Governor's Inaugural Committee to assist with communications and logistics concerning the Inaugural Food Drive;

Served on a special task force appointed by the Department of Agriculture's Emergency Food Assistance Advisory Committee to develop a plan for the collection of unduplicated data by charitable food assistance providers. Staff from the agency wrote the proposed recommendation that was accepted by the Advisory Committee.

Planned and implemented a Statewide conference on food security and economic self-sufficiency. Approximately 180 people attended.

Served on the steering committee of the Greater Philadelphia Coalition Against Hunger.

Participated in the Pennsylvania Nutrition Education Network, an informal association of organizations committed to nutrition education among food stamp eligible people in the State.

Are active members of the Interfaith Justice Coalition that is supporting legislation to give TANF parents greater latitude than is currently allowed to complete skills training and educational programs leading to employment.

Objective 3

Serve as a participant in the development of Pennsylvania's public policy in matters related to food security.

Results

Actively supported a DPW policy that exempted a portion of able-bodied childless adults from the work requirement of the Food Stamp Program that exempted persons between the ages of 47 and 49. This policy will benefit approximately 1,500 persons.

Supported the funding of the Emergency Food Assistance Development Program for \$1 million.

Objective 4

Increase individual participation in the development of public policy concerning food security.

Results

Seven hundred individuals who volunteer at, or receive help from a charitable food provider participated in a post card campaign to the Governor, expressing the concerns about food security issues.

Written communications were sent to 50-70 food and nutrition organizations Statewide to inform them of policy related developments that they may wish to respond. Policies discussed in these communications were: State imposed full family sanctions; Federal WIC funding; final Federal TANF regulations; and, State legislation regarding training and education for TANF parents.

Objective 5

Educate hungry people across the State about the use of the Food Information Line to access emergency food.

Results

One thousand eight hundred nineteen people called the Food Information Line to receive information about available food or money to purchase food.

Attachment 1

COMMONWEALTH OF PENNSYLVANIA

OFFICE OF THE GOVERNOR

HARRISBURG

THE GOVERNOR

February 7, 1997

Mr. Donald Sykes
 Director
 Office of Community Services
 Administration for Children and Families
 U. S. Department of Health and Human Services
 370 L'Enfant Promenade, S. W., Fifth Floor
 Washington, D.C. 20447

Dear Mr. Sykes:

This is to inform you that I am delegating the authority to sign documents related to the administration of the Community Services Block Grant Program and Community Food and Nutrition Program to the Secretary of the Department of Community Economic Development.

We look forward to your continued support in serving our constituents in this vital program.

Sincerely,

Tom Ridge
 Governor

cc: Thomas B. Hagen, Secretary

Attachment 2

COMMUNITY SERVICES BLOCK GRANT AGENCIES AND COUNTIES SERVED

REGION I

Bucks County Opportunity Council
 100 Doyle Street
 Doylestown, PA 18901
 Phone: (215) 345-8175
 C. Fred Weaver, Executive Director
 E-Mail—cfwl@bcoc.org

FAX: (215) 345-8573

Community Action Agency of Delaware County
 Delaware County Government Center
 Second & Orange Streets, Ground Floor
 Media, PA 19063
 Phone: (610) 891-5101
 Edward T. Coleman, Executive Director
 E-Mail—COLEMANE@CO.DELAWARE.PA.U.S.

FAX: (610) 565-9332

Montgomery County Community Action
 Development Commission (CADCOM)
 113 East Main Street
 Norristown, PA 19401
 Phone: (610) 277-6363 or 6367
 Rick Beaton, Acting Executive Director
 E-Mail—cadcom@voicenet.com

Adm. Ofc.—
 Com.Serv.Center—

FAX: (610) 277-7399
 FAX: (610) 277-2123

Mayor's Office of Community Services
 One Parkway, 1515 Arch Street, 9th Floor
 Philadelphia, PA 19102
 Phone: (215) 683-0400
 Gail Greene, Executive Director
 Phone: (215) 683-0400
 E-Mail—gailgreene@phila.gov

FAX: (215) 683-0405

Chester County Office of Housing and
 Community Development
 601 Westtown Rd., P. O. Box 2747, Suite 395
 West Chester, PA 19382-4541
 Contact: Barbara Wilson, Director of
 Housing and Community Services
 Phone: (610) 344-6640
 E-Mail—coccia@mail.co.chester.pa.us

FAX: (610) 344-5736

Region II

Carbon County Action Committee for
 Human Services
 364 North First Street
 Lehighton, PA 18235
 Phone: (610) 377-6400
 Kimberley Miller, Executive Director
 E-Mail—ccac@ptdprolog.net

Commission on Economic Opportunity of
 Luzerne County
 P. O. Box 1127
 Wilkes-Barre, PA 18703-1127
 Phone: (570) 826-0510
 Eugene M. Brady, Executive Director
 E-Mail—hebegebe@sunlink.net

FAX: (570) 829-1665

Community Action Committee of the Lehigh Valley,
 Inc. (Lehigh/Northampton)
 520 East Broad Street
 Bethlehem, PA 18018
 Phone: (610) 691-5620
 Alan Jennings, Executive Director
 E-Mail

FAX: (610) 691-6582

Berks Community Action Program, Inc.
 YMCA—3rd Floor
 Reed & Washington Sts.
 Reading, PA 19601
 Phone: (610) 376-6571
 William F. Richardson, Executive Director
 E-Mail—bcapberks@aol.com

FAX: (610) 376-6575

Economic Opportunity Cabinet of Schuylkill County
 225 North Centre Street
 Pottsville, PA 17901
 Phone: (570) 622-1995
 Theodore R. Dreisbach, Executive Director
 E-Mail—econopp@ptd.net

FAX: (570) 622-0429

Scranton-Lackawanna Human Development Agency
 200 Adams Avenue
 Scranton, PA 18503
 Phone: (570) 963-6836
 Fred F. Lettieri, Executive Director
 E-Mail—slhda@aol.com

E-Mail—headst@epix.net

FAX: (570) 963-1317

The Trehab Center (Bradford, Tioga, Wayne,
 Sullivan, Susquehanna, Wyoming)
 10 Public Avenue
 P. O. Box 366
 Montrose, PA 18801
 Phone: (570) 278-3338
 Dennis Phelps, Executive Director
 E-Mail—trehab@epix.net

FAX: (570) 278-1889

Monroe County Commissioners (Pike)
 Monroe County Administration Center
 1 Quaker Plaza
 Room 204
 Stroudsburg, PA 18360-2164
 Contact: Karen Ezzo, Grants Manager
 Phone: (717) 420-3750
 E-Mail—

Fax No.: (717) 420-3751

Region III

Community Action Program of Lancaster County
 630 Rockland Street
 P. O. Box 599
 Lancaster, PA 17603
 Phone: (717) 299-7301
 MacDonald Stacks, Executive Director
 E-Mail—mstacks@caplano.org
 E-Mail—info@caplano.org

FAX: (717) 299-9341

Community Progress Council, Inc. (York)
 226 East College Avenue
 York, PA 17403
 Phone: (717) 846-4600
 George Moore, Executive Director
 E-Mail—

FAX: (717) 848-3054

South Central Community Action Programs, Inc.
 (Adams, Franklin)
 153 North Stratton Street
 Gettysburg, PA 17325
 Phone: (717) 334-7634
 Jean W. Odom, Executive Director
 E-Mail—Jodom@cvn.net

E-Mail—sccapine@mail.cvn.net

FAX: (717) 334-6921

Community Action Commission (Cumberland,
 Dauphin, Perry)
 1514 Derry Street
 Harrisburg, PA 17104
 Harrisburg, PA 17110
 Phone: (717) 232-9757
 Linda U. Figueroa, Executive Director
 E-Mail—

FAX: (717) 234-2227

Lebanon County Human Services
 Municipal Bldg.
 400 South 8th Street
 Room 14
 Lebanon, PA 17042
 Phone: (717) 274-2801
 Contact: Phyllis Holtry, Human Services
 Coordinator
 E-Mail—

FAX: (717) 274-8094

Region IV

Blair County Community Action Program
 2100 Sixth Avenue
 Altoona, PA 16602
 Phone: (814) 946-3651
 Allan L. Robison, Executive Director
 E-Mail—bccap@csrlink.net

FAX: (814) 946-5451

Cambria County Community Action Council, Inc.
 The Landmark Building
 516 Main Street
 Johnstown, PA 15901
 Phone: (814) 536-9031
 Debra Zimmerman, Executive Director
 E-Mail—dzimm@surfshop.net

Central Pennsylvania Community Action, Inc.
 (Centre, Clearfield)
 P. O. Box 792
 207 E. Cherry Street
 Clearfield, PA 16830
 Phone: (814) 765-1551
 William Terry, Executive Director
 E-Mail—kay@clearnet.net

FAX: (814) 765-4306

Lycoming-Clinton Counties Commission for
 Community Action
 2138 Lincoln Street
 P. O. Box 3568
 Williamsport, PA 17701-8568
 Phone: (570) 326-0587
 Janet Alling, Executive Director
 E-Mail—step@csrlink.net

FAX: (570) 322-2197

Tableland Services, Inc. (Somerset)
 535 E. Main Street
 Somerset, PA 15501
 Phone: (814) 445-9628
 Jeffrey Masterson, Executive Director
 E-Mail—tsi1066@yahoo.com

FAX: (814) 443-3690

Union-Snyder Office of Human Resources
 315 N. Water Street
 Selinsgrove, PA 17870
 Phone: (570) 374-8938
 Harry Adrian, Executive Director
 E-Mail—

FAX: (570) 374-2330

Keystone Community Action Program (Mifflin,
 Bedford, Fulton, Huntingdon, Juniata)
 Human Services Office Director
 223 Penn Street
 Huntingdon County Courthouse
 Huntingdon, PA 16652
 Ann Foore, Executive Director
 Phone: (814) 643-3010
 E-Mail—humcap@penn.com

Northumberland Board of Commissioners

(Montour, Columbia)
Administration Building
399 South Fifth Street
2nd Floor, Suite 207
Sunbury, PA 17801
Contact: Greg Schoffler, Director of Planning
Phone: (570) 988-4222
E-Mail—schoffgj@prolong.net

FAX: (570) 988-4392

*REGION V*Allegheny County Department of Human Services
Office of Community Services

933 Penn Avenue
Pittsburgh, PA 15222
Phone: (412) 350-5701
Marc Cherna, Director
E-Mail—

FAX: (412) 350-3414

Armstrong County Community Action Agency
Armsdale Administration Building

R. D. 8, Box 287
Kittanning, PA 16201
Phone: (412) 548-3405
Kenneth L. Heilman, Executive Director
E-Mail—kenh@penn.com

FAX: (412) 548-3413

Fayette County Community Action Agency

137 N. Beeson Avenue
Uniontown, PA 15401
Phone: (412) 437-6050
James Stark, Executive Director
E-Mail—jstark@hhs.net

FAX: (412) 437-4418

Pittsburgh Community Services, Inc.

1835 Centre Avenue
Pittsburgh, PA 15219
Phone: (412) 392-4430, 4432, or 4437
John Golden, Jr., Executive Director
E-Mail—

FAX: (412) 392-4466

Indiana County Community Action Program

P. O. Box 187
827 Water Street
Indiana, PA 15701
Phone: (724) 465-2657
Sandi Dill, Executive Director
E-Mail—icap@mail.microserve.net

FAX: (724) 465-5118

Community Action Southwest (Washington, Greene)

315 East Hallam Avenue
Washington, PA 15301-3407
Phone: (412) 225-9550
Darlene Bigler, Executive Director
E-Mail—casexe@cobweb.net

FAX: (412) 228-9966

Westmoreland County

c/o Westmoreland Human Opportunities
203 South Maple Avenue
Greensburg, PA 15601
Tay R. Waltenbaugh, Executive Director
Phone: (724) 834-1260
E-Mail—whoinc@aol.com

FAX: (724) 838-9563

County of Beaver Community Services Programs

699 5th Street
Beaver, PA 15009
Contact: Robert Dyson,
Coordinator, CSBG Program
Phone: (724) 775-4711
E-Mail—commdev@co.beaver.pa.us

FAX: (724) 775-4117

Butler County Community Action and Development
 P. O. Box 1208
 124 West Diamond Street
 County Government Center
 Butler, PA 16003-1208
 Contact: Elaine Burns, Director
 Phone: (724) 284-5126
 E-Mail—Elainescb@lycosemail

FAX: (724) 284-5400

Region VI

Greater Erie Community Action Committee
 18 West Ninth Street
 Erie, PA 16501
 Phone: (814) 459-4581
 R. Benjamin Wiley, Executive Director
 E-Mail—rbwgecac@erie.net

FAX: (814) 456-0161

Jefferson-Clarion County Economic Opportunity
 Association, Inc.
 105 Grace Way
 Punxsutawney, PA 15767-1209
 Phone: (814) 938-3302
 Robert A. Cardamone, Executive Director
 E-Mail—rcardamone@jccap.org

FAX: (814) 938-7596

Mercer County Community Action Agency
 296 A Street, P. O. Box 667
 Sharon, PA 16146
 Phone: (724) 342-6222
 Ronald J. Errett, Executive Director
 E-Mail—gac@pathway.net

FAX: (724) 342-6301

Northern Tier Community Action Corporation
 (McKean, Potter, Elk, Cameron)
 P. O. Box 389
 Emporium, PA 15834
 Phone: (814) 486-1161
 Kenneth P. Straub, Executive Director
 E-Mail—ntadim@central.com

Venango/Crawford Counties Office of
 Economic Opportunity
 P. O. Box 1130
 1283 Liberty Street
 Franklin, PA 16323
 Phone: (814) 432-9767
 Sally A. Mays, Executive Director
 E-Mail—vcoeo@csonline.net

FAX: (814) 432-9771

Warren-Forest Counties Economic
 Opportunity Council
 1209 Pennsylvania Avenue, West
 P. O. Box 547
 Warren, PA 16365
 Phone: (814) 726-2400, Ext. 50
 Robert A. Raible, Executive Director
 Toll Free Phone: 1-800-231-1797
 E-Mail—

FAX: (814) 723-0510

Lawrence County Social Services, Inc.
 241 West Grant Street
 New Castle, PA 16101
 Thomas Scott, Executive Director
 Phone: (724) 658-7258
 E-Mail—tscott@lawcss.org

FAX: (724) 658-7664

Limited Purpose Agencies*Region III*

Rural Opportunities, Inc.
1300 Market Street, Suite 202
Lemoyne, PA 17043
Contact: Kay Laracuente, Executive Director
Phone: (717) 731-8120
E-Mail—klaracu372@aol.com

FAX: (717) 731-8196

Region III

Community Action Association of Pennsylvania
(CAAP)
222 Pine Street
Harrisburg, PA 17101
Contact: John A. Wilson, Executive Director
Phone: (717) 233-1075
E-Mail—johnwcap@aol.com

FAX: (717) 232-1014

Grantee for Federal Community Food and Nutrition Funds

Pennsylvania Hunger Action Center
208 North Third Street, Suite 200
Harrisburg, PA 17101
Phone: (717) 233-6705
Berry Friesen, Executive Director
E-Mail—pahunger@paonline.com

FAX: (717) 731-8196

Attachment 3



Pennsylvania Department of Community and Economic Development

Section 1: REPORTING FORMAT FOR THE COMMUNITY SERVICES BLOCK GRANT

Agency Name:	Contract #:		
Administrative Office Address:	PA		
<i>street or box #</i>	<i>city</i>	<i>state</i>	<i>zip</i>
Contact Person for this Report:	Phone:	Ext.:	
Contact Person's e-mail Address:	Contact's Fax #:		
Executive Director's Name:	Phone:	Ext.:	
<p>Certification: I have read the attached report. I hereby certify that the information in this report is complete and accurate to the best of my knowledge.</p> <p>_____</p> <p style="text-align: center;"><i>Executive Director's Signature</i> <i>Date</i></p>	County:		
<p>What challenges has the agency encountered during the transition to ROMA? If they were successfully resolved, what solutions did you use? If problems are on-going, what suggestions do you have for technical assistance?</p>			

For assistance in completing this form, refer to INSTRUCTIONS for Use in Completing the July 1, 1998 to June 30, 1999 CSBG Reporting Format



Pennsylvania Department of
Community and Economic Development

Agency Name
Reporting Period

Section 2: SERVICE COUNTS BY SERVICE CATEGORY

A	B	C	D	E	F	G.	H
Service Category	# of persons proposed to be served this year		First six months # of persons actually served		Full year # of persons actually served		TOTAL persons served year-to-date
	At or below 125%	Above 125%	At or below 125%	Above 125%	At or below 125%	Above 125%	<u>ALL income levels</u>
1. Employment	a.		a.		a.		
	b.		b.	c.	b.	c.	
2. Education	a.		a.		a.		
	b.		b.	c.	b.	c.	
3. Income	a.		a.		a.		
	b.		b.	c.	b.	c.	
4. Housing	a.		a.		a.		
	b.		b.	c.	b.	c.	
5. Emergency	a.		a.		a.		
	b.		b.	c.	b.	c.	
6. Nutrition	a.		a.		a.		
	b.		b.	c.	b.	c.	
7. Linkages	a.		a.		a.		
	b.	c.	b.	c.	b.	c.	
8. Self-sufficiency	a.		a.		a.		
	b.		b.	c.	b.	c.	
9. Health	a.		a.		a.		
	b.		b.	c.	b.	c.	
10. Other	a.		a.		a.		
	b.		b.	c.	b.	c.	
TOTALS	a.		a.		a.		
	b.	c.	b.	c.	b.	c.	

In this reporting period: TOTAL NUMBER OF PERSONS WHO MOVED FROM BELOW 125% Federal Poverty Guidelines to ABOVE 125% Federal Poverty Guidelines: _____.

Columns B, D, & F: Use the "a" section for persons served directly with CSBG as program funds; Use the "b" section for persons under 125% of the Federal Poverty Guideline served directly with program funds other than CSBG
Columns C, E, & G: Use the "c" section for persons above 125% FPG who were served with program funds other than CSBG, but where CSBG is used to pay for Intra-Agency Planning & Coordination activities which benefit these programs
Columns E & G: Optional for first year except for Linkages Service Category
Column H: For NASCSP Section E (year-end only)

For assistance in completing this form, refer to INSTRUCTIONS for Use in Completing the July 1, 1998 to June 30, 1999 CSBG Reporting Format



Pennsylvania Department of
Community and Economic Development

Agency Name
Reporting Period

SECTION 3: CLIENT CHARACTERISTICS REPORT

A. Total unduplicated number of persons for whom characteristics were obtained		
B. Total unduplicated number of persons for whom characteristics were not obtained		
C. Total unduplicated number of families containing one or more persons served		

1. Gender	Number of Persons*	7. Family Size	Number of Families**
a) Male		a) One	
b) Female		b) Two	
2. Age		8. Source of Family Income	
Number of Persons*		Number of Families	
a) 0-5		a) No Income	
b) 6-11		b) TANF	
c) 12-17		c) SSI	
d) 18-23		d) Social Security	
e) 24-44		e) Pension	
f) 45-54		f) General Assistance	
g) 55-69		g) Unemployment	
h) 70+		h) Employment + other source	
3. Ethnicity/Race		9. Level of Family Income	
Number of Persons*		(% of HHS Guideline)	
a) Black/not Hispanic		Number of Families**	
b) White/not Hispanic		a) Up to 75%	
c) Hispanic Origin		b) 76% to 100	
d) Native American/Alaskan		c) 101% to 125	
e) Asian/Pacific Islander		d) 126% to 150	
f) Other		e) 151% and over	
4. Education Persons 25 or older		10. Housing	
Number of Persons*		Number of Families**	
a) 0-8		a) Own	
b) 9-12/non-graduate		b) Rent	
c) high school grad/GED		c) Homeless	
d) some post secondary		d) Other	
e) 2 or 4 yr. college graduate		11. Other Family Characteristics	
5. Other Characteristics		Number of Families**	
Number of Persons		Yes No	
a) Health insurance (includes Medical Assistance)		a) Receive Food Stamps	
b) Disabled		b) Farmer	
c) Veteran		c) Migrant Worker	
6. Family Type		d) Seasonal Farm Worker	
Number of Families**			
a) Single parent/female			
b) Single parent/male			
c) Two-parent household			
d) Single person			
e) Two adults/no children			
f) Other			

*The sum of this category should not exceed the number stated in "A" above
 ** The sum of this category should not exceed the number stated in "C" above

For assistance in completing this form, refer to INSTRUCTIONS for Use in Completing the July 1, 1998 to June 30, 1999 CSBG Reporting Format



Pennsylvania Department of
Community and Economic Development

Agency Name
Reporting Period

SECTION 4: OUTCOME MEASURES AND RESULTS

1. Family Goals: Low-Income People Become More Self-sufficient (OCS Goal 1).

Measure:	Definition of the units to which this measure applies	Total # of units under 125% of poverty receiving services	# of units below 125% of poverty achieving this result	Total # of all units receiving services	Total # of all units achieving this result
A. The number of participants which enrolled in agency's employment programs and obtain employment	a participant who was unemployed at the time of enrollment acquires a job that is continuously available, receives actual pay of the minimum wage or above, and works at least 20 hours per week				
B. The number of participants which maintain the employment at least 90 days	a participant who was unemployed at the time of enrollment acquires a job that is continuously available, receives actual pay of the minimum wage or above, and works at least 20 hours per week and keeps that job (or an equal or better one) for at least 90 days				
C. The number of participants which enhanced or maintained their employment as a result of the agency's employment support services	a participant who was employed at the time of service provision keeps their continuously available job or improves their conditions of employment by gaining more hours, a better shift schedule, benefits, a raise, or a promotion				
D. *					
E. *					

Narrative: Additional comments. *(Attach copies of newspaper articles, annual reports, thank you letters from clients, agency partnership agreements, collaborative agreements, and other supporting documents.)*
Use additional pages as necessary.

*Other outcome measure specific to the work of your agency

For assistance in completing this form, refer to INSTRUCTIONS for Use in Completing the July 1, 1998 to June 30, 1999 CSBG Reporting Format



Pennsylvania Department of
Community and Economic Development

Agency Name _____
Reporting Period _____

2. **Community Goals:** The Conditions in Which Low-Income People Live Are Improved (OCS Goal 2).

Measure:	Definition of the units to which this measure applies	# of such communities	# of communities achieving this result	\$ value of increase
A. The number of communities which realize an increase in assessed value of homes as a result of rehabilitation projects	a total dollar amount of materials and labor (including in-kind contributions) installed in primary residences benefited the targeted communities of _____			
B. The number of communities which realize an increase in low-income people's access to community services and resources	the communities of _____ are targeted for an increase in available activities and resources that improve the condition in which people at or below 125% of poverty live			
C. *				
D. *				
E. *				
F. *				

Narrative: Additional comments. (*Attach copies of newspaper articles, annual reports, thank you letters from clients, agency partnership agreements, collaborative agreements, and other supporting documents.*)

Use additional pages as necessary.

*Other outcome measure specific to the work of your agency

For assistance in completing this form, refer to INSTRUCTIONS for Use in Completing the July 1, 1998 to June 30, 1999 CSBG Reporting Format



Pennsylvania Department of
Community and Economic Development

Agency Name
Reporting Period

3. **Community Goals: Low-Income People Own a Stake in Their Community (OCS Goal 3).**

Measure:	Definition of the units to which this measure applies	# of such targeted communities	# of targeted communities achieving this result
A. The number of communities which increased or maintained the participation of low income people in advocacy & intervention activities regarding funding levels, distribution procedures for programs and funding streams for their community	in the targeted communities of _____, the involvement of people at or below 125% of poverty who demonstrated positive, constructive activities of serving across a range of projects and purposes increased or remained the same		
B. The number of communities which realize an increase in low-income people's participation in community service groups	in the targeted communities of _____, the involvement increased of people at or below 125% of poverty who participated in organizations which provide services or interventions that improve the conditions in which low-income people live		
C. *	*		
D. **	*		
E. **	*		

Narrative: Additional comments. *(Attach copies of newspaper articles, annual reports, thank you letters from clients, agency partnership agreements, collaborative agreements, and other supporting documents.)*
Use additional pages as necessary.

*Other outcome measure specific to the work of your agency

For assistance in completing this form, refer to INSTRUCTIONS for Use in Completing the July 1, 1998 to June 30, 1999 CSBG Reporting Format



Pennsylvania Department of
Community and Economic Development

Agency Name
Reporting Period

4. **Agency Goals:** Partnerships Among Supporters and Providers of Services to Low-Income People are Achieved (OCS Goal 4).

Measure:	Definition of the units to which this measure applies	# of such units	# of units achieving this result
A. The number of partnerships which were established and/or maintained to ensure a more complete continuum of care for low-income people	documented agreements among related parties that result in coordination of services leading to self-sufficiency for individuals and families at or below 125% of poverty		
B. The number of partnerships which were established and/or maintained to ensure ethnic, cultural, and special needs considerations of low-income people in the service delivery area were met	documented agreements among related parties that result in coordination and/or provision of services to both dominant and non-dominant society individuals and families at or below 125% of poverty residing in the geographic area targeted by the agency		
C. **	*		
D. **	*		
E. **	*		
F. **	*		

Narrative: Additional comments. (*Attach copies of newspaper articles, annual reports, thank you letters from clients, agency partnership agreements, collaborative agreements, and other supporting documents.*)
Use additional pages as necessary.

*Other outcome measure specific to the work of your agency.

For assistance in completing this form, refer to INSTRUCTIONS for Use in Completing the July 1, 1998 to June 30, 1999 CSBG Reporting Format



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5. **Agency Goals: Agencies Increase Their Capacity to Achieve Results (OCS Goal 5).**

Measure:	Definitions	\$	ratio
A. The number of partnerships which mobilized non-CSBG resources	documented agreements among related parties make non-CSBG resources available to support the activities of the agency		

Measure:	Total # funding sources	# new funding sources this year	Level of funding	Last year	This year
B. The number of new funding sources which effect the total agency funding			1. Increased from 2. Decreased from	\$ to \$ to	\$ \$

Measure:	Definitions	Total # of programs	# programs targeted to meet special needs
C. The number of programs which are targeted to meet needs of special populations	activities and strategies designed to ameliorate the problems of non-dominant society members under 125% poverty		

Measure:	Definitions	Total # of programs	# programs targeted to meet special needs
D. *			

Measure:	Definitions	Total # of programs	# programs targeted to meet special needs
E. *			

Narrative: Additional comments. *(Attach copies of newspaper articles, annual reports, thank you letters from clients, agency partnership agreements, collaborative agreements, and other supporting documents.)*
Use additional pages as necessary.

*Other Income measure specific to the work of your agency.

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6. **Family Goals: Low-Income People, Especially Vulnerable Populations, Achieve Their Potential by Strengthening Family and Other Supportive Environments (OCS Goal 6).**

Measure:	Definition of the units to which this measure applies	Total # of units under 125% of poverty receiving services	# of units below 125% of poverty achieving this result	Total # of all units receiving services	Total # of all units achieving this result
A. The number of households which have their emergency needs ameliorated	a solution is reached for any problem determined to be threatening individual and family stability at the time service is sought by a representative of/for the household				
B. The number of households which acquire stable housing	households that are homeless or living in transitional housing gain or obtain the rights for occupancy of a safe, permanent residence where the length of residency is determined by the client without limitations				
C. The number of participants which achieve educational goals	the actual person undertaking activities in an agency's instructional programs demonstrates success in completing their individual goals				
D. The number of elderly participants which maintain independent living for at least 90 days	persons aged 55 or older who undertake activities in the agency's senior service programs are able to remain in the residence of their choice for at least 90 days				
E. The number of participants that improved and/or maintained their desired health status	the actual person in the agency's health or wellness program demonstrated the amelioration of a physical or mental health condition, took steps to prevent or avoid a future health crisis, or kept current physical and mental health conditions from deteriorating				
F. *					

Narrative: Additional comments. *(Attach copies of newspaper articles, annual reports, thank you letters from clients, agency partnership agreements, collaborative agreements, and other supporting documents.)*
Use additional pages as necessary.

*Other outcome measure specific to the work of your agency

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SECTION 5. PROGRAM AND MANAGEMENT ACCOMPLISHMENTS*

1. Provide at least one narrative or anecdotal account of how your CSBG program (a) ameliorated or eliminated a cause of poverty, or (b) eliminated a condition of poverty so that one or more households were moved above 125% of the federal poverty guidelines. Please indicate whether the activity was completely funded by the CSBG, or if not, why the CSBG was important to the outcome.

Use additional pages as necessary.

2. Please also provide a description of one innovative program funded in part or wholly by CSBG that has demonstrated success in ameliorating or eliminating a cause or causes of poverty and/or a community-wide condition(s) of poverty. If your agency's efforts have achieved partial success in this area, please describe the situation and your progress towards resolution. If you use a scaling system to measure incremental change, please attach a copy of the relevant scale.

Use additional pages as necessary.

* Section 5 is due once a year; submit on July 20th with all other sections.

For assistance in completing this form, refer to INSTRUCTIONS for Use in Completing the July 1, 1998 to June 30, 1999 CSBG Reporting Format

Attachment 4**Agencies to be Monitored in 2000 and 2001**

The following agencies will be monitored in 2000.

1. Montgomery County Community Action Development Commission
2. Mayor's Office of Community Services
3. Chester County Office of Housing and Community Development
4. Trehab Center
5. Lycoming-Clinton Counties for Community Action
6. Community Progress Council of York
7. Northumberland Board of Commissioners
8. Lebanon County Human Services
9. Blair County Community Action Program
10. Community Action Commission
11. Human-Snyder Office of Human Services
12. Keystone Community Action Program
13. Armstrong County Community Action Agency
14. Indiana County Community Action Program
15. Venango/Crawford Counties Office of Economic Opportunity

The following agencies will be monitored in 2001.

1. Economic Opportunity Cabinet of Schuylkill County
2. Community Action Program of Lancaster County
3. South Central Community Action Program
4. Central Pennsylvania Community Action
5. Cambria County Community Action Council
6. Tableland Services, Inc.
7. Pittsburgh Community Services
8. Allegheny County Department of Human Services
9. County of Beaver Community Services Programs
10. Butler County Community Action and Development
11. Northern Tier Community Action Corporation
12. Warren-Forest Counties Economic Opportunity Council
13. Community Action, Inc.
14. Greater Erie Community Action Committee
15. Lycoming-Clinton Counties Commission for Community Action

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