

# PENNSYLVANIA BULLETIN

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Department of Banking  
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State Board of Certified Real Estate Appraisers  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 300, November 1999**

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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

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1999.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CH. 100]

#### Municipal or Other Local Authority as a Party; Proposed Recommendation No. 156

The Civil Procedural Rules Committee proposes that the definition of "political subdivision" as set forth in Rule of Civil Procedure 76 be amended to include a municipal or other local authority. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than December 31, 1999 to Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055 or E-Mail to [civil.rules@supreme.court.state.pa.us](mailto:civil.rules@supreme.court.state.pa.us).

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 100. RULES OF CONSTRUCTION

#### Rule 76. Definitions.

The following words and phrases when used in any rule promulgated by the Supreme Court under the authority of Article V, Section 10(c) of the Constitution of 1968, or of any Act of Assembly, shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

\* \* \* \* \*

*Political subdivision*—Any county, city, borough, incorporated town, township, school district, vocational school district, [or] county institution district or municipal or other local authority.

**Official Note: The definition of the term "political subdivision" in this rule has no bearing upon whether a particular entity is or is not a political subdivision for substantive matters.**

\* \* \* \* \*

#### Explanatory Comment

The rules of civil procedure presently make no provision for a municipal authority as a party. It is proposed that the definition of the term "political subdivision" as set forth in Definition Rule 76 be amended to include the term "municipal or other local authority."

The term "municipal or other local authority" is derived from Section 102 of the Judicial Code. The Code, in defining "Commonwealth government," states it "does not include any political subdivision, municipal or other local

authority, or any officer or agency of any such political subdivision or local authority." The term "municipal or other local agency" is also found as part of the definition of "Government agency" in Section 101 of Title 2 of the Consolidated Statutes relating to Administrative Law and Procedure.

The primary effect of the amendment will be to bring a municipal or other local authority within the chapter of rules governing the Commonwealth and Political Subdivisions as Parties and subject an authority to three rules. Under Rule 2102(b) governing the style of action, an action will be brought by or against an authority "in its name." Rule 2103(b) will limit venue to the county in which the political subdivision is located unless the Commonwealth is the plaintiff or an Act of Assembly provides otherwise. Service upon an authority will be made pursuant to subdivision (b) of Rule 422 governing service upon a political subdivision.

It is recognized that a municipal or other local authority may perform a "sovereign or governmental" function, a "business or proprietary" function or a combination of both. It is useful, however, to have a unified practice which applies to all such entities. It is therefore appropriate that municipal or other local authorities be made subject to the rules governing political subdivisions in view of their performance of sovereign or governmental functions.

It is most important to note that the characterization of a municipal or other local authority as a political subdivision is a procedural device only. As the note to the definition states, "[t]he definition of the term 'political subdivision' in this rule has no bearing upon whether a particular entity is or is not a political subdivision for substantive matters."

*By the Civil Procedural  
Rules Committee*

REA BOYLAN THOMAS,  
*Chair*

[Pa.B. Doc. No. 99-1863. Filed for public inspection November 5, 1999, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Professional Bail Bondsmen under 42 Pa.C.S. § 5741 et seq.; Joint General Court Regulation No. 99-02

The Judicial Code, 42 Pa.C.S. § 5741 et seq., sets forth the requirements for obtaining a Professional Bondsman license in the Commonwealth of Pennsylvania, a prerequisite for permitting qualified individuals to post bail for criminal defendants awaiting trial. The Pennsylvania rules of criminal procedures authorize the local courts to impose additional requirements on sureties. See Pa.R.Crim.P.No. 4011(a). The within General Court Regulation is intended to set forth the additional requirements imposed by Philadelphia County on Professional Bondsmen licensed under the Judicial Code.

1. *Applicability.* The within General Court Regulation shall apply only to Professional Bondsmen licensed under the Judicial Code, 42 Pa.C.S. § 5741 et seq., and not to any of the other sureties identified in Pa.R.Crim.P.No. 4011.

2. *Definition.* A Professional Bail Bondsman is: "any person, other than a fidelity or surety company or any officers, agents, attorneys, or employees, authorized to execute bail bonds or to solicit business on its behalf, who: (1) engages in the business of giving bail, giving or soliciting undertakings or giving or soliciting indemnity or counter-indemnity to sureties on undertakings; or (2) within a period of 30 days has become a surety, or has indemnified a surety, for the release on bail of a person, with or without a fee or compensation, or promise thereof, in three or more matters not arising out of the same transaction." 42 Pa.C.S. § 5741. Only the person who is granted a Professional Bondsman license by the Department of Insurance may post bail for criminal defendants, in the name exactly as it appears on the Professional Bondsman license, and not in the name of any business entity with which the licensed Professional Bondsman may be associated, nor in the name of any associate or employee of the licensed Professional Bondsman.

3. *Requirements.* In order to become qualified to issue bond in Philadelphia County, the Professional Bondsman must:

(a) obtain and maintain, at all times, a valid Professional Bondsman license issued by the Pennsylvania Department of Insurance, pursuant to 42 Pa.C.S. § 5741 et seq. The Professional Bail Bondsman must at all times be in full compliance with 42 Pa.C.S. § 5741 et seq.;

(b) present satisfactory proof that he or she maintains an office in Philadelphia County from which his or her business is conducted pursuant to 42 Pa.C.S. § 5744, where service of notices may be made;

(c) certify that neither the Professional Bail Bondsman, his employees or agents have been convicted of any criminal offense. The Bail Bondsman's certification must be based on a criminal history search conducted for each employee or agent, and a copy must be attached to the list of employees or agents and certification submitted with the Petition as provided in the within Regulation, or forwarded to the President Judge of the Court of Common Pleas after the Professional Bail Bondsman has been qualified pursuant to this Regulation and the Bail Bondsman employs additional individuals. Conviction of the Professional Bail Bondsman, any of his or her employees or agents will render the Bail Bondsman ineligible to conduct business in Philadelphia County;

(d) immediately notify, in writing, the President Judge of the Court of Common Pleas if the Bail Bondsman, or any of his or her employees, has been charged with any criminal offense, or if his or her Professional Bail Bondsman license has been revoked, suspended or not renewed;

(e) post with the Prothonotary's office as security the minimum sum of \$250,000 in United States currency or unencumbered securities of the United States Government, which will entitle the Professional Bail Bondsman to write bond in the aggregate sum of \$1,000,000, by further posting the sum required for each individual bond or undertaking with the bail authority. Provided, however, that the Bail Bondsman must post additional security with the Prothonotary in the event the Bail Bondsman wants to write bond in excess of \$1,000,000. The additional security to be posted with the Prothonotary shall be in units of \$250,000, which will entitle the Professional

Bail Bondsman to write bond in the additional sum of \$1,000,000 per \$250,000 unit;

(f) not execute bonds if the aggregate maximum amount of outstanding bail undertakings, as determined by the First Judicial District from time to time, exceeds \$1,000,000, unless additional security has been posted with the Prothonotary as set forth above. Any Professional Bail Bondsman who has posted the maximum aggregate sum permitted by the security posted with the Prothonotary, shall be notified by the FJD to immediately cease executing additional bonds. No additional bonds will be accepted from the said Bail Bondsman. When additional security is posted by the Bail Bondsman, or the aggregate maximum amount of bail undertakings is reduced to an authorized amount, the FJD shall notify the professional Bail Bondsman that execution of bonds by the Bail Bondsman may resume;

(g) provide a financial statement certified by a Certified Public Accountant which verifies that the Professional Bail Bondsman has sufficient assets to satisfy all bail obligations undertaken by the Bail Bondsman in Philadelphia County and in other jurisdictions. A current certified statement shall be filed with the Petition provided herein, and thereafter shall be filed with the Prothonotary on an annual basis or as often as requested by the President Judge of the Court of Common Pleas;

(h) satisfy in full any judgment entered against the defendant, or Bail Bondsman as surety, for a defendant's violation of the bail bond within thirty (30) days of the issuance of the judgment. In the event the Bail Bondsman fails to do so, the judgment shall be satisfied from the funds posted with the Prothonotary pursuant to Section 3. In that event, the Bail Bondsman shall be prohibited from posting additional bail until such time as all judgments entered against the Bail Bondsman are satisfied in full and/or the security required by Section 3.(e) and (f) has been replenished;

(i) provide to the FJD a schedule of the fees to be charged criminal defendants for issuing the bail bond, and may not change said fees unless notice is given to the FJD at least thirty days prior to the effective date of the proposed revised fees;

(j) not represent or identify himself or herself, directly or indirectly, as employees or agents of the Commonwealth of Pennsylvania or First Judicial District. The Professional Bondsman, his or her employees or agents shall not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment by the Commonwealth of Pennsylvania, the First Judicial District or any of its units, such as Pretrial Services or the Warrant Unit;

(k) fully comply with all rules of court and procedures established from time to time.

4. *Process to be Utilized in Seeking Approval as a Professional Bail Bondsman.* Any person who has obtained a Professional Bail Bondsman license from the Pennsylvania Department of Insurance may obtain leave to write bail in Philadelphia County by filing a Petition with the Prothonotary's office. The Petition must provide the information, documents and certifications set forth in this Regulation. Upon filing, the Petition will be assigned to the President Judge of the Court of Common Pleas for determination.

5. *Opportunity to Be Heard.* A prospective Bail Bondsman whose Petition seeking approval to write bail in Philadelphia County is denied will be provided an opportunity to be heard. A Petition must be filed with the

Prothonotary's office setting forth the relief requested and the factual basis supporting said request. Similarly, a Bail Bondsman who has received approval to post bail in Philadelphia County as provided in this Regulation, but has been prohibited from posting additional bail due to the application of Section 3, may request a hearing by filing a Petition with the Prothonotary if the Professional Bail Bondsman believes he or she was incorrectly prohibited from posting additional bail.

6. *Bail Piece Procedure.* Whenever a bail piece is issued pursuant to Pa.R.Crim.P.No. 4016 and the absconding defendant is apprehended by the Professional Bail Bondsman, the Defendant shall be brought to such office or before such person as the FJD may from time to time designate.

This General Court Regulation is issued in accordance with Pa.R.Crim.P.No.4011 and shall become effective immediately. As required by Pa.R.Crim.P.No.6, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Law Library, and the law library for the First Judicial District. The General Court Regulation will also be posted on the First Judicial District's website at <http://courts.phila.gov>.

ALEX BONAVITACOLA,  
*President Judge*  
*Court of Common Pleas of*  
*Philadelphia County*

LOUIS J. PRESENZA,  
*President Judge*  
*Municipal Court of*  
*Philadelphia County*

[Pa.B. Doc. No. 99-1864. Filed for public inspection November 5, 1999, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEBANON COUNTY

#### Rules of the Court of Common Pleas; Family Division

##### Rule 52-FD-1900—General

A. All matters involving actions for Protection from Abuse, Support, Custody, Partial Custody and/or Visitation of Minor Children, Divorce or Annulment of Marriage shall be brought in the Family Division of the Court of Common Pleas of Lebanon County.

B. All actions and legal documents shall be filed in the manner required by the Prothonotary of Lebanon County.

C. These rules shall be interpreted as supplementing the Rules of Civil Procedure governing domestic actions (Pa.R.C.P. 1900 et seq.).

#### ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT

##### Rule 52-FD-1901.3—Commencement of Action

Petitions requesting protection under the Protection from Abuse Act may be initiated *pro se*. Any individual desiring to file a *pro se* petition for Protection from Abuse shall have access to the appropriate petition forms and assistance in filing in the Court Administrator's Office or other designated location in the Municipal Building of Lebanon County.

#### ACTIONS FOR SUPPORT

##### Rule 52-FD-1910.4 Commencement of Action

A. All pleadings and legal papers filed involving child support, spousal support, or paternity shall be filed in duplicate with the Prothonotary who shall thereafter immediately forward a copy to the Domestic Relations Section.

B. If a claim for child or spousal support is raised ancillary to divorce litigation, it shall be referred to the Domestic Relations Section for disposition, and it shall be controlled by the procedural Rules governing child or spousal support claims made not ancillary to divorce litigation.

##### Rule 52-FD-1910.10—Alternative Hearing Procedures

A. The Court of Common Pleas of Lebanon County adopts the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

B. The Court shall appoint a minimum of one Domestic Relations Hearing Officer who shall hear all cases involving claims for support. The Domestic Relations Hearing Officer list shall consist of one or more members of the Bar of this Court experienced in family law who shall serve at the pleasure of the Court.

##### Rule 52-FD-1910.12—

**A. Court Calendar.** The Court shall sit for the purpose of conducting Domestic Relations Hearings and Oral Argument in accordance with the annual Court calendar.

**B. Argument on Exceptions.** After hearing, if Exceptions are filed to the Recommendations of the Domestic Relations Hearing Officer, the Court shall hear argument upon the Exceptions in accordance with Pa.R.C.P. Rule 1910.12(h); except that upon written Stipulation of counsel, or the parties if unrepresented, Oral Argument upon Exceptions may be waived.

##### Rule 52-FD-1910.16—Costs

A. In all proceedings, the Domestic Relations Hearing Officer may make a determination as to the parties' liability for payment of costs or allocation thereof which shall be included in the recommendation.

B. In matters requiring disposition following lodging of Exceptions, the Court may assess costs accordingly, which may include costs for the preparation of the transcript of the hearing before the Domestic Relations Hearing Officer.

C. Compensation of the Domestic Relations Hearing Officer shall be as established by Administrative Order.

#### ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

##### Rule 52-FD-1915.4-2—Referral of Complaint and Proposed Order for Custody Conciliator

A. The Court shall appoint at least two (2) custody conciliators who shall hear all cases involving claims for

custody. The custody conciliator list shall consist of at least two (2) members of the Bar of this Court experienced in family law who shall serve at the pleasure of the Court.

B. Upon being filed with the Prothonotary, a complaint relating to child custody and/or visitation shall be accompanied by a proposed order for appointment of a Custody Conciliator and thereafter served upon the opposing party(ies). The Conciliator shall forthwith set the time, date and place for a Conciliation Conference.

C. Deposits for fees and costs.

(1) Upon filing a complaint with proposed Order for the Appointment of a Custody Conciliator, the moving party shall deposit with the Prothonotary a fixed sum to be set by Administrative Order.

(a) Parties proceeding In Forma Pauperis are exempt from payment of this sum.

(2) To assure prompt payment for the services of the Conciliator, an additional deposit may be ordered by the Conciliator to be deposited with the Prothonotary. This amount, if any, shall be determined by the Conciliator upon a review of the issues raised in the pleadings, the complexity of the issues, the anticipated length of the hearing and the time estimated to prepare the Summary Report. The Conciliator shall determine how the deposit shall be allocated between the parties and shall fix the deadline for payment. The order shall have the same force and effect as if imposed by the Court. Failure of a party to pay the designated amount by the date set by the Conciliator could be cause for finding that party in contempt of court or the imposition of such other sanctions as may be appropriate.

D. Compensation of the Custody Conciliator shall be as established by Administrative Order.

**Rule 1915.4-3—Conference and Hearing by Conciliator**

A. The Court shall appoint as a Conciliator(s), a member(s) of the Bar of Lebanon County or other appropriate person, as an official of the Court, to:

- (1) Mediate custody matters filed with the Court;
- (2) Conduct custody conferences;
- (3) Recommend appointment of counsel for the child when appropriate;
- (4) Recommend the utilization of home studies and/or expert witnesses including psychiatric and/or psychological evaluations where appropriate;
- (5) Conduct custody hearings;
- (6) Prepare agreed interim or final orders for presentation to the Court; and/or
- (7) Direct payment of any advance costs required as assessed by the Conciliator.

B. All custody matters shall be promptly scheduled for a conference before the Conciliator. All parties shall be present for such conference. Failure of a party to appear at the conference may provide grounds for the entry of a recommendation of a temporary or permanent order.

C. At the conference, each party shall provide the Conciliator and each other with the following information, insofar as it is then available:

- (1) A list of all fact witnesses;
- (2) A list of all expert witnesses;

(3) Reports of experts intended to be called as witnesses;

(4) All reports from appropriate agencies;

(5) Issues for resolution; and

(6) Estimated length of trial;

Such information shall be updated, as appropriate, any time up to commencement of the full hearing before the Conciliator. Failure to produce the information specified herein at the time of the conference before the Conciliator, may be grounds for excluding the evidence or witnesses at subsequent proceedings.

D. Following the conference, the Conciliator may present a proposed Interim Order to the Court.

E. Matters not resolved at the conference shall be scheduled for a full hearing before the Conciliator.

(1) At the full hearing all parties, witnesses, experts, reports, exhibits, etc. shall be available. No continuances or extensions shall be granted except in extraordinary circumstances.

F. To facilitate the mediation process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, any statements made by the parties, or their witnesses, shall not be admissible as evidence in Court and no record shall be made of the proceedings. The Conciliator shall not be a witness at any subsequent proceeding.

**Rule 52-FD-1915.4-5—Custody Conciliation—Post Hearing Procedure**

A. Settled Case: If, prior to or during the custody conciliation process, the parties are able to reach an agreement, the Conciliator or the parties may submit a stipulation, motion for adoption of stipulation, and a proposed order of court to the Prothonotary. The Prothonotary shall then transmit the file to the Court for disposition of the matter.

B. Contested Case: Within ten days of the conclusion of the hearing, when the case remains contested, the Conciliator shall prepare and file a Summary Report. This report shall also become a part of the Court record and upon being submitted to the Court shall also be served upon the parties by the Prothonotary.

(1) The Summary Report shall include inter alia, the following:

- (a) A synopsis of the facts gathered by the Conciliator during the conference and the hearing.
- (b) A recommendation by the Conciliator regarding custody of the subject child(ren).
- (c) A recommendation for allocation of costs and expenses between the parties.
- (d) The names of counsel for the parties.
- (e) An estimate of the length of the hearing to be conducted by the Court.

(f) A copy of the information provided to the Conciliator as required by Local Rule 1915.4-3C.

(g) A proposed order for the establishment of a hearing date before the Court.

(2) Either party shall be permitted to present a petition with proposed order for a hearing de novo before the Court within fourteen (14) days of the date of filing of the Summary Report.

(a) If no request for a de novo hearing is presented within the time provided, upon motion of the Conciliator, the recommendation of the Conciliator regarding custody shall be adopted as an Order of this Court.

**Rule 52-FD-1915.4-6—Nonappearance at Hearing Before Conciliator**

A. If a plaintiff/petitioner fails to appear, without proper cause shown, at the hearing before the Conciliator, and the Conciliator is satisfied that proper notice of the order fixing the hearing has been given to the Plaintiff, he/she shall recommend to the Court that an order be entered dismissing the complaint, which may include a recommendation regarding costs.

B. If a defendant/respondent or party joined in the case fails to appear, without proper cause shown, at the hearing before the Conciliator, and the Conciliator is satisfied that proper service of the order has been given to the defendant or non-appearing party, it shall be presumed that said party has agreed to a hearing in his absence, and the Conciliator shall proceed to then conduct a hearing and make findings of fact, conclusions of law, and recommend an order to be entered by the Court.

C. If all parties fail to appear at a hearing before the Conciliator, and the Conciliator is satisfied that proper service has been given to all parties, he/she shall recommend to the Court that an order be entered dismissing the complaint with costs to be assessed to the plaintiff/petitioner.

**Rule 52-FD-1915.4-7—Notice of Disposition by Court**

The Prothonotary shall give notice forthwith of all final Court Orders to all counsel of record and to parties without counsel of record.

**Rule 52-FD-1915.7—Uncontested Custody**

A. If custody is uncontested, a stipulation, motion for its adoption, and proposed order shall be filed by the parties with the Prothonotary. If custody is raised as an issue in a pending divorce matter, the stipulation shall be filed to the same action number as the divorce.

B. If there is no divorce action in a particular case, a custody stipulation, motion for its adoption, and proposed order may be filed with the Prothonotary under a new action number if accompanied by the appropriate fees.

**ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGE**

**Rule 52-FD-1920.51—Divorce Masters**

A. Judicial Appointment: Divorce Masters shall be appointed by the Court to hear testimony on all issues, except paternity, custody and support. The Court shall appoint at least two (2) Divorce Masters who shall individually hear all cases involving claims for alimony pendente lite, counsel fees and expenses, permanent alimony, and equitable distribution, in addition to the dissolution of the marriage. The Divorce Master list shall consist of at least two (2) members of the Bar of this Court experienced in family law who shall serve at the pleasure of the Court.

B. Fees: Compensation of the Special Master shall be as established by Administrative Order of the Court.

C. Deposits for Fees and Costs:

(1) Upon filing a Petition for the Appointment of a Divorce Master, the moving party shall deposit a fixed sum to be set by Administrative Order.

(a) Parties proceeding In Forma Pauperis are exempt from payment of this deposit.

(2) Escrow of Additional Monies: In order to assure prompt payment for the services of the Stenographer and the Divorce Master, an additional deposit may be ordered by the Divorce Master to be deposited with the Prothonotary. The amount shall be determined by the Divorce Master upon a review of the issues raised in the pleadings, the complexity of the issues, the length of the hearing and the time estimated to prepare the Summary Report. The Divorce Master shall determine and direct how the deposit shall be allocated between the parties and shall fix the deadline for payment. The directive shall have the same force and effect as if imposed by the Court. Failure of a party to pay the designated amount by the date set by the Divorce Master could be cause for finding that party in contempt of court or the imposition of such other sanctions as may be appropriate.

(3) Allocation of Costs and Expenses: As part of the recommendation to the Court, the Divorce Master shall make a recommendation for allocation of costs and expenses between the parties.

D. Duties of Master: The Divorce Master shall set the date for a conference, which shall occur within forty-five (45) days of his/her appointment.

E. Conference: At the conference, each party shall provide the Divorce Master with the following information, insofar as it is then available:

- (1) A list of all fact witnesses;
- (2) A list of all expert witnesses;
- (3) Reports of experts intended to be called as witnesses;
- (4) All reports from appropriate agencies;
- (5) Issues for resolution; and
- (6) Estimated length of trial.

Such information shall be updated, as appropriate, any time up to commencement of the full hearing before the Divorce Master. Failure to produce the information specified herein at the time of the conference before the Divorce Master, may be grounds for excluding the evidence or witnesses at subsequent proceedings.

F. Hearing: Within thirty (30) days of the conference, matters not resolved at the conference shall be scheduled for a full hearing before the Divorce Master.

(1) Stipulations: An oral stipulation on uncontested issues shall be presented to the Divorce Master at the outset of the hearing.

(2) Recommendation: Each of the parties shall be accorded thirty (30) days from the conclusion of the hearing to file a written memorandum with the Divorce Master. Thereafter, the Divorce Master shall file a written recommendation covering all issues to the Court within sixty (60) days of the conclusion of the hearing, which shall include a proposed order incorporating the terms of that recommendation. No formal report is required unless exceptions to the recommendation are filed.

(a) As part of the Recommendation or as part of any interim Order, the Divorce Master may recommend payment by either party or alimony pendente lite, counsel fees, costs and expenses.



G. Exceptions

(1) Within ten (10) days after filing of the Divorce Master's Recommendations, any party may file exceptions, which shall include a request for a transcript.

(a) If exceptions are filed the opposing party may file counter exceptions within seven (7) days.

(2) Costs for the transcript shall be deposited as provided by the Pa.Rules of Civil Procedure.

(3) After receipt of the transcript, each party shall be given the opportunity to file briefs within the time required by the Divorce Master.

(4) The Divorce Master shall issue a report concerning all issues to the Court as prescribed by Pa.R.C.P. Rule 1920.53 and within the timeframe provided by the Pennsylvania Rules of Civil Procedure.

(5) At the time of the filing of the report, the Divorce Master shall cause the matter to be listed for Argument before the Court in accordance with the Court Calendar.

H. Certification: In cases where a Divorce Master has been appointed, the record will not be forwarded to the Court for a Final Decree unless a Certification has been filed by the Master verifying that all fees and costs have been paid in full.

(1) If no exceptions are filed, either party may petition the Court for adoption of the recommendation as a final order of the Court.

**Rule 52-FD-1920.56**

A. After the determination of alimony, if the Order directs payment through the Domestic Relations Office, a copy shall be provided to the Prothonotary who shall forward a conformed copy to the Domestic Relations Office.

B. Any subsequent petition to terminate or modify alimony or alimony pendente lite shall be filed in the Prothonotary's office, with a copy provided for forwarding to the Domestic Relations Office.

**Rules Number 1901—1923 of the Rules of the Court of Common Pleas of Lebanon County Family Division are specifically repealed as of January 1, 2000.**

**These Rules shall be effective as of January 1, 2000.**

ROBERT J. EBY,  
*President Judge*

[Pa.B. Doc. No. 99-1865. Filed for public inspection November 5, 1999, 9:00 a.m.]

**WYOMING AND SULLIVAN COUNTIES**

**2000 Court Calendar; No. 99-1149**

**Order of Court**

*And Now*, the 25th day of October, 1999,

*It Is Ordered* that the Court Calendar of the Court of Common Pleas of the 44th Judicial District of Pennsylvania for the year 2000, be and the same is hereby established in accordance with the schedule hereto and made a part hereof.

*By the Court*

BRENDAN J. VANSTON,  
*President Judge*

**2000 Court Calendar—Wyoming County**

*Account Confirmation*

January	4
February	1
March	7
April	4
May	2
June	12
July	11
August	1
September	5
October	3
November	7
December	5

*Arraignments*

January	12
February	9
March	8
April	12
May	10
June	14
July	12
August	9
September	13
October	11
November	8
December	6

*Domestic Relations*

*De Novos*

January	11
February	8
March	14
April	11
May	9
June	13
July	10
August	8
September	12
October	10
November	6
December	5

*Contempts*

13
10
15
13
11
8
13
10
14
12
9
8

*General Call*

September	5
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*Juveniles*

January	5
February	2
March	6
April	5
May	1
June	7
July	5
August	2
September	6
October	4
November	1
December	4

*Criminal Trial Weeks*

February 21, 2000  
 April 24, 2000  
 June 26, 2000  
 August 14, 2000  
 October 16, 2000  
 December 11, 2000

*Guilty Pleas & Status Call*

January	7
February	4
March	10
April	7
May	3
June	2
July	7
August	11
September	8
October	6
November	3
December	1

*Dependency*

January	13
February	10
March	15
April	13
May	11
June	8
July	13
August	10
September	14
October	12
November	9
December	8

*Civil Trial Weeks*

January 17, 2000  
 March 20, 2000  
 May 22, 2000  
 July 17, 2000  
 September 18, 2000  
 November 13, 2000

*Close Civil Trial List*

December 3, 1999 (March, 2000)  
 February 4, 2000 (May, 2000)  
 April 7, 2000 (July, 2000)  
 June 2, 2000 (September, 2000)  
 August 4, 2000 (November, 2000)  
 October 6, 2000 (January, 2001)  
 December 1, 2000 (March, 2001)

*Sentences & ARD Hearings*

January	12
February	9
March	8
April	12
May	10
June	14
July	12

August	9
September	13
October	11
November	8
December	6

*Prison Board*

January	4
February	1
March	7
April	4
May	2
June	6
July	11
August	1
September	5
October	3
November	7
December	5

**2000 Court Calendar—Sullivan County***Miscellaneous, Arraignments and Account Confirmations*

January	6
February	3
March	9
April	6
May	4
June	1
July	6
August	3
September	7
October	5
November	2
December	7

*Civil & Criminal Trial Weeks*

January 24, 2000  
 March 27, 2000  
 June 19, 2000  
 September 25, 2000  
 October 23, 2000

*Close Civil Trial List*

November 5, 1999	(January, 2000 Trial Term)
December 3, 1999	(March, 2000 Trial Term)
March 3, 2000	(June, 2000 Trial Term)
June 2, 2000	(September, 2000 Trial Term)
August 4, 2000	(October, 2000 Trial Term)
October 6, 2000	(January, 2001 Trial Term)
December 1, 2000	(March, 2001 Trial Term)

*General Call*

September 7, 2000

[Pa.B. Doc. No. 99-1866. Filed for public inspection November 5, 1999, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 57, 61, 63, 65, 93 AND 97]

#### Water Quality; Fishing and Boating

The Fish and Boat Commission (Commission) by this order amends Chapters 57, 61, 63, 65, 93 and 97. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to general provisions, fishing and boating.

#### A. Effective Date

These amendments will go into effect immediately upon publication of this order in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site at <http://www.fish.state.pa.us>.

#### C. Statutory Authority

The amendments are published under the statutory authority of section 10 of the Sunshine Act (65 P.S. § 280) and section 506 of The Administrative Code of 1929 (71 P.S. § 186). These amendments also are published in accordance with section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (CDL) (45 P.S. § 1204), which provides that an agency may omit or modify the procedures specified in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) if the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the order adopting the administrative regulation or change therein) that the procedures specified in sections 201 and 202 of the CDL are under the circumstances impracticable, unnecessary or contrary to the public interest.

#### D. Purpose and Background

Under § 51.5 (relating to correction of regulations), the Executive Director is authorized to take immediate corrective action on the Commission's behalf if the Executive Director or the Commission's staff discovers an error or omission in the text of a Commission regulation as published in the *Pennsylvania Code* or *Pennsylvania Bulletin*. It has been brought to the Commission's attention that there are errors in the text of several Commission regulations, as more particularly described in the following summary of changes. The purpose of the amendments is to correct these errors.

#### E. Summary of Changes

(1) *Section 57.3 (relating to policy on water quality designation)*. The Commission has amended this section to change the name of the "Department of Environmental Resources" to the "Department of Environmental Protection."

(2) *Section 61.3 (relating to Pymatuning Reservoir)*. The Commission has amended this section to delete the word "creel" from the heading "daily creel limit" so that the heading is consistent with the headings in other sections.

(3) *Section 63.10 (relating to ice fishing)*. The Commission has amended this section to change "§ 53.6 (relating to miscellaneous prohibitions)" to "§ 63.6 (relating to authorized devices for game fish, baitfish and fishbait)."

(4) *Section 65.23 (relating to special restrictions on polluted zones)*. The Commission has amended this section to change slightly the wording of the last sentence.

(5) *Section 65.24 (relating to miscellaneous special regulations)*. The Commission has amended this section to correct a typographical error.

(6) *Sections 93.3, 93.4 and 93.7 (relating to application for boat registration; certificate of registration; duplicate certificate of registration)*. The Commission has amended these sections to change "sticker" to "decal." The Commission has also amended § 93.3 to reflect the current name of the affidavit of purchase/ownership form.

(7) *Section 93.12 (relating to dealers, manufacturers and jobbers)*. The Commission has amended this section to reflect the current name of the Licensing and Registration Section.

(8) *Section 97.1 (relating to personal flotation devices)*. The Commission has amended this section to delete the erroneous reference to safety standards for boats.

#### F. Paperwork

The amendments hereby adopted will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The amendments hereby adopted will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

#### H. Public Involvement

Under section 204 of the CDL, an agency may omit the procedures specified in sections 201 and 202 of the CDL if the agency finds that these procedures are unnecessary. The Commission, therefore, did not publish these amendments as a notice of proposed rulemaking or solicit public comment.

#### Findings

The Commission finds that:

(1) Errors were discovered in the text of 58 Pa. Code §§ 57.3, 61.3, 63.10, 65.23, 65.24, 93.3, 93.4, 93.7, 93.12 and 97.1 as published in the *Pennsylvania Code*.

(2) Under 58 Pa. Code § 51.5, the Executive Director is authorized to take immediate corrective action on behalf of the Commission, including, if necessary, the issuance of an order to make the necessary correction, if the Executive Director or the Commission's staff discovers an error in the text of a Commission regulation as published in the *Pennsylvania Code*.

(3) Under the circumstances, the procedures of sections 201 and 202 of the CDL are unnecessary.

#### Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapters 57, 61, 63, 65, 93 and 97, are amended by amending §§ 57.3, 61.3, 63.10, 65.23, 65.24, 93.3, 93.4,

93.7, 93.12 and 97.1 to read as set forth at Annex A, with ellipses referring to the existing text of the regulations.

(B) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

(C) The Executive Director 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*.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-101. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 57. STATEMENTS OF POLICY**

**§ 57.3. Policy on water quality designation.**

It is the policy of the Commission to advance and seek, when supported by the current data base, the highest Department of Environmental Protection water quality designation for waters of this Commonwealth in order to achieve the objectives of this chapter.

**Subpart B. FISHING**

**CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS**

**§ 61.3. Pymatuning Reservoir.**

\* \* \* \* \*

(c) Except as provided by special regulations the following sizes and creel limits apply to Pymatuning Reservoir; no closed season applies:

<i>SPECIES</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * * * *	
MUSKELLUNGE AND MUSKELLUNGE HYBRIDS	30 inches	2

**CHAPTER 63. GENERAL FISHING REGULATIONS**

**§ 63.10. Ice fishing.**

\* \* \* \* \*

(b) It is unlawful while ice fishing to use more than five tip-ups or more than the quantity of other legal devices authorized by § 63.6 (relating to authorized devices for game fish, baitfish and fishbait) or to fish through holes that measure more than 10 inches between the farthest points as measured in any direction.

\* \* \* \* \*

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.23. Special restrictions on polluted zones.**

\* \* \* \* \*

(c) This section may not be construed to relieve the person or entity responsible for placing or allowing harmful substances to be present in fishing waters from criminal or civil liability for acts or omissions with regard to the substances. This section does not place liability or duty on the Commonwealth or the Commission or their employees, officers, agents or assigns, to locate, identify or post waters where harmful substances may be present; nor may the Commonwealth, the Commission or their officers, employees, agents or assigns be liable for the consequences of harmful substances being present in fishing waters. This section does not confer or convey ownership, control or jurisdiction, over these waters on the Commission except as may be otherwise provided by law or regulation.

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
		* * * * *
Wayne	Duck Harbor Pond	* * *

County	Name of Water	Special Regulations
	West Branch Delaware River	Trout: From the Pennsylvania/New York border Delaware downstream to the confluence with the East River Branch of the Delaware River: no-harvest artificial lures only season on trout from October 1 until midnight of the Friday before opening day of trout season. During the no-harvest artificial lures only season: 1. Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood, or flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Anything other than these items is prohibited. Specifically prohibited are the use of molded facsimiles or replicas of insects, earthworms, fish eggs, fish or any invertebrate or vertebrate either singly or in combination with other materials. 2. The use or possession of natural bait, baitfish and fishbait and the use of other devices, natural or synthetic, capable of catching fish other than artificial lures is prohibited. 3. The daily creel limit for trout is 0.
		* * * * *

**Subpart C. BOATING**

**CHAPTER 93. BOAT REGISTRATION AND NUMBERING**

**Subchapter A. REGISTRATION OF BOATS**

**§ 93.3. Application for boat registration.**

(a) *New registration.* Application for a boat registration for a new boat or a used boat that was not previously registered in this Commonwealth shall conform with the following:

\* \* \* \* \*

(2) *Required information.* The applicant shall provide the following information on the application (REV-336) for a boat registration:

\* \* \* \* \*

(xiii) *A certificate of ownership.* For initial registration in this Commonwealth this shall be supported by title, bill of sale, a complete Form PFBC-734 "Affidavit of Purchase/Ownership" or other positive proof of ownership.

\* \* \* \* \*

(d) *Transfer of registration to new boat.* The holder of a valid Pennsylvania registration certificate on a boat previously owned by the holder may transfer the registration certificate for the remainder of the original boat's registration period to a new boat upon payment of the transfer fee for multiyear registrations as set forth in the code and submission of a complete Form PFBC R-4. If the registration fee for the new boat is greater than the registration fee for the old boat based on the length of the boat, the applicant shall also pay the difference between the registration fees for the new and old boat. The applicant shall submit the certificate of registration for the old boat and certify that the validation decals have been removed from the old boat at the time of transfer. The old boat's number shall remain with the old boat, and the new boat shall be issued a new number unless it was previously numbered in this Commonwealth.

**§ 93.4. Certificate of registration.**

(a) The owner shall sign the certificate of registration, Form PFBC-730b, in ink and place numbered, registration certificate validation decal on the reverse side of the certificate to validate the registration. A registration certificate is not valid unless a decal is applied.

\* \* \* \* \*

**§ 93.7. Duplicate certificate of registration.**

The Commission will issue a duplicate certificate of registration upon receipt of Form PFBC-730a or Form PFBC-732 from the registered owner and payment of the appropriate fee. The Commission will not issue the numbered registration certificate validation decal for duplicate registrations, but the lack of the decal will not affect the validity of a duplicate registration certificate.

**§ 93.12. Dealers, manufacturers and jobbers.**

\* \* \* \* \*

(g) Boat dealers, jobbers or manufacturers who take in trade a boat bearing previous Pennsylvania boat registration are required, within 15 days of obtaining the boat, to place the boat under the dealer/jobber/manufacturer's dealer registration. The dealer, jobber or manufacturer shall complete Form PFBC-336 and forward it to the Licensing and Registration Section. No fee is applicable to a transaction when dealers place boats taken in trade under their dealer registrations. It is unlawful for a boat dealer, jobber or manufacturer to operate or allow to be operated a boat received in trade bearing a Pennsylvania boat registration until the boat is placed under their dealer registration under this subsection.

**CHAPTER 97. OPERATOR PROVIDED EQUIPMENT**

**§ 97.1. Personal flotation devices.**

\* \* \* \* \*

(c) A Type V PFD may be carried in lieu of a PFD required under subsection (a) if:

\* \* \* \* \*

[Pa.B. Doc. No. 99-1867. Filed for public inspection November 5, 1999, 9:00 a.m.]

**FISH AND BOAT COMMISSION  
[58 PA. CODE CHS. 63 AND 65]  
Fishing Tournaments and Fishing Derbies**

The Fish and Boat Commission (Commission) by this order amends §§ 63.40 and 65.24 (relating to fishing tournaments and fishing derbies; and miscellaneous special regulations). The Commission is publishing these

amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to fishing.

#### A. *Effective Date*

The amendments will go into effect on January 1, 2000.

#### B. *Contact Person*

For further information on the amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final-form rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

#### C. *Statutory Authority*

The amendments are published under the statutory authority of sections 2102 and 2307 of the code (relating to rules and regulations; and waters limited to specific purposes).

#### D. *Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations relating to fishing. The specific purpose of each amendment is described in more detail under the summary of changes.

#### E. *Summary of Changes*

(1) *Section 63.40 (relating to fishing tournaments and fishing derbies).* The initial development of the Commission's tournament regulations considered the fact that fishing derbies encompassing just fishing activity were not required to apply for special activity permits. Therefore, § 63.40(c)(1) previously provided that it was unlawful to conduct a fishing derby on Commonwealth waters without first obtaining a special activity permit from the Commission if the derby involves an unusual congregation of boats. Section 63.40(c)(5), however, required all derby organizers to notify the Commission of the date, time and place of proposed fishing derbies. The easiest way for derby applicants to notify the Commission of a proposed derby was the use of the special activity permit application. Consequently, confusion existed in the Commission's regional offices as to when a fishing derby was actually required to apply for a special activity permit. The Commission eliminated this confusion by removing the phrase, "if the derby involves an unusual congregation of boats." The majority of fishing derbies previously applied for and received special activity permits. Thus, removing this language will have little impact on fishing derbies. The Commission also amended the paragraph to make it clear that the requirement does not apply to privately owned waters that are not open to the public.

In addition, the amendment to § 63.40(c)(1) makes Subsection (c)(5) no longer necessary. Therefore, the Commission removed this paragraph.

(2) *Section 65.24 (relating to miscellaneous special regulations).* In 1989, the Commission formalized regulations regarding the taking of smelt in inland waters. This action was prompted by the establishment of a smelt population, particularly in Lake Raystown, and the popularity of this fishery. Kinzua Reservoir and its tributaries were included because efforts were underway to establish a smelt population in those waters. However, based on findings from various sampling efforts, it was determined that smelt never really took hold in Kinzua Reservoir. Thus, the Commission has removed the special regulations pertaining to the harvest of smelt in Kinzua Reservoir and its tributaries.

#### F. *Paperwork*

The amendment to § 65.24 will not increase paperwork and will create no new paperwork requirements. The amendments to § 63.40 will slightly increase paperwork in that it will require all derby organizers to apply for special activity permits, not just those involving an unusual congregation of boats. This change, however, will have little impact because historically the majority of fishing derbies applied for and received special activity permits.

#### G. *Fiscal Impact*

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The special activities permit is free of charge. Therefore, the amendments to § 63.40 will impose no new costs on the private sector or the general public.

#### H. *Public Involvement*

A notice of proposed rulemaking was published at 29 Pa.B. 4442 (August 21, 1999). The Commission did not receive any public comments regarding the proposal.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted 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 the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no comments were received.

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

#### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 63 and 65, are amended by amending §§ 63.40 and 65.24 to read as set forth at 29 Pa.B. 4442.

(b) The Executive Director will submit this order and 29 Pa.B. 4442 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 29 Pa.B. 4442 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*.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-100 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 99-1868. Filed for public inspection November 5, 1999, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### [58 PA. CODE CH. 65]

#### Panfish Enhancement Special Regulation

The Fish and Boat Commission (Commission) by this order amends Chapter 65 (relating to special fishing regulations). The Commission is publishing these amend-

ments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to fishing.

A. *Effective Date*

The amendments will go into effect on January 1, 2000.

B. *Contact Person*

For further information on the amendments, contact Delano R. Graff, Director, Bureau of Fisheries, (814) 359-5154, 450 Robinson Lane, Bellefonte, PA 16823, or Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The amendments are published under the statutory authority of sections 2102 and 2307 of the code (relating to rules and regulations; and waters limited to specific purposes).

D. *Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations relating to fishing. The specific purpose of each amendment is described in more detail under the summary of changes.

E. *Summary of Changes*

(1) *Section 65.11 (relating to panfish enhancement special regulation)*. When the Commission adopted this regulation last year, it opted to apply harvest restrictions to all species or species groups (sunfish, crappie and yellow perch) found in waters managed under the program. While this approach was straightforward, further reflection revealed that this approach was not the best fisheries management approach to the issue. Subsequently, the Commission substantially reduced the number of waters to which the regulation applies.

The Commission has now amended this regulation to allow the Commission to apply the designation to only those species groups where angling has been observed to negatively affect panfish density and size structure, not all species groups. Application of the panfish enhancement special regulation to selected species groups within a water will yield several important benefits. First, differences in biological characteristics among species groups inhabiting a particular water will be able to be accounted for in a management program. For example, in a lake, one particular panfish population may be comprised of small individuals for reasons not associated with angling (exhibited stunting) and in the same lake a different species may be comprised of small individuals due to angler removal of larger panfish. Improvements in size structure would be expected in association with greater harvest restrictions in one case but not the other. Indeed, there may be benefits to the less protected panfish species groups (without the panfish enhancement special regulation) if harvest shifted away from the protected species group (with panfish enhancement special regulation) to the less protected group. Here, thinning the population associated with harvest may improve growth and consequently improve the size structure of the less protected species, thereby enhancing the overall number of desirable size panfish available to anglers.

The second benefit is associated with maintaining appealing panfish fishing opportunities for anglers on a particular water. Application of harvest restrictions will constrain angler harvest of panfish that provide the basis for extremely popular fishing opportunities for anglers in this Commonwealth. In 1991, anglers spent at least

8,023,000 days fishing for panfish in this Commonwealth, by comparison 11,125,000 angler days were directed to trout, and 7,186,000 angler days were directed to black bass. (United States Department of the Interior, Fish and Wildlife Service and United States Department of Commerce, Bureau of the Census. 1991 National Survey of Fishing, Hunting, and Wildlife Associated Recreation, Pennsylvania. United States Government Printing Office, Washington D.C. 1993). The Commission does not want to constrain panfish harvest opportunities on a particular water so that angler participation is reduced if harvest regulations for a particular species is not expected to yield any improvement in number of desirable size fish in an angler's catch. In some cases, harvest of some panfish species is simply not great enough to substantially affect the species size structure. The principal intent of special panfish regulations is to enhance fishing opportunities. Constricting harvest of species groups affected by intense angling and maintaining harvest of species groups not affected by angling will maximize fishing opportunities. Simply stated, it is the Commission's goal to improve size structure when possible and not restrict angling opportunities unnecessarily for species groups where no benefit is expected. Therefore, the Commission has amended § 65.11 so that harvest restrictions on a particular water may apply to one, two or all three panfish species groups as approved by the Commission.

(2) *Section 65.24 (relating to miscellaneous special regulations)*. Spring Creek, Centre County, supports an excellent Class A wild brown trout population and provides a very popular year round trout fishery for anglers in central Pennsylvania. Currently, no harvest is permitted on this water from SR 3010 in Oak Hall downstream to the mouth due to a fish consumption advisory. In recognition of the outstanding wild trout fishery provided by this water, the Commission believed that it was necessary to adopt special trout angling regulations for Spring Creek. The Commission therefore has adopted special trout management regulations for the 16.6 miles of Spring Creek extending from the SR 3010 bridge in Oak Hall downstream to the mouth (excluding the established Heritage Trout Angling project at Fisherman's Paradise and the exhibition area in Bellefonte). The regulations will involve no change from the current management, as angling will be permitted year round (no closed season) under no-harvest regulations with no tackle restrictions.

F. *Paperwork*

The amendments will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 29 Pa.B. 3631 (July 10, 1999). The Commission did not receive any public comments regarding the changes to either section during the formal public comment period. After the public comment period, the Commission received four comments regarding the special trout management regulations for Spring Creek. Three commentators supported the change; one opposed it but mistakenly believed that the Commission intended to make this

section of Spring Creek open to harvest. Copies of all public comments have been provided to the Commissioners.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted 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 the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the comments that were received were considered.

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

#### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending §§ 65.11 and 65.24 to read as set forth at 29 Pa.B. 3631.

(b) The Executive Director will submit this order and 29 Pa.B. 3631 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 29 Pa.B. 3631 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*.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-99 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 99-1869. Filed for public inspection November 5, 1999, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### [58 PA. CODE CH. 69]

#### Lake Erie Fishing Permit

The Fish and Boat Commission (Commission) by this order amends Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this rulemaking under the authority of 30 Pa. C.S. (relating to Fish and Boat Code) (code). The rulemaking relates to fishing.

#### *A. Effective Date*

The rulemaking will go into effect upon publication of this order adopting the rulemaking in the *Pennsylvania Bulletin*.

#### *B. Contact Person*

For further information on the rulemaking, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

#### *C. Statutory Authority*

The rulemaking is published under the statutory authority of section 2907.2(d) of the code (relating to Lake Erie fishing permits).

#### *D. Purpose and Background*

The rulemaking is designed to update, modify and improve Commission regulations relating to fishing. The specific purpose of the rulemaking is described in more detail under the summary of changes.

#### *E. Summary of Changes*

The Commission has reached its financial goal of recompensing the holders of gill net licenses for boundary lakes as provided in section 2903(h) of the code (relating to boats and net licenses for boundary lakes, gill nets). As a result, anglers are no longer required to purchase a Lake Erie fishing permit effective January 1, 1999. Therefore, there is no need for the existing regulation relating to the Lake Erie fishing permit.

#### *F. Paperwork*

The rulemaking will not increase paperwork and will create no new paperwork requirements.

#### *G. Fiscal Impact*

The rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The rulemaking will impose no new costs on the private sector or the general public.

#### *H. Public Involvement*

A notice of proposed rulemaking was published at 29 Pa.B. 3369 (July 3, 1999). The Commission did not receive any public comments regarding the proposal.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the rulemaking adopted 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 the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no comments were received.

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

#### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 69, are amended by deleting § 69.18 to read as set forth at 29 Pa.B. 3369.

(b) The Executive Director will submit this order and 29 Pa.B. 3369 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 29 Pa.B. 3369 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*.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-98 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 99-1870. Filed for public inspection November 5, 1999, 9:00 a.m.]

**FISH AND BOAT COMMISSION**  
**[58 PA. CODE CHS. 111 AND 115]**

**Special Regulations Counties and Boats Carrying Passengers for Hire**

The Fish and Boat Commission (Commission) by this order amends Chapters 111 and 115 (relating to special regulations counties; and boats carrying passengers for hire). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to boating.

*A. Effective Date*

The amendments will go into effect on January 1, 2000.

*B. Contact Person*

For further information on the amendments, contact John F. Simmons, Director, Bureau of Boating and Education, (717) 657-4538, or Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

*C. Statutory Authority*

The amendments are published under the statutory authority of sections 5122(a)(6) and 5124 of the code (relating to registration, licenses, permits, plates and statistics; and particular areas of water).

*D. Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations pertaining to boating. The specific purpose of the amendments is described in more detail under the summary of changes. Prior to consideration by the Commission on proposed rulemaking, the Commission's Boating Advisory Board reviewed each proposal and made recommendations to the Commission.

*E. Summary of Changes*

(1) *Section 111.9 (relating to Bucks County)*. In 1995, the Commission approved the adoption of slow, minimum height swell speed zones under certain bridge spans over the Delaware River in Bucks County. That regulation change made the Commonwealth's regulations consistent with Statewide regulations concerning the operation of boats under bridge spans in New Jersey. The Commission has now amended its regulations to include additional bridge spans between this Commonwealth and New Jersey.

(2) *Section 111.36 (relating to Lancaster County)*. In June 1997, the Lancaster Bird Club petitioned the Commission for further regulation of boating on the Susquehanna River in the area between the Washington Boro Islands (Conejohola Flats) and the Lancaster County shoreline. The primary purpose of this request was to

protect the shorebird and other migratory bird populations that frequent this area, as well as to provide a safe haven for unpowered boat users. The area affected is approximately 1/2 mile long and 300 yards wide. It is shallow over much of its length and contains numerous snags and other underwater obstructions. The area is also used routinely by personal watercraft operators.

On final rulemaking, the Commission has adopted the amendments as proposed with the addition of a minor change for the purposes of clarity.

(3) *Section 111.46 (relating to Montgomery County)*. As part of its proposed rulemaking package, the Commission proposed changes to this section. However, the Commission has voted to defer consideration of the proposal on final rulemaking until its January 2000 meeting.

(4) *Sections 111.52 and 111.64 (relating to Pike County; and Wayne County)*. The National Park Service (NPS) has broad authority to establish regulations on lands and waters within its jurisdiction. 36 CFR 1.1 (relating to purpose) states that units of the NPS may use their regulatory authority to fulfill the statutory purposes of units of the National Park System to conserve scenery, natural and historic objects, and wildlife and to provide for the enjoyment of those resources in a manner that will leave them unimpaired for the enjoyment of future generations. Using this authority and that in the specific enabling legislation that created the Upper Delaware National Recreational and Scenic River, the Superintendent promulgated several regulations in 1991 restricting the operation of boats on the Delaware River. Because enforcement is a joint effort between the Commission and the NPS, the Commission believes that the regulations should be consistent. The Commission therefore has amended these sections.

(5) *Sections 115.9 and 115.10 (relating to licenses for operators; and renewal of operator's license)*. Section 115.9 (f) provides that operator certificates issued under this section expire on December 31 of the year for which they are issued, and § 115.10 (a) requires operators to renew their licenses by April 1. Over the past years, it has become apparent that owners of passenger for hire vessels have difficulty getting renewal applications with two photos required by § 115.9 (e) for all their prospective employees and still meet the April 1 deadline. This is mostly due to the owner hiring students and other part-time employees that are employed beginning mid-June or later. Commission staff also have experienced difficulty in processing an average of 100 certificates (each year) back to the employer in a reasonable time. Again, this is due to late submissions, placing photos on both the certificates and applications, obtaining appropriate signatures and available staff time. The Commission believes that the 5-year certificate will reduce processing time and the employer will have less difficulty staffing his operations prior to the start of the season. Currently, operators renew licenses annually with no more than their signature. No additional requirements are required by the Commission for renewal. The Commission believes that the annual renewal is an unnecessary paperwork burden on this small business and that a 5-year certificate will meet the Commission's needs. Accordingly, the Commission has adopted the amendments, as proposed, to provide for a 5-year certificate. The Commission also has corrected a spelling error in § 115.10.

*F. Paperwork*

The amendments will not increase paperwork and will create no new paperwork requirements.

*G. Fiscal Impact*

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

*H. Public Involvement*

A notice of proposed rulemaking was published at 29 Pa.B. 3370 (July 3, 1999). The Commission did not receive public comments regarding the proposals except with regard to § 111.36. Prior to the public comment period, the Commission received numerous comments regarding the amendments to § 111.36. The majority of those comments completely rejected the idea of a slow, no wake zone. During the formal public comment period, the Commission received just one comment. That comment opposed the amendment. The Commission also received several comments after the formal public comment period. Copies of all comments have been provided to the Commissioners.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted 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 the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the comments that were received were considered.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 111 and 115, are amended by amending §§ 111.19, 111.52, 111.64 and 115.9 to read as set forth at 29 Pa.B. 3370 (July 3, 1999) and by amending §§ 111.36 and 115.10 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 29 Pa.B. 3370 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 29 Pa.B. 3370 and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-97 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart C. BOATING****CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES****§ 111.36. Lancaster County.**

(a) *Lake Aldred—Susquehanna River.* Boats are limited to slow, minimum height swell speed from the York County shoreline to the northern point of Urey Islands to the southern tip of Blair Island, and back to the York County shoreline. The area is about 1 mile in length.

(b) *Speedwell Forge Lake.* The operation of boats powered by internal combustion motors is prohibited.

(c) *Susquehanna River.* Boats are limited to slow, minimum height swell speed for both of the following:

(1) From the Lancaster County shoreline to the northern point of Shad Island south to the southern point of Green Island and back to the Lancaster County shoreline from January 1 to October 1.

(2) In all areas between and within 200 feet of the islands comprising the Conejohola Flats.

**CHAPTER 115. BOATS CARRYING PASSENGERS  
FOR HIRE****§ 115.10. Renewal of operator's license.**

(a) Operators may apply for a renewal of their license 60 days prior to its expiration. Applications shall be made on the form provided by the Commission and accompanied by the appropriate fees.

(b) Applicants for renewal of licenses shall disclose changes in their physical condition or operational capabilities that might affect their ability to operate a boat carrying passengers for hire.

(c) If there are no changes to the limitations imposed by the original license, a practical or written examination is not required. An oral examination may be required if there have been significant changes to regulations concerning safe operation of boats, carriage requirements for safety equipment or carrying passengers for hire.

(d) A licensed operator who does not renew a license as required by subsection (a) shall reapply in accordance with § 115.9 (relating to licenses for operators).

[Pa.B. Doc. No. 99-1871. Filed for public inspection November 5, 1999, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 61, 63, 65, 93 AND 97]  
Commission Property; Fishing; and Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 53, 61, 65, 93 and 97. The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to Commission property, fishing and boating.

### A. Effective Date

The proposed amendments, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

### B. Contact Person

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

### C. Statutory Authority

The proposed amendments to § 53.8 (relating to boats) are published under the statutory authority of section 741 of the code (relating to control of property). The proposed amendments to §§ 61.1 and 63.8 (relating to Commonwealth inland waters; and long bows, spears and gigs) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendments to § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas) are published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes). The proposed amendments to § 93.5 (relating to display of registration number and validation decal) are published under the statutory authority of section 5122 of the code (relating to registration, licenses, permits, plates and statistics). The proposed amendments to Chapter 97, Appendix A (relating to flotation devices) are published under the statutory authority of section 5123 of the code (relating to general boating regulations).

### D. Purpose and Background

The proposed amendments are designed to update, modify and improve Commission regulations relating to Commission property, fishing and boating. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

### E. Summary of Proposal

(1) *Section 53.8.* The Commission's property regulations require that any boat using a Commission owned lake or access area be registered and display an official registration number and current validation sticker. This regulation is appropriate when the Commonwealth is the State of principal operation. However, other states' requirements for unpowered watercraft vary regarding display of decals and numbers. In fact, many states do not require this display. This may result in visitors to this Commonwealth being unable to utilize Commission facilities.

To accommodate visitors to this Commonwealth and promote tourism in this Commonwealth, the Commission proposes adding two new sentences to subsection (h) to read as set forth in Annex A.

(2) *Section 61.1.* A recent staff review of this regulation revealed that certain corrections are warranted.

(3) *Section 63.8.* Commission staff recently received an inquiry as to whether the use of crossbows by persons other than those with disabilities who are issued permits under § 63.8(e) is permitted. To clarify that other crossbow use is prohibited, the Commission proposes to amend the regulation to read as set forth in Annex A.

(4) *Section 65.21.* At the July 1999 Commission meeting, the Commission placed a moratorium on the designation of exclusive use areas to give Commission staff an opportunity to review the Commission's regulation in light of the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12210—12213) and regulations promulgated thereunder. Based upon that review, staff made recommendations to the Commission. The Commission proposes to amend this section to read as set forth in Annex A.

(5) *Section 93.5.* Federal law provides that vessels possessing a valid marine document and used for recreational purposes may be registered (but not numbered) in the state of their principal operation. To clarify the issue for owners of documented vessels used for recreational purposes when this Commonwealth is the State of principal operation, the Commission proposes to amend this section to read as set forth in Annex A.

(6) *Appendix A to Chapter 97.* A recent staff review of this Appendix revealed that certain corrections are warranted.

### F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

### G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address shall be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
Executive Director

**Fiscal Note:** 48A-102. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.8. Boats.

\* \* \* \* \*

(h) A boat using a Commission lake or access area shall be registered and display the official registration number and current validation stickers described under Subpart C and Part III of the code, except that this provision does not apply to noncommercial users of access areas on the Delaware River and West Branch of the Delaware River [ Bound ] bounded by the State of New York. Public service boats as defined under section 5302(a)(3) of the code (relating to exemptions from registration) and boats participating in events authorized under § 109.6 (relating to special marine events) are exempt from this section. Unpowered kayaks, sculls, sailboards and other low volume boats of similar design are exempt from displaying registration numbers, but shall display a current validation sticker. Unpowered boats with a state of principal operation other than this Commonwealth shall meet the requirements of this subsection if they are in compliance with the registration and display requirements of the state of principal operation. There is a rebuttable presumption that the state of principal operation of any boat using a Commission lake or access area is this Commonwealth. The owner or operator of a boat may overcome this presumption by providing documentary evidence to show the state of principal operation is elsewhere.

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

\* \* \* \* \*

\*\*Note: Approved trout waters are closed to fishing from March 1 to opening day of regular trout season in April unless included in the Select Trout Stocked Lake Program. See § 65.10 (relating to Select Trout Stocked Lake Program).

\* \* \* \* \*

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.8. Long bows, spears and gigs.

\* \* \* \* \*

(d) Restrictions. Spears or gigs may not be mechanically propelled, may not have more than five barbed points, and may not be used in approved trout waters. Except as provided in subsection (e), the use of crossbows is prohibited.

\* \* \* \* \*

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.21. Waters limited to specific purposes—exclusive use fishing areas.

(a) The Executive Director, with the approval of the Commission, may designate waters as being for the exclusive use of children or special populations, or both, for the purpose of fishing. The designation [ shall

be ] is effective when the waters are so posted after publication of a notice of designation in the Pennsylvania Bulletin.

\* \* \* \* \*

(d) The Commission will not designate waters under this section:

(1) As being for the exclusive use of children unless the sponsor of the proposed exclusive use area agrees to be responsible for the administration and control of the area, posting signs and assisting in enforcement; the owner of the waters agrees to the designation[ , ] in writing; and the political subdivision where the area is to be located approves the designation [ and agrees to post the area and assist in enforcement. Sponsors shall apply for designation of full-time exclusive use areas on an annual basis prior to June 1 of each year. Sponsors shall apply for designation of temporary exclusive use areas no later than 30 days before the proposed designation is to take effect ] in writing. The sponsor also shall establish that the proposed exclusive use area will be used year-round by showing that fishing tournaments/derbies, stocking or special events are planned throughout the year.

(2) As being for the exclusive use of special populations unless the sponsor of the proposed exclusive use area agrees to be responsible for the administration and control of the area, posting of signs and assisting in enforcement; the owner of the waters agrees to the designation in writing; and the political subdivision where the area is to be located approves the designation in writing. The sponsor also shall describe how the proposed exclusive use area is accessible and what accommodations have been made for use by special populations. The sponsor further must certify that the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12210—12213 and the regulations promulgated thereunder are currently met and will be met in the future.

(3) As being for the exclusive use of both children and special populations unless the sponsor meets the requirements of paragraphs (1) and (2).

(e) In determining whether to designate areas for the exclusive use of children, special populations or both, the Commission will consider whether the sponsors of the proposed areas have demonstrated the ability to meet the requirements of this section and whether exclusive use areas already exist within the same geographical area as the proposed areas.

(f) If a sponsor of an exclusive use area fails to continue to meet the requirements of this section, the Commission may remove the designation of the area as being for the exclusive use of children or special populations, or both.

[ (e) ] (g) The provisions of subsection (a) requiring advance approval of the Commission and publication of a notice of designation in the Pennsylvania Bulletin do not apply to temporary designations of exclusive use areas for children or, special [ population ] populations, or both. Sponsors seeking a temporary designation of an area for the exclusive use of children or special populations, or both, shall apply for a special activities permit in accordance with § 63.40 (relating

to fishing tournaments and fishing derbies). Sponsors shall apply for designation of temporary exclusive use areas no later than 30 days before the proposed designation is to take effect. The Executive Director or a designee may approve the temporary designation of waters for exclusive use for [ periods of ] no more than [ 30 ] 60 consecutive days upon application of project sponsors. Temporary designations shall be effective upon posting of the area. Sponsors are responsible for administering and controlling the area, posting signs and assisting in enforcement.

[ (f) ] (h) \* \* \*

(i) Sponsors of all areas currently designated as being for the exclusive use of children or special populations, or both, shall reapply for designation by December 31, 2003.

Subpart C. BOATING  
CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.5. Display of registration number and validation decal.

(a) The registration number shall be displayed above the waterline on both sides of the bow of the boat, considered to be any part of a boat's side forward of a point halfway between the front and the back of the boat.

\* \* \* \* \*

(5) Boats possessing a valid marine document, when used for recreational purposes and when Pennsylvania is the state of principal operation, shall display a valid registration decal but may not display the registration number.

CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

APPENDIX A

FLOTATION DEVICES

PFD TYPE NUMBER	BRIEF DESCRIPTION OF THE DEVICE	BOATS ON WHICH THE DEVICE IS ACCEPTABLE
	* * * * *	
TYPE III	Flotation aid with at least 15.5 pounds of buoyancy. Not designed to turn unconscious person face up.	All boats. See Note (2).
TYPE IV	Throwable device such as the ring buoy or buoyant cushion with at least 16.5 pounds of buoyancy. Designed to be grasped not worn.	Acceptable as [ primary ] additional life-saving equipment [ on boats less than 16 ft. in length (excluding sailboards & personal watercraft) and for canoes & kayaks ]. Required on all boats as specified in § 97.1(b). See Note (1) and (3).
TYPE V	Special use devices are wearable devices approved only for certain activities and conditions. The label will show its approved uses and limitations. An example would be the work vest.	Acceptable on boats engaged in special restricted activities. See Note (2).

NOTES: (1) \* \* \* \* \*

(2) PFD's Type I [ and ], II, III and V are acceptable on boats carrying passengers for hire which are not subject to Federal law and United States Coast Guard inspection.

(3) Persons on sailboards and personal watercraft shall wear a Type I, II, III or V Coast Guard approved personal flotation device. **Inflatable personal flotation devices may not be used to meet this requirement.**

[Pa.B. Doc. No. 99-1872. Filed for public inspection November 5, 1999, 9:00 a.m.]

STATE BOARD OF  
CERTIFIED REAL ESTATE  
APPRAISERS

[49 PA. CODE CH. 36]  
Qualifications for Certification

The State Board of Certified Real Estate Appraisers (Board), proposes to amend §§ 36.11 and 36.12 (relating to residential real estate appraiser; and general real estate appraiser) to read as set forth in Annex A.

*Background and Statutory Authority*

The Real Estate Appraisers Certification Act (REACA) (63 P. S. §§ 457.1—457.19) enacted in June 1990, established the certification classes of residential appraiser and general appraiser to perform appraisals in Federally related transactions under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), Public Law 101-73, 103 Stat. 183. Federally related appraisals are those performed for Federally-regulated financial institutions where the transaction amounts exceed certain levels; since September 3, 1996, residential and general appraisers have been authorized under section 18 of the REACA (63 P. S. § 457.18), to perform appraisals in non-Federally related transactions as well.

Section 6(d) and (e) of the REACA (63 P. S. § 457.6(d) and (e)), provides that an applicant for certification as a general appraiser or residential appraiser shall, as a prerequisite to taking the certification examination, complete the minimum education and experience requirements established under the FIRREA. The Appraisal Qualifications Board (AQB) of The Appraisal Foundation is charged with establishing education and experience qualifications for appraisers under the FIRREA. Section 6(f) of the REACA, directs the Board to prescribe and define the educational topics and types of experience that will satisfy education and experience requirements under the FIRREA. Section 5(2) of the REACA (63 P. S. § 457.5(2)), authorizes the Board to adopt regulations necessary to carry out the provisions of the REACA.

Sections 36.11 and 36.12 set forth, for residential certification and general certification, minimum hours of education and experience; mandatory course topics (including 15 hours of coverage on the Uniform Standards of Professional Appraisal Practice (USPAP)); acceptable types of appraisal experience; and special rules relating to education matters (for example, credit for teaching, correspondence courses, challenge examinations). The content and language of §§ 36.11 and 36.12 are derived, almost verbatim, from the AQB's qualifications criteria and interpretations. In February 1994, the AQB increased, effective January 1, 1998, the minimum hours of education for general certification from 165 hours to 180 hours; the minimum hours of experience for general certification from 2,000 hours to 3,000 (during at least a 30-month period); and the minimum hours of experience for residential certification from 2,000 hours to 2,500 hours (during at least a 24-month period). By operation of law under section 6(d) and (e) of the REACA, these new requirements automatically took effect in this Commonwealth on January 1, 1998, and have been applied by the Board to persons applying for residential or general certification on or after that date. Sections 36.11 and 36.12, which were last revised in December 1994, do not reflect the AQB's current education and experience requirements.

In April 1999, as the result of an effort to achieve consistency in appraisal standards education throughout the United States, the Appraisal Foundation completed development of a 15-hour National USPAP Course, which has been approved by the AQB and recommended to state appraiser regulatory bodies for adoption as the required course for mandatory training in the USPAP.

#### *Description of Proposed Amendments*

##### *§ 36.11.*

The proposed amendments would revise paragraph (1) to delete references to the 105-hour education requirement for residential certification in effect prior to January 1994, and to renumber subsequent subparagraphs and clauses to reflect the deletion. The proposed amendments to paragraph (1) also would adopt the National USPAP Course as part of the current 120-hour education requirement. The proposed amendments would revise paragraph (2), which lists the 16 mandatory course topics for residential certification, to include the subtopics for each as developed by the AQB. The proposed amendments would revise paragraph (3) to reflect the current experience requirement of 2,500 hours obtained over a period of at least 24 months. The proposed amendments to paragraph (3) also would make editorial changes to reflect current AQB terminology and give an updated example of how an applicant may accumulate the necessary hours over a 5-year period. The proposed amendments would

revise paragraph (4), which states in part that a residential appraiser is authorized to perform residential appraisals in Federally related transactions without regard to value, to reflect the fact that residential appraisers are now authorized to perform residential appraisals in non-Federally related transactions as well.

##### *§ 36.12.*

The proposed amendments would revise paragraph (1) to reflect the current 180-hour education requirement for general certification and to adopt the National USPAP Course as part of the 180-hour requirement. The proposed amendments would revise paragraph (2), which lists the 16 mandatory course topics for general certification, to include the AQB's recommended subtopics. The proposed amendments would revise paragraph (3) to reflect the current experience requirement of 3,000 hours obtained over a period of at least 30 months. The proposed amendments to paragraph (3) also would make editorial changes and give an updated example of how the required hours may be accumulated over a 5-year period. The proposed amendments to paragraph (4) would clarify that a general appraiser is authorized to perform appraisals in non-Federally related transactions as well as Federally-related transactions without regard to value.

#### *Fiscal Impact and Paperwork Requirements*

The proposed amendments would have no fiscal impact on the Commonwealth or its political subdivisions. While the proposed amendments reflect increased education and experience requirements for applicants for residential or general certification, the proposed amendments would have no fiscal impact on those applicants because the increased requirements have already taken effect by operation of law.

The proposed amendments would not create new paperwork requirements for the Commonwealth, its political subdivisions or the private sector. Prior to January 1, 1998, the Board amended its application forms and instructions to reflect the increased education and experience requirements.

#### *Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (relating to regulatory review and promulgation), the Board solicited preproposal comments from the major trade associations representing the real estate appraising industry in this Commonwealth.

#### *Regulatory Review*

As required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 21, 1999, the Board submitted copies of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee (Committees). The Board also provided IRRC and the Committees with copies of a regulatory analysis form prepared in compliance with Executive Order 1996-1. Copies of the form are available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Board within 10 days following the close of the Committees' review period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures that permit IRRC, the General Assembly and the Governor to review objections prior to final adoption of the amendments.

*Public Comment*

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed amendments to Steven Wennberg, Counsel, State Board of Certified Real Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*

DAVID J. KING,  
*Chairperson*

**Fiscal Note:** 16A-7010. 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 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

**Subchapter A. GENERAL PROVISIONS  
QUALIFICATIONS FOR CERTIFICATION**

**§ 36.11. Residential real estate appraiser.**

An applicant for certification as a residential real estate appraiser shall be of good moral character, meet the following education and experience requirements and pass an examination for certification as a residential real estate appraiser. Neither a real estate salesperson's license nor a real estate broker's license issued under the Real Estate Licensing and Registration Act (63 P.S. §§ 455.101—455.902) is a prerequisite to certification as a real estate appraiser.

(1) *Education.*

**[ (i) Prior to January 1, 1994: An applicant shall submit evidence to the Board of having completed 105 classroom hours of courses in subjects related to real estate appraisal, 15 hours of which shall include coverage of the Uniform Standards of Professional Appraisal Practice, together with coverage of the topics listed in paragraph (2). There is no time limit regarding when qualifying education credit may have been obtained.**

**(ii) On or after January 1, 1994: ]** An applicant shall submit evidence to the Board of having completed 120 classroom hours of courses in subjects related to real estate appraisal, **[ 15 hours of which shall include coverage of the ]** including the 15-hour National Uniform Standards of Professional Appraisal Practice **Course**, together with coverage of the topics listed in paragraph (2). There is no time limit regarding when qualifying education credit **[ may have been ]** shall be obtained.

**[ (A) ] (i) \* \* \***

**[ (B) ] (ii) \* \* \***

**[ (C) ] (iii) \* \* \***

**[ (D) ] (iv) Correspondence courses.** Correspondence courses may be acceptable to meet the classroom hour requirement if each course is approved by the Board and meets the following conditions:

**[ (I) ] (A) \* \* \***

**[ (II) ] (B) \* \* \***

**[ (III) ] (C)** The content and length of the course meets the requirements of **[ clause (A) ] subparagraph (i)** and paragraph (2).

**[ (E) ] (v) Video and remote television courses.** Video and remote television courses may be acceptable to meet the classroom hour requirement if each offering is approved by the Board and meets the following conditions:

**[ (I) ] (A) \* \* \***

**[ (II) ] (B) \* \* \***

**[ (III) ] (C)** The content and length of the course meets the requirements of **[ clause (A) ] subparagraph (i)** and paragraph (2).

**[ (F) ] (vi) \* \* \***

(2) *Mandatory course topics.* Applicants shall demonstrate that their education included coverage of the topics listed in this paragraph with particular emphasis on the appraisal of one-to-four unit residential properties:

(i) Influences in real estate value.

**(A) Physical and environmental.**

**(B) Economic.**

**(C) Governmental and legal.**

**(D) Social.**

(ii) Legal considerations in appraisal.

**(A) Real estate verses real property.**

**(B) Real property verses personal property.**

**(C) Limitations on real estate ownership.**

**(D) Legal rights and interests.**

**(E) Forms of property ownership.**

**(F) Legal descriptions.**

**(G) Transfer of title.**

(iii) Type of values.

**(A) Market value or value in exchange.**

**(B) Price.**

**(C) Cost.**

**(D) Investment value.**

**(E) Value in use.**

**(F) Assessed value.**

**(G) Insurable value.**

(iv) Economic principles.

**(A) Anticipation.**

**(B) Balance.**

**(C) Change.**

**(D) Competition.**

**(E) Conformity.**

**(F) Contribution.**

**(G) Increasing and decreasing returns.**

**(H) Opportunity cost.**

**(I) Substitution.**

**(J) Supply and demand.**

**(K) Surplus productivity.**

- (v) Real estate markets and analysis.
  - (A) **Characteristics of real estate markets.**
  - (B) **Absorption analysis.**
  - (C) **Role of money and capital markets.**
  - (D) **Real estate financing.**
- (vi) Valuation process.
  - (A) **Definition of the problem.**
  - (B) **Collection and analysis of data.**
  - (C) **Analysis of highest and best use.**
  - (D) **Application and limitations of each approach to value.**
  - (E) **Reconciliation and final value estimate.**
  - (F) **The appraisal report.**
- (vii) Property description.
  - (A) **Site description.**
  - (B) **Improvement description.**
  - (C) **Basic construction and design.**
- (viii) Highest and best use analysis.
  - (A) **Four tests.**
  - (B) **Vacant site or as if vacant.**
  - (C) **As improved.**
  - (D) **Interim use.**
- (ix) Appraisal [ **statistical concepts** ] **math and statistics.**
  - (A) **Compound interest concepts.**
  - (B) **Statistical concepts used in appraisal.**
- (x) Sales comparison approach.
  - (A) **Research and selection of comparables.**
  - (B) **Elements of comparison.**
  - (C) **Adjustment process.**
  - (D) **Application of sales comparison approach**
- (xi) Site value.
  - (A) **Sales comparison.**
  - (B) **Land residual.**
  - (C) **Allocation.**
  - (D) **Extraction.**
  - (E) **Plottage and assemblage.**
- (xii) Cost approach.
  - (A) **Steps in cost approach.**
  - (B) **Application of the cost approach.**
- (xiv) Valuation of partial interests.
  - (A) **Life estates.**
  - (B) **Undivided interest in commonly held property**
  - (C) **Easements.**
  - (D) **Timeshares.**
  - (E) **Cooperatives.**
  - (F) **Leased fee estate.**
  - (G) **Leasehold estate.**

\* \* \* \* \*

(3) *Experience.* In addition to meeting the education requirements, an applicant shall submit evidence to the Board of having completed [ **2 years** ] **2,500 hours** of acceptable appraisal experience **obtained during no fewer than 24 months.** [ **Effective December 26, 1995, 50%** ] **Fifty percent** of the experience obtained by an applicant shall be in the actual preparation of real estate appraisal reports which include a physical inspection of the interior and exterior of the subject property. [ **One year is defined in terms of hours within a calendar year. One thousand hours constitutes 1 year of appraisal experience. A minimum of 2 calendar years is required. Although there is no minimum or maximum number of creditable experience hours which must be earned during a calendar year, an applicant shall be able to demonstrate having obtained 2,000 hours of appraisal experience within not less than 2 calendar years.** ] Hours may be treated as cumulative to achieve the necessary [ **2,000** ] **2,500** hours of appraisal experience. Cumulative is defined to mean that experience may be acquired over any time period in excess of [ **2 years** ] **24 months.** There is no minimum number of hours which must be acquired in any [ **1 year** ] **12 months.** The following will serve as an example:

Year 1	[ <b>200</b> ] <b>400</b> Hours
Year 2	800 Hours
Year 3	[ <b>100</b> ] <b>200</b> Hours
Year 4	[ <b>400</b> ] <b>500</b> Hours
Year 5	[ <b>500</b> ] <b>600</b> Hours
Total	[ <b>2,000</b> ] <b>2,500</b> Hours

\* \* \* \* \*

(4) *State certified residential real estate appraiser.* An applicant who has passed an examination and who is certified under this section will be deemed to have met the minimum criteria for the certified residential real property appraiser classification adopted by the Appraiser Qualifications Board of the Appraisal Foundation, and shall be qualified to perform residential real property appraisals in [ **connection with** ] **Federally-related and non-Federally related** transactions without regard to value.

**§ 36.12. General real estate appraiser.**

An applicant for certification as a general real estate appraiser shall be of good moral character, meet the following education and experience requirements and pass an examination for certification as a general real estate appraiser. Neither a real estate salesperson's license nor a real estate broker's license issued under the Real Estate Licensing and Registration Act (63 P. S. §§ 455.101—455.902) is a prerequisite to certification as a real estate appraiser.

(1) *Education.* An applicant shall submit evidence to the Board of having completed [ **165** ] **180** classroom hours of courses in subjects related to real estate appraisal, [ **15 hours of which shall include coverage of the** ] **including the 15-hour National Uniform Standards of Professional Appraisal Practice [ , including ] Course, together with** coverage of the topics [ **listed** ] in paragraph (2). There is no time limit regarding when qualifying education credit [ **shall have been** ] **must be** obtained.



\* \* \* \* \*

(2) *Mandatory course topics.* Applicants shall demonstrate that their education included coverage of the topics listed in this paragraph with particular emphasis on the appraisal of nonresidential properties. Residential is defined as one to four residential units.

- (i) Influences on real estate value.
  - (A) **Physical and environmental.**
  - (B) **Economic.**
  - (C) **Governmental and legal.**
  - (D) **Social.**
- (ii) Legal considerations in appraisal.
  - (A) **Real estate verses real property.**
  - (B) **Real property verses personal property.**
  - (C) **Limitations on real estate ownership.**
  - (D) **Legal rights and interests.**
  - (E) **Forms of property ownership.**
  - (G) **Legal descriptions.**
  - (H) **Transfer of title.**
- (iii) Type of values.
  - (A) **Market value or value in exchange.**
  - (B) **Price.**
  - (C) **Cost.**
  - (D) **Investment value.**
  - (E) **Value in use.**
  - (F) **Assessed value.**
  - (G) **Insurable value.**
  - (H) **Going concern value.**
- (iv) Economic principles.
  - (A) **Anticipation.**
  - (B) **Balance.**
  - (C) **Change.**
  - (D) **Competition.**
  - (E) **Conformity.**
  - (F) **Contribution.**
  - (G) **Increasing and decreasing returns.**
  - (H) **Opportunity cost.**
  - (I) **Substitution.**
  - (J) **Supply and demand.**
  - (K) **Surplus productivity.**
- (v) Real estate markets and analysis.
  - (A) **Characteristics of real estate markets.**
  - (B) **Absorption analysis.**
  - (C) **Role of money and capital markets.**
  - (D) **Real estate financing.**
- (vi) Valuation process.
  - (A) **Definition of the problem.**
  - (B) **Collection and analysis of data.**
  - (C) **Analysis of highest and best use.**
  - (D) **Application and limitations of each approach to value.**

- (E) **Reconciliation and final value estimate.**
- (F) **The appraisal report.**
  - (vii) Property description.
    - (A) **Site development.**
    - (B) **Improvement description.**
    - (C) **Basic construction and design.**
  - (viii) Highest and best use analysis.
    - (A) **Four tests.**
    - (B) **Vacant site or as if vacant.**
    - (C) **As improved.**
    - (D) **Interim use.**
  - (ix) Appraisal [ **statistical concepts** ] **math and statistics.**
    - (A) **Compound interest concepts.**
    - (B) **Statistical concepts used in appraisal.**
  - (x) Sales comparison approach.
    - (A) **Research and selection of comparables.**
    - (B) **Elements of comparison.**
    - (C) **Adjustment process.**
    - (D) **Application of sales comparison approach.**
  - (xi) Site value.
    - (A) **Sales comparison.**
    - (B) **Land residual.**
    - (C) **Allocation.**
    - (D) **Extraction.**
    - (E) **Ground rent capitalization.**
    - (F) **Subdivision analysis.**
    - (G) **Plottage and assemblage.**
  - (xii) Cost approach.
    - (A) **Steps in cost approach.**
    - (B) **Application of the cost approach.**
  - (xiii) Income approach.
    - (A) [ **Gross net multiplier analysis** ] **Estimation of income and expenses.**
    - (B) [ **Estimation of income and expenses** ] **Operating statement ratios.**
    - (C) [ **Operating expense ratios** ] **Direct capitalization.**
    - (D) [ **Direct capitalization** ] **Cash flow estimates (before tax only).**
    - (E) **Measures of cash flow.**
    - (F) **Discounted cash flow analysis (DCF).**
  - (xiv) Valuation of partial interests.
    - (A) **Interests created by a lease.**
    - (B) **Lease provisions.**
    - (C) **Valuation considerations.**
    - (D) **Other partial interests.**

\* \* \* \* \*

(3) *Experience.* In addition to meeting the education requirements, an applicant shall submit evidence to the Board of having completed [ 2 years ] 3,000 hours of acceptable appraisal experience, including 1,500 hours in nonresidential work, obtained during no fewer than 30 months. [ Effective December 26, 1995, 50% ] Fifty percent of the experience obtained by an applicant shall be in the actual preparation of real estate appraisal reports which include a physical inspection of the interior and exterior of the subject property. [ One year is defined in terms of hours within a calendar year. One thousand hours constitutes 1 year of appraisal experience. A minimum of 2 calendar years is required. An applicant, for 2 years experience credit, shall have accumulated a total of 2,000 hours of appraisal experience of which at least 50% (1,000 hours) is in nonresidential appraisal work. Although there is no minimum or maximum number of creditable experience hours which must be earned during any calendar year, an applicant shall be able to demonstrate having obtained 2,000 hours of appraisal experience within not less than 2 calendar years. ] Hours may be treated as cumulative [ in order ] to achieve the necessary [ 2,000 ] 3,000 hours of appraisal experience. Cumulative is defined to

mean that experience may be acquired over any time period in excess of [ 2 years ] 30 months. There is no minimum number of hours which must be acquired in any 1 year. The following will serve as an example:

Year 1	[ 200 ] 1,000 Hours
	* * * * *
Year 4	[ 400 ] 1,000 Hours
Year 5	[ 500 ] 100 Hours
<u>Total</u>	<u>[ 2,000 ] 3,000 Hours</u>
	* * * * *

(4) *State certified general real estate appraiser.* An applicant who has passed an examination and who is certified under this section will be deemed to have met the minimum criteria for the Certified General Real Property Appraiser Classification adopted by the Appraiser Qualifications Board of the Appraisal Foundation, and shall be qualified to perform residential and nonresidential real property appraisals in [ connection with ] Federally related and non-Federally-related transactions without regard to value.

[Pa.B. Doc. No. 99-1873. Filed for public inspection November 5, 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 Corrections

The Executive Board approved a reorganization of the Department of Corrections effective October 21, 1999.

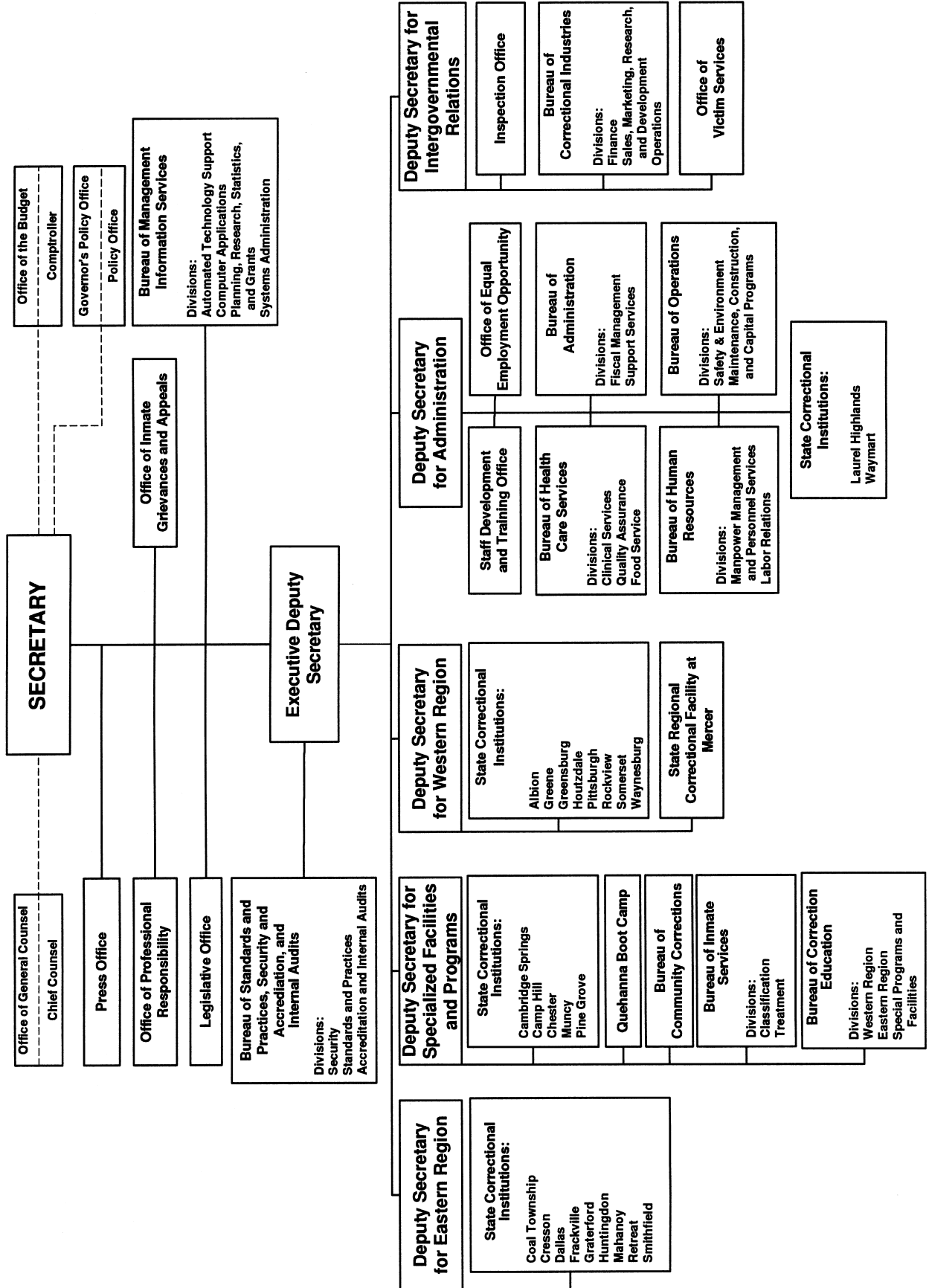
The organization chart at 29 Pa.B. 5734 (November 6, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(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. 99-1874. Filed for public inspection November 5, 1999, 9:00 a.m.]

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DEPARTMENT OF CORRECTIONS



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Order of Quarantine; Plum Fox Virus

*Whereas*, the Plant Pest Act (3 P. S. §§ 258.1—258.27) empowers the Pennsylvania Department of Agriculture (PDA) to take various measures to detect, contain and eradicate plant pests in this Commonwealth; and

*Whereas*, the powers granted PDA under the Plant Pest Act include (at 3 P. S. § 258.21) the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth; and

*Whereas*, Plum Pox Virus—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums, and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable; and

*Whereas*, Plum Pox Virus has been detected on stone fruit trees located in Latimore and Huntington Townships, in Adams County; and

*Whereas*, Plum Pox Virus has the potential to cause serious damage to the stone fruit production industry within this Commonwealth; and

*Whereas*, Plum Pox Virus is transmitted from infected trees by aphids and by budding or grafting, and can be spread into new areas by movement of infected nursery stock; and

*Whereas*, the movement of Plum Pox Virus-infected fruit trees poses a danger to stone fruit trees in non-infected areas; and

*Whereas*, there is no known control for Plum Pox Virus other than destruction of infected trees.

*Now, therefore*, under authority of Section 21 of the Plant Pest Act (act of December 16, 1992, P. L. 1228, No. 162) (3 P. S. § 258.21), the Pennsylvania Department of Agriculture hereby establishes a quarantine effective in Latimore Township and Huntington Township, both located within Adams County, Pennsylvania.

This quarantine prohibits the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibits the movement of stone fruit trees and stone fruit budwood out of the quarantined area.

PDA will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. PDA will issue further restrictions under authority of this Quarantine Order, as is required under the Plant Pest Act (at 3 P. S. § 258.21(a)). These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of Plum Pox Virus-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the Plum Pox Virus in this Commonwealth.

This quarantine is effective as of October 21, 1999.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1875. Filed for public inspection November 5, 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 October 26, 1999.

### BANKING INSTITUTIONS

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-2-98	Farmers First Bank Lititz Lancaster County	Weis Market Rte. 30 & Fruitville Pike Manheim Township Lancaster County	Opened
7-8-99	Farmers First Bank Lititz Lancaster County	Shady Maple Plaza Rte. 897 & Toddy Drive East Earl Township Lancaster County	Opened
10-15-99	Summit Bank Bethlehem Northampton County	Genuardi's Family Market 2395 York Road Jamison Bucks County	Opened

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-22-99	Harris Savings Bank Harrisburg Dauphin County	41 N. Londonderry Square Palmyra Lebanon County	Filed
10-23-99	Main Street Bank Reading Berks County	144 E. Lancaster Ave. Devon Chester County	Opened

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-11-99	Greater Delaware Valley Savings Bank (T/A Alliance Bank) Broomall Delaware County	<i>To:</i> 500 East Township Line Road Havertown Delaware County  <i>From:</i> 2 Brookline Boulevard Havertown Delaware County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-22-99	Laurel Bank Johnstown Cambria County	976 Barn Street Hooversville Somerset County	Effective
10-22-99	Laurel Bank Johnstown Cambria County	7109 Mason Dixon Hwy. Meyersdale Somerset County	Effective
10-22-99	Laurel Bank Johnstown Cambria County	1235 Main Street Shanksville Somerset County	Effective

**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>
10-21-99	First Capital Federal Credit Union, York, and York Tracktown Employees' Credit Union, York Surviving Institution— First Capital Federal Credit Union, York	York	Effective

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 99-1876. Filed for public inspection November 5, 1999, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Wednesday, November 17, 1999. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State

Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DENNIS DEMARA,  
*Chairperson*

[Pa.B. Doc. No. 99-1877. Filed for public inspection November 5, 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 wastewater 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 have 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 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 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.

#### Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

*Northcentral Region: Environmental Program Manager, Water Management, 208 W. Third Street Suite 101, Williamsport, PA 17701-6510, (717) 327-3666.*

**PA 0024538.** SIC: 4952 **Beech Creek Borough Authority**, P. O. Box 216, Beech Creek, PA 16822. This proposed action is for issuance of an NPDES permit for the existing STP. The discharge of treated sewage is to Beech Creek in Beech Creek Borough, **Clinton County**.

The receiving stream is classified for the following uses: Cold water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton, PA.

The proposed effluent limits for Outfall 001, based on the design flow of 0.16 mgd, are:

Discharge Parameter	Concentrations (mg/l)		
	Average Monthly	Average Weekly	Instantaneous Maximum
pH (Std Units)	within the range 6.0 to 9.0		
Total Cl <sub>2</sub> Residual*	0.5		1.6
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60

\*limit effective 3 years from permit effective date, until then monitor and report.

Discharge Parameter	Concentrations (mg/l)		
	Average Monthly	Average Weekly	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

Other Conditions: None

The EPA waiver is in effect.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

**PA 0035670.** Sewage, **Pennsylvania Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060.

This application is for renewal of an NPDES permit to discharge treated sewage from the Satellite Maintenance Facility Sewage Treatment Plant in Kiskiminetas Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Rattling Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Buffalo Township Municipal Authority, Freeport on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.0005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> Day	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0091634.** Sewage, **The Rensselaerville Institute**, P. O. Box 128, 63 Huyck Road, Rensselaerville, NY 12147-0128.

This application is for renewal of an NPDES permit to discharge treated sewage from The Rensselaerville Institute STP in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Redstone Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Washington Township Municipal Authority on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.035 mgd until the STP is expanded; design flow of 0.070 mgd after the STP is expanded.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> Day	10			20
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration at 0.035 mgd flow)	1.4			3.3
(37th month—expiration at 0.070 mgd flow)	0.7			1.6



<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
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 0097195.** Sewage, **Kiski Area School District Administration Office**, 200 Poplar Street, Vandergrift, PA 15690.

This application is for amendment of an NPDES permit to discharge treated sewage from the Bell Elementary School Sewage Treatment Plant in Bell Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Wolford Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Buffalo Township Municipal Authority.

*Outfall 001:* proposed discharge, design flow of 0.005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> Day	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36 month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions:* The application is amended to decrease the design flow rate from 0.01 mgd to 0.005 mgd.

The EPA waiver is in effect.

**PA 0097781.** Sewage, **Belle Vernon Motel Corporation**, Routes 51 and I-70, P. O. Box 688, Belle Vernon, PA 15012.

This application is for renewal of an NPDES permit to discharge treated sewage from the Belle Vernon Holiday Inn Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cedar Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Westmoreland County Municipal Authority—McKeesport.

*Outfall 001:* existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> Day	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				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.0			2.4
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0203742.** Sewage, **Schenley Industrial Park**, P. O. Box 62, Schenley, PA 15682.

This application is for renewal of an NPDES permit to discharge treated sewage from the Schenley Industrial Park STP in Gilpin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Allegheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Freeport Water Company.

*Outfall 001:* existing discharge, design flow of .0175 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> Day	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0203998.** Sewage, **Rostraver Preferred Properties, Inc.**, 566 Donner Avenue, Monessen, PA 15062.

This application is for renewal of an NPDES permit to discharge treated sewage from the Todd Manor Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cedar Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Westmoreland County Municipal Authority, McKeesport.

*Outfall 001:* existing discharge, design flow of 0.035 mgd.

*Outfall 001:* existing discharge, design flow of 0.04 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2			4
(11-1 to 4-30)	5.5			11
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	0.16			0.37
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0216755.** Sewage, **Helvetia Coal Company**, P. O. Box 219, Shelocta, PA 15774.

This application is for renewal of an NPDES permit to discharge treated sewage from Lucerne No. 6E Mine—No. 2 Portal STP in Blacklick Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stewart Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: PA American Water Company—Indiana.

*Outfall 001:* existing discharge, design flow of 0.009 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> Day	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	18,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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**Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

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The following parties have applied to renew their current NPDES permit(s) 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). Any 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 Managers 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 DEP's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

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*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0035009	Lake Lehman School District P. O. Box 38 Lehman, PA 18627	Luzerne County Lehman Township	East Fork of Harvey's Creek	TRC

*Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue—2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
0085723	Exit II WWTP Inc. P. O. Box 1387 York, PA 17403	York County Springfield Township	Seaks Run	TRC
0081345	Grier Foundation/School Rte. 453 Box 318 Tyrone, PA 16686-0308	Huntingdon County Birmingham Borough	Little Juniata River	TRC
0081931	Shawnee Valley Ambulance Ser- vice P. O. Box 8 166 Valley Road Schellsburg, PA 15559-0008	Bedford County Napier Township	UNT to Shawnee Lake	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 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.

**Industrial waste and sewerage applications received under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Southcentral Regional Office: Water Management Program Manager; 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.*

**A. 0187401, amendment 99-1.** Sewage, submitted by **Robert C. and Jean M. Spangler** to transfer ownership to Cuttin' Company L.L.C., 1430 Schrivers Corner Road, Gettysburg, PA 17325, in Straban Township, **Adams County** was received in the Southcentral Region on October 14, 1999.

**A. 6799406.** Sewage, submitted by **Northeastern York County Sewer Authority**, P. O. Box 516, Mount Wolf, PA 17347-0516, in East Manchester Township, **York County** to relocate the Greenwood Pump Station located in Brickyard Industrial Park was received in the Southcentral Region on October 14, 1999.

**A. 3699407.** Sewage, submitted by **Borough of Terre Hill**, 300 Broad Street, P. O. Box 250, Terre Hill, PA 17581-0250, in East Earl Township/Terre Hill Borough, **Lancaster County** to construct a septage receiving station was received in the Southcentral Region on October 14, 1999.

**A. 0199402.** Sewage, submitted by **Oxford Township**, 780 Hanover Street, P. O. Box 86, New Oxford, PA 17350, Oxford Township, **Adams County** to construct gravity sewers, three pump stations and force mains was received in the Southcentral Region on October 19, 1999.

**A. 2299407.** Sewage, submitted by **Lower Paxton Township Authority**, 75 South Houcks Road, Harrisburg, PA 17109, Lower Paxton Township, **Dauphin County** to upgrade pump station was received in the Southcentral Region on October 19, 1999.

*Southwest Regional Office: Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 3284211, Amendment No. 1.** Industrial waste. **GPU Generation, Inc.**, 1001 Broad Street, Johnstown, PA 15907. Application for the construction and operation of a clarifier sludge dewatering pond within the existing disposal site surge pond at the Coneamugh Generating Station located in West Wheatfield Township, **Indiana County**.

*Northwest Regional Office: Regional Water Management Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**WQM Permit No. 4399424.** Sewage, **Renee E. Titus**, 494 McCullough Road, Sharpsville, PA 16150. This project is for the construction of a single residence sewage treatment plant in Jefferson Township, **Mercer 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. These 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.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**NPDES Permit PAS10-G385.** Stormwater. **Charles Knapp**, 960 Pottstown Pike, Chester Springs, PA has applied to discharge stormwater from a construction activity located in West Caln Township, **Chester County**, to Birch Run.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.*

*Clinton County Conservation District, 36 Spring Run Rd., Rm. 104, Mill Hall, PA 17751, (570) 726-3798.*

**NPDES Permit PAS101918.** Stormwater. **East Nittany Valley Joint Municipal Authority**, P. O. Box 314, Lamar, PA 16848, has applied to discharge stormwater from a construction activity located in Walker, Lamar, Porter Townships and Mill Hall Borough in **Clinton County** to Fishing Creek.

## 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. 0999509.** Public water supply. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposal involves a bulk water hauling operation in Lower Southampton Township, **Bucks County**.

**A. 0999510.** Public water supply. **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954-1550. This proposal involves the use of well No. 16 to increase Northampton Bucks County Municipal Authority's existing water supply in Northampton Township, **Bucks County**.

*Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.*

**A. 3799504.** Public water supply. **Scottview Terrace Mobile Home Park**, R. D. 2, Portersville, PA 16051. This proposal involves the addition of iron and manganese removal equipment for their public water supply in Scott Township, **Mercer 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 or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified 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:

*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)—Distribution Pole # 49108N29185 (Spruce Street)**, City of Hazleton, **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.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole # 52005N40268 (N. Pennsylvania Avenue)**, 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.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole # 52859N25829 (Route 54)**, Borough of Nesquehoning, **Carbon 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.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole # 57578N25353 (Harrity Road)**, Borough of Weissport, **Carbon 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.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole # 74348N39283 (Old Bushkill Road)**, Porter Township, **Pike 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.

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Flint Ink Corporation**, City of Lancaster, **Lancaster County**. Flint Ink Corporation, 4600 Arrowhead Drive, Ann Arbor, MI 48105, has submitted a Notice of Intent to Remediate site soils contaminated with toluene. The applicant proposes to remediate the site to meet the Statewide health requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster News*.

**Wolverine Tube, Small Tube Products Division**, Allegheny Township, **Blair County**. Wolverine Tube, Inc., P. O. Box 2202, Decatur, AL 35609-2202, has submitted a

revised Notice of Intent to Remediate site soils and groundwater contaminated with heavy metals. The applicant proposes to remediate the site to meet the site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror*:

**Crown American Logan Valley Mall**, Logan Township, **Blair County**. Crown American properties, LP, Pasquerilla Plaza, Johnstown, PA 15907 and J. C. Penney Company, P. O. Box 10001, Dallas, TX 75301-0001, have submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with lead, benzene, VOCs and PAHs. The applicants propose to remediate the site to meet a combination of Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on October 5, 1999.

**E. I. DuPont de Nemours & Co., Inc.**, Fairview Township, **York County**. The WC Diamond Group, Barley Mill Plaza, Building 27, Lancaster Pike and Route 141, Wilmington, DE 19805, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet a combination of Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot News*.

**Distribution Pole 23817S35303**, City of Harrisburg, **Dauphin County**. PP&L, Inc., Two North Ninth Street, GENTW8, 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. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot News* on October 20, 1999.

## SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

*Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653.*

**A. 101312. Deitrick Transfer Station, Adam J. Deitrick and Sons Disposal and Coal Hauling, Inc.** (R. R. 3, Box 4, Coal Township, PA 17866-3301). Major modification for increase in permit area; added waste storage areas and operational changes to existing permitted municipal waste transfer facility located in Coal Township, **Northumberland County**. Application received in the regional office on October 18, 1999.

*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 100281. Republic Services Group of Pennsylvania IV, LLC**, Box 717, East Huntingdon Landfill Road, Scottdale, PA 15683, Greenridge Reclamation, R. D. 1, Box 717 East Huntingdon Landfill Road, Scottdale, PA 15683. Application for a major permit modification to use wastewater treatment process as alternative daily cover at a municipal waste landfill in East Huntingdon Township, **Westmoreland County** was received in the Regional Office on October 20, 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.*

**54-313-061A: Air Products & Chemicals, Inc.** (P. O. Box 351, Tamaqua, PA 18252), for operation of their residual gas treatment operation in Rush Township, **Schuylkill County**.

**54-318-008B: Air Products & Chemicals, Inc.** (P. O. Box 351, Tamaqua, PA 18252), for operation of a paint spray operation in Rush Township, **Schuylkill County**.

**48-313-082: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042), for operation of a pigment granular forming process in Easton, **Northampton County**.

**48-399-043: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042), for operation of an iron oxide apron dryer in Easton, **Northampton County**.

**45-313-009E: Heico Chemicals, Inc.** (P. O. Box 160, Delaware Water Gap, PA 18327), for operation of reactors in Delaware Water Gap Borough, **Monroe County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**22-03021A: A. P. Green Refractories, Inc.** (P. O. Box 189, 105 North Wood Street, Middletown, PA 17057), for construction/installation of two separate processes for manufacture of ceramic refractory products in Middletown Borough, **Dauphin County**.

**36-310-076: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034), for an impact crusher controlled by a wet suppression system in West Cocalico Township, **Lancaster County**.

#### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001-4015).

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-46-0081B: Markel Corp.** (416 School Lane, Norristown, PA 19404), for installation of two horizontal extruders in Plymouth Township, **Montgomery County**.

**AQ-SE-0009: Haines & Kibblehouse, Inc.** (Yellow Springs Road, Devault, PA 19432), for construction of a portable crusher in East Whiteland Township, **Chester County**.

**PA-46-0199: Alcom Printing Group, Inc.** (140 Christopher Lane, Harleysville, PA 19438), for construction of lithographic printing presses in Lower Salford Township, **Montgomery County**.

**PA-15-0029B: Dopaco, Inc.** (241 Woodbine Road, Downingtown, PA 19335), for modification of a packaging rotogravure printing press in Downingtown Borough, **Chester County**.

**PA-46-0198B: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041), for installation of a Jetzone grinding unit mist eliminator in Upper Hanover Township, **Montgomery County**.

**PA-15-0095: Longwood Gardens, Inc.** (401 East Street Road, Kennett Square, PA 19348), for construction of two 800 KW diesel generators in East Marlborough Township, **Chester County**.

**PA-46-0037B: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512), for installation of a dust collector on the KTaF Tray in Douglass Township, **Montgomery County**.

**PA-15-0018: Wyeth Ayerst Pharmaceuticals, Inc.** (31 Morehall Road, Frazer, PA 19355), for construction of three internal combustion engines in East Whiteland Township, **Chester County**.

**PA-23-00010: Sunoco, Inc.** (Delaware Avenue and Green Street, Marcus Hook, PA 19061), for modification of a Tower TA-8 in Marcus Hook Borough, **Delaware County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.*

**48-309-111: Hercules Cement Co.** (501 Center Street, P. O. Box 69, Stockertown, PA 18083), for modification of no. 1 house cement loadout in Stockertown Borough, **Northampton County**.

**48-317-018: Keystone Food Products, Inc.** (P. O. Box 326, Easton, PA 18044-0326), for modification of a frying operation Lower Nazareth Township, **Northampton County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-01069H: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147), for lead/acid battery manufacturing equipment controlled by a fabric collector in Richmond Township, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart KK—Standards of Performance for New Stationary Sources.

**06-03113: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474), for a nonmetallic mineral crushing plant controlled by wet suppression in Robeson Township, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for New Stationary Sources.

**67-03076: Oakworks, Inc.** (34 Main Street, Glen Rock, PA 17327), for construction of three adhesive spray paint booths and one lacquer sealer spray paint booth each controlled by dry panel filters in Hopewell Township, **York County**.

**67-309-070F: Global Stone PenRoc, Inc.** (P. O. Box 1967, York, PA 17405-1967), for relocation of the decorative stone bagging operation from the Roosevelt Avenue Plant to the West Filler Plant in West Manchester Township, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**41-310-010D: Lycoming County Resource Management Services** (P. O. Box 187, Montgomery, PA 17752), for construction of a stone crusher, conveyors and a diesel generator at the Lycoming County Landfill in Brady Township, **Lycoming County**. The crusher and conveyors are subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**OP-63-901A: Allegheny Millwork** (1001 Muriel Street, Pittsburgh, PA 15203), for installation of spray booths at the Cecil Township Plant in Cecil Township, **Washington County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-37-185A: Universal Refractories, Inc.** (915 Clyde Street, Wampum, PA 16157-0097), for construction of a magnesium oxide crushing/processing facility (20 ton/hr), with baghouse control in Wampum, **Lawrence County**.

**PA-10-237A: Fox Funeral Home, Inc.** (410 West Main Street, Saxonburg, PA 16056), for minor modification of crematory incinerator secondary chamber temperature requirement from 1800°F to 1600°F in Saxonburg, **Butler County**.

**PA-25-124A: Mayer Brothers Construction Co.** (1227 West 18th Street, Erie, PA 16502), for installation

of a baghouse on an existing batch asphalt plant (120 tons/hour) in Erie, **Erie County**.

**PA-25-0987A: Hanes Erie, Inc.** (7601 Klier Drive, Fairview, PA), for construction of a new facility and warehouse for relocation of painting operations in Fairview Township, **Erie County**.

*Philadelphia Department of Public Health: Air Management Services, 321 University Ave., Philadelphia, PA 19104, (215) 685-7584.*

**99131: Sun Co.** (3144 Passyunk Avenue, Philadelphia, PA 19145), for modification of the operation of FCCU (868) unit in the City of Philadelphia, **Philadelphia County**.

## 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 such 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.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*Coal Applications Received*

**40990203. G & M Excavating, Inc.** (R. R. 1, Box 1450, Drums, PA 18222), commencement, operation and restoration of a coal refuse reprocessing operation in Butler and Foster Townships, **Luzerne County** affecting 84.8 acres, receiving stream—none. Application received October 5, 1999.

**54753044R3. Coal Contractors (1991), Inc.** (Gowen Mine, Fern Glen, PA 18241), renewal of an existing surface mining operation in Cass Township, **Schuylkill County** affecting 120.6 acres, receiving stream—none. Application received October 15, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**10970103. Amerikohl Mining** (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous surface strip operation in Oakland Township, **Butler County** affecting 77.0 acres. Receiving streams: Two unnamed tributaries to Pine Run to Connoquenessing Creek; and one unnamed tributary to Connoquenessing Creek to the Beaver River. Revision to include a land use change from forest land to lands occasionally cut for hay on lands of Dale M. Pennington and Charles H. Watts. Application received October 4, 1999.

**33940106. Ed Hanslovan Coal Co., Inc.** (R. D. 2, Box 230, Morrisdale, PA 16858). Renewal of an existing bituminous surface strip and auger operation in Snyder and Washington Townships, **Jefferson County** affecting 169.3 acres. Receiving streams: Three unnamed tributaries to Rattlesnake Run and Rattlesnake Run to Toby Creek to the Clarion River to the Allegheny River. Application for reclamation only. Application received October 12, 1999.

**16763035. Terry Reddinger** (Box 58, Distant, PA 16223). Renewal of an existing bituminous surface strip and auger operation in Redbank Township, **Clarion County**, affecting 230.6 acres. Receiving streams: Unnamed tributary to Town Run to Redbank Creek; an unnamed tributary to Pine Creek. Application for reclamation only. Application received October 13, 1999.

**16890109. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip and fly ash disposal operation in Porter Township, **Clarion County** affecting 110.5 acres. Receiving streams: Two unnamed tributaries of Leatherwood Creek and Long Run, all the Redbank Creek to the Allegheny River. Application for reclamation only. Application received October 14, 1999.

**33940104. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous

surface strip, auger and shale removal operation in Oliver Township, **Jefferson County** affecting 109.2 acres. Receiving streams: Two unnamed tributaries to Little Sandy Creek to Redbank Creek to the Allegheny River. Application received October 15, 1999.

**33890119. Sky Haven Coal, Inc.** (R. R. 1, Box 180, Penfield, PA 15849). Renewal of an existing bituminous surface strip and auger operation in Winslow Township, **Jefferson County** affecting 111.7 acres. Receiving streams: McCreight Run to Soldier Run to Sandy Lick Creek; Trout Run to Sandy Lick Creek to Redbank Creek to the Allegheny River. Application received October 20, 1999.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17990120. Moravian Run Reclamation Co., Inc.** (605 Sheridan Drive, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 37.5 acres. Receiving streams: unnamed tributary to Bell Run. Application received October 14, 1999.

**17990121. Larson Enterprises, Inc.** (P. O. Box 96, Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 23.9 acres. Receiving streams: unnamed tributary to Sulphur Run. Application received October 15, 1999.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

**56830109.** Permit Renewal for reclamation only, **Three S Coal Company** (P. O. Box 337, Stoystown, PA 15563), for continued restoration of a bituminous strip mine in Paint Township, **Somerset County**, affecting 64.2 acres, receiving streams unnamed tributary to Kaufman Run to Stony Creek. Application received October 13, 1999.

**56830201.** Permit Renewal for reclamation only, **Y & M Salvage** (3110 Whistler Road, Stoystown, PA 15563), for continued restoration of a refuse reprocessing mine in Shade Township, **Somerset County**, affecting 17.9 acres, receiving stream unnamed tributary to Stony Creek. Application received October 18, 1999.

**11833026.** Permit Renewal for reclamation only, **Greenley Energy Holdings of PA, Inc.** (505 Point Drive, Greensburg, PA 15601-5628), for continued restoration of a coal refuse reprocessing/coal refuse disposal strip mine in Richland Township; Scalp Level Borough, **Cambria County**, affecting 39.5 acres, receiving stream Little Paint Creek. Application received October 18, 1999.

**32940110.** Permit Renewal, **Big Mack Leasing Company, Inc.** (R. D. 6, Box 231, Kittanning, PA 16201-7707), for continued restoration of a bituminous-auger-coal refuse disposal strip mine in Young Township, **Indiana County**, affecting 27.5 acres, receiving stream Neal Run. Application received October 21, 1999.

**56990105. Marquise Mining Corporation** (3889 Menoher Boulevard, Johnstown, PA 15905), commencement, operation and restoration of bituminous-auger strip mine in Quemahoning Township, **Somerset County**, affecting 168.5 acres, receiving stream unnamed tributaries to the Stonycreek River and Stonycreek River. Application received October 19, 1999.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**63831302. Eighty Four Mining Co.** (R. D. 4, Box 425, Moundsville, WV 26041), to revise the permit for the Mine 84 in Somerset Township, **Washington County** to add 100 permit and subsidence control plan acres in South Strabane Township, no additional discharges. Application received September 10, 1999.

**02851601. Aloe Coal Co.** (200 Neville Rd., Pittsburgh, PA 15225), to operate the Aloe Preparation Plant in Findlay Township, **Allegheny County**, new prep plant, tributary to Potato Garden Run. Application received September 13, 1999.

**03860701. McVile Mining Co.** (P. O. Box 1022, Kittanning, PA 15201), to renew the permit for the McVile Refuse Disposal Site in South Buffalo Township, **Armstrong County**, no additional discharges. Application received September 17, 1999.

**30871301. Genesis Inc. dba Meadow Run Genesis Inc.** (P. O. Box 552, Somerset, PA 15501-0552), to revise the permit for the Meadow Run Mine in Dunkard Township, **Greene County**, to extend the subsidence control plan boundary and add 32 acres to the existing plan, no additional discharges. Application received October 8, 1999.

**30831303. RAG Cumberland Resources, Inc.** (R. D. 3, Box 184, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whitely Township, **Greene County** to revise the postmining land use at the No. 3 shaft portal, no additional discharges. Application received October 11, 1999.

**24991301. Rosebud Mining Co.** (R. D. 9, Box 379A, Kittanning, PA 16201), to operate the Little Toby Mine in Horton Township, **Elk County**, new mine, Trib "A" to Little Toby Creek. Application received October 14, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

#### *Noncoal Applications Received*

**7974SM4A1C5. M & M Stone Co.** (2840 West Clymer Avenue, P. O. Box 130, Telford, PA 18969-0130), correction to an existing quarry operation in West Rockhill Township, **Bucks County** affecting 66.25 acres, receiving stream—East Branch Perkiomen Creek. Application received October 6, 1999.

**7475SM3A1C3. Keystone Cement Company** (Route 329, Bath, PA 18014), correction to an existing quarry permit to update NPDES Permit No. PA 0612308 in East Allen Township, **Northampton County**, receiving stream—Monocacy Creek. Application received October 7, 1999.

### **APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

#### **ENCROACHMENTS**

The following 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 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 certifi-

cation 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.**

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E64-208.** Encroachment. **Oregon Township Supervisors**, Attention: Janet Ridd, R. R. 3, Box 2140, Honesdale, PA 18431. To construct and maintain a 24 foot long by 15.23 foot wide steel grate bridge deck with accompanying 14 foot long concrete cheek walls and new steel beams set on the existing stone abutment. A new concrete abutment cap will be poured on the existing abutments. The bridge crosses Big Brook Creek on Township Route 564 (Aldenville, PA Quadrangle N: 7.2 inches; W: .063 inch), Oregon Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E05-277.** Encroachment. **PennDot, District 9-0**, 1620 Juniata Street, Hollidaysburg, PA 16648. To remove the existing single span bridge and to construct and maintain a new prestressed concrete spread box beam bridge having a single clear span of 38.5 feet on a 60 degrees skew with a minimum underclearance of 5.52 feet over an unnamed tributary to West Branch Sideling Hill Creek (EV) on SR 2007, Section 001 located about 1 mile northeast of Wards Church (Amaranth, PA Quadrangle N: 21.0 inches; W: 10.92 inches) in Monroe Township, **Bedford County**.

**E21-298.** Encroachment. **PP&L, Inc.**, 2 North 9th St., Allentown, PA 18101. To construct and maintain an aerial cable across the Conodoguinet Creek (WWF) to provide continued services to the customers located immediately downstream of Center Street (SR 1015) (Harrisburg West, PA Quadrangle N: 1.1 inches; W: 7.5 inches) in East Pennsboro Township and Camp Hill Borough, **Cumberland County**.

**E67-678.** Encroachment. **Timothy Pasch**, 2645 Carnegie Road, York, PA 17402. To construct and maintain a 20-foot wide by 5 foot high by 75 foot long precast reinforced concrete box culvert within an unnamed tributary to Kreutz Creek (WWF) for the purpose of constructing Kingston Road extension in the Hunters Crossing residential subdivision located east of Brookedge Lane (York, PA Quadrangle N: 17.7 inches; W: 3.3 inches) in Springettsbury Township, **York County**.

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E14-359.** Encroachment. **Centre County Solid Waste Authority**, 253 Transfer Rd. Rt. 932, Bellefonte, PA 16823. To 1) divert an existing intermittent stream into a 300-foot long trapezoidal stream channel with a 3-foot bottom width, 2-foot depth and 2:1 side slopes 2) to fill in an unnamed sinkhole; both of which are located 400 feet northeast of the northeast corner of the Centre County Solid Waste Authority's Dale Summit Recycling Building's northeast corner (State College, PA Quadrangle, N: 16.0 inches; W: 5.0 inches) in College Township, **Centre County**. This project proposes to permanently impact 300 feet of an unnamed tributary to an unnamed sinkhole and an unnamed sinkhole in the Logan Branch watershed, which is designated a cold water fishery.

**E14-361.** Encroachment. **Rod J. Bartell**, 820 Oak Ridge Drive, State College, PA 16801. To 1) maintain two twin 60-inch diameter by 28-foot long aluminized corrugated metal pipe located 150 feet downstream of the twin culverts carrying an unnamed tributary of Little Fishing Creek under Hecla Road; 2) remove an existing bridge; 3) construct and maintain a steel I-beam and wood plank bridge with a clear span of 13-feet 5-inches and an underclearance of 7-feet 5-inches across Fishing Creek; 4) to remove the overburden from the 50-foot of the right stream bank immediately upstream of the bridge and stabilized the bank with riprap (Mingoville, PA Quadrangle, N: 10.9 inches; W: 3.1 inches) in Walker Township, **Centre County**. This project proposes to permanently impact 30 feet of an unnamed tributary to Little Fishing Creek and to permanently impact 70 feet of Little Fishing Creek, both of which are designated as cold water fisheries.

**E17-336.** Encroachment. **J. Richard, Jr. and Loretta P. Fullington**, 929 South Sixth Street, Clearfield, PA 16831. Unnamed tributary to Wolf Run CWF. The project is located along the northwest side of Route 879, approximately 2,500 feet southwest of Exit 19 of Interstate 80 in Lawrence Township, **Clearfield County** (Clearfield, PA Quadrangle N: 6.3; W: 4.1 inches). The purpose of the application is to place fill in 0.3 acre of PEM Wetlands to increase lot space at an automobile dealership.

**E49-232.** Encroachment. **Ralpho Township**, 30 South Market Street, Elysburg, PA 17824. To 1) modify and maintain existing stormwater outfalls along an unnamed tributary to South Branch, Roaring Creek: High Quality—Cold Water Fishery; 2) install, operate and maintain stormwater outfalls along the unnamed tributary to South Branch, Roaring Creek; 3) install and maintain riprap streambank protection in and along the same unnamed tributary; and 4) place and maintain roadway fill and wearing surfaces in the floodway of the same waterway for dirt and gravel roadway improvements. The dirt and gravel roadway improvement project covers 0.47 mile of Ralpho Township Road Number 515 (T-515). The modifications to the stormwater outfall shall consist of rock outlet protection. The stormwater outfalls shall be constructed with an 18-inch diameter plastic and rock outlet protection. The streambank protection shall be constructed with a minimum of R-8 riprap. All in-stream activities shall be conducted in dry work conditions through the use of dams/pumps, coffer dams or flumes. The project will not impact wetlands while impacting a maximum of 1,000 feet of waterway. The project is located along the western right-of-way of SR 0487 approximately 1.0 mile east of SR 0487 and T-515 intersection (Danville,

PA Quadrangle N: 1.3 inches; W: 3.5 inches) in Ralpho Township, **Northumberland County**. This permit does not authorize any temporary or permanent wetland impacts.

**E53-336.** Encroachment. **Michael M. Young**, Bingham Township, R. R. 2, Box 557, Genesee, PA 16923. To operate and maintain a steel superstructure bridge 16 feet wide with a minimum underclearance of 7 feet and a clear span of 30 feet with concrete abutments over the Genesee River located on T-408 100 feet east of the intersection of T-408 with SR 1001 (Ulysses, PA Quadrangle N: 11.3 inches; W: 7.5 inches) in Bingham Township, **Potter County**. The project does not impact on wetlands and impacts on 30 feet of waterway. Genesee River is a cold water fisheries stream.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E11-279.** Encroachment. **Cambria County Planning Commission**, 401 Candlelight Drive, Suite 213, Ebensburg, PA 15931. To remove the existing structure, County Bridge No. 14, and to construct and maintain a bridge having a normal clear span of 40 feet and an underclearance of 9.25 feet across Clearfield Creek (WWF) located on T-487 at a point approximately 0.1 mile east of its intersection with S. R. 53. Also, to place and maintain fill in 0.1 acre of wetland (PEM). The project includes construction and maintenance of 215 feet long channel realignment at the structure (Ashville, PA Quadrangle N: 6.55 inches; W: 8.25 inches) in Gallitzin Township, **Cambria County**.

**E32-410.** Encroachment. **Indiana County Commissioners**, 825 Philadelphia Street, Indiana, PA 15701-3942. To remove the existing bridge known as Kelly Bridge and to construct and maintain a single-span pony truss bridge having a clear span of 19.41 meters and underclearance of 3.00 meters across South Branch Plum Creek (CWF) located on township road T-359 at a point approximately 0.1 mile south of the intersection of SR 4009. The project includes construction and maintenance of rip rap in the channel for scour protection (Earnest, PA Quadrangle N: 17.4; W: 16.25) in Washington Township, **Indiana County**.

**E32-411.** Encroachment. **Grant Township Supervisors**, R. D. 1, Box 275, Marion Center, PA 15759. To remove the existing structure and to construct and maintain a bridge having a normal clear span of 27.36 feet with an underclearance of 7.35 feet on T-851 across East Run (HQ-CWF) located north of its intersection with T-673. The project includes construction and maintenance stream bank protection at the upstream approach of the structure for an approximate length of 100 feet (Rochester Mills, PA Quadrangle N: 4.4 inches; W: 9.45 inches) in Grant Township, **Indiana County**.

**E65-741.** Encroachment. **J. J. Gumberg Company**, 1051 Brinton Road, Pittsburgh, PA 15221-4599. To construct and maintain the following structures for the purpose of development of North Huntingdon Square shopping complex: 1) An extension of an existing 6.25-foot by 12-foot concrete arch pipe under SR 30 in Tinkers Run Tributary No. 1 with a 76-foot long, structural steel plate arch having a span of 12.8 feet and an underclearance of 8 feet. 2) A 520-foot long, 2-foot diameter plastic pipe stream enclosure in an unnamed tributary to Tinkers Run at the downstream of Pennsylvania Avenue structure. 3) An 85-foot long, 42-inch diameter plastic pipe in an unnamed tributary to Tinkers Run located east of the Kohl's Department Store beneath the east-west access

drive. 4) A 13-foot high, 400-foot long, retaining wall in Tinkers Run Tributary No. 1 located approximately 170 feet downstream of S. R. structure. 5) Two outfall structures and associated rip rap in wetlands. Also, to place and maintain fill in 0.48 acre of wetlands (PEM). The project is located in North Huntingdon Square Shopping Center approximately 0.75 mile northwest of Turnpike Interchange No. 7 along S. R. 30 (Irwin, PA Quadrangle N: 12.45 inches; W: 8.25 inches) in North Huntingdon Township, **Westmoreland County**.

**E65-744.** Encroachment. **Robert W. Carlson**, 5175 Mamont Road, Murrys ville, PA 15668. To operate and maintain a 6-inch depressed, 60-inch corrugated metal pipe culvert in Haymakers Run (HQ-CWF) authorized for construction under Emergency Permit No. EP6599206. The project is located off of Mamont Road, approximately 0.8 mile from its intersection with Sardis Road (Murrys ville, PA Quadrangle N: 16.0 inches; W: 3.7 inches) in the Municipality of Murrys ville, **Westmoreland County**.

**E02-843-A1.** Encroachment. **A. V. Associates and Zambias Services, Inc.**, 300 Market Street, Johnstown, PA 15901. To amend permit E02-843 to construct and maintain a 60-inch RCP stream enclosure having a length of 1,956 feet in a tributary to Tawney Run (WWF). This is an increase of 121 feet in length from the originally permitted 1,835 feet. To place and maintain fill in 1.78 acres of wetlands. This is a decrease of 1.56 acres from the originally permitted 3.34 acres of wetland fill. This

permit is for the proposed business park and shopping mall (Frazer Heights Galleria) located approximately 1,500 feet upstream from Route 28 (New Kensington West, PA Quadrangle N: 13.1; W: 6.2 inches) in Frazer Township, **Allegheny County**. The permittee is required to provide 2.89 acres of replacement wetlands, of which 1.78 acres will be for the proposed mall and 1.11 will be for the proposed interchange, and 11,000 feet of stream habitat improvements within the delayed harvest area of Deer Creek as total mitigation for this project, Dam Safety permit D02-095 and D02-096 and the proposed interchange project.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E16-103.** Encroachment. **Vernon Waltman**, R. D. 2, P. O. Box 168A, Clarion, PA 16214. To maintain an approximately 250-foot-long, 48-inch-diameter corrugated metal pipe enclosure and associated fill, placed without a permit, in a tributary to Clarion River (CWF) to provide private access and a turnaround area adjacent to Clarion River and existing camps. The project is located in a tributary to Clarion River on the north side of the Clarion River approximately 2 miles east of SR 1005 crossing of the Clarion River (Strattanville, PA Quadrangle N: 19.0 inches; W: 12.0 inches) located in Highland Township, **Clarion County**.

**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 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>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
99024	Allegheny Energy Unit 1 and Unit 2 L.L.C. 800 Cabin Hill Drive Greensburg, PA 15601	Allegheny County Springdale Twp.	1 AST storing Low Sulfur Diesel Fuel 500,000 gallons

**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).**

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Permit No. 4099403. Sweet Valley Mobile Home Village**, R. R. 3, Hunlock Creek, PA 18621. Permit to construct and operate a sewage treatment facility, located in Ross Township, **Luzerne County**.

**Permit No. 4899404. Glendon Properties, Inc.**, 108 North Eighth Street, Allentown, PA 18101-1293. Permit to construct and operate a sewage treatment plant, located in the Borough of Glendon, **Northampton County**.

**NPDES Permit No. PA-0061034.** Sewerage. **Abington Township Municipal Authority**, Lake Henry Drive, P. O. Box 8, Waverly, PA 18471, is authorized to discharge from a facility located in Abington Township, **Lackawanna County**.

**NPDES Permit No. PA-0063959.** Sewerage. **Elaine T. Willis**, 189 Old New London Road, Salem, CT 06420, is authorized to discharge from a facility located in Tobyhanna Township, **Monroe County**.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**Permit No. 0021636.** Sewerage. **Greg M. Ebeling**, Borough of Fleetwood, 110 West Arch Street, Suite 104, Fleetwood, PA 19522, is authorized to discharge from a facility located in Richmond Township, **Berks County** to the receiving waters named Willow Creek.

**Permit No. 0085065.** Industrial waste. **Process Recovery Corporation**, 2909 Windmill Road, Sinking Spring, PA 19608, is authorized to discharge from a facility located in Cumru Township, **Berks County** to the receiving waters named Schuylkill River.

**Permit No. 0053091.** Industrial waste. **Giorgio Foods, Inc.**, P. O. Box 96, Temple, PA 19560, is authorized to discharge from a facility located in Maiden Creek Township, **Berks County** to the receiving waters named Willow Creek.

**Permit No. 0086371.** Sewerage. **Poor Richard's Historic Hereford Inn**, P. O. Box 89, Hereford, PA 18056, is authorized to discharge from a facility located in Hereford Township, **Berks County** to the receiving waters named Perkiomen Creek.

**Permit No. PAG043503.** Sewerage. Single Family Residence. **John Augustine**, P. O. Box 111, 2447 River Road, Bainbridge, PA 17502, is authorized to discharge from a facility located in Conoy Township, **Lancaster County** to the receiving waters named Susquehanna River.

**Permit No. 0026638.** Sewerage. **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611, is authorized to discharge from a facility located in Reading City, **Berks County** to the receiving waters named Wyomissing Creek.

**Permit No. 0041220.** Sewerage. **RMC Enterprises, Inc. (Conewago Valley Motor Inn)**, P. O. Box 381, Elizabethtown, PA 17022, is authorized to discharge from a facility located in Conewago Township, **Dauphin County** to the receiving waters named Conewago Creek.

**Permit No. 0086355.** Sewerage. **Howard and Shari Soule**, 7312 Sandy Hollow Road, Harrisburg, PA 17112, is authorized to discharge from a facility located in West Hanover Township, **Dauphin County** to the receiving waters named Beaver Creek.

**Permit No. 0086541.** Industrial waste. **Denver Cold Storage**, 555A Sandy Hill Road, Denver, PA 17517, is authorized to discharge from a facility located in West Cocalico Township, **Lancaster County** to the receiving waters named Indian Run.

**Permit No. 0086495.** Industrial waste. **Metal Industries Home Products, Inc.**, P. O. Box M, Route 209 East, Elizabethtown, PA 17022, is authorized to discharge from a facility located in Gratz Borough, **Dauphin County** to the receiving waters named Wiconisco Creek.

**Permit No. 0080594.** Sewerage. **Bristolpipe Corporation**, 88 Newport Road, Leola, PA 17540, is authorized to discharge from a facility located in Upper Leacock Township, **Lancaster County** to the receiving waters unnamed tributary to Mill Creek.

**Permit No. 0084107, Amendment 99-1.** Industrial waste. **Cycle Chem, Inc.**, 217 South First Street, Elizabeth, NJ 07206, is authorized to discharge from a facility located in Fairview Township, **York County** to the receiving waters named Fishing Creek.

**Permit No. 0085677, Amendment No. 1.** Industrial waste. **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402, is authorized to discharge from a facility located in Springettsbury Township, **York County** to the receiving waters to an unnamed tributary to Codorus Creek.

**Permit No. 0007765, Amendment No. 2.** Industrial waste. **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402, is authorized to discharge from a facility located in Springettsbury Township, **York County** to the receiving waters to an unnamed tributary to Codorus Creek.

**Permit No. 0690209 (T-1), Amendment No. 95-1.** Industrial waste. **Crompton & Knowles—Gibraltar Plant**, P. O. Box 341, Reading, PA 19003. This permit approves the modification to the construction of industrial waste treatment facilities in Robeson Township, **Berks County**.

**Permit No. 0678203 (T-1), Amendment No. 95-1.** Industrial waste. **Crompton & Knowles—Gibraltar Plant**, P. O. Box 341, Reading, PA 19003. This permit approves the modification to the construction of groundwater monitoring wells and the construction/operation of impoundments and liner system in Robeson Township, **Berks County**.

**Permit No. 6736202-T1.** Industrial waste. **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402. This permit approves the modification of the construction of industrial waste treatment facilities in Springettsbury Township, **York County**.

Final notice is hereby given that the Department of Environmental Protection, after public notice, has on October 15, 1999, issued a National Pollutant Discharge Elimination System Permit to **Permit No. PA 0026638. Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611. This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Cyanide (free)	XXX	monitor and report	XXX
Total Phenols	XXX	monitor and report	XXX
Fecal Coliform	200/100 ml as a geometric average		

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

*Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.*

**NPDES Permit No. PA0209449.** Sewerage. **Edward P. Lamont, GKN Sinter Metals, Inc.**, R. R. 2, Box 47, Emporium, PA 15834-9797. Name change granted to applicant for transfer of NPDES permit for plant 6. Facility located at Emporium Borough, **Cameron County**.

**NPDES Permit No. PA0037966-A3, Amendment.** Sewerage. **Moshannon Valley Joint Sewer Authority**, P. O. Box 581, Philipsburg, PA 16866-0581. A revised discharge monitoring report has been forwarded, this amendment established a total residual chlorine limit. Facility located at Rush Township, **Centre County**.

**WQM Permit No. 1795408-A36.** Sewerage. **Bradford Township**, P. O. Box 79, Woodland, PA 16881. The Township submitted an amendment for Stephen M. English Sr. residence to install a treatment system to serve a new home. The design was previously approved as a pilot program located at Bradford Township, **Clearfield County**.

**WQM Permit No. 5999401.** Sewerage. **Delmar Township Supervisors**, R. D. 5, P. O. Box 70A, Wellsboro, PA 16901. Construction of a sewage treatment plant and collection system to serve the Village of Stony Fork and Draper in Delmar Township. Facility located at Delmar Township, **Tioga County**.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**NPDES Permit Amendment No. PA0000469.** Industrial. **Aluminum Company of America, Alcoa Technical Center**, Alcoa Center, PA 15069, is authorized to discharge from a facility located at Upper Burrell Township, **Westmoreland County**, to receiving waters named Pine Run.

**Permit No. PA0000469.** Industrial waste and sewage. **Aluminum Company of America, Alcoa Technical Center**, Alcoa Center, PA 15064.

This notice reflects changes from the notice published in the November 14, 1998, *Pennsylvania Bulletin*.

*Outfall 001*

<i>Parameter</i>	<i>Concentration (mg/l) Maximum Daily</i>
Temperature (°F)	
January 1—31	58
February 1—29	56
November 1—15	65
November 16—30	59
December 1—31	59

*Outfall 002*

<i>Parameter</i>	<i>Concentration (mg/l) Maximum Daily</i>
Temperature (°F)	
January 1—31	50
February 1—29	49
March 1—31	56
October 16—31	70
November 1—15	65
November 16—30	61
December 1—31	54

*Outfall 003*

<i>Parameter</i>	<i>Concentration (mg/l) Maximum Daily</i>
Temperature (°F)	
January 1—31	57
February 1—29	53
March 1—31	56
April 1—15	58
October 1—15	75
October 16—31	75
November 1—15	65

<i>Parameter</i>	<i>Concentration (mg/l)</i> <i>Maximum Daily</i>
November 16—30	65
December 1—31	61

*Outfall 006*

<i>Parameter</i>	<i>Concentration (mg/l)</i> <i>Maximum Daily</i>
Temperature (°F)	
February 1—29	49
March 1—31	55
October 1—15	75
October 16—31	70
November 1—15	64
November 16—30	61
December 1—31	53

*Outfall 008*

<i>Parameter</i>	<i>Concentration (mg/l)</i> <i>Maximum Daily</i>
Temperature (°F)	
January 1—31	51
February 1—29	49
March 1—31	55
April 1—15	60
October 16—31	69
November 1—15	61
November 16—30	59
December 1—31	56

*Outfall 009*

<i>Parameter</i>	<i>Concentration (mg/l)</i> <i>Maximum Daily</i>
Temperature (°F)	
January 1—31	63
February 1—29	61
March 1—31	63
April 1—15	66
October 1—15	78
October 16—31	75
November 1—15	72
November 16—30	72
December 1—31	66

Temperature limits at Outfall Nos. 001, 002, 003, 006, 008 and 009 for other months of the year are unchanged. Additionally, monitoring requirements for flow and pH limits at each outfall are unchanged.

**NPDES Permit No. PA0028126.** Industrial. **Pennsylvania-American Water Company**, 800 W. Hersheypark Drive, Hershey, PA 17033, is authorized to discharge from a facility located at Hays Mine Station, City of Pittsburgh, **Allegheny County** to receiving waters named Unnamed Tributary to the Monongahela River (Becks Run).

**Permit No. PA0218057.** Industrial waste. **U. S. Army Corps of Engineers**, Pittsburgh District, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186.

This notice reflects changes from the notice published in the September 4, 1999, *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)			monitor/report			
Suspended Solids			monitor/report			50
Dissolved Solids			monitor/report			monitor/report
Oil and Grease			15			30
MBAS			monitor/report			monitor/report
Aluminum			4.0			8.0
Iron			2.0			4.0
Manganese			1.0			2.0
pH (s.u.)			not less than 6.0 nor greater than 9.0			

**NPDES Permit No. PA0218057.** Industrial waste, **U. S. Army Corps of Engineers**, Pittsburgh District, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186, is authorized to discharge from a facility located at the Concrete Batch Plant, Dam No. 2, Monongahela River, Duquesne, **Allegheny County** to receiving waters named Unnamed Tributary to the Monongahela River.

**NPDES Permit No. PA0035882.** Sewage. **Placid Manor Mobile Homes Court**, P. O. Box 411, Adamsburg, PA 15611-0411, is authorized to discharge from a facility located at Placid Manor Mobile Home Park STP, Hempfield Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Little Sewickley Creek.

**NPDES Permit No. PA0038237.** Sewage. **Rostraver Township Sewage Authority**, 202 Port Royal Road, Belle Vernon, PA 15012, is authorized to discharge from a facility located at Sweeney-Fellsburg Water Pollution Control Plant, Rostraver Township, **Westmoreland County** to receiving waters named Youghiogheny River.

**NPDES Permit No. PA0097047.** Sewage. **Westmoreland County Industrial Park Authority**, 601 Court-house Square, Greensburg, PA 15601, is authorized to discharge from a facility located at Nike Site No. 37, Sewickley Township, **Westmoreland County** to receiving waters named drainage swale to Little Sewickley Creek.

**NPDES Permit No. PA0097390, Amendment No. 1.** Sewage. **Marion Township**, 485 Hartzell School Road, Fombell, PA 16123, is authorized to discharge from a facility located at Vekaplast Sewage Treatment Plant, Marion Township, **Beaver County** to receiving waters named Connoquenessing Creek.

**Permit No. 465I20-A3.** Industrial waste. **Powerex, Inc.**, 200 Hillis Street, Youngwood, PA 15697. Construction of a new underground sewer line and three equalization tanks located in Hempfield Township, **Westmoreland County** to serve Wastewater Treatment Plant—Youngwood Facility.

**Permit No. 0299402.** Sewerage. **West Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Run Road, West Mifflin, PA 15122-2092. Construction and operation of sanitary sewers and appurtenances located in West Mifflin Borough, **Allegheny County** to serve Noble Drive Sanitary Sewers.

**Permit No. 0299418.** Sewerage. **The Public Auditorium Authority of Pittsburgh and Allegheny County**, 425 Sixth Avenue, Suite 1450, Pittsburgh, PA 15219. Construction and operation of 18 inch diameter sanitary sewer extension located in the City of Pittsburgh, **Allegheny County** to serve new Steeler's Stadium and surrounding area.

**Permit No. 465S28, Amendment No. 1.** **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317-3153. Construction and operation of repair/replace interceptor sewer line located in Peters Township, **Washington County** to serve Stonebrook Interceptor Sewer Replacement (Manhole 3411 to Valley Brook Interceptor).

**Permit No. 5699403.** Sewerage. **Clark Fisher**, 318 Barberry Drive, Lancaster, PA 17601. Construction of single residence sewage treatment plant located in Lincoln Township, **Somerset County** to serve Fisher residence.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**NPDES Permit No. PA0033014.** Sewage. **PA DCNR, Pymatuning State Park, Linesville STP**, 2660 Williamsfield Road, Jamestown, PA 16134, is authorized to discharge from a facility located in Pine Township, **Crawford County** to the Pymatuning Reservoir.

**NPDES Permit No. PA0101265.** Sewage. **Shangra-La Trailer Park**, 219 West State Road, Jamestown, PA 16134, is authorized to discharge from a facility located in West Shenango Township, **Crawford County** to an unnamed tributary to the Pymatuning Reservoir.

**NPDES Permit No. PA0004995.** Industrial waste. **Armstrong Cement & Supply Corporation**, 100 Clearfield Road, Cabot, PA 16023, is authorized to discharge from a facility located in Winfield Township, **Butler County** to Rough Run.

**WQM Permit No. 3799404.** Sewage. **Sisters of the Humility of Mary**, P. O. Box 906, Villa Maria, PA 16155. This project is for the construction and operation of a sewage treatment plant in Pulaski Township, **Lawrence County**.

**WQM Permit No. 3799201.** Industrial waste. **Matus Service**, 2452 Old Route 18, Wampum, PA 16157. This project is for the construction and operation of an industrial waste facility for the treatment of contaminated groundwater in New Beaver Borough, **Lawrence County**.

**WQM Permit No. 3399403.** Sewage. **Gateway Lodge**, Box 125, Route 36, Cooksburg, PA 16217. This project is for the construction and operation of a sewage treatment facility to serve a restaurant and lodge in Barnett Township, **Jefferson County**.

**WQM Permit No. 2599418.** Sewerage, **Dale J. and Therese J. Mitchell SRSTP**, 1037 Central Drive, Waterford, PA 16441. Construction of Dale J. and Therese J. Mitchell SRSTP located in Union Township, **Erie County**.

**WQM Permit No. 6299413.** Sewerage, **Carl E. Sliter SRSTP**, R. R. 1, Box 168, Pittsfield, PA 16340. Construction of Carl E. Sliter SRSTP located in Pittsfield Township, **Warren 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 Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G367	Megill Development Company, Inc. 2 Huntrise Avenue West Chester, PA 19382	New London Township Chester County	Hodgson Run
PAS10-G368	Ephraim E. Hershey 176 Log House Road Oxford, PA 19363	Upper Oxford Township Chester County	Big Elk Creek
PAS10-G010-R	Valley Forge Woods, LP P. O. Box 3103, Philmont Avenue Huntingdon Valley, PA 19006	Schuylkill Township Chester County	Pickering Creek and Schuylkill River

*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>
PAS10V027	Otway Family Limited Partnership R. R. 1, Box 521 Lake Ariel, PA 18436	Pike County Greene Township	Tributary of Wallenpaupack Creek
PAS10S072	PA American Water Co. 800 W. Hershey Park Dr. Hershey, PA 17033	Monroe County Coolbaugh Township	East Branch Dresser Run
PAS10U119	James Knicos 9 McFadden Rd. Easton, PA 18045	Northampton County Plainfield Township	Little Bushkill Creek

### INDIVIDUAL PERMITS

(PAR)

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#### Approvals to Use NPDES and Other General Permits

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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; (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 Systems
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

*List of  
General Permit Type*

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>
Upper Pottsgrove Township Montgomery County	PAR10-T568	Sunnyside Farms Joint Ventureship 2129 East High Street Pottstown, PA 19464	Sprogels Run	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Franconia Township Montgomery County	PAR10-T572	Suburban Equities II c/o EDS 89 Allentown Road Souderton, PA 18964	Unnamed Tributary of Skippack Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Northampton County Bethlehem Township	PAR10U099-1	Lehigh Valley Ind. Park, Inc. 100 Brodhead Rd. Suite 160 Bethlehem, PA 18017-8935	Nancy Run Lehigh River (UNT)	(610) 746-1971
Monroe County Chestnuthill Township	PAR10S025	Orchard View Estates P & K Developers 1 Pilgrim Way P. O. Box 1288 Brodheads ville, PA 18322	UNT to Sugar Hollow Creek	Monroe CD (570) 629-3060
Northampton County Lower Mt. Bethel Township	PAR10U119	Mount Bethel Energy, LLC 1135 Random Hills Road Suite 400 Fairfax, VA 22030-6044	Delaware River	Northampton CD (610) 746-1971
Northampton County City of Bethlehem	PAR10U124	Joseph Posh 2216 Willow Park Rd. Bethlehem, PA 18020	Nancy Run	Northampton CD (610) 746-1971
Butler County Slippery Rock Borough	PAR10E114	Meyer Project Howard and Florence Meyer 110 Park Lane Drive Slippery Rock, PA 16057	Unt to Wolf Creek I	Butler Conservation District 122 McCune Dr. Butler, PA 16001-65001 (724) 284-5270
Butler County Cranberry Township	PAR10E119	Parcel 31R Thorn Hill Industrial Park Robinson Properties, L. P. 6507 Wilkins Avenue Pittsburgh, PA 15217-1305	Brush Creek	Butler Conservation District 122 McCune Dr. Butler, PA 16001-65001 (724) 284-5270
Butler County Cranberry Township	PAR10E120	Woodlands PRD. Section 4 and 5 Washington Homes, Inc. Pittsburgh Division 2275 Wallon Hill Rd. Pittsburgh, PA 15220	Unt of Brush Creek	Butler Conservation District 122 McCune Dr. Butler, PA 16001-65001 (724) 284-5270
Erie County Harborcreek Township	PAR10K143	Woodberry Development, Inc. 4720 Wattsburg Road Erie, PA 16504	Unt to Sixmile & Sevenmile Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203

## NOTICES

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<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>
Erie County Springfield Township Girard Township Girard Borough Millcreek Township City of Erie Harborcreek Township North East Township Fairview Township North East Borough	PAR10K144	Level 3 Communications, LCC 14023 Denver West Parkway Golden, CO 80401	Multiple Streams	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Straban Township Adams County	PAR-10-0083	Freedom Valley Worship Center 2218A York Road Gettysburg, PA 17325	Swift Run	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Union Township Adams County	PAR-10-0088	Mummert Enterprises 1945 Hanover Pike Littlestown, PA 17340	Conewago Creek	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAR-10-0089	Joseph A. Myers 160 Ram Drive Hanover, PA 17331	Conewago Creek	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
East Berlin Borough Adams County	PAR-10-0090	J. Raymond Miller 1454 Pine Run Road Abbottstown, PA 17301	Beaver Creek	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Mt. Joy Township Adams County	PAR-10-0091	Roger Weaver 8 West Hanover Street Gettysburg, PA 17325	Little Run	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Union Township Adams County	PAR-10-0092	Lynn Lee Construction Co., Inc. 3000 Gamber Road, Suite 100 Finksburg, MD 21048	Alloway Creek	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAR-10-0093	J.C.P., Inc. 217 Frederick Street Hanover, PA 17331	Plum Creek	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Allegheny Township Blair County	PAR-10-0684	Fox Hollow Subdivision FBG Development Company 407 Logan Blvd. Lakemont Altoona, PA 16602	Brush Run Unt Beaverdam Branch	Blair County CD 1407 Blair St. Hollidaysburg, PA 16648 (814) 696-0877
Allegheny Township Blair County	PAR-10-0683	Blair County Convention Center & Sports Facility Allegheny Mr. Construction & Visitors Bureau Goods Lane & Rt. 220 Altoona, PA 16602	Brush Run	Blair County CD 1407 Blair St. Hollidaysburg, PA 16648 (814) 696-0877
Silver Spring Township Cumberland County	PAR-10-H205	Shadow Oaks Condominium Association 6570 Carlisle Pike Mechanicsburg, PA 17055	Hogestown Run	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAR-10-H210	East Coast Contracting Hampden Station 503 Bridge Street New Cumberland, PA 17070	Unt to Conodoguinet Creek	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812

<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>
Hampden Township Silver Spring Township Cumberland County	PAR-10-H211	Capital Area Christian Church 1825 Good Hope Road Enola, PA 17025	Unt to Conodoguinet Creek	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
Lower Paxton Township Dauphin County	PAR-10-I209	Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Beaver Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAR-10-I216	AA Realty Assoc. 4201 Crums Mill Road Harrisburg, PA 17112	Paxton Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Swatara Township Dauphin County	PAR-10-I215	Ganflrc Corporation P. O. Box 67100 Harrisburg, PA 17106-7100	Burds Run	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAR-10-I210	Diocese of Harrisburg 4800 Union Deposit Road Harrisburg, PA 17105-2153	Spring Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Greene Township Franklin County	PAR-10-M186	Dick L. Baumgardner 1514 Black Gap Road Fayetteville, PA 17222	Furnace Run	Franklin County CD 550 Cleveland Ave. Chambersburg, PA 17201 (717) 264-8074
Hamilton Township Franklin County	PAR-10-M188	Billie & Betty Bard Subdivision 815 Warmspring Road Chambersburg, PA 17201	Bock Creek	Franklin County CD 550 Cleveland Ave. Chambersburg, PA 17201 (717) 264-8074
Guilford Township Franklin County	PAR-10-M187	Kolpark Associates Inc. Emory N. Young 4439 Iron Bridge Road Waynesboro, PA 17236	Falling Spring	Franklin County CD 550 Cleveland Ave. Chambersburg, PA 17201 (717) 264-8074
Montgomery Township Franklin County	PAR-10-M189	Harmon G. Piper Fording Creek Estates 4174 Fording Creek Road Greencastle, PA 17225	Conococheague Creek	Franklin County CD 550 Cleveland Ave. Chambersburg, PA 17201 (717) 264-8074
Penn Township Huntingdon County	PAR-10-3016	Seven Points Developers, LLC. 275 Elm Road Lititz, PA 17543	Raystown Lake	Huntingdon County CD R. R. 1, Box 7C (Rte. 26S) Huntingdon, PA 16652 (814) 627-1627
North Cornwall Township Lebanon County	PAR-10-P113	Meadow Wood Farm 2075 Colebrook Road Lebanon, PA 17042	Beck Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
Bethel Township Lebanon County	PAR-10-P065-1	Beach Run Business Center Kinsley, Inc. R. D. 1, Box 131-AA Seven Valleys, PA 17360	Beach Run	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 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>
Millcreek Township Lebanon County	PAR-10-P115	Dutchland Refrigeration Transport Stegall Milling Company P. O. Box 607 Marshville, NC 28103	Mill Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3
South Londonderry Township Lebanon County	PAR-10-P112	Springbrook Farms Phase 3B Springbrook Farms, Inc. 1106 Cocoa Avenue Hershey, PA 17003	Spring Creek	Lebanon County CD 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 3

*General Permit Type—PAG-03*

<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 Longswamp Township	PAR603543	Thomas R. Schearer, Jr. Schearer's Sales & Service, Inc. 116 Chestnut Street Mertztown, PA 19539	Unt to Lehigh River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Ontelaunee Township	PAR603524	Royal Green Corporation P. O. Box 9 Temple, PA 19560	Schuylkill River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Shirley Township	PAR233512	Containment Solutions, Inc. U. S. Route 522 South Mount Union, PA 17066-0299	Juniata River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cambria County Cresson Borough/Cresson Township	PAR606111	Cresson Steel Company 134 Pfeister Avenue P. O. Box 187 Cresson, PA 16630	Little Conemaugh River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location 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>
Northampton County Upper Mt. Bethel Township	PAG042205	Marion Pearce 1034 North 27th St. Allentown, PA 18104	Jacoby Creek	Northeast Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Berks County Bern Township	PAG043508	Michael J. McDermott 1113 Seifrit Lane Bernville, PA 19506	Tulpehocken Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clearfield County Bradford Township	PAG045072	Stephen M. English Sr. 525 Martin Street Apt. No. 3 Clearfield, PA 16830	Millstone Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

<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>
Somerset County Lincoln Township	PAG046189	Clark Fisher 318 Barberrry Drive Lancaster, PA 17601	UNT of Quemahoning Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Forward Township Butler County	PAG048609	Mark T. and Jeana M. Ness 220 John School Road Renfrew, PA 16053-8722	Unnamed Tributary to Glade Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union Township Erie County	PAG048626	Dale J. and Therese L. Mitchell 1037 Central Drive Waterford, PA 16441	Unnamed Tributary to South Branch French Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pittsfield Township Warren County	PAG048527	Carl E. Sliter R. R. 1, Box 168 Pittsfield, PA 16340	Unnamed Tributary of Page Hollow Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-05*

<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>
Dauphin County Hummelstown Borough	PAG053528	The Southland Corporation Hummelstown 7-11 Store 815 Baker Road Virginia Beach, VA 23462	Swatara Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**Permit No. 1599509.** Public water supply. **Modern Mushroom Farms, Inc.**, 1330 Newark Road, Toughkenamon, PA 19374. A permit has been issued to Modern Mushroom Farms granting permission to install an ion exchange unit to remove excessive nitrate from Well Nos. 1, 2, 3 and 7 in New Garden Township, **Chester County**. *Type of Facility:* Public Water Supply System. *Consulting Engineer:* Betz Dearborn Water Management, 200 Witmer Road, Horsham, PA 19044. *Permit to Construct Issued:* October 7, 1999.

*Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit No. Minor Amendment-T1.** The Department issued an operation permit to **Porter Township Municipal Authority**, 26 Spring Run Road, Mill Hall, PA 17751, Porter Township, **Clinton County**. This permit authorizes operation of 13,600 feet of 6 inch PVC transmission main.

**Permit No. 1884501-T1.** The Department issued an operation permit to **Porter Township Municipal Authority**, 26 Spring Run Road, Mill Hall, PA 17751, Porter Township, **Clinton County**. This permit authorizes operation of the gas chlorinator on the existing water supply.

**Permit No. 8677-W-T2.** The Department issued an operation permit to **Porter Township Municipal Authority**, 26 Spring Run Road, Mill Hall, PA 17751, Porter Township, **Clinton County**. This permit authorizes operation of the public water system Sink Run with distribution lines and use of Sink Run as a source of supply.

## 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:

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Defense Distribution Depot Susquehanna PA SWMU 37 RCRA Storage Area**, Fairview Township, York County. Defense Logistics Agency, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, has submitted a Final Report concerning remediation of site soils contaminated with lead and heavy metals. The report is intended to document remediation of the site to the Statewide health standard.

**Crompton & Knowles Colors, Inc.**, Robeson Township, Berks County. Crompton & Knowles Colors, Inc., P. O. Box 341, Reading, PA 19603, has submitted a Final Report concerning remediation of site soils contaminated with heavy metals and groundwater contaminated with solvents. The report is intended to document remediation of the site to the site specific 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 plan or 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.*

**Peter Behrens Residence**, City of Bethlehem, Northampton County. Gregory J. Van Hook, Project Manager, MEI Environmental Group, Inc., 6205 Easton

Road, Pipersville, PA 18947, submitted a Final Report (on behalf of his client, Peter Behrens, 1819 Millard Street, Bethlehem, PA) concerning the remediation of site soils contaminated with polycyclic aromatic hydrocarbons (PAHs), and groundwater suspected to have been contaminated with polycyclic aromatic hydrocarbons (PAHs), BTEX (benzene, toluene, ethylbenzene and xylene) compounds and isopropylbenzene, related to a home heating oil release. The report demonstrated attainment of the Statewide human health standard and was approved on October 20, 1999.

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Defense Distribution Depot Susquehanna PA SWMU 37 RCRA Storage Area**, Fairview Township, York County. Defense Logistics Agency, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, has submitted a final report concerning the remediation of site soils contaminated with lead and heavy metals. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on October 13, 1999.

**ESAB Welding and Cutting Products**, Penn Township, York County. Buchart-Horn, Inc., P. O. Box 15040, York, PA 17405-7040, has submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils and groundwater contaminated with solvents. The combined report demonstrated attainment of a combination of Statewide health and site-specific standards, and was approved by the Department on October 13, 1999.

**Progress Park Lot 7**, City of Lebanon, Lebanon County. Joanne and Barry McGee (t.d.b.a. Joanne M. McGee Cleaning and Janitorial Service, Inc.), 119 Buck Run, Lebanon, PA 17042, submitted a baseline environmental report concerning the remediation of site soils and groundwater contaminated with lead, heavy metals, solvents, BTEX and PAHs. The site is being remediated as a Special Industrial Area, and the baseline environmental report was approved by the Department on October 5, 1999.

**Richfood of Pennsylvania**, City of Harrisburg, Dauphin County. Apex Environmental, 468 Southlake Boulevard, Richmond, VA 23236, submitted within 90 days of release, a final report concerning the remediation of site soils contaminated with lead. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on October 5, 1999.

**Golden Triangle Shopping Center**, Manheim Township, Lancaster County. Richenderfer and Associates, Inc., P. O. Box 1199, Carlisle, PA 17013, submitted a combined Remedial Investigation and Final Report concerning the remediation of site groundwater contaminated with heavy metals, BTEX and PAHs. The combined report demonstrated attainment of the site-specific standard, and was approved by the Department on October 1, 1999.

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.*

**Andritz Sprout-Bauer, Inc.**, Muncy Creek Township and Muncy Borough, Lycoming County. Andritz Sprout-Bauer, Inc., Sherman Street, Muncy, PA 17756, has submitted a Final Report concerning the remediation of site soils contaminated with BTEX, PAHs, PHCs and

solvents, and groundwater contaminated with solvents and BTEX. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on October 14, 1999.

*Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**Nicholas Cianci/Greenville Outparcels, LLC Site**, 70 Hadley Road, Greenville, PA 16125, Hempfield Township, Mercer County, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and PHCs. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on October 13, 1999.

## SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Solid waste permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office: Regional Solid Waste Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.*

**Permit No. 300620. Williamsburg Generating Station, Sithe Pennsylvania Holding, LLC** (450 Lexington Avenue, 37th Floor, New York, NY 10017). Application for permit reissuance of a residual waste landfill for a site in Catherine Township, Blair County. Corrected permit issued in the Regional Office on October 7, 1999.

**Applications withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a mixed waste storage.**

*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit ID No. PAR000027888. Westinghouse Electric Company, LLC—Waltz Mill Facility**, Route 70, Box 158, Madison, PA 15663. Operation of a mixed waste storage facility in Sewickley and Hempfield Townships, Westmoreland County. Application withdrawn in the Regional Office on October 5, 1999.

## 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.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**AQ-SE-0009: Haines & Kibblehouse, Inc.** (Yellow Spring Road, Devault, PA 19432), on October 18, 1999, for a portable stone crushing plant in East Whiteland Township, Chester County.

**09-312-025GP: Fres-co System USA, Inc.** (3005 State Road, Telford, PA 18969), on October 20, 1999, for an aboveground storage tank in West Rockhill Township, Bucks County.



**09-312-024GP: Fres-co System USA, Inc.** (3005 State Road, Telford, PA 18969), on October 20, 1999, for an aboveground storage tank in West Rockhill Township, **Bucks County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**GP3-14-02: HRI, Inc.** (P. O. Box 155, State College, PA 16804-0155), on September 20, 1999, for construction and operation of a portable stone crushing and screening plant under the General Plan Approval and General Operating Permit for Portable Non-Metallic Mineral Processing Plants (BAQ-GPA/GP-3) in Spring Township, **Centre County**. This plant is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

**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.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**05-310-010D: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664), on October 22, 1999, for operation of an Ashcom crushing plant controlled by wet suppression at Ashcom Quarry in Snake Spring Township, **Bedford County**. These sources are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**29-03001: JLG Industries, Inc.** (JLG Drive, McConnellsburg, PA 17233), on October 22, 1999, for operation of a paint spray booth controlled by dry filters and a grit blast booth unit controlled by a cartridge collector in Ayr Township, **Fulton County**.

**67-02006A: York County Solid Waste & Refuse Authority** (2700 Blackbridge Road, York, PA 17402), on October 12, 1999, for operation of three municipal waste combustors controlled by a dry spray scrubber with an activated carbon injection system and fabric filter located in Manchester Township, **York County**. These sources are subject to 40 CFR Part 60, Subpart Cb—Standards of Performance for large Municipal Waste Combustors.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**08-302-038A: Leprino Foods Co.** (117 Bradford Street, South Waverly, PA 18840), on September 7, 1999, for operation of a 20.9 million BTU per hour natural gas/no. 6 fuel oil-fired boiler in South Waverly Borough, **Bradford County**.

**14-310-022: Glenn O. Hawbaker, Inc.** (450 East College Avenue, Bellefonte, PA 16823), on September 21, 1999, for operation of a fine aggregate washing plant (Pleasant Gap Wash Plant) in Spring Township, **Centre County**.

**08-301-016: Faithful Companions Pet Cemetery, Inc.** (R. R. 2, Box 210, Ulster, PA 18850-9645), on September 21, 1999, for operation of an animal crematory incinerator in Smithfield Township, **Bradford County**.

**60-302-016A: Federal Bureau of Prisons** (P. O. Box 1000, Lewisburg, PA 17837), on September 21, 1999, for operation of a 400 horsepower and 800 horsepower natural gas/no. 2 fuel oil-fired boiler at the Lewisburg Peni-

tentiary in Kelly Township, **Union County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

**OP-41-0005A: Transcontinental Gas Pipeline, Inc.** (P. O. Box 1396, Houston, TX 77251-1396), on September 29, 1999, for operation of various pieces of gas transmission station equipment (internal combustion engines, and the like) at Station 520 in Mifflin Township, **Lycoming County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**16-00124: Peoples Natural Gas Co., Truittsburg Station** (625 Liberty Avenue, 5th Floor, CNG Tower, Pittsburgh, PA 15222), on October 20, 1999, to administratively amend the Title V Operating Permit to incorporate applicable requirements from RACT Operating Permit No. 16-124 issued on August 19, 1999, in Redbank Township, **Clarion County**.

**Administrative Amendment of 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.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-46-0048B: Rhone-Poulenc Rorer Pharm., Inc.** (500 Arcola Road, Collegeville, PA 19426), on October 21, 1999, for Facility VOC/NOx RACT in Upper Providence Township, **Montgomery County**.

**23-301-114: Riddle Memorial Hospital** (US Route 1, Media, PA 19063), on October 21, 1999, for an incinerator in Middletown Township, **Delaware County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**10-00001: AK Steel Corp.** (Route 8 South, Butler, PA 16003), in Butler, **Butler County**. Administrative Amendment to Title V Operating Permit No. 10-00001 for a change in ownership from Armco, Inc. to AK Steel Corp. effective October 1, 1999.

**43-00040: AK Steel Corp.** (200 Clark Street, Sharon, PA 16146), in Sharon, **Mercer County**. Administrative Amendment to Title V Operating Permit No. 43-00040 for a change in ownership from Armco, Inc. to AK Steel Corp. effective October 1, 1999.

**25-00920: Waste Management of PA, Lakeview Landfill** (851 Robison Road East, Erie, PA 16509), in Summit Township, **Erie County**. This modification to the Title V permit is for the inclusion of the plan approval (PA 25-920C) conditions for the internal combustion engines used to generate electricity. The conditions are as follows:

1. NOx emission rate of 0.85 g/BHP-hr engine shall not be exceeded.
2. NOx emission rate of 7.92 lbs/hr per engine shall not be exceeded.
3. CO emission rate of 3.05 g/BHP-hr per engine shall not be exceeded.
4. CO emission rate of 27.5 lbs/hr per engine shall not be exceeded.

5. CO emissions from the two engines shall not exceed 215 tons in any 12-month consecutive period.

6. NMOC emission rate of 20 ppmv as hexane @ 3% oxygen shall not be exceeded.

7. PM emission rate of 0.02 gr/dscf shall not be exceeded.

8. SO<sub>2</sub> emission rate of 1.93 lbs/hr per engine shall not be exceeded.

9. Daily records shall be kept of each engine's hours of operation, average load and the emissions of NO<sub>x</sub> and CO in pounds per day. The mass emission rates for NO<sub>x</sub> and CO shall be determined from the Parametric Emissions Monitoring System charts based on the data collected from source tests performed in March 1998. A summary of the daily records shall be submitted to the Department on a quarterly basis. The daily records shall be kept on file for a period of 2 years and made available to Department personnel, upon request.

10. When in operation the enclosed ground flare shall comply with the destruction/removal efficiency of at least 98% (by weight) for NMOC or reduce the outlet NMOC concentration to less than 20 ppmv or less, dry basis as hexane @ 3% oxygen.

11. The Department shall be notified in writing of the duration and reason for the enclosed ground flare and both engines being down at the same time within 3 days of all three control devices being shut down.

The existing Title V permit contains the landfill and flare, a leachate treatment plant with associated controls, and several IC engines.

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**Operating Permits transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

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*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**49-302-051: Mt. Carmel Greenhouse** (P. O. Box C, Mt. Carmel, PA 17851), on September 17, 1999, for operation of three natural gas/no. 2 fuel oil-fired boilers in Mt. Carmel Township, **Northumberland County**.

**PLAN APPROVALS**

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**Plan Approvals transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

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*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**49-302-051A: Mt. Carmel Greenhouse** (P. O. Box C, Mt. Carmel, PA 17851), on September 17, 1999, for construction of two 17.6 million BTU/hour natural gas/no. 2 fuel oil-fired boilers in Mt. Carmel Township, **Northumberland County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

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**Minor Modification of 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.**

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*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**19-322-002C: White Pines Corp.** (R. R. 1, Box 69, Millville, PA 17846), on October 15, 1999, to approve of screen, feeder and diesel generator substitutions at the White Pines Landfill in Pine Township, **Columbia County**. The screen and feeder are subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

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**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.**

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*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-23-0009: Boeing MACAM System Group—Philadelphia** (Stewart Avenue and Route 291, Ed-dystone, PA 19013), on October 15, 1999, for operation of two-stage dry particulate filters in Ridley Township, **Delaware County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.*

**48-309-110: Keystone Cement Co.** (P. O. Box A, Bath, PA 18014), on October 22, 1999, for installation of a raw material transfer system in East Allen Township, **Northampton County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-01069F: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147), on October 20, 1999, for construction of three lead oxide mills, three fabric collectors, and three HEPA filters at the Battery Assembly—Oxide Plant in Richmond Township, **Berks County**. These sources are subject to 40 CFR Part 60, Subpart KK of the Standards of Performance for New Stationary Sources.

**22-305-001C: Kimmel's Coal and Packaging** (P. O. Box 1, Machamer Avenue, Wiconisco, PA 17097), on October 20, 1999, for construction of a truck loadout circuit and a bulk bag loading station controlled by a reverse pulse fabric dust collector in Wiconisco Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation Plants.

**28-05013A: UNOVA Industrial Automation Systems, Inc., Landis Gardner Division** (20 East Sixth Street, Waynesboro, PA 17268), on October 21, 1999, for installation/modification of four paint spray booths equipped with HVLP spray guns and controlled by dry filters in Waynesboro Borough, **Franklin County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**41-399-025: Plastic Development Co., Inc.** (P. O. Box 4007, Williamsport, PA 17701-0607), on September 13, 1999, for modification of a fiberglass reinforced plastics manufacturing facility (15 ton per year increase in the allowable emission of volatile organic compounds and hazardous air pollutants) in the City of Williamsport, **Lycoming County**.

**08-301-017: Northern Bradford Crematory** (52 McArdle Road, Sayre, PA 18840-9414), on September 21, 1999, for construction of a crematory incinerator in South Waverly Borough, **Bradford County**.

**19-304-006C: Benton Foundry, Inc.** (R. R. 2, Box 110, Benton, PA 17814), on September 27, 1999, for construction of various pieces of foundry equipment in Sugarloaf Township, **Columbia County**.

**41-322-001A: Lycoming County Resource Management Services** (P. O. Box 187, Montgomery, PA 17752), on September 29, 1999, for construction of a tub grinder, trommel screen and associated engines at the Lycoming County Landfill in Brady Township, **Lycoming County**.

**OP-47-0001B: PP&L, Inc.** (Two North Ninth Street, Allentown, PA 18101-1179), on September 30, 1999, for installation of an air cleaning device (an electrostatic precipitator) on a bituminous coal-fired electric utility boiler (Unit No. 2) at the Montour Steam Electric Station in Derry Township, **Montour County**.

**49-305-008B: Shamokin Filler Co., Inc.** (Venn Access Road, Shamokin, PA 17872), on September 30, 1999, for construction of a fluidized bed anthracite coal and carbon pellet dryer and associated air cleaning device (a fabric collector) in Coal Township, **Northumberland 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.*

**09-302-065A: Rohm & Haas Co.** (Route 413 and Old Route 13, Bristol, PA 19007), on October 5, 1999, for operation of two boilers/to amend waste in Bristol Township, **Bucks County**.

**PA-46-0018A: Brown Printing Co.** (668 Gravel Pike, East Greenville, PA 18041), on October 20, 1999, for operation of lithographic printing presses in Upper Hanover Township, **Montgomery County**.

**PA-09-0022A: Cleveland Steel Container Corp.** (350 Mill Street, Quakertown, PA 18951), on October 20, 1999, for operation of a Tellkamp Roxidizer thermal incinerator in Quakertown Borough, **Bucks County**.

**09-320-049: Fres-Co Systems USA, Inc.** (3005 State Road, Telford, PA 18969), on October 20, 1999, for operation of a flexographic press in West Rockhill Township, **Bucks County**.

**PA-23-0014: Kimberly-Clark Tissue Co.** (Front and Avenue of the States, Chester, PA 19013), for operation of ash handling equipment in City of Chester, **Delaware County**.

**PA-09-0030: MSC Pre Finish Metals Inc.** (120 Enterprise Avenue, Morrisville, PA 19067), on October 20, 1999, for operation of a replacement thermal oxidizer in Falls Township, **Bucks County**.

**09-313-008A: Rhodia, Inc.** (2300 South Pennsylvania Avenue, Morrisville, PA 19067), on October 20, 1999, for operation of a scrubber in Falls Township, **Bucks County**.

**46-327-018: Superior Tube Co.** (3900 Germantown Pike, Colledgeville, PA 19426), on October 20, 1999, for operation of a new vapor degreaser in Lower Providence Township, **Montgomery County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**22-305-001B: Kimmel's Coal and Packaging** (P. O. Box 1, Machamber Avenue, Wiconisco, PA 17097), on

October 23, 1999, to authorize temporary operation of miscellaneous coal handling operations controlled by four fabric collectors, covered under this Plan Approval until February 19, 2000, in Wiconisco Township, **Dauphin County**.

**67-310-001E: York Building Products Co., Inc.** (P. O. Box 1708, York, PA 17405), on October 13, 1999, to authorize temporary operation of a TRI FAB baghouse, covered under this Plan Approval until February 9, 2000, in West Manchester Township, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**08-302-039: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848), on October 19, 1999, to extend the authorization to operate two woodwaste-fired boilers and associated air cleaning devices (an electrostatic precipitator and a selective noncatalytic reduction system) on a temporary basis for another 120 days in Wysox Township, **Bradford County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-24-012A: Carbide/Graphite Group, Inc.** (800 Theresia Street, St. Marys, PA 15857), on September 30, 1999, for a material handling operation in St. Marys, **Elk County**.

**PA-24-131B: SGL Carbon Corp.** (900 Theresia Street, Box 1030, St. Marys, PA 15857), on October 28, 1999, for graphite purification furnaces in St. Marys, **Elk County**.

**PA-42-026A: Allegheny MDF, Limited Partnership** (Hutchins Road, R. D. 1, Box 226, Kane, PA 16735), on August 30, 1999, for a material reject air system in Sargeant Township, **McKean County**.

**PA-42-399-027A: Allegheny MDF, Limited Partnership** (Hutchins Road, R. D. 1, Box 226, Kane, PA 16735), on August 30, 1999, for a two stage drier in Sargeant Township, **McKean County**.

**PA-42-399-028A: Allegheny MDF, Limited Partnership** (Hutchins Road, R. D. 1, Box 226, Kane, PA 16735), on August 30, 1999, for a high pressure chip system in Sargeant Township, **McKean County**.

**42-399-031: Allegheny MDF, Limited Partnership** (Hutchins Road, R. D. 1, Box 226, Kane, PA 16735), on August 30, 1999, for a sawdust and fuel system in Sargeant Township, **McKean County**.

**PA-61-185A: Heath Oil Co.** (Route 8, P. O. Box 1128, Oil City, PA 16301), on October 30, 1999, for two portable oil refineries in Barkeyville, **Venango County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following

statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Permits Issued*

**56830109.** Permit Renewal for reclamation only, **Three S Coal Company** (P. O. Box 337, Stoystown, PA 15563), for continued restoration of a bituminous strip mine in Paint Township, **Somerset County**, affecting 64.2 acres, receiving streams unnamed tributary to Kaufman Run to Stony Creek. Application received October 13, 1999; issued October 18, 1999.

**56830201.** Permit Renewal for reclamation only, **Y & M Salvage** (3110 Whistler Road, Stoystown, PA 15563), for continued restoration of a refuse reprocessing mine in Shade Township, **Somerset County**, affecting 17.9 acres, receiving stream unnamed tributary to Stony Creek. Application received October 18, 1999; issued October 19, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**33693008.** **P & N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 116.0 acres. Receiving streams: Unnamed tributaries to Lost Run and East Branch Lost Run. Application received: August 12, 1999. Permit issued: October 6, 1999.

**33733009.** **P & N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 336.2 acres. Receiving streams: Stoney Run, unnamed tributaries to Clover Run. Application received: August 11, 1999. Permit issued: October 6, 1999.

**33950106.** **Urey Coal Company** (222 Forest Ridge Road, Indiana, PA 15701). Revision to an existing bituminous strip operation to change the postmining land use from forestland to unmanaged natural habitat on a portion of the Richard C. & Agnes L. Perry property in Perry Township, **Jefferson County**. Receiving streams: Unnamed tributary to Mahoning Creek, unnamed tributary to Sawmill Run, unnamed tributary to Rose Run. Application received: August 3, 1999. Permit issued: October 6, 1999.

**33990108.** **T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15771). Commencement, operation and restoration of a bituminous strip operation in Young Township, **Jefferson County** affecting 49.5 acres. Receiving streams: Unnamed tributaries to Sawmill Run. Application received: May 14, 1999. Permit issued: October 8, 1999.

**101478-33990108-E-1.** **T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15771). Application for a stream encroachment to mine through and reconstruct portions of unnamed tributaries A and B to Sawmill Run in Young Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Sawmill Run. Application received: May 14, 1999. Permit issued: October 8, 1999.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17980124.** **River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), commencement, operation and

restoration of a bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 61.2 acres. Receiving streams: unnamed tributary to Clearfield Creek and to an unnamed tributary to Alexander Run. Application received: October 9, 1998. Permit issued: October 18, 1999.

**41940101.** **Fisher Mining Company** (460 Market Street, Room 150, Williamsport, PA 17701-6312), revision to an existing bituminous surface mine permit for a change in permit acreage from 616 to 640 acres. Receiving streams: Buckeye Run to Otter Run, and Right Fork of Otter Run to Otter Run, Otter Run to Little Pine Creek, Little Pine Creek to Pine Creek, Pine Creek to West Branch Susquehanna River. Application received March 12, 1999. Permit issued October 18, 1999.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.*

**03803044.** **C. H. Snyder Company** (P. O. Box 1022, Kittanning, PA 16201). Renewal permit issued for continued operation and reclamation of a bituminous coal surface/auger mining site located in East Franklin Township, **Armstrong County**, affecting 97.9 acres. Receiving streams: unnamed tributary to Limestone Run to the Allegheny River. Application received: July 28, 1999. Renewal issued: October 20, 1999.

**30890105.** **Boyle Land and Fuel Company** (P. O. Box 576, Fredericktown, PA 15333). Renewal permit issued for continued reclamation only of a bituminous coal surface mining site located in Morgan Township, **Greene County**, affecting 49.9 acres. Receiving streams: unnamed tributaries to South Fork to South Fork to the Monongahela River. Application received: June 30, 1999. Renewal issued: October 20, 1999.

**03860111.** **State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Revision issued allowing a boundary correction of 43.2 acres, erosion and sedimentation control changes and stream encroachment changes on a bituminous surface auger mine located in East Franklin Township, **Armstrong County**, now affecting 667.4 acres. Receiving streams: ten unnamed tributaries to Allegheny River to Allegheny River. Revision application received: April 26, 1999. Revision issued: October 20, 1999.

**03890110.** **Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728). Renewal permit issued for continued reclamation only of a bituminous coal surface/auger mining site located in Cowanshannock Township, **Armstrong County**, affecting 145.8 acres. Receiving streams: unnamed tributaries of Huskins Run and Huskins Run, unnamed tributaries to Cowanshannock Creek and Cowanshannock Creek. Application received: July 28, 1999. Renewal issued: October 21, 1999.

**04940103.** **Kerry Coal Company** (R. D. 2, Box 2139, Wampum, PA 16157). Renewal permit issued for continued reclamation only of a bituminous coal surface/auger/shale removal mining site located in Darlington Township, **Beaver County**, affecting 163.4 acres. Receiving streams: North Fork of Little Beaver Creek, and unnamed tributaries to Dillworth Run and McCauty Run. Application received: July 14, 1999. Renewal issued: October 21, 1999.

**65773019.** **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal permit issued for continued reclamation only of a bituminous coal surface mining site located in Mt. Pleasant Township, **Westmoreland County**, affecting 164.5 acres. Receiving

streams: unnamed tributary to Laurel Run and Laurel Run. Application received: July 27, 1999. Renewal issued: October 21, 1999.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**56981301. Quecreek Mining, Inc.** (1576 Stoystown Rd., P. O. Box 260, Friedens, PA 15541), to revise the permit for the Quecreek No. 1 Mine in Lincoln Township, **Somerset County**, revision to add surface acres, unnamed tributary to Quemahoning Creek. Permit issued October 6, 1999.

**02733702. Consolidation Coal Co.** (200 Hidden Valley Rd., McMurray, PA 15317), to revise the permit for the Renton Refuse and AMD Plant in Plum Borough, **Allegheny County** to add 36.5 support acres and one injection borehole and one pump borehole, no additional discharges. Permit issued October 6, 1999.

**32851302. Helvetia Coal Co.** (P. O. Box 219, Shelocta, PA 15774), to revise the permit for the Lucerne No. 6E and 6 in Black Lick Township, **Indiana County** to drill boreholes in 6E and 6 to pump mine disc water from 6E to 6, no additional discharges. Permit issued October 14, 1999.

**32743710. Helvetia Coal Co.** (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Refuse Disposal Area No. 1 in Center Township, **Indiana County**, renewal, no additional discharges. Permit issued October 14, 1999.

**02851602. MonValley Transportation Center, Inc.** (P. O. Box 135, Glassport, PA 15045-0135), to renew the permit for the Glassport Tipple in Glassport and Lincoln Boroughs, **Allegheny County**, no additional discharges. Permit issued October 14, 1999.

**30831303. Cyprus Cumberland Resources Corp.** (145 Elm Dr., Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, to add No. 7A shaft site, unnamed tributary to Dyers Fork. Permit issued October 22, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54940102R. Gale Coal Company, Inc.** (1441 Oak Road, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 102.0 acres, receiving stream—none. Renewal issued October 18, 1999.

**54743208R3. Ginther Coal Company** (P. O. Box 989, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in East Norwegian Township, **Schuylkill County** affecting 62.0 acres, receiving stream—Schuylkill River. Renewal issued October 19, 1999.

**54840204R3. F & P Coal Company, Inc.** (R. R. 1, Box 148, Pine Grove, PA 17963), renewal of an existing coal refuse reprocessing operation in Walker Township, **Schuylkill County** affecting 36.9 acres, receiving stream—none. Renewal issued October 19, 1999.

**49783007R3. Blaschak Coal Corp.** (St. Nicholas, P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine operation in Coal Township, **Northumberland County** affecting 323.0 acres, receiving stream—none. Renewal issued October 19, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*  
*Noncoal Permits Issued*

**20990301. Vanderhoof Sand & Gravel, Inc.** (P. O. Box 214, Spartanburg, PA 16434). Commencement, operation and restoration of a sand and gravel operation in Oil Creek Township, **Crawford County** affecting 21.5 acres. Receiving streams: Unnamed tributary to McLaughlin Creek. Application received: March 18, 1999. Permit issued: October 4, 1999.

**302732-25820301-E-1. Frank Tucci** (25000 PA Rt. 99, Cambridge Springs, PA 16403). Application for a stream encroachment to mine within 100 feet of unnamed tributary to Elk Creek in Greene Township, **Erie County**. Receiving streams: Unnamed tributary to Elk Creek. Application received: April 21, 1999. Permit issued: September 24, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**58990825. David P. Compton** (R. R. 1, Box 1080, Hop Bottom, PA 18824), commencement, operation and restoration of a small quarry operation in Lenox Township, **Susquehanna County** affecting 3.0 acres, receiving stream—Tunkhannock East Branch. Permit issued October 18, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*  
*Small Noncoal (Industrial Minerals) Permits Issued*

**20992802. R. Hunter, Inc.** (29780 Hickory Corners Rd., Guys Mills, PA 16327). Commencement, operation and restoration of a small noncoal sand and gravel operation in Woodcock Township, **Crawford County** affecting 5.0 acres. Receiving streams: None. Application received: April 26, 1999. Permit issued: October 6, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**58990825. David P. Compton** (R. R. 1, Box 1080, Hop Bottom, PA 18824), commencement, operation and restoration of a bluestone quarry operation in Lenox Township, **Susquehanna County** affecting 3.0 acres, receiving stream—Tunkhannock East Branch. Permit issued October 18, 1999.

**39992801. Delaware Valley Landscape Stone, Inc.** (P. O. Box 778, 6603 Route 202, New Hope, PA 18938), commencement, operation and restoration of a small quarry operation in Lynn Township, **Lehigh County** affecting 6.0 acres, receiving stream—Ontelaunee Creek. Permit issued October 18, 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 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, Second Floor, Rachel Carson State Office Building, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); section 302 of the Flood Plain Management Act (32 P. S. § 679.302); 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.)

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

**E51-174. Encroachment. Department of Conservation and Natural Resources, Kvaerner Philadelphia Shipyard, Inc., Philadelphia Naval Business Center, Philadelphia, PA 19112.** To perform the following activities associated with the Kvaerner Philadelphia Shipyard Development within the Delaware River (WWF):

1. To replace and maintain six reinforced concrete stormwater outfalls with existing and proposed pipe diameters listed on the following Table 1.
2. To operate and maintain 24 existing reinforced concrete stormwater outfalls which are listed on the following Table 2.
3. To operate and maintain all bulkheads, quay walls, relieving platforms and supporting pile structure associated with the existing port facility.

The site is located at the former Philadelphia Naval Shipyard in the vicinity of dry dock number four and dry dock number five at the terminus of Porter Avenue (Philadelphia, PA-NJ USGS Quadrangle N: 2.0 inches; W: 9.4 inches) in the City and **County of Philadelphia.**

Table 1:

Outfall ID	Existing Diameter (in.)	Proposed Diameter (in.)
KPI-019	10	30
KPI-021	20	48
KPI-022	18	30
KPI-027	24	36
KPI-046	12	24
KPI-047	12	48

Table 2:

Outfall ID	Diameter (in.)
KPI-018	12

Outfall ID	Diameter (in.)
KPI-020	24
KPI-023	8
KPI-026	*
CSO-017	24
CSO-012	Drainage Culvert
KPI-028	*
KPI-029	8
KPI-030	8
KPI-031	*
KPI-032	8
KPI-033	6
KPI-034	6
KPI-035	6
KPI-036	6
KPI-037	6
KPI-038	4
KPI-039	12
KPI-040	8
KPI-041	12
KPI-042	12
KPI-043	8
KPI-044	8
KPI-045	12

\* Inlet discharges from bottom of manhole, directly into river.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E45-376. Encroachment. U.G.I. Utilities, Inc.,** 100 Kachel Boulevard, Suite 400, P.O. Box 12677, Reading, PA 19612-2677. To construct and maintain 24 utility line stream crossings of Red Run, Davey Run, Deep Run, Wagner Run and Tobyhanna Creek and various wetlands with an 8-inch steel natural gas pipeline to serve Tobyhanna Army Depot. A 2-inch P.E. natural gas line will also be installed along with the 8-inch gas pipeline for the portion of the project along S. R. 0940. Streambank restoration and stabilization will be provided at all open cut utility line stream crossings. The project begins at the Blakeslee Regulator Station along S. R. 0940, approximately 0.6 mile east of S. R. 0115 (Blakeslee, PA Quadrangle N: 17.7 inches; W: 11.3 inches) and continues for 11.7 miles to Tobyhanna Army Depot (Tobyhanna, PA Quadrangle N: 11.0 inches; W: 7.7 inches) in Coolbaugh and Tobyhanna Townships, **Monroe County.**

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E22-404. Encroachment. Lower Swatara Township Municipal Authority,** 1499 Spring Garden Drive, Middletown, PA 17057. To remove an existing pump station and to construct and maintain a new pump

station in the floodplain and to construct 200 feet of 1 1/2 inch force main in the floodplain and floodway of Swatara Creek (WWF) at a point along Vine Street (Middletown, PA Quadrangle N: 15.9 inches; W: 13.7 inches) in Lower Swatara Township, **Dauphin County**. This permit was issued under Chapter 106 Floodplain Management.

**E34-093.** Encroachment. **Susquehanna Township**, R. D. 1, Liverpool, PA 17045. To replace the deck, raise the approaches and maintain an existing bridge across the channel of Lenninger's Run (CWF) at a point at T-514 (Richfield, PA Quadrangle N: 1.9 inches; W: 8.75 inches) in Susquehanna Township, **Juniata County**. This permit was issued under § 105.13(e) "Small Projects."

**E36-677.** Encroachment. **Pequea Township**, Patsy Davis, 1028 Millwood Rd., Willow Street, PA 17584. To remove the existing structure and to construct and maintain a single cell precast concrete frame culvert with an open bottom. The structure will have an 18-foot span with an 8.5-foot rise across Good's Run (TSF) on Silver Mine Road (T-569) located on the west side of its intersection with SR 324 at Burnt Mills (Conestoga, PA Quadrangle N: 12.0 inches; W: 8.0 inches) in Pequea Township, **Lancaster County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E50-198.** Encroachment. **Wheatfield Township**, R. D. 2, Box 248 B, Newport, PA 17074. To remove an existing structure and to construct and maintain a 4.75 foot × 9 foot concrete box culvert in the channel of a tributary to the Juniata River (WWF) at a point at Losh Run Road (Duncannon, PA Quadrangle N: 12.9 inches; W: 4.2 inches) in Wheatfield Township, **Perry County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-664.** Encroachment. **Basil A. Shorb, III, c/o Triple M. Associates**, P. O. Box 269, York, PA 17405. To excavate and place fill in 0.25 acre of wetlands and to inundate 0.47 acre of wetlands for the purpose of constructing a private pond to be located 1,700 feet west of Clearview Road south of Schoolhouse Road (Abbotstown, PA Quadrangle N: 21.5 inches; W: 4.5 inches) in Dover Township, **York County**. The permittee is required to provide 0.72 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

*Northcentral Region: Water Management, Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E08-349.** Encroachment. **Bradford County Commissioners**, Courthouse, 301 Main Street, Towanda, PA 18848. To remove the existing structure and to construct and maintain a single span prestressed concrete adjacent box beam bridge with a normal span of 82.8 feet and minimum underclearance of 9.7 feet across Schrader Creek on T-342 just upstream of the confluence of Schrader Creek and Sugar Run (Leroy, PA Quadrangle N:

0.80 inch; W: 0.05 inch) in Overton and Franklin Townships, **Bradford County**. This permit will also authorize a temporary water diversion system and a temporary rock ford which will be used by construction vehicles only.

**E14-357.** Encroachment. **Orviston Water Association**, P. O. Box 639, Orviston, PA 16864. To remove an existing water line and to install, operate and maintain a public water supply line beneath Hayes Run and Beech Creek for the distribution of potable water. The water line crossings shall be constructed with a 6-inch diameter PVC pipe, encased in concrete, at a minimum depth of 3 feet beneath the existing streambed elevations. The water line crossing beneath Hayes Run shall be constructed in dry work conditions through the use of a flume or pumping water around the work area. The project is located along the northern right-of-way SR 0364 approximately 30 feet west of the western terminus of SR 0364 (Snow Shoe SE, PA Quadrangle N: 19.0 inches; W: 0.5 inch) in Curtin Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E17-334.** Encroachment. **Pennsylvania Department of Conservation and Natural Resources**, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct and maintain a 12-inch diameter outfall pipe and concrete endwall to discharge treated effluent from a sewage treatment plant to Marks Run at the southeast end of Piper off SR 1011 approximately 2.5 miles northwest of the intersection of SR 1011 with T-111 (Devils Elbow, PA Quadrangle N: 10.7 inches; W: 2.9 inches) in Karthaus Township, **Clearfield County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-278.** Encroachment. **David W. Eldred**, 29 Main Street, Mill Hall, PA 17751. To reconstruct the rear portion of a house and to construct an outside stairwell to the house in the floodway of Fishing Creek located on Main Street approximately 300 feet north of Pine Street (Mill Hall, PA Quadrangle N: 19.1 inches; W: 15.3 inches) in the Borough of Mill Hall, **Clinton County**. This permit was issued under § 105.13(e) "Small Projects."

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E32-406.** Encroachment. **Pine Township**, 1787 Route 403 Highway North, North Cambria, PA 15714. To remove the existing structure and to construct and maintain a 40-foot long, four 5-foot diameter pipe culvert in Dutch Run (CWF), located on T-585 (Stiles Station Road) at a point approximately 4,000 feet east of the intersection of SR 1013 and T-585. The project includes construction and maintenance of rock rip rap for bank stabilization at the structure's approaches (Colver, PA Quadrangle N: 16.5 inches; W: 16.9 inches) in Pine Township, **Indiana County**.



## STORAGE TANKS

## SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permit, under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and 25 Pa. Code Chapter 245, Subchapter C, has been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
99-10-003	Darko Puz Penreco 138 Petrolia Street Karns City, PA 16041	Butler County Karns City Borough	2 ASTs storing Sulfonate Solution 39,946 gallons each

## SPECIAL NOTICES

**Actions on plans submitted under the Storm Water Management Act (32 P. S. § 680.9).**

*Bureau of Watershed Conservation: P. O. Box 8555, Harrisburg, PA 17105-8555.*

**Plans No. SWMP 089:09 and SWMP 089:315.** Delaware River (North) and Tohickon Creek Storm Water Management Plans, as submitted by **Bucks County**, were approved on October 14, 1999.

**Notice of Interim Response Under the Hazardous Sites Cleanup Act**

**Topton Site**

**Topton Borough, Berks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.102—6020.1303) (HSCA) is initiating a prompt interim response at the Topton Site in Topton Borough, Berks County, PA.

The Topton Site (site) is located along the northern corporate boundary of the Borough of Topton, a portion of Longswamp Township, and a portion of Maxatawny Township, Berks County, PA. The site includes the properties of Amana (formerly Caloric Corporation), Lehigh Industries (formerly U. S. Seating, Inc.), a former carpet mill, as well as adjacent agricultural fields and residential properties. The former manufacturing operation at U. S. Seating produced bus seats and used tetrachloroethylene (PCE), an organic solvent, in its process to clean metal seats prior to painting them. Soil and groundwater at the Topton Site is contaminated with PCE.

The site is surrounded on the north and west by agricultural lands, on the south by industrial areas, and on the east by residential and small commercial establishments. The 1,744 residents of Topton Borough are served with public water. All of the residences beyond the borough limits rely on private wells in the bedrock aquifer for drinking water. Regional groundwater flows west-northwest toward the Eastern Industries Quarry that is located 1.5 miles northwest of Lehigh Industries.

Currently, 13 residences utilizing bedrock aquifer wells are located between Lehigh Industries and the Eastern Industries Quarry. These residences are within the influence of PCE contaminated groundwater. Eight of these residences have PCE levels above drinking water standards, three residences have PCE concentrations that are currently below drinking water standards, and two resi-

dences have no PCE concentration detected. The Department is maintaining water treatment units on the eight water supplies above drinking water standards, and monitoring all residential wells on a semiannual basis.

The Department performed a prompt interim response at this site to remove PCE contaminated soil on the former U. S. Seating property that was functioning as a continual source of groundwater contamination. This action will further protect public health and safety, and the environment.

The Department considered two alternatives: 1. No action, which allows the contaminated soil to remain in place. The Department will continue to maintain existing individual water treatment units for impacted residences and provide for continued monitoring of all residences within the area of groundwater contamination. 2. Excavate and transport contaminated soil to a permitted offsite disposal facility and construct a demonstration system that will treat deep soil and groundwater with a 2% potassium permanganate (KMnO<sub>4</sub>) solution to chemically destroy PCE. Maintenance of residential water treatment units and well monitoring will continue.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)) and the publication of this notice starts the administrative record period under HSCA. The Administrative Record which contains information about this site and which supports the Department's decision to perform this action at the site is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 3:30 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 705-4864. The Administrative Record can also be reviewed at the Department's Reading District Office located at 1005 Crossroads Boulevard, Reading, PA 19605 from 8 a.m. to 3:30 p.m. by contacting Donna Good at (610) 916-0100.

The Administrative Record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before February 4, 2000, by mailing them to Barbara Faletti at the previous address.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for November



16, 1999, at 7 p.m. at the Kutztown High School located at 50 Trexler Avenue, Kutztown, PA. Persons wishing to present formal oral comment at the hearing should register before 4 p.m., November 12, 1999, by calling Sandra Roderick at (717) 705-4931.

If no person registers to present oral comments by November 12, 1999, the hearing will not be held, but will be replaced with an informational meeting. Persons interested in finding out if individuals have registered, and if the hearing will be held, should also contact Sandra Roderick at the same number. An informational meeting will be held following the hearing.

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 call Sandra Roderick at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 99-1878. Filed for public inspection November 5, 1999, 9:00 a.m.]

### Alternative Fuels Incentive Grant Program (AFIG) Opportunity Notice

The Department of Environmental Protection (DEP), Bureau of Air Quality announces the second opportunity to apply under Cycle 7 of a program to promote and expand the use of alternative transportation fuels and fuel systems such as compressed natural gas (CNG), liquefied natural gas (LNG), propane (LPG), ethanol (E85), and methanol (M85) (85% alcohol and 15% gasoline mixture) and advanced electric vehicle systems in private and public sector vehicles. The DEP will provide a portion of the cost for the purchase and installation of equipment necessary to retrofit existing vehicles, the purchase of Original Equipment Manufacturer produced vehicle technologies or to build or improve refueling and recharging facilities. Applications to cover the cost of field testing and evaluating new alternative fuel vehicle technologies are also eligible for funding. Eligible applicants for incentive grants are schools and vocational school districts, municipal authorities, counties, cities, boroughs, incorporated towns, townships, county institution districts, corporations, partnerships, nonprofit entities, and Commonwealth residents. An application package, which provides more details on the program, can be obtained from the Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, or by contacting the office at (717) 772-3429. You may also fax your request to (717) 772-2303, Attn: AFIG. The deadline for submitting a Cycle 7 application to the DEP is April 15, 2000.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-1879. Filed for public inspection November 5, 1999, 9:00 a.m.]

### Minor Correction to the Final General NPDES Permit for Wastewater Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG10)

In compliance with the provisions of the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1—

691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-7 and 510-20), on June 26, 1999, the Department of Environmental Protection (Department) issued a final notice of availability of the final NPDES general permit and related permit documents at 29 Pa.B. 3256 (June 26, 1999).

There is an inconsistency between the published *Pennsylvania Bulletin* notice announcing the availability of the general permit and the actual permit documents. The notice announces the total permit processing time of 60 days from the date of submission of complete permit application to the Department. However, the final permit documents reflect only 30 days processing time.

The Department by this notice hereby makes a formal change to the permit documents to be consistent with the intent of the published final notice and revises the permit documents as needed. Upon publication of this notice, the Department will revise the documents and update them on the Department Web Site.

Upon duplication and posting them on the DEP Web Site, the revised permit documents will be available for downloading from the Department's Web Site at: [http://www.dep.state.pa.us/dep/deputate/watermgmt/Wqp/Forms/Forms\\_Home.htm](http://www.dep.state.pa.us/dep/deputate/watermgmt/Wqp/Forms/Forms_Home.htm).

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-1880. Filed for public inspection November 5, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health under sections 301 and 317 of the Public Health Service Act, as amended, 42 U.S.C.A. §§ 241(a) and 247(b), will hold a public meeting on Wednesday, November 17, 1999.

The meeting will be held at the Sheraton Inn Harrisburg East, 800 East Park Avenue, Harrisburg, PA, from 10 a.m. to 4 p.m.

For additional information contact Thomas M. DeMelfi, Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0574.

Persons with a disability who desire to attend the meeting, and require an auxiliary aid service or other accommodation to do so, should also contact Thomas DeMelfi at (717) 783-0574, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1881. Filed for public inspection November 5, 1999, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania Cold Cash Instant Lottery Game

[Correction]

An error occurred in the document which appeared at 29 Pa.B. 5453 (October 16, 1999) giving notice of the rules for the new instant lottery game. A multiplication sign was incorrectly printed in the table setting forth the approximate number of winners, amounts of prizes, and approximate odds of winning. The following version shows the correct symbol:

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Match "Your Temp" To The "Winning Temp" With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
	* * * * *		
\$2 × 6 + \$4 + \$8	\$24	1:750	6,720
	* * * * *		

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 99-1757. Filed for public inspection October 15, 1999, 9:00 a.m.]

## Pennsylvania \$1 Million Holiday Gift Instant Lottery Game

[Correction]

An error occurred in the document which appeared at 29 Pa.B. 5459 (October 16, 1999) giving notice of the rules for the new instant lottery game. Multiplication signs were incorrectly printed in the table setting forth the approximate number of winners, amounts of prizes, and approximate odds of winning. The following version shows the correct symbol:

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Match Any Of Your Numbers To Either Of The Winning Numbers With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,160,000 Tickets</i>
	* * * * *		
\$5 × 5 + \$10 + \$15	\$50	1:1,333	1,620
	* * * * *		
\$5 × 8 + \$10 + \$50	\$100	1:24,000	90
	* * * * *		

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 99-1761. Filed for public inspection October 15, 1999, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Retention of Engineering Firms

**Fayette, Greene, Washington, and  
Westmoreland Counties**

**Project Reference No. 08430AG2436**

The Department will retain an engineering firm for an Open-End Contract to perform various engineering and/or environmental services on various projects located in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties. The Contract will be for a sixty (60) month period with projects assigned on an

as-needed basis. The maximum amount of the Open-End Contract will be \$2.0 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 the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the acceptable letters of interest. Technical proposals will not be *not* 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 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 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 this Contract 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 this Contract 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; 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 this Contract 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 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 not more than six (6) 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  
P. O. Box 459, North Gallatin Avenue Extension  
Uniontown, PA 15401  
Attention: Mr. P. Gregory Bednar, 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 twenty-third (23rd) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. P. Gregory Bednar, P.E., District 12-0, at (724) 439-7243.

#### Luzerne County

#### Project Reference No. 08430AG2437

The Department will retain an engineering firm for a multi-phase, specific project agreement, to perform environmental studies and preliminary engineering, final design and services during construction (shop drawing reviews, alternate design reviews, and consultation during construction) for S. R. SOUCI, Section 000, a proposed new highway in Hanover Township and Nanticoke City, Luzerne County. The design of this project is expected to have an overall duration of thirty-six (36) months with shorter, varying schedules for individual phases. The overall duration will vary to accommodate project requirements. The estimated construction cost is \$20.6 million.

The proposed project is a four (4) lane controlled access highway running from the Sans Souci Highway (S. R. 2002) in Hanover Township to the Luzerne County Community College near Middle Road (S. R. 2008) in the City of Nanticoke. The project will include an interchange to connect with the South Cross Expressway (S. R. 0029).

The selected engineering firm will be required to provide a variety of engineering and environmental services as indicated below:

a. All studies necessary for the preparation of an Environmental Assessment and associated documents including, but not limited to: cultural resource surveys; historic structure surveys; wetland delineation and evaluation; Section 106 documents; hazardous waste investigations and reports; archaeological reports; Agency Coordination Meeting presentations.

b. Preliminary engineering including, but not limited to: field surveying; hydraulic and hydrologic analysis; utility investigations; type, size, and location drawings; right-of-way investigations; maintenance and protection of traffic drawings; erosion and sediment pollution control plans; soils and geological investigations; roadway and bridge design; and Step 9 drawings.

c. Preparation of final roadway and structure drawings, including, but not limited to: right-of-way plans; roadway and structure borings; final design; utility relocation plans; and preparation of plans, specifications and estimates.

d. 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 (based on similar projects).
- d. Ability to expedite this project and maintain schedule and budget.
- e. Past performance (based on similar projects).
- f. Location of consultant with respect to the project and District Office.

The District will announce the firms that have been shortlisted at an open public meeting to be held in Engineering District 4-0, O'Neill Highway, Dunmore, PA 18512. 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 ten (10%) 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. Charles M. Mattei, P.E., District Engineer  
Engineering District 4-0  
O'Neill Highway  
Dunmore, PA 18512  
Attention: Mr. Kevin E. Atkins, 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. Kevin E. Atkins, P.E., District 4-0, at (570) 963-3190.

### **Philadelphia County**

#### **Project Reference No. 08430AG2438**

The Department will retain an engineering firm to perform preliminary engineering, environmental documentation, final design and services during construction for S. R. 0095, Section BSR, Delaware Expressway (I-95) in the City of Philadelphia from Orthodox Street to Levick Street, a distance of approximately 2.91 km (1.81 miles). The estimated construction cost of this project is \$60.0 million. The expressway reconstruction will include interchange improvements, roadway reconstruction and bridge widening, rehabilitation and replacement.

The selected firm will be required to provide the following engineering, environmental and design services: C.E.E. Level IV/Section 4(f) document preparation; surveys; roadway design; drainage design; roadside development design; preparation of cross sections; erosion and sedimentation control design; structure design; subsurface boring, sampling and testing; point of access report preparation; noise analysis and noise wall design; preparation of traffic control, pavement marking and signing

plans; traffic signal design; traffic analysis; utility coordination; coordination with public agencies, municipal officials, and the public; preparation of final plans, specifications and estimates; shop drawing reviews; alternate review; construction consultation and other services needed to complete this project.

Firms that currently serving, or are being considered for selection, as municipal engineer in the municipality listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Mr. Michael J. Girman, III, at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) 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).

Letters of Interest will be evaluated at the Engineering District 6-0 office with emphasis on the following factors listed in order of importance:

- a. Specialized experience and technical competence of the firm including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.
- b. Experience of employees to be associated with this project. Particularly important are the key people assigned to the project including their experience and past record of performance with similar projects.
- c. Past performance record.
- d. Relative size of firm to size of project to be completed under this Agreement.
- e. Innovations and flexibility in thinking, particularly with respect to the needs of the local communities.
- f. Geographic location of the consultant with respect to District 6-0.

Engineering District 6-0 will announce the firms that have been shortlisted at an open public meeting to be held in the District office at 200 Radnor-Chester Road, St. Davids, PA on December 15, 1999.

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 six (6) additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Andrew Warren, District Administrator  
Engineering District 6-0  
20 Radnor-Chester Road  
St. Davids, PA 19087  
Attention: Mr. Michael J. Girman, III

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 twenty-third (23rd) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Tim O'Brien,

P.E., District 6-0, at (610) 964-6526, or Mr. Michael J. Girman, III, District 6-0, at (610) 964-6530.

**Chester County**

**Project Reference No. 08430AG2439**

The Department will retain an engineering firm to perform environmental studies, preliminary engineering, final design, and construction consultation for the following projects:

1. S. R. 0113, Section 08B, Gay Street Bridge over Conrail and French Creek in Phoenixville Borough in Chester County. This project involves the replacement of the bridge and minor roadway approach work. The limits of work is from Segments 0300, Offset 000 to Segment 0030, Offset 1228. The project's estimated construction cost is \$8.5 million.

2. S. R. 0202, Section 83S, DeKalb Street Bridge over Conrail in Bridgeport Borough, Montgomery County. This project involves the replacement of the bridge and minor roadway approach work. The limits of work is from Segments 0120 and 0121, Offset 0000 to Segments 0120 and 0121, Offset 0750. The project's estimated construction cost is \$7.5 million.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sections; soils and geological investigations; erosion and sedimentation control design; right-of-way investigation and plan; structure design; environmental documentation; hydrologic and hydraulic analysis; preparation of traffic control, pavement marking, and signing plans; utility coordination and design; coordination with PennDEP, municipal officials, and the public; preparation of final plans, specifications, and estimates; shop drawing review; consultation during construction and other services needed to complete these projects.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity. Any questions concerning this requirement should be directed to Mr. Timothy R. O'Brien, P.E., at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) 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).

We encourage small firms to submit a letter of interest for this assignment.

Letters of interest will be evaluated at the Engineering District 6-0 office with emphasis on the following factors listed in order of importance:

a. Specialized experience and technical competence of the firm including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.

b. Experience of employees to be associated with this project. Particularly important are the key people as-

signed to the project including their experience and past record of performance with similar projects.

c. Relative size of firm to size of project to be completed under this Agreement.

d. Past performance record.

e. Geographic location of the consultant with respect to District 6-0.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for December 15, 1999, at 10:00 a.m., at Engineering District 6-0's Large Conference Room.

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 six (6) additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Andrew Warren, District Administrator  
Engineering District 6-0  
200 Radnor-Chester Road  
St. Davids, PA 19087  
Attention: Mr. Lawrence J. Link, 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 twenty-third (23rd) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526, or Mr. Lawrence J. Link, P.E., District 6-0, at (610) 964-6536.

**Allegheny, Beaver and Lawrence Counties**

**Project Reference No. 08430AG2440**

The Department will retain an engineering firm for an Open-End Contract for various engineering and/or environmental services on various projects located in Engineering District 11-0, that is Allegheny, Beaver and Lawrence Counties. The Contract will be for a sixty (60) month period 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 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 firm.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals employed by the firm shall be considered.

c. Location of Consultant in respect to the District.

d. Projected workload for the next two (2) calendar years.

e. Available staffing for this assignment and the ability to meet the Department's needs.

The work and services required under this Contract 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 this Contract 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 the Contract 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 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. Raymond S. Hack, P.E., District Engineer  
Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017

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 twenty-third (23) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Rao Chaluvadi, District 11-0, at (412) 429-4907.

#### 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 request 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. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

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 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. 99-1882. Filed for public inspection November 5, 1999, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 21, 1999, and took the following actions:

#### *Regulations Approved:*

Environmental Quality Board #7-324: Stream Redesignations; Hay Creek, et al (amends 25 Pa. Code § 93.9).

Environmental Quality Board #7-323: Wastewater Management (amends 25 Pa. Code Chapters 91, 97 and 101).

Department of Revenue #15-390: Inheritance Tax; Disclaimers of Nonprobate Taxable Assets (amends 61 Pa. Code §§ 93.141 and 94.1).

Department of Revenue #15-381: Personal Income and Corporate Taxes (amends 61 Pa. Code §§ 101, 103, 109, 113, 117, 121 and 155).

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner

Public Meeting held  
October 21, 1999

*Environmental Quality Board—Stream Redesignations; Hay Creek, et al; Regulation No. 7-324*

#### Order

On August 5, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code § 93.9. The authority for this regulation is 35 P. S. § 691.5, et seq. The proposed regulation was published in the August 16, 1997 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on September 21, 1999.

This regulation upgrades the designation of five streams in Berks, Cambria and Somerset counties. Portions of one stream are being downgraded. The stream reports were reviewed in comparison to the antidegradation rulemaking published as final on July 17, 1999. Accordingly, portions of some of the redesignations were adjusted. The EQB removed Pine Creek, located in Crawford and Warren Counties, from this rulemaking. The EQB plans to reevaluate it for possible inclusion in a future proposed rulemaking.

We have reviewed this regulation and find it to be in the public interest. The amendments provide the appropriate protection of these streams and their drainage basins.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-324 from the Environmental Quality Board, as submitted to the Commission on September 21, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner

Public Meeting held  
October 21, 1999

*Environmental Quality Board—Wastewater Management; Regulation No. 7-323*

#### Order

On August 12, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 91, 97 and 101. The authority for this regulation is The Clean Streams Law (35 P. S. § 691.5). The proposed regulation was published in the August 23, 1997 *Pennsylvania*

*Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 21, 1999.

This rulemaking is part of the Department of Environmental Protection's (DEP's) Regulatory Basics Initiative. The amendments are intended to eliminate provisions which impose disproportionate economic costs; are obsolete; or are more stringent than Federal regulations unless justified by a compelling public interest. The amendments are also intended to support DEP's pollution prevention measures and more easily apply new green technologies.

We have reviewed this regulation and find it to be generally in the public interest. However, we have a concern with § 91.15(a) which requires compliance with Chapter 16 (relating to water quality toxics management strategy—statement of policy). By definition, statements of policy contain nonbinding guidelines. If the EQB intends to require compliance with Chapter 16, it should promulgate this chapter as a proposed regulation.

*Therefore, It Is Ordered That:*

1. Regulation No.7-323 from the Environmental Quality Board, as submitted to the Commission on September 21, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner

Public Meeting held  
October 21, 1999

*Department of Revenue—Inheritance Tax; Disclaimers of Nonprobate Taxable Assets; Regulation No. 15-390*

#### Order

On September 3, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code §§ 93.141 and 94.1. The authority for this regulation is section 2103 of the Tax Reform Code of 1971 (72 P. S. § 9103) and the Opinion and Order of Commonwealth Court in *In Re Estate of Bernecker*, 654 A.2d 246 (Pa. Commonwealth 1995). The proposed regulation was published in the September 13, 1997 *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 24, 1999.

This rulemaking, in response to the referenced Commonwealth Court decision, amends the Department's regulations concerning disclaimers of nonprobate taxable assets. Nonprobate taxable assets are those assets that pass outside an individual's will.

The regulation sets forth specific conditions, includes filing and notice requirements, which will be utilized in determining whether a disclaimer executed in regard to nonprobate taxable assets and nontrust assets is taxable under the Pennsylvania Inheritance Tax law.

We have reviewed this regulation and find it to be in the public interest. The regulation formalizes the Department's rules on this subject for taxpayers and tax practitioners.

*Therefore, It Is Ordered That:*

1. Regulation No. 15-390, from the Department of Revenue, as submitted to the Commission on September 24, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli—Dissented; John F. Mizner

Public Meeting held  
October 21, 1999

*Department of Revenue—Personal Income and Corporate Taxes; Regulation No. 15-381*

#### Order

On August 20, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code §§ 101, 103, 109, 113, 117, 121 and 155. The authority for this regulation is 72 P. S. §§ 7354 and 7408. The proposed regulation was published in the August 30, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 28, 1999.

We have reviewed this regulation and find it to be in the public interest. The amendments clarify the Department's interpretation of State requirements, Federal requirements and classification of income, losses and deductions.

*Therefore, It Is Ordered That:*

1. Regulation No. 15-381 from the Department of Revenue, as submitted to the Commission on September 28, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 99-1883. Filed for public inspection November 5, 1999, 9:00 a.m.]

#### 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 (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form 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>
52-10	PA Human Relations Commission Housing Accommodations/ Commercial Property (29 Pa.B. 3895 (July 24, 1999))	10/22/99	9/22/01
16A-567	State Real Estate Commission Disclosure Summary (29 Pa.B. 4451 (August 21, 1999))	10/22/99	9/20/01
16-20	Department of State Schedule of Civil Penalties (29 Pa.B. 4437 (August 21, 1999))	10/22/99	9/20/01
52-11	PA Human Relations Commission Housing Accommodations/ Commercial Property (29 Pa.B. 4443 (August 21, 1999))	10/22/99	9/20/01
16A-556	State Board of Accountancy Peer Review (29 Pa.B. 4448 (August 21, 1999))	10/22/99	9/20/01

**The Pennsylvania Human Relations Commission**

**Regulation No. 52-10**

**Housing Accommodations/Commercial Property**

**October 22, 1999**

We have reviewed this proposed regulation from the Pennsylvania Human Relations Commission (PHRC) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to consistency with statute, reasonableness, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. Section 45.171. Race/Color/National Origin.—Reasonableness and Clarity.**

Paragraph (3) states that it is unlawful to advertise “[L]andmarks or organizational locations which are indicative of a particular nationality or race, unless all of the landmarks in the area are noted.” Does this section prohibit a reference to a property located in an area recognized as a community landmark, for example, “Chinatown” or “Little Italy?” The PHRC should clarify this in the final-form rulemaking.

Also, can ethnic terms be used to describe a property’s unique features (for example, Oriental garden, Kosher restaurant)? For clarity, the final-form regulation should specify whether this type of description is prohibited.

The term “code words” in Paragraph (4) is vague. We understand that “code words” are local terms, phrases and euphemisms that describe specific neighborhoods which are primarily populated by a certain ethnic group. The PHRC should define or explain this term within this section.

**2. Section 45.172. Familial status/age.—Clarity.**

There appears to be a typographical error in subsection (a)(3). The word “The” which appears before “listing” should be deleted.

**3. Section 45.181. List.—Need and Clarity.**

This section describes the purpose and general scope of the list of words to be avoided in housing advertisements. The language contained in this section is nonregulatory in that it provides guidance rather than regulatory requirements. The PHRC should revise this section to be written in the form of regulatory requirements. Alternatively, the PHRC could move the purpose description language to § 45.161. Purpose.

**4. Section 45.182. Words to be avoided.—Clarity.**

Subsection (a) contains the statement: “The list is neither intended nor reasonably able to be all inclusive.” This sentence repeats information included in § 45.181 and should be deleted.

Also, the explanatory language after “Retired persons, retirees” and “Senior” is confusing. To improve clarity, this language should mirror the structure of the explanatory language that follows the word “Adult.”

**5. Section 45.191. Advertisements.—Clarity.**

It is our understanding that advertisements in Pennsylvania newspapers for property located out-of-State are covered under this rulemaking. If so, the regulation should be clarified by adding a provision that the requirements of this chapter apply regardless of where the property is located.

**6. Section 45.192. Affirmative defenses.—Clarity.**

The term “housing advertiser” should be replaced with “advertiser,” since this is the defined term.

Paragraph (2) provides that it is an affirmative defense that a housing advertiser has complied with a written advisory of the Commission concerning what constitutes appropriate housing advertisements. A provision should be added outlining the process by which an advisory is requested and received, including any applicable time frame.

**7. Section 45.193. Good faith efforts.—Clarity.**

Paragraph (1) references the housing for older persons exemption. To improve clarity, the PHRC should include a cross-reference to the Federal Fair Housing Act (42 U.S.C.A. § 3607(b)).

Paragraph (3) provides that an advertiser will be deemed to have acted in good faith if the advertiser produces a written Commission advisory that the language complained of is legal. As noted in Comment #6, a provision should be added outlining or referencing the process by which an advisory is requested and received, including any applicable time frame.

**8. Obsolete provisions in existing regulation.—Consistency with Statute.**

Act 34 of 1997 nullified §§ 45.8(a) (relating to advertisements) and 45.13(f) (relating to exemptions) of the existing PHRC regulations. Why were those two sections not deleted in the proposed rulemaking? For consistency with the Act 34 amendments, the PHRC should delete both sections in the final-form regulation.

**State Real Estate Commission Regulation No.  
16A-567**

**Disclosure Summary**

**October 22, 1999**

We have reviewed this proposed regulation from the State Real Estate Commission (SREC) 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, fiscal impact, reasonableness, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. Subsection 35.336(a). Disclosure summary.—Consistency with statute, Need, Reasonableness and Clarity.**

This regulation consists of one section divided into three subsections. Subsection (a) is the largest of the three. It contains the required contents for the disclosure summary that is entitled "Consumer Notice" (Notice). The following paragraphs address concerns or questions with the language of subsection (a) and the Notice.

*First sentence of subsection (a)*

The first sentence of the subsection states that the Notice is required to match the form provided by the regulation. However, the regulation contains no directives for legibility. Other agencies set specific minimum standards in regulations for public notices including typeset size. This proposed regulation should include specific minimum standards for typeset size and format.

*Terminology of Notice*

Section 608 of the Real Estate Licensing and Registration Act as amended by Act 112 of 1998 (act) (63 P.S. § 455.608) relating to information to be given at an initial interview, uses the term "broker." However, the Notice uses "licensee," "salesperson" and "broker." The term could encompass more than a broker or salesperson according to section 301 of the act. Since neither the act nor the regulation defines "licensee," this regulation should include a definition of "licensee" for the Notice.

*Second paragraph of Notice*

The House Professional Licensure Committee (House Committee) and Pennsylvania Association of Realtors (PAR) suggested changes in the second paragraph of the Notice. This paragraph's statement is required by subsection 608(2) of the act. The use of the language suggested by the House Committee and PAR would improve the clarity of the Notice.

*First, third, sixth and eighth bulleted paragraphs of Notice*

The bullet points in the third paragraph of the Notice are based upon section 606.1 of the act. These bullets should more closely track the act. The following are four examples:

The first bullet states that the licensee shall exercise reasonable professional skill and care. It should also include language from section 606.1(a)(1) of the act that states a licensee must exercise reasonable professional skill and care "which meets the practice standards required by the act [Real Estate Licensing and Registration Act]."

The third bullet should mirror the act by specifying that the waiver must be in writing. It should also reference counteroffers.

The sixth bullet states that licensees should disclose all conflicts of interest and financial interest "in a timely manner." However, section 606.1(a)(13) of the act requires that these disclosures be made when the licensee first recommends a purchase, or first learns that the consumer will purchase a service in which the licensee or an affiliated licensee has a financial interest. Instead of using "in a timely manner," the Notice should use the specific language of the act.

The eighth bullet should more closely track section 606.1(a)(11) of the act. It should specify that the licensee must provide assistance with document preparation and advice on compliance with real estate laws.

*Descriptions of different "Agency" relationships*

Under the descriptions of the four different types of agency relationships, the Notice does not include language from the act relating to exceptions to the licensee's obligation to seek additional offers, properties for purchase, or buyers for the property. These exceptions are found in sections 606.2(2), 606.3(2), 606.4(b)(3) and 606.5(b)(2) of the act. The SREC should include these exceptions in the Notice.

*Dual Agency*

In the first paragraph under the heading "Dual Agency," the first sentence mirrors the act by indicating that dual agency requires the written consent of all parties involved. However, the second sentence is confusing. It states that if dual agency should occur in a consumer's transaction, the consumer will be informed. The SREC should delete the second sentence.

*Designated Agency*

Under "Designated Agency," the Notice provides that "... licensees in the company who are not designated may represent another party and *should* not be provided with any confidential information" (emphasis added). The use of the term "should" implies that the employing broker can decide whether to give a licensee, who is representing another party, confidential information. If this is the intent, we request the SREC explain when it would be appropriate to divulge confidential information. If this is not the SREC's intent, the term "should" should be replaced with "shall."

*Other Information About Real Estate Transactions*

This section of the Notice lists items that are negotiable and are addressed in an agreement or disclosure statement with the licensee. There are two concerns.

First, the first sentence states that the following are negotiable. However, the following three bulleted sentences end with the phrase "are negotiable." This repetition is unnecessary.

Second, the fourth bullet point addresses the broker's cooperation with other brokers. To be consistent with section 608(6) of the act, it should include a broker's sharing of fees.

*Acknowledgement*

Under the word "Acknowledgement," the Notice includes space for the consumer's signature. The House Committee and PAR suggest that the Notice also include space for the printed name, address and telephone number of the consumer. The Notice should include space for

printing the consumer's name. However, what is the need for adding lines for the consumer's address and telephone number?

**2. Section 35.336(b). Disclosure summary.—Implementation procedure and Clarity.**

There are two concerns with subsection (b). First, the subsection directs licensees to provide the Notice to all consumers at the initial interview. Yet, the regulation contains no definition of "initial interview." This subsection should reference the statutory definition of "initial interview" in section 608 of the act.

Second, subsection (b) should provide that if consumers opt not to sign, licensees shall note the refusal on the records that they retain as required by subsection (c).

**3. Section 35.336(c). Disclosure summary.—Fiscal impact, Reasonableness and Need.**

Subsection (c) requires licensees to retain the Notice signed by the consumer. Retention and storage of documents is an expense. The SREC should review and explain the need for retaining these documents. If retention is necessary, then the regulation should set a retention period.

**Bureau of Professional and Occupational Affairs**

**Regulation No. 16-20**

**Schedule of Civil Penalties**

**October 22, 1999**

We have reviewed this proposed regulation from the Bureau of Professional and Occupational Affairs (BPOA) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and (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 existing regulations and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. Section 43b.3. Procedures.—Consistency with existing regulations and Clarity.**

Subsection 43b.3(b)(1) in the existing regulation refers to schedules of civil penalties under §§ 43b.4—43b.9. This reference should be amended to include the additional schedules proposed in this regulation.

**2. Section 43b.7. Schedule of civil penalties—pharmacists and pharmacies.—Consistency with existing regulations and Clarity.**

The House Professional Licensure Committee commented on an inconsistency between the violations described in the proposed regulation and existing regulation 49 Pa. Code § 27.15. Existing subsection 27.15(a) requires a pharmacy to be in a clean and orderly condition and in good repair. Existing subsection 27.15(b) states that a pharmacy must comply with State and local health and sanitation statutes. However, the proposed regulation's description of violations is not consistent with the existing subsections. The description of violations in this regulation should be set forth in the same manner as the existing regulation.

**3. Section 43b.12a. Schedule of civil penalties—auctioneers, apprentice auctioneers, auction house and auction companies.—Clarity.**

In the "Penalties" column, the word "action" is missing after the word "formal." The phrase "formal action" should be used to be consistent with other penalties in the regulation.

**4. Section 43b.13a. Schedule of civil penalties—engineers, land surveyors and geologists.—Clarity.**

The wording of the "Title/Description" for violation under 63 P. S. § 150(b) is unclear. It does not clearly state that the violation is for misrepresentation on a sign, advertisement, letterhead or card. The description is also unclear because it uses four subparagraphs for identical penalties. The description could be consolidated and clearly establish that the violation is for representing oneself to be an engineer, land surveyor or geologist on a sign, advertisement, letterhead or card, without being licensed or registered.

**Pennsylvania Human Relations Commission**

**Regulation No. 52-11**

**Housing Accommodations/Commercial Property**

**October 22, 1999**

We have reviewed this proposed regulation from the Pennsylvania Human Relations Commission (PHRC) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. Section 45.301. Purpose.—Clarity.**

This section includes, verbatim, the statutory language from 43 P. S. § 955(h)(5). Is it necessary to include the entire statutory text of the subsection in this section? The PHRC should consider, instead, cross-referencing 43 P. S. § 955(h)(5).

**2. Section 45.302. Initial procedure.—Reasonableness and Clarity.**

*Paragraphs (1) and (2)*

In paragraphs (1) and (2), "advertisements shall be forwarded to," and "Commission Citation Forms shall be completed by" the "appropriate housing staff(s)." The process described in these paragraphs does not need to be codified. This information would be more appropriately included in the PHRC's internal operations manual.

Paragraph (1) requires, when possible, "information regarding the advertisement's publication." What does this information include? The PHRC should clearly state what information is needed.

*Paragraph (3)*

How long after the PHRC becomes aware of an advertisement will a copy of the citation be sent to the parties cited in paragraph (3)? For clarity, the PHRC should specify a time frame within which it will respond by sending a copy of the citation to the affected party.

What is the "appropriate penalty" included in subsection (3)(iii)? For clarity, the PHRC should cross-reference the "Schedule of civil penalties" in § 45.307 in this paragraph.

*Paragraphs (3) and (4)*

What is the difference between "service of the citation" in paragraph (4) and the paragraph (3) reference to citations being "sent"? For improved clarity, both paragraphs should reference service of the citation. Also, 1 Pa. Code § 33.34 should be cross-referenced to reflect that the date of service is the date of mailing.

*Paragraph (5)*

Paragraph (5) states: "[F]ailure to pay a civil penalty could result in . . . other disciplinary actions against licensees. . . ." For clarity, the PHRC should cross-reference where these other actions, including court proceedings, that are deemed appropriate disciplinary actions in this paragraph, are found. Further, will the final regulation specify the additional penalties that would result from a failure to pay the civil penalty required in paragraph (5)?

**3. Section 45.303. Administrative procedures.—Clarity.***Subsections (a) and (b)*

Subsection (a) provides that all responses to citations shall be recorded in the "appropriate data base." Subsections (b)(1) and (b)(2) require the PHRC to process and forward checks when violations are admitted and other violations are denied. This information is more appropriately placed in an internal operations manual.

*Subsections (c) and (d)*

Subsection (c)(1) states "[T]he fact shall be noted in the record." Subsection (d)(1) states "[T]he record shall note the denial." Is there a reason why these two sentences are written differently? If not, the PHRC should consider parallel construction for these two sentences.

We also question the use of the terms "citation officer" in this section and "hearing officer" in § 45.308 (relating to the Citation form). It is our understanding that these two positions are identical. For clarity and consistency, the PHRC should define one of these terms in this subsection, and use that defined term consistently throughout the regulation.

*Subsection (f)*

What are the "appropriate PHRC regulations/requirements"? Is "requirement" another term for "regulation"? If so, it should be deleted.

Are there "appropriate" regulations beyond those found in this rulemaking? If so, they should be explained or cross-referenced.

*Subsection (g)*

Subsection (g) provides that all payments made as a result of a violation will be forwarded to the Department of Revenue. Once again, we question whether this information would be more appropriately included in an internal operations manual.

**4. Section 45.304. Hearing.—Clarity.**

Will hearings under this section and the section on appeals (§ 45.305) be administered in accordance with 16 Pa. Code Chapter 42 of the PHRC's Special Rules of Administrative Practice and Procedure? It is our understanding that they will be. Applicable rules should be included and cross-referenced in the final-form regulation.

Subsection (a)(5) provides that following a hearing, the citation officer may "order other appropriate equitable relief as authorized by the act." The final-form regulation should explain what this means, including appropriate cross-references to other applicable provisions.

Subsection (b) states: "[O]rders affirming two or more violations shall be referred to appropriate licensing or regulating agencies for action as they deem appropriate." The final-form regulation should include a provision that the party who is the subject of those referrals will be provided with a copy of all referral notices.

**5. Section 45.305. Appeals.—Clarity.**

As noted in Comment No. 4, all rules applicable to this section should be identified and cross-referenced in the final-form regulation. This section should also clarify the nature of the appeal hearing (that is, is it a hearing de novo or a reconsideration?). Finally, it should specify the extent to which additional evidence may be considered.

**6. Section 45.307. Schedule of civil penalties.—Clarity.**

This section provides that if an unlawful advertisement is placed again in a newspaper or other publication, or is not withdrawn reasonably upon service of citation, it may be cited a second time. The clarity of the first clause would be improved if it included a reference to "following receipt of a citation" after the word "publication."

In subsection (b), the PHRC should further explain what it means by "formal process." Does it mean a formal complaint procedure? If so, this section should include a citation to the PHRC's Chapter 42 procedural rules.

Similarly, the phrase "to impose a maximum penalty on a multiple basis" in subsection (b)(1) should be clarified. Section 9.3 of Act 34 of 1997 (43 P. S. § 959.3) states: "[A]ny such penalty shall not exceed the sum of five hundred dollars (\$500)." Given this limitation, subsection (b)(1) should clearly indicate that it applies to multiple offenses, not multiple penalties which may exceed \$500 for one offense.

**7. Section 45.308. Form.—Clarity.**

The instructions accompanying the form provide that all hearings are held in Harrisburg at the PHRC's conference room. We understand it is the PHRC's intent to hold hearings at the PHRC's offices in or nearest to the region where the transgression occurred or the alleged violator is located. If the PHRC plans to hold hearings regionally, the final-form regulation and the Citation form instructions should be amended accordingly.

Additionally, the following inconsistencies on the "Citation" form should be corrected:

1) The instructions refer to a hearing before a "hearing officer." Use either "citation officer" or "hearing officer" consistently throughout the regulation (see Comment No. 3).

2) The word "too" in the verification language should be changed to "to."

3) Under "Notice of Rights and Obligations," subsection 2(b)(i) includes the language "at the address listed specified above." Either the word "listed" or the word "specified" should be deleted.

**State Board of Accountancy Regulation No. 16A-556****Peer Review****October 22, 1999**

We have reviewed this proposed regulation from the State Board of Accountancy (Board) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and (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 regula-

tion is in the public interest. In applying these criteria, our Comments address issues that relate to statutory authority, legislative intent, reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. Section 11.81. Definitions.—Clarity.**

The body of the regulation uses the acronym “AICPA.” However, this acronym is not defined. For clarity, the Board should define the acronym “AICPA.”

**2. Section 11.82. Effective dates for peer review compliance; proof of compliance or exemption.—Statutory authority, Legislative intent, Reasonableness and Clarity.**

*Peer review effective dates*

Subsections (a) and (b) of the regulation require a firm to complete a peer review before the license biennium that begins May 1 of 2000, or May 1, 2004, for firms that have not accepted or performed any audit engagements. The House Professional Licensure Committee commented that the dates set forth for peer review are in conflict with the statutory language and legislative intent behind the Act.

Sections 8.2(f) and 8.8(c) of the Act state a license may not be issued to a firm after April 30, 2000 unless the applicant complies with section 8.9 Peer Review. These sections of the Act do not directly require a peer review, but rather require compliance with section 8.9.

Section 8.9(l)(2) of the Act states the following:

This section shall not become applicable to firms and no firm shall be required to undergo a peer review under this section until May 1, 2000, except that this section shall not become applicable until May 1, 2004 to a firm that has not accepted or performed any audit engagements during the period May 1, 1998, through April 30, 2004 (emphasis added).

Until May 1, 2000, every firm is in compliance with section 8.9 of the Act, regardless of whether it has had a peer review or not. Likewise, prior to May 1, 2004, firms that have not accepted or performed any audit engagements are also in compliance. The Board should amend the deadlines for peer review to comply with section 8.9(l)(2) of the Act.

*Subsection (b)*

Subsection (b) makes a distinction between a “review engagement” and an “audit engagement.” It is unclear what specific characteristics distinguish the two from each other. For clarity, the Board should define these terms.

*Subsection (d)*

Subsection (d) addresses a firm claiming an exemption from peer review under section 8.9(g) of the Act. The regulation requires a firm to submit “information that substantiates its entitlement to an exemption.” To improve clarity, the Board should specify the type of documentation required by this subsection.

The second sentence in subsection (d) addresses the special case of a multistate firm that claims an exemption based on previously having undergone a peer review in another state or jurisdiction. To improve clarity, this provision should be contained in a new subsection (e).

In addition, section 8.9(a) of the Act provides an exemption for a firm “that meets *one* of the exemptions in subsection (g)” (emphasis added). However, section 8.9(g) states “a firm shall be exempt from the requirement to

undergo peer review if *all* of the following apply...” (emphasis added). How will the Board reconcile these two contradicting provisions in the Act? If the Board will require a firm to meet one of the exemptions in section 8.9(g) of the Act, subsection (d) should be revised to reflect the Board’s intent.

Subsection (d)(2) requires “A statement that the firm’s internal inspection or monitoring procedures require that the firm’s personnel from an out-of-State office perform an inspection of the firm’s Pennsylvania offices at least once every 3 years.” Is an internal inspection the equivalent of a peer review? If it is, we request the Board explain how an inspection by an out-of-State office of the same firm constitutes an independent peer review as required by the Act.

**3. Section 11.83. Administering organizations for peer review; firm membership not required.—Clarity.**

*Administering organization*

This section lists organizations that are qualified to administer peer review programs. However, the function of the administering organization in the peer review is unclear. We request the Board explain the role of the administering organization.

It is also unclear whether an administering organization, other than those listed in subsections (a)(1) and (a)(2), can obtain Board approval. We request the Board add the process for approving other administering organizations in the final regulation.

*Subsection (a)*

Subsection (a)(2) provides that State societies and institutes that participate in the American Institute of Certified Public Accountants (AICPA) Peer Review Program are deemed qualified to administer peer review programs. Why is this provision limited to “State” societies and institutes?

*Subsection (b)*

This subsection states “A firm that is subject to peer review is not required to become a member of the AICPA or any other administering organization.” It is our understanding that this provision is intended to prohibit an administering organization from requiring membership as a precondition for conducting the review or attesting to the firm’s professional standards and practices. The Board should clarify its intent in the final regulation.

**4. Section 11.85. Qualifications of peer reviewers.—Clarity.**

*Peer reviewers*

This section addresses the qualifications of peer reviewers. However, it does not specify how these qualifications would be administered or reviewed by the Board. The Board should explain how it determines whether a prospective peer reviewer is qualified.

*Subsections (b) and (c)*

These subsections allow a licensed public accountant or a sole practitioner who “otherwise satisfies the requirements of subsection (a)” to serve as a peer reviewer. Subsection (a) requires the peer reviewer to meet the qualifications contained in the AICPA’s “Standards for Performing and Reporting on Peer Reviews.” It is unclear how an individual could otherwise satisfy the requirements of subsection (a). We request the Board clarify the intent of subsections (b) and (c).

Also, the term "sole practitioner" is not defined in the Act or the proposed regulation. To improve clarity, the Board should define this term in the final regulation.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-1884. Filed for public inspection November 5, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Sonia Costello under The Motor Vehicle Financial Responsibility Law, Catastrophic Loss Benefits Continuation Fund; Doc. No. CF99-06-005

Under the Motor Vehicle Financial Responsibility Law, act of February 12, 1984 (P. L. 26, No. 11) (75 Pa.C.S. §§ 1701—1798) (31 Pa. Code § 67.6) (act), notice is given that the appellant in this action has requested a hearing. The hearing will be held in accordance with the requirements of the act, Administrative Rules of 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 §§ 56.1—56.3). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice. A hearing will occur on December 7, 1999, at 11 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant 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.

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 may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1885. Filed for public inspection November 5, 1999, 9:00 a.m.]

### Application for Approval to Acquire Control of United National Insurance Company

American Re Corporation Company has filed an application to acquire control of United National Insurance Company, a Pennsylvania domiciled stock casualty insur-

ance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. § 991.1402, et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1886. Filed for public inspection November 5, 1999, 9:00 a.m.]

### Application and Request for a Certificate of Authority

Community Behavioral HealthCare Network of Pennsylvania has applied for a Certificate of Authority to operate as a preferred provider organization in Pennsylvania. The initial filing was received on October 25, 1999, and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 et seq. and the Insurance Laws (40 P. S. § 764a). Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Michael S. Graeff, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; FAX (717) 787-8557; and email mgraeff@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1887. Filed for public inspection November 5, 1999, 9:00 a.m.]

### Blue Cross of Northeastern Pennsylvania; Rate Filing

On October 14th, 1999, Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Insurance Department's approval to implement two new prescription drug riders, including mail order, for subscribers enrolled in the traditional Blue Cross Program (Basic Blue Cross Hospitalization Contract for Experience-Rated Groups). The riders have a deductible amount of \$100 and \$125 respectively, and coinsurance of 30%. The rates are as follows:

*Single Family*

\$100 Deductible with 30% coinsurance	\$47.27	\$111.11
\$125 Deductible with 30% coinsurance	\$46.43	\$109.12

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1888. Filed for public inspection November 5, 1999, 9:00 a.m.]

**Capital Blue Cross and Pennsylvania Blue Shield;  
Community Rated Group Major Medical Program  
Limitation of Manipulation Therapy and Physical  
Therapy Benefits; Filing No. 99-EE**

By filing no. 99-EE, Capital Blue Cross and Pennsylvania Blue Shield propose to reduce rates by 3.1% for the Community Rated Major Medical Program. The proposed rate reduction is based on limiting coverage for manipulation therapy to 18 visits per year and physical therapy to 18 visits per year. This rate change will impact approximately 104,227 members. An effective date of January 1, 2000 is requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1889. Filed for public inspection November 5, 1999, 9:00 a.m.]

**Capital Blue Cross and Pennsylvania Blue Shield;  
Rating Factors—Comprehensive Major Medical  
Program for Experience-Rated Groups; Filing  
No. 99-JJ**

By filing no. 99-JJ, Capital Blue Cross and Pennsylvania Blue Shield have submitted proposed rating factors for the Comprehensive Major Medical Program available to experience-rated groups. A prospective rating methodology is also being proposed. An effective date of January 1, 2000 has been requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1890. Filed for public inspection November 5, 1999, 9:00 a.m.]

**Capital Blue Cross and Pennsylvania Blue Shield;  
Rating Factors—CustomBlue Program for  
Experience-Rated Groups; Filing No. 99-II**

By filing no. 99-II, Capital Blue Cross and Pennsylvania Blue Shield have submitted proposed rating factors for the CustomBlue Program available to experience-rated groups. A prospective rating methodology is also being proposed. An effective date of January 1, 2000 has been requested.

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

Interested parties are invited to submit written comments, suggestions, or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1891. Filed for public inspection November 5, 1999, 9:00 a.m.]

**Capital Blue Cross and Pennsylvania Blue Shield;  
Rating Factors—Point of Service HealthOne Pro-  
gram for Experience-Rated Groups; Filing No.  
99-HH**

By filing no. 99-HH, Capital Blue Cross and Pennsylvania Blue Shield have submitted proposed rating factors for the Point of Service HealthOne Program available to experience-rated groups. A prospective rating methodology is also being proposed. An effective date of January 1, 2000 is requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1892. Filed for public inspection November 5, 1999, 9:00 a.m.]

**Capital Blue Cross and Pennsylvania Blue Shield; Rating Factors—Wraparound Major Medical Program for Experience-Rated Groups; Filing No. 99-GG**

By filing no. 99-GG, Capital Blue Cross and Pennsylvania Blue Shield have submitted proposed rating factors for the Wraparound Major Medical Program available to experience-rated groups. A prospective rating methodology is also being proposed. An effective date of January 1, 2000 has been requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-1893. Filed for public inspection November 5, 1999, 9:00 a.m.]

**Capital Blue Cross; Prospective Rating Formula for Prescription Drug Program For Experience-Rated Groups; Filing No. 99-KK**

By filing no. 99-KK, Capital Blue Cross is submitting a prospective rating formula for the Prescription Drug Program available to experience-rated groups. An effective date of January 1, 2000 is requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-1894. Filed for public inspection November 5, 1999, 9:00 a.m.]

**Capital Blue Cross; Rating Factors Update for Basic Blue Cross Program for Experience-Rated Groups; Filing No. 99-LL**

By filing no. 99-LL, Capital Blue Cross is submitting proposed rating factors for the Basic Blue Cross Program available to experience-rated groups. A prospective rating methodology is also being proposed. An effective date of January 1, 2000 is requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-1895. Filed for public inspection November 5, 1999, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; Freestanding Prescription Drug Filing for Experience Rated Groups; 1-FSD-99-HBCBS**

On October 18, 1999, Highmark Blue Cross Blue Shield submitted filing no. 1-FSD-99-HBCBS for Insurance Department approval. This filing requests approval to update rating trends for its Freestanding Drug product, effective January 1, 2000.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-1896. Filed for public inspection November 5, 1999, 9:00 a.m.]

**Highmark Blue Cross Blue Shield; Primary Care Designated Gatekeeper Filing; 1-PCGD-99-HBCBS**

Highmark Blue Cross Blue Shield submitted filing no. 1-PCGD-99-HBCBS for Insurance Department approval. This filing requests approval to update base rates and rating trends for its Primary Care Gatekeeper Designated product, effective January 1, 2000.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 99-1897. Filed for public inspection November 5, 1999, 9:00 a.m.]



### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with 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 General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Daniel Boyer; file no. 99-267-33656; Allstate Indemnity Company; doc. no. PH99-10-017; December 1, 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. 99-1898. Filed for public inspection November 5, 1999, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices

Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. 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 Peter and Judy Moskel; file no. 99-181-04805; Agway Insurance Company; doc. no. P99-10-012; November 23, 1999, at 1 p.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 requirement 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 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 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. 99-1899. Filed for public inspection November 5, 1999, 9:00 a.m.]

## PENNSYLVANIA COMMISSION FOR WOMEN

### Meeting Notice

The Pennsylvania Commission for Women has scheduled the Commission Meeting to be held on Monday, November 15, 1999, at 9:30 a.m. until 3 p.m. at the Harrisburg Holiday Inn East, 4751 Lindle Road, Harrisburg, PA 17111. The public is invited to attend. Persons who need accommodations due to a disability and want to attend should contact Christine Anderson, Pennsylvania Commission for Women, 205 Finance Building, Harris-

burg, PA 17120, at (888) 615-7477 or (717) 787-8128, at least 24 hours in advance so arrangements can be made.

LOIDA ESBRI,  
*Executive Director*

[Pa.B. Doc. No. 99-1900. Filed for public inspection November 5, 1999, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL

### Clean Water State Revolving Fund; Federal FY 1998 and 1999 Project Priority List

Notice is hereby given that the Pennsylvania Infrastructure Investment Authority (PIIA) and the Department of Environmental Protection have revised the combined Federal fiscal year 1998/1999 Clean Water State Revolving Fund (CWSRF) Project Priority List (List) of municipal sewage construction projects.

The FY 98/99 List was prepared in conformance with the requirements of Title II and Title VI of the Water Quality Act and Federal guidance and was approved by the Environmental Protection Agency (EPA) on July 9, 1998. Subsequently, the List was revised to add nine projects, and EPA approved the revised FY 98/99 List on July 9, 1999. The projects included on the List have a project priority rating established under the Department's EPA approved Chapter 103 project priority rating system. The Clean Water Act stipulates that States must maintain a Project Priority List of municipal sewage projects from which to develop the annual CWSRF Intended Use Plan (IUP) list of projects to be funded.

The 16 projects proposed for addition to the List will not replace any project currently on the approved FY 98/99 List. These 16 projects are additions and are being placed in the appropriate ranking slot in relation to other rated and ranked projects on the List. The rank order standing of projects on the List does not dictate the order in which projects are chosen for funding in the CWSRF program. A project may be selected from any numerical rank position on the List for funding. A project's readiness to proceed and the reasonable availability of alternative sources of funds have a bearing on project selection for funding in the program.

Five of the 16 projects to be added to the FY 98/99 List are expected to proceed to construction in the near future and the others are being added as potential projects for future construction loan consideration. The five projects expected to be ready for loan funding in the near future have submitted applications for funding and will be placed on an IUP to (1) replace projects that have not proceeded timely toward initiation of project construction and/or (2) to fill funding gaps that have developed as a result of cost savings. Projects removed from an IUP will remain on the List and be considered for CWSRF loan funds in the future.

Federal guidance on revising an approved List indicates the List be subject to public comment and review before

being submitted to EPA. Interested persons are invited to express their views on the priority rating or ranking of projects on the revised FY 98/99 List. Persons wishing to offer comments should submit them in writing to the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, Pennsylvania 17105-8466, telephone (717) 787-6744, or by Internet E-Mail (Maisano.Tony@dep.state.pa.us) by 4:00 p.m., December 6, 1999.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano as noted above or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

A list of the municipal sewage construction projects to be added to the FY 98/99 List follows this notice.

A copy of the revised FY 1998/99 Project Priority List that shows all 366 municipal sewage projects in priority and ranked order is available to any interested person for a nominal cost or may be reviewed in the Administrative Services Section office and in the following offices:

**Southeast Region:**

Water Management Program Manager  
Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428  
(Telephone 610-832-6131)

**Northeast Region:**

Water Management Program Manager  
2 Public Square, Wilkes-Barre, PA 18711-0790  
(Telephone 570-826-2553)

**Southcentral Region:**

Water Management Program Manager  
909 Elmerton Avenue, Harrisburg, PA 17110  
(Telephone 717-705-4707)

**Northcentral Region:**

Water Management Program Manager  
208 West 3rd Street, Williamsport, PA 17701  
(Telephone 570-327-3669)

**Southwest Region:**

Water Management Program Manager  
400 Waterfront Drive, Pittsburgh, PA 15222-4745  
(Telephone 412-442-4000)

**Northwest Region:**

Water Management Program Manager  
230 Chestnut Street, Meadville, PA 16335-3481  
(Telephone 814-332-6942)

**PENNVEST**

22 S. Third Street, 4th Floor, Keystone Building,  
Harrisburg, PA 17101  
(Telephone 717-787-8137)

JAMES M. SEIF,

*Secretary*

*Department of Environmental Protection*

*Vice-Chairperson*

*Pennsylvania Infrastructure Investment Authority  
and*

PAUL K. MARCHETTI,

*Executive Director*

*Pennsylvania Infrastructure Investment Authority*

PENNSYLVANIA      42  
(STATE)      (NUMBER)

NOVEMBER 6, 1999  
(DATE)

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL  
PROTECTION CLEAN WATER STATE REVOLVING FUND

**ADDITIONS TO FY 1998 AND FY 1999 PROJECT PRIORITY LIST**

**IN ALPHABETICAL ORDER**

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I - SECONDARY TREATMENT
- II - TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA - INFILTRATION/INFLOW CORRECTION
- IIIB - MAJOR SEWER SYSTEM REHABILITATION
- IVA - NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB - NEW INTERCEPTORS AND APPURTENANCES
- V - CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP - SEWAGE TREATMENT PLANT
- STPMOD - SEWAGE TREATMENT PLANT MODIFICATION
- INT - INTERCEPTOR
- PS - PUMP STATION
- FM - FORCE MAIN
- SS - SEWER SYSTEM
- SS REH - SEWER SYSTEM REHABILITATION

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIG. COST:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 CLEAN WATER STATE REVOLVING FUND  
 ADDITIONS TO FY 1998 AND FY 1999 PROJECT PRIORITY LIST**

5790

**NOVEMBER 6, 1999**

**APPLICANT INFORMATION**

**NEEDS CATEGORIES**

**PROJECT INFORMATION**

BEDFORD BORO MA 244 WEST PENN ST BEDFORD	PA 15522	COUNTY: BEDFORD REGION: SC NPDES NO.	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$6,100,000 IVB: \$0 V: \$0 ELIG. COST: \$6,100,000	PROJECT NO: CS422062-01 PROJ. TYPE: INT SS PROJECT RATING: 22 PROJECT RANKING: 248
DELCORA 100 E. FIFTH ST. P.O. BOX 999 CHESTER	PA 19016	COUNTY: DELAWARE REGION: SE NPDES NO.	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$8,500,000 V: \$0 ELIG. COST: \$8,500,000	PROJECT NO: CS422075-01 PROJ. TYPE: PS FM PROJECT RATING: 30 PROJECT RANKING: 127
EAST ROCKHILL TWP BOS 1622 RIDGE RD. PERKASIE	PA 18944	COUNTY: BUCKS REGION: SE NPDES NO.	I: \$0 II: \$875,000 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$600,000 V: \$0 ELIG. COST: \$1,475,000	PROJECT NO: CS422076-01 PROJ. TYPE: STP INT SS PROJECT RATING: 16 PROJECT RANKING: 318
FREEDOM TWP W&SA P.O. BOX 156, MUN. BLDG. EAST FREEDOM	PA 16637	COUNTY: BLAIR REGION: SC NPDES NO.	I: \$0 II: \$971,971 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$971,971	PROJECT NO: CS422089-01 PROJ. TYPE: STPMOD PROJECT RATING: 16 PROJECT RANKING: 315
GRTR POTTSVILLE AREA SA 401 N. CENTRE ST POTTSVILLE	PA 17901	COUNTY: SCHUYLKILL REGION: NE NPDES NO.	I: \$2,903,666 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$216,328 IVB: \$987,186 V: \$0 ELIG. COST: \$4,107,180	PROJECT NO: CS422061-01 PROJ. TYPE: STP INT SS PROJECT RATING: 13 PROJECT RANKING: 329
HASTINGS AREA SA PO BOX 559 207-1 5TH AVE. HASTINGS	PA 16646	COUNTY: CAMBRIA REGION: SW NPDES NO.	I: \$3,562,000 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$650,000 IVB: \$200,000 V: \$0 ELIG. COST: \$4,412,000	PROJECT NO: CS422077-01 PROJ. TYPE: STPMOD INT PS IN PROJECT RATING: 24 PROJECT RANKING: 211
KITTANNING BORO MA 300 S. MCKEAN ST KITTANNING	PA 16201	COUNTY: ARMSTRONG REGION: SW NPDES NO.	I: \$6,669,300 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$6,669,300	PROJECT NO: CS422078-01 PROJ. TYPE: STPMOD PROJECT RATING: 28 PROJECT RANKING: 162
LAKE CITY MSA 1150 MAPLE AVE. LAKE CITY	PA 16423	COUNTY: ERIE REGION: NW NPDES NO.	I: \$550,000 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$550,000	PROJECT NO: CS422079-01 PROJ. TYPE: STPMOD PROJECT RATING: 13 PROJECT RANKING: 345
MEYERSDALE BORO 613 SECOND ST. P.O. BOX 60 MEYERSDALE	PA 15552	COUNTY: SOMERSET REGION: SW NPDES NO.	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$601,371 V: \$0 ELIG. COST: \$601,371	PROJECT NO: CS422091-01 PROJ. TYPE: PS PROJECT RATING: 23 PROJECT RANKING: 235
MILLVILLE BORO MA P.O. BOX 30 MILLVILLE	PA 17846	COUNTY: COLUMBIA REGION: NC NPDES NO.	I: \$1,357,880 II: \$278,120 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,636,300	PROJECT NO: CS422092-01 PROJ. TYPE: STP PROJECT RATING: 30 PROJECT RANKING: 125

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NOTICES

**APPLICANT INFORMATION**

**NEEDS CATEGORIES**

**PROJECT INFORMATION**

NEW SEWICKLEY TWP MA P.O. BOX 65 FREEDOM	PA 15042	COUNTY: BEAVER REGION: SW NPDES NO.	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$727,900 IVB: \$0 V: \$0 ELIG. COST: \$727,900	PROJECT NO: CS422080-01 PROJ. TYPE: SS PROJECT RATING: 34 PROJECT RANKING: 81
NORTHERN BLAIR RSA RR 4, BOX 236-A TYRONE	PA 16686	COUNTY: BLAIR REGION: SC NPDES NO.	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$800,000 IVB: \$0 V: \$0 ELIG. COST: \$800,000	PROJECT NO: CS422094-01 PROJ. TYPE: PS, SS PROJECT RATING: 36 PROJECT RANKING: 59
NORTHERN BLAIR RSA RR 4, BOX 236-A TYRONE	PA 16686	COUNTY: BLAIR REGION: SC NPDES NO.	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$709,100 IVB: \$0 V: \$0 ELIG. COST: \$709,100	PROJECT NO: CS422095-01 PROJ. TYPE: PS, SS PROJECT RATING: 36 PROJECT RANKING: 60
ROSTRAVER TWP SA 202 PORT ROYAL RD ROSTRAVER	PA 15012	COUNTY: WESTMORELAND REGION: SW NPDES NO.	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$914,000 IVB: \$723,778 V: \$0 ELIG. COST: \$1,637,778	PROJECT NO: CS422081-01 PROJ. TYPE: SS INT PS PROJECT RATING: 29 PROJECT RANKING: 140
SALISBURY TWP 5581 OLD PHILADELPHIA PIKE GAP	PA 17527	COUNTY: LANCASTER REGION: SC NPDES NO.	I: \$684,694 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$821,631 IVB: \$367,572 V: \$0 ELIG. COST: \$1,873,897	PROJECT NO: CS422097-01 PROJ. TYPE: STPMOD, PS, INT PROJECT RATING: 40 PROJECT RANKING: 27
WILLIAMSPORT SA 253 W. FOURTH ST. WILLIAMSPORT	PA 17701	COUNTY: LYCOMING REGION: NC NPDES NO.	I: \$6,167,000 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$6,167,000	PROJECT NO: CS422098-01 PROJ. TYPE: STPMOD PROJECT RATING: 18 PROJECT RANKING: 303

[Pa.B. Doc. No. 99-1901. Filed for public inspection November 5, 1999, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Delegation of Additional Routine Ministerial and Nonpolicymaking Public Meeting Agenda Items

**Doc. No. L-00940095**  
**Doc. No. L-00940095F0002**

The Pennsylvania Public Utility Commission (Commission) at its September 30, 1999 public meeting delegated certain routine ministerial and nonpolicymaking public meeting agenda items to the Bureau of Fixed Utility Services for disposition. These matters include the following:

1. All tariff filings by incumbent local exchange carriers for noncompetitive services when the rates proposed are lower than the corresponding rates offered by competitive local exchange carriers in the same service territory as the incumbent local exchange carrier. Under the streamlined tariff filing requirements approved both as interim guidelines and proposed regulations at the September 30, 1999 public meeting, the notice and review period for the above tariff filings will be reduced from 60 to 10 days, but may be extended by the Commission upon notice for up to an additional 30 days.

2. All tariff filings by incumbent local exchange carriers and competitive local exchange carriers for noncompetitive services when the rates proposed are higher than the corresponding rates offered by the applicable competitive local exchange carriers and incumbent local exchange carriers in the same service territory. Under the streamlined tariff filing requirements approved both as interim guidelines and proposed regulations at the September 30, 1999 public meeting, the notice and review period for the above tariff filings will be reduced from 60 to 30 days, but may be extended by the Commission upon notice for up to an additional 30 days.

These items will now be addressed by Secretarial Letter. These actions may be appealed to the Commission by filing a petition within 10 days after service of notice of the action, unless a different time period is specified. See 52 Pa. Code § 5.44.

The contact persons for this matter are Carl S. Hisiro, Assistant Counsel, Law Bureau (717) 783-2812 (legal), and Gary Wagner, Bureau of Fixed Utility Services, (717) 783-6175 (technical).

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1902. Filed for public inspection November 5, 1999, 9:00 a.m.]

## Guidelines on Maintaining Safety and Reliability; Doc. No. L-00990144

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

Public Meeting held  
October 15, 1999

## Corrected Order

*By the Commission:*

This interim order sets forth the procedures the Commission intends to follow in executing its responsibilities under the Natural Gas Choice and Competition Act, as Codified in 66 Pa.C.S. § 2203(1):

(1) The Commission shall enforce standards as necessary to ensure continuation of the safety and reliability of the natural gas supply and distribution service to all retail customers. In adopting the standards the Commission shall consider the absence of any applicable industry standards and practices or adopt standards in conformity with industry standards and practices meeting the standards of this chapter. The application of such standards shall be in such a manner that incorporates the operational requirements of the different natural gas distribution companies.

And also Codified in 66 Pa.C.S. § 2203(12):

(12) The Commission shall make its determinations pursuant to this chapter and shall adopt such orders or regulations as necessary and appropriate to ensure that natural gas suppliers meet their supply and reliability obligations, including but not limited to, establishing penalties for failure to deliver natural gas and revoking licenses. Any affected entity may at any time petition the Commission to amend or rescind any such order or regulation issued or promulgated under this chapter.

Commission staff established a Collaborative Working Group as the appropriate vehicle to proceed with the implementation of Section 2203(1) and (12) of the Customer Choice Legislation. On July 7, 1999, Commission staff convened the first meeting of the Gas Safety and Reliability Working Group to address safety and reliability issues presented by the implementation of the Natural Gas Choice and Competition Act, 66 Pa.C.S. § 2201 et seq.

At the initial meeting of the working group, Commission Staff identified statutory directives that applied to the working group, framed a tentative list of issues that should be addressed by the working group, and established a date for the submission of informal comments. A second meeting of the working group was held on August 11, 1999, and a schedule for the further work of the group was established.

The group agreed that the Act, at Section 2203(1), recognizes the different operational characteristics of Natural Gas Distribution Companies and that this allows certain issues to be addressed in tariffs. Regulations or policies containing detailed uniform rules for all companies may be inappropriate and unworkable. Commission staff urged the parties to identify those common issues which could be addressed in Safety and Reliability Guidelines.

The Office of the Consumer Advocate, the Office of Trial Staff, the Pennsylvania Gas Association, Texas Eastern Transmission Corporation, CNG Retail Services Corporation and TXU Energy Services (filed jointly with Statoil Energy) submitted informal comments on August 18, 1999.

The Working Group designated selected members to draft suggested safety and reliability guidelines and this draft was delivered to the full group and considered at the meeting on September 21, 1999.

After a review of the suggested interim safety and reliability guidelines, we agree that they appropriately address those issues that can be determined to be generic guidelines applicable to all NGDC systems in Pennsylvania and are consistent with the reliability provisions of the Act. We believe that the proposed guidelines are appropriate to ensure that safety and reliability are maintained, while recognizing that the details of these requirements need to be further developed in each NGDC's restructuring proceeding. We also believe that these requirements fairly balance the obligations of NGDCs, NGSs and end-users in the process of ensuring system reliability.

The guidelines address a number of matters that are critical to reliability, including (1) delivery standards for natural gas suppliers, (2) the definition, use and verification of "comparable capacity" for supplying firm service, (3) the distinctions between firm and interruptible service, (4) the roles of the supplier of last resort and the NGDC's role as system operator, (5) requirements to ensure that sufficient firm capacity remains committed to NGDC firm service customers, (6) appropriate guidelines for the establishment of penalties, (7) critical day procedures [necessary to maintain system safety and reliability], (8) the establishment of communication protocols on all matters which may affect system reliability, and (9) the establishment of Operational and Capacity Councils to meet the requirements of Section 2204(f) of the Natural Gas Choice and Competition Act. On all of these issues, the guidelines provide a strong framework for addressing these issues in more detail in the context of each utility's tariff and operational procedures.

Turning now to a related matter, in the Commission's Order of August 27, 1999 at Docket No. M-00991249F003, pertaining to *Guidelines or Maintaining Customer Services at the Same Level of Quality*, we indicated that the Safety and Reliability Working Group should also address the development of Natural Gas Emergency Plans and draft Natural Gas Curtailment Regulations which could result in changes to the Commission's regulations at 52 Pa. Code §§ 59.63—59.64 and 52 Pa. Code §§ 69.21—69.27. We will therefore, open a separate rulemaking to address these issues through a collaborative process which should include the Law Bureau, the Bureau of Conservation, Economics and Energy Planning and the Safety and Reliability Working Group.

*Therefore, It Is Ordered:*

1. That a copy of the Order and Attachment A, entitled *Interim Safety and Reliability Guidelines*, shall be forwarded to the *Pennsylvania Bulletin* for publication.
2. That a proposed rulemaking docket shall be opened to incorporate these guidelines into the Commission's regulations at 52 Pa. Code Chapter 69, relating to policy statements.

JAMES J. MCNULTY,  
*Secretary*

### Attachment A

#### Interim Safety and Reliability Guidelines

##### § 1. Delivery Standards for Natural Gas Suppliers.

(a) Natural Gas Suppliers (NGSs) are obligated to deliver natural gas supplies under the terms of service specified in Natural Gas Distribution Company (NGDC) tariffs. Failure to deliver natural gas supplies in accordance with the tariffs may subject NGSs to penalties under procedures specified in such tariffs, and/or revocation of licenses. 66 Pa.C.S. § 2203(12). NGSs may serve

customers with different quality of service requirements, as permitted under the Act and applicable NGDC tariffs.

(b) NGSs shall utilize firm capacity sufficient to meet the requirements of their firm service customers except to the extent otherwise provided in each NGDC's reliability plan. Service to any essential human needs retail gas customer lacking installed and operable alternative fuel capability and any residential retail gas customer must be firm service.

(c) NGSs shall warrant to the NGDC that they have sufficient firm capacity to meet the requirements of § 1(b), and shall describe the characteristics of any firm capacity to the NGDC. The NGDC shall take commercially reasonable steps to attempt to verify that the firm capacity contract rights exist. The failure or inability of an NGDC to verify the existence of such contract rights using commercially reasonable steps shall not relieve an NGS from any liability for failing to deliver gas, or subject the NGDC to any liability resulting from the NGS's failure to deliver.

(d) Natural gas service to interruptible gas service customers shall be interrupted, pursuant to the terms and conditions of the NGDC's tariff, if the safety and reliability of firm service would be impeded by the interruptible customer's continued use of natural gas.

##### § 2. Service Obligations of the Supplier of Last Resort.

(a) The Supplier of Last Resort (SOLR) is the NGDC or an NGS, which has been designated by the Commission under Section 2207 of the Act to provide SOLR service. Each of the following services will be provided by an SOLR:

(1) natural gas supply services to those customers who have not chosen an alternative NGS or who choose to be served by their SOLR;

(2) natural gas supply services to those customers who are refused supply service from an NGS; or

(3) natural gas supply services to those customers whose NGS has failed to deliver its requirements.

(b) No customer shall have more than one SOLR designated for any of the services in subsection (a).

(c) A SOLR under subsection (a)(3) shall provide sufficient supplies as to quantity, quality, pressure and location to meet the operational reliability requirements of the NGDC's System including, but not limited to, a failure of one or more NGSs to:

(1) supply natural gas to their retail gas customers in conformance with their contractual obligations to such customers; or

(2) satisfy applicable reliability standards and obligations.

##### § 3. Obligations of the System Operator.

An NGDC shall, in addition to performing any other roles such as selling natural gas, function as the system operator in ensuring that its distribution system is designed, constructed, managed, and operated so as to safely and reliably receive and deliver natural gas throughout its facilities to customers connected to them.

An NGDC, in performing its responsibilities as a system operator, shall retain or acquire gas supply assets as required to perform its system operator functions in a manner which permits it to operate its system in a safe and reliable manner. The identity of the Gas Supply Assets utilized by the NGDC to perform its system

operator function shall be reviewed by the Commission annually in the NGDC's Section 1307(f) proceeding as part of the NGDC's reliability plan.

#### § 4. Ensuring Sufficient Firm Capacity Availability.

(a) NGSs Using Firm Gas Supply Contracts with Pennsylvania Producers or Storage or Transportation Capacity Contracts Acquired Through Assignment or Release by NGDCs or Acquired as the Result of the Nonrenewal of a Storage or Transportation Capacity Contract Previously Held by the NGDC.

The NGS must offer the SOLR, or the successor NGS, a right of first refusal to utilize such contracts at the NGS's contract cost as long as needed to serve retail gas customers being relinquished by the NGS.

(b) NGSs Using Storage or Transportation Capacity Contracts Acquired in a Manner Other than Through Assignment, Release or Nonrenewal by the NGDC.

The NGS must provide the SOLR a right of first refusal to use such capacity at contract cost in the event that the NGS failed to give the SOLR and the NGDC sufficient notice or if there is insufficient alternative capacity available to serve the market being relinquished by the NGS. The SOLR shall retain the right to use such capacity at cost until the SOLR, through reasonable and diligent efforts, is able to acquire replacement capacity sufficient to serve the customers being relinquished by the NGS. The NGDC or the SOLR must acquire such replacement capacity in a manner consistent with the Commission's least cost fuel procurement policy.

#### § 5. Penalties.

Nonperformance penalties should be established at levels sufficiently high to deter NGSs from failing to comply with their delivery obligations. Such penalties should be independent of and in addition to the costs incurred by the NGDC, or, in the alternative, the supplier of last resort, for replacement gas supplies, including pipeline penalties. NGDCs may take into consideration the operational costs and other liabilities NGDCs may be exposed to by virtue of an NGS's failure to deliver in establishing penalties. Failure of an NGS to honor delivery obligations may lead to disqualification from NGDC programs, suspension or revocation of the NGSs license. Such disqualification, suspension or revocation shall not relieve the NGS of its obligations to pay all penalties and any and all costs incurred by the NGDC as a result of the NGS's failure to deliver.

#### § 6. Critical Period Procedures.

(a) A Critical Period exists when the NGDC declares an Operational Flow Order (OFO). A Critical Period implies the need for heightened awareness and attention by all parties. OFOs are issued in order to alleviate stress, or potential stress, to the NGDC system that threatens safety and/or reliability. OFOs are an action of last resort, are never issued lightly, are only issued for safety and/or reliability reasons. OFOs are distinct from, and do not preclude, other types of flow orders which an NGDC may issue to satisfy other obligations of the NGDC or the SOLR under the Public Utility Code or Commission regulations, such as the obligation to fulfill the least cost fuel procurement requirements of Section 1318 of the Public Utility Code.

(b) The NGDC should describe in detail, in its tariff, the actions it will take in advance of, and during a Critical Period. At a minimum those actions should include:

(1) exercises wherein Critical Period communications between, and the required responses of, the parties can be tested;

(2) a protocol for issuing and communicating system alerts that announce actual or pending events that, if unchecked, may result in a Critical Period, and call for voluntary actions or responses from NGSs and customers;

(3) a protocol for issuing and communicating OFOs. The protocol should address how and when the OFOs will be announced, and provide for disseminating periodic status reports during the period an OFO is in effect. OFOs should state the actions required and the reasons for such actions, be as localized as possible and be applied in a nondiscriminatory manner.

#### § 7. Communications Protocols.

Communications Protocols are tools by which NGDCs, NGSs, and other parties, define and describe the type, form and frequency of communications necessary to successfully fulfill customer requirements in an operating environment of increased retail choice. Effective and consistent communications are critical in order to reduce errors, and provide all entities with the information necessary to properly fulfill their respective responsibilities, both in normal and emergency circumstances.

A Communications Protocol should include at minimum, in addition to the specific requirements in § 6(b)(2) and § 6(b)(3), the following:

(a) A detailing of contact data for both NGDC and NGS personnel responsible for the various aspects of customer contact, gas deliveries and distribution, including mechanisms for ensuring that such data is kept current for all parties;

(b) The specification that regular meetings will be held, with joint agenda development responsibilities, including the potential scheduling of operational conference calls;

(c) Communications, to the extent not otherwise set forth in the NGDC's tariff, associated with the NGDC's procedures for customer enrollment, billing arrangements, daily or monthly delivery quantity determination, nominations (monthly, daily, intra-day, and weekend), balancing options, reconciliation or true-ups, cash-outs, and electronic data exchange requirements;

(d) Procedures utilized by NGDCs to inform NGSs of changes to NGS delivered supplies and/or customer demand required to assure system reliability, both daily and seasonal, and to avoid pipeline penalties.

#### § 8. Operational and Capacity Councils.

Each NGDC shall create an Operational and Capacity Council for parties referred to in Section 2204(f) of the Act to discuss and attempt to resolve operational and capacity issues related to customer choice, including the reliability effects of those operational and capacity issues related to customer choice and the ongoing implementation of these guidelines. The intent of these Councils is to explore the possibility of building consensus among council participants relating to operational, capacity, and operational and capacity-related safety and reliability issues in a fair and nondiscriminatory manner.

Each NGDC's Operational and Capacity Council should, at a minimum, establish, in consultation with council participants, (1) a regular meeting schedule and (2) an agenda for each meeting.

The final determination of operational and reliability issues resides with the NGDC, subject to Commission review.



The fact that statements were made, or positions were taken and/or were not considered or accepted, in Operational and Capacity Council meetings shall not be considered, or entered into evidence, in any formal proceeding before the Public Utility Commission relating to any matter addressed in such Council meetings.

#### *Definitions*

"Design day conditions." The extreme weather conditions that an NGDC uses to project customer requirements.

"Essential Human Needs Retail Gas Customer." Customers consuming gas service in buildings where persons normally dwell including, but not limited to, apartment houses, dormitories, hotels, hospitals and nursing homes, as well as the use of natural gas by sewage plants. (52 Pa. Code § 69.22)

"Firm capacity." Assigned capacity or comparable capacity that can be called upon to serve customer requirements on a reliable basis even under design day conditions

"Gas supply assets." Includes all sources and components associated with the acquisition and delivery of natural gas.

"Interruptible gas service." Indicates that natural gas service may be interrupted consistent with the terms and conditions of the NGDC tariff.

"Interstate capacity." Services provided by a FERC-regulated entity, including, but not limited to, pipeline transportation, storage, peaking, balancing, and no-notice services.

"Operational Flow Order." An order issued by an NGDC to protect the safe and reliable operation of its gas system, either by restricting service or requiring affirmative action by shippers.

"Reliability Plan." A Reliability Plan provided for in Section 1317(c) of the Public Utility Code, 66 Pa.C.S. § 1317(c).

"Residential Retail Gas Customer." As defined in the tariff of each NGDC.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1903. Filed for public inspection November 5, 1999, 9:00 a.m.]

### **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 protest to the application. Protests to the applications published herein are due on or before November 29, 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-00116314. The Wayne County Memorial Hospital Association** (610 Park Street, Honesdale, Wayne County, PA 18431), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Wayne, Pike and Lackawanna, and from points in said counties, to points in Pennsylvania, and vice versa. *Attorney:* Thomas T. Niesen, Suite 500, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

**A-00116315. East Coast Limo Service, Inc.** (329 South 16th Street, Philadelphia, Philadelphia County, PA 19102), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the city and county of Philadelphia, and the counties of Delaware, Montgomery, Bucks and Chester, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* Brendan M. McGinley, 329 South 16th Street, Philadelphia, PA 19102.

**A-00116316. Philly's Limousine Service, Inc.** (329 South 16th Street, Philadelphia, Philadelphia County, PA 19102), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the city and county of Philadelphia, and the counties of Delaware, Montgomery, Bucks and Chester, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* Brendan M. McGinley, 329 South 16th Street, Philadelphia, PA 19102.

**A-00116324. Grace Limo Service, Inc.** (329 South 16th Street, Philadelphia, PA 19102), a corporation of the Commonwealth of Pennsylvania—Persons, in limousine service, between points in the city and county of Philadelphia, and the counties of Bucks, Chester, Delaware and Montgomery, and from points in the said territory, to points in Pennsylvania, and return. *Attorney:* Brendan M. McGinley, 329 South 16th Street, Philadelphia, PA 19102.

**A-00116326. Ron Galbreath** (10428 East Lake Road, North East, Erie County, PA 16428), persons in limousine service between points in the county of Erie, and from points in the said county, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**A-00116327. Advance Medical Associates, Inc.** (1308 North Keyser Avenue, Scranton, Lackawanna County, PA 18504), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in the counties of Susquehanna, Wayne, Pike, Luzerne, Carbon, Monroe, Lackawanna, Wyoming, Schuylkill, Bradford, Sullivan, Columbia and Northampton, and from points in the said territory, 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-00116325. Golden Limousine Service, Inc.** (1315 Church Road, Oreland, Montgomery County, PA 19075), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the borough of Norristown, Montgomery County, and within an airline distance of 20 statute miles of the limits thereof; subject to the following conditions: (a) That no right,

power or privilege is granted to transport persons for eventual transfer to the Philadelphia International Airport nor deliver any passenger to the following area whose passage originated at the Philadelphia International Airport said points are the boroughs of Pottstown, Collegetown and Norristown and the townships of Upper Dublin, Whitmarsh, Montgomery, Upper Merion, Plymouth, Upper Moreland and Lower Gwynedd, all within Montgomery County; and Kenny's News Agency in the borough of Doylestown, the Warrington Motor Lodge in Warrington, the George Washington Motor Lodge in Trevese, and the Holiday Inn on Street Road in Bensalem, all within Bucks County; and (b) That service in Chester County is limited to that area east of Route 29 and north of U.S. Highway Route 30; which is to be a transfer of all of the rights authorized under the certificate issued at A-00108809 to R and R Limousine, Incorporated, subject to the same limitations and conditions. *Attorney:* John J. Gallagher, P.C., Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.**

**A-00114599, F. 2. Hazle Yellow Cab Company, Inc.** (R. R. 1, Box 203A, Hazleton, Luzerne County, PA 18201), a corporation of the Commonwealth of Pennsylvania—additional right—persons in paratransit service between points in the city of Hazleton, Luzerne County, and within an airline distance of 35 statute miles of the limits of said city, and from points in said city and territory, to points in Pennsylvania, and return; subject to the following conditions: (1) That no right, power or privilege is granted to provide service from points in Schuylkill County; and (2) That the certificate holder is hereby authorized to accept payment for transportation rendered under this authority from persons or entities that arrange transportation for their customers, employees or members; which is to be a transfer of the paratransit rights of Royal Star Limousine Service Inc., authorized under the certificate issued at A-00111783, F. 1, subject to the same limitations and conditions. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110-1533.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for transportation of persons by transfer of rights as described under each application.**

**A-00116322. Milepost Transportation Inc.** (6201 College Boulevard, Suite 334, Overland Park, Kansas 66211), a corporation of the State of Illinois—(1) persons and their equipment for Consolidated Rail Corporation: (a) from points in the city of Harrisburg, Dauphin County, and within an airline distance of 50 statute miles of the limits thereof to points in Pennsylvania within an airline distance of 10 statute miles of the rights-of-way of the Consolidated Rail Corporation, and vice versa; (b) from points in the city of Altoona, Blair County, and within an airline distance of 50 statute miles of the limits thereof to points in Pennsylvania within an airline distance of 10 statute miles of the rights-of-way of Consolidated Rail Corporation, and vice versa; and (c) from points in the city and county of Philadelphia, and within an airline distance of 50 statute miles of the limits thereof, to points in Pennsylvania within an airline distance of 10 statute miles of the rights-of-way of Consolidated Rail Corporation, and vice versa; (2) rail carrier employees and their equipment and baggage for: (a) Consolidated Rail Corpo-

ration (Conrail), between points in Pennsylvania; and (b) Norfolk Southern Corporation, between points in Pennsylvania; which is to be a transfer of all the rights authorized under the certificate issued at A-00109365, F. 1; F. 1, Am-A and F. 1, Am-C to Milepost Inns, Inc., t/d/b/a Milepost Industries, subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**Application 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 household goods as described under each application.**

**A-00116317. Robert G. Stanton and Richard A. Beckley, Copartners, t/d/b/a Sta-Bek Home Maintenance** (522 Ellis Avenue, Building 6, Colwyn, Delaware County, PA 19023)—household goods in use, between points in the counties of Delaware, Chester and Montgomery, and from points in said counties, to points in Pennsylvania, and vice versa.

**A-00116323. Roger Sharma** (1400 Heller Drive, Yardley, Bucks County, PA 19067)—household goods in use, between points in that part of Bucks County south of the townships of Warminster, Warwick, Buckingham and Soleburg (including points in said townships), and from points in said territory, to points in Pennsylvania, and vice versa.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Material Trucking, Inc.; Doc. Nos. A-00086854C99, A-00086854, F. 2*

*Complaint*

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Material Trucking, Inc., respondent, maintains its principal place of business at 510 Century Boulevard, Wilmington, DE 19808. Its mailing address is P. O. Box 5902, Wilmington, DE 19808.

2. That respondent was issued a certificate of public convenience by this Commission on May 31, 1960, at Application Docket No. A-00086854, F. 2.

3. That on or before June 4, 1999, respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Material Trucking, Inc.'s certificate of public convenience at A-00086854, F. 2.

Respectfully submitted,

George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
George T. Mahan

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Al-Fareed, Rafiq Diya, t/a Luxurious Limo's; Doc. No. A-00108462C98*

*Complaint*

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Al-Fareed, Rafiq Diya, t/a Luxurious Limo's, respondents, maintain their principal place of business at 662 North 17th Street, Philadelphia, PA 19126.

2. That, on the dates of the violations alleged in this complaint, respondents did not hold a certificate of public convenience issued by this Commission.

3. That on January 22, 1990, respondents filed an application at Docket No. A-00108462 with this Commission for authority to transport persons for compensation. The certificate of public convenience was canceled for failure to maintain insurance coverage on October 28, 1991.

4. That respondents held themselves out in the March 1998—February 1999 edition of the Bell Atlantic Philadelphia Yellow Pages to transport persons for compensation between points in the Commonwealth of Pennsylvania.

5. That respondents, on April 15, 1998, held themselves out telephonically to transport Enforcement Officer Thomas McManus for \$80.00 compensation from the U.S. Air Terminal "B", Philadelphia International Airport, Philadelphia County, Pennsylvania to the Corestates Bank, Huntingdon Pike, Rockledge, Montgomery County, Pennsylvania.

6. That respondents, in performing the acts described in Paragraphs 4 and 5 of this complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that respondents held themselves out to transport person(s) for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Al-Fareed, Rafiq Diya, t/a Luxurious Limo's the sum of one thousand two hundred fifty dollars (\$1,250.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

George T. Mahan  
Director, Bureau of Transportation  
and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
George T. Mahan

*Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and

must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth in C, above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Swift Transportation Co., Inc.; Doc. Nos. A-00110975C99, A-00110975, F. 2*

#### *Complaint*

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Swift Transportation Co., Inc., respondent, maintains its principal place of business at 5601 West Mohave, Phoenix, Arizona 85031.

2. That respondent was issued a certificate of public convenience by this Commission on July 18, 1995, at Application Docket No. A-00110975, F. 2.

3. That on or before June 4, 1999, respondent abandoned or discontinued service without having submitted a letter to this Commission containing a statement that the service is no longer being rendered.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Swift Transportation Co., Inc.'s certificate of public convenience at A-00110975, F. 2.

Respectfully submitted,

George T. Mahan, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### *Verification*

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

George T. Mahan

#### *Notice*

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1904. Filed for public inspection November 5, 1999, 9:00 a.m.]

#### **Telecommunications**

**A-310518. AT&T Wireless Services, Inc. and GTE North Incorporated.** Joint Petition of AT&T Wireless Services, Inc. and GTE North Incorporated for approval of a replacement interconnection agreement.

AT&T Wireless Services, Inc. and GTE North Incorporated, by its counsel, filed on October 20, 1999, at the Pennsylvania Public Utility Commission (Commission), a

Joint Petition for approval of a replacement 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 AT&T Wireless Services, Inc. and GTE North Incorporated 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. 99-1905. Filed for public inspection November 5, 1999, 9:00 a.m.]

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### Telecommunications

**A-310725F0002. GTE North Incorporated, @ Link Networks, Inc. and FairPoint Communications.** In the matter of the adoption by FairPoint Communications of an Interconnection Agreement between GTE North Incorporated and @ Link Networks, Inc. under section 252 (i) of the Telecommunications Act of 1996.

GTE North Incorporated and FairPoint Communications by its counsel, filed on October 21, 1999, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under section 252 (i) 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 GTE North Incorporated and FairPoint Communications Joint Petition are on file with the Pennsylvania Public Utility 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. 99-1906. Filed for public inspection November 5, 1999, 9:00 a.m.]

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### Water Service Without Hearing

**A-210013F0013. United Water Pennsylvania, Inc.** Application of United Water Pennsylvania, Inc. for approval of: (1) The transfer, by sale, of certain waterworks property and rights of the Susquehanna Area Regional Airport Authority to United Water Pennsylvania Inc.; (2) The commencement by United Water Pennsylvania Inc. of water service in a portion of the service area of Susquehanna Area Regional Airport Authority at its Statewide uniform rates; and (3) The terms of the asset purchase agreement including those terms related to the purchase of water by United Water Pennsylvania Inc. from the Susquehanna Area Regional Airport Authority.

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 November 22, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* United Water Pennsylvania, Inc.

*Through and By Counsel:* Michael D. Klein, Esquire, John J. Gallagher, Esquire, LeBoeuf, Lamb, Greene & MacRae L.L.P., 200 North Third Street, Suite 300, P. O. Box 12105, Harrisburg, PA 17108-2105.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1907. Filed for public inspection November 5, 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

#### Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

### Commodities

**SU-903.1** Re-Roofing McLean Hall. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. General Work includes tear off of existing roof, removal and reinstallation of existing rooftop equipment, wood extensions to existing curbs, removal/replacement of wood nailers and blocking, repair of metal deck, new roof insulation, membrane and flashings, metal conerflashings, gravel stops and walkway pads and related joint scalant work. Prospective bidders may obtain project plans by faxing request to (717) 477-4004, Deborah K. Martin at Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257. Prebid Meeting with Site visit immediately to follow will be held on Wednesday, November 3, 1999 at 10 a.m. in the Reed Operations Center. Bids Due: November 23, 1999 at 4 p.m., Old Main Room 300. Public Bid Opening: November 24, 1999 at 2 p.m., Old Main Room 203A. The system encourages responses from small firms, minority firms, and firms which may have not previously performed work for the System. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township  
**Duration:** 90 days from date of Notice to Proceed  
**Contact:** Deborah K. Martin, (717) 532-1121

**1222389** Shale to be rocklike material formed by natural consolidation of mud, clay, silt and fine sand in various sizes, to be delivered to various sites. For copy of bid package fax request to (717) 787-0725.

**Department:** Conservation and Natural Resources  
**Location:** Fayetteville, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

**1115139** Build battery storage shed and two flam storage buildings with various storage capacity. For copy of bid package fax request to (717) 787-0725.

**Department:** Military Affairs  
**Location:** Annville, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

**1136169** HAAS Model VF-PE Vertical Machining Center according to bid specifications. For copy of bid package fax request to (717) 787-0725.

**Department:** State System of Higher Education  
**Location:** Lancaster, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

**1209169** Automotive chassis dynamometer, in ground mount minimum load: 750 horsepower at drive wheels. For copy of bid package fax request to (717) 787-0725.

**Department:** State System of Higher Education  
**Location:** Lancaster, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

**1197049** Furnish, set-up, make operational, and verify functionality of upgrade for Hewlett-Packard GC/MS model 5970 for Y2K compliance, or equal. For copy of bid package fax request to (717) 787-0725.

**Department:** Agriculture  
**Location:** West Chester, PA  
**Duration:** FY 99-00  
**Contact:** General Services, (717) 787-2199 or (717) 787-4705

## SERVICES

### Agricultural Services—02

**0/3** Provide fish food used in a Statewide fish culture program during the period January 1—March 31, 2000. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

**Department:** Fish and Boat Commission  
**Location:** Statewide to various fish culture stations as requested.  
**Duration:** January 1—March 31, 2000  
**Contact:** James E. Harvey, (814) 359-5141

### Audio/Visual—04

**PSU-6004-G** The Pennsylvania State University is requesting an Audio Visual/ Teleconferencing System. Bid Opening Date is November 12, 1999. Fax requests for bid packages to Steve Blazer, (814) 865-3028.

**Department:** State System of Higher Education  
**Location:** 371 Willard, University Park  
**Duration:** Indeterminate 1999-2000  
**Contact:** Steve Blazer, (814) 865-1402

**Construction—09**

**015DGS570-23PHASE6** Project Title: Refurbish Catwalks and Railings. Brief Description: Refurbish catwalks and railings. Estimate: \$100,000 to \$500,000. General Construction. Plans Deposit: \$25 per set. Payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, December 1, 1999 at 11 a.m.

**Department:** General Services  
**Location:** State Correctional Institution, Pittsburgh, Allegheny County, PA  
**Duration:** 150 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**M-MR-99-021** Glass clad polycarbonate 9/16", 12 3/4" x 43 3/4". Tempered glass on inside and outside with layers of 1/4" polycarbonate.

**Department:** Corrections  
**Location:** State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** On or about December 1, 1999  
**Contact:** Faith Gilger, Purchasing Agent I, (570) 644-7890

**015DGS948-51** Project Title: Exterior Building Improvements. Brief Description: Work consists of exterior building improvements including repair cracks in brick masonry, waterproofing of exterior walls below grade, site drainage, replace entrance lobby doors, new card key system and to provide ADA accessibility with concrete ramps and replacement of lighting fixtures in the exterior patio. Estimated Range: \$100,000 to \$500,000. General and Electrical Construction. Plans Deposit: \$100 per set. Payable to: Cohen Associates, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed. Mail requests to: Cohen Associates, Inc., 927-929 North Second Street, Harrisburg, PA 17102, (717) 233-3236. Bid Date: Wednesday, December 8, 1999 at 2 p.m.

**Department:** General Services  
**Location:** Agriculture Building, Susquehanna Township, Dauphin County, PA  
**Duration:** 90 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS1999-IGES** Application: Statewide Energy Service Company. Brief Description: The purpose of this Application for Qualification (AFQ) is to select a pool of qualified Energy Service Companies (ESCOs) who can provide a full range of energy services and energy-related improvements, to agencies of the Commonwealth of PA and the State System of Higher Education and its universities (hereinafter collectively referred to as Commonwealth agencies). These projects are to be financed through guaranteed energy savings contracts in compliance with the provisions of Act 57 of 1998, 62 Pa.C.S. §§ 3751-3757 (Act 57) at no initial capital cost to the Commonwealth agencies. AFQ Price: \$25 per set. (Includes PA Sales Tax) per AFQ. Checks must be made payable to the Commonwealth of PA. This price is nonrefundable. Mail requests to: Department of General Services, Bureau of Professional Selections and Administrative Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Receiving Date for AFQ: Thursday, December 16, 1999 at 2 p.m. All questions pertaining to this AFQ must be received by fax by 5 p.m., November 30, 1999. Inquiries received after this time and date will not be considered. Address questions to Thomas Rados, fax (717) 772-2036.

**Department:** General Services  
**Location:** Pennsylvania  
**Duration:** Indeterminate 1999-2000  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**IN-802.5** Elevator Renovations Stewart Hall. Work consists of removing existing elevator controllers, elevator power unit, signal fixtures, wiring, and the like, to furnish and install new power unit, elevator controllers, inspection station, signal fixtures, elevator cab and doors, and the like. Notice to contractors may be requested for IUP, phone: (724) 357-2289, fax: (724) 357-6480, Internet: <http://www.iup.edu/engcons>.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six months  
**Contact:** Ronald E. Wolf, (724) 357-4851

**015DGS948-50** Project Title: Masonry and Roof Repair. Brief Description: Reconstruct and repoint existing masonry, reseat coping stones, miscellaneous painting, reproducing cast iron details, efflorescence treatment and removal and storage of an existing historic lunette. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$25 per set. Payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 or provide your express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, November 17, 1999 at 2 p.m.

**Department:** General Services  
**Location:** Public Works Complex, Harrisburg, Dauphin County, PA  
**Duration:** 150 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS184-6** Project Title: Blacklick Creek Flood Protection. Brief Description: Work consists of channel excavation, construction of earth levees, installation of riprap, concrete flood wall, concrete rectangular channel and precast concrete box culvert. Estimated Range: \$2,000,000 to \$5,000,000. General Construction. Plans Deposit: \$50 per set. Payable to: Department of Environmental Protection. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed. Mail requests to: Department of Environmental Protection, Construction Contracts Section, P. O. Box 8452, Harrisburg, PA 17105-8452, (717) 783-7994. Bid Date: Wednesday, December 1, 1999 at 11 a.m. A Prebid Conference has been scheduled for Monday, November 15, 1999 at 10 a.m. at the Borough of Nanty Glo in the Fire Hall, Cambria County, PA. Contact: Paul Ebright, (717) 783-7929. All contractors who have secured contract documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Borough of Nanty Glo, Cambria County, PA  
**Duration:** 400 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**Engineering Services—14**

**08430AG2436** To perform various engineering and/or environmental services on various projects located in Engineering District 12-0, that is, Fayette, Greene, Washington and Westmoreland Counties.

**Department:** Transportation  
**Location:** Engineering District 12-0  
**Duration:** Sixty Months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08340AG2437** To retain an engineering firm for a multiphase, specific project agreement, to perform preliminary engineering, environmental studies, final design and services during construction for a new four lane controlled access highway from the Sans Souci Highway (S. R. 2002) in Hanover Township, connecting with Prospect Street and Middle Road (S. R. 2008) in the City of Nanticoke, Luzerne County.

**Department:** Transportation  
**Location:** Engineering District 4-0  
**Duration:** Thirty days after Construction Completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**RFP-922** —Cumberland Union Building Renovation Professional Services for Design and Construction, SSHE, Shippensburg University, Shippensburg Township, Cumberland County, PA. The Cumberland Union Building constructed in 1970 is a 38,400 gsf, three-story facility with 45,600 gsf addition constructed in 1992. The facility requires modernization and correction of safety, health and regulatory deficiencies. Proposing firms shall demonstrate expertise in renovation of aging higher education facilities. Track record should indicate integrated design practices including energy efficiency, future maintenance requirements, and evaluation of alternatives on a life-cycle cost basis. To be responsive, firms must be located less than 150 miles from Shippensburg University. All applications submitted are subject to review by a System Selection Board at Shippensburg University. The System Boards disclaim any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. SSHE encourages responses from small firms, minority firms, and firms which have not previously performed work for the System and will consider joint ventures which will enable these firms to participate in System professional service contracts. To be considered, firms must submit proposals in accordance with RFP, enclosing Commonwealth forms 150-ASP current within 1 year of the response date. To request RFP, fax request to Debbie Martin at (717) 477-4004. Deadline for submission is December 6, 1999 at 4 p.m.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, PA  
**Duration:** Multiple Years  
**Contact:** Deborah Martin, (717) 477-1121



**08430AG2438** To perform preliminary engineering, environmental documentation, final design and services during construction for S. R. 0095, Section BSR in Philadelphia County.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Thirty days after Construction Completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2440** Open-End Contract for various engineering and/or environmental services on various projects in Engineering District 11-0.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Sixty Months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2439** To perform environmental services, preliminary engineering, final design and provide services during construction for S. R. 0113, Section 08B in Chester County and for S. R. 0202, Section 83S in Montgomery County.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Thirty days after Construction Completion  
**Contact:** Consultant Agreement Division, (717) 783-9309

## Extermination Services—16

**00973405** Contractor to provide pest control services on a twice monthly basis or more frequently if required by hospital.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 1, 2000—June 30, 2004  
**Contact:** Linda J. Zoskey, (724) 459-4547

## Financial and Insurance Consulting—17

**KURFP-0013** Kutztown University is seeking qualified vendors to provide a tuition payment plan program for students for the University. The University offers a payment plan to its students through Academic Management Services and approximately 900 students are currently enrolled in the plan. The program would assist parents and students in budgeting and making scheduled payments for tuition and room and board fees, which are billed by the University. Firms interested in receiving a copy of the RFP package must submit the request in writing and direct it to: Jewell Miller, Purchasing Agent, Kutztown University, Kutztown, PA 19530, (610) 683-4139, fax (610) 683-4642, email: jmiller@kutztown.edu. Packages are available November 8th through November 15th, 1999. Questions requiring clarification prior to proposal submission need to be submitted by November 17, 1999. Proposals are due by 12 noon on November 23, 1999.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 1 year after NTP option to renew for four additional 1-year terms  
**Contact:** Jewell Miller, (610) 683-4139

## Food—19

**7707** Perishable Foods: Meats, poultry, seafood/fish, miscellaneous, juice, prepared salads, prepared produce, fresh fruits/vegetables, bread/rolls, ice cream, dairy products, frozen fruits/vegetables, fresh eggs, cheese, fresh pies/cakes, and fresh pastry.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** January 1, 2000—March 31, 2000  
**Contact:** Pamela Bauman, (570) 271-4578

# **026** The bid is for meat and meat products (frozen). A copy of the bid packet is available by contacting the Purchasing Department by phone, (610) 740-3428 or fax, (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** January 2000—March 2000  
**Contact:** Lois Kerbacher, Purchasing Agent, (610) 740-3428

# **024** The bid is for poultry and poultry products (frozen). A copy of the bid packet is available by contacting the Purchasing Department by phone, (610) 740-3428 or fax, (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** January 2000—March 2000  
**Contact:** Lois Kerbacher, Purchasing Agent, (610) 740-3428

**Bid Inquiry # 1036** Foodstuffs, including but not limited to meat, fish, poultry, (including turkey products), frozen vegetables, fresh eggs, cheeses, margarine, (excluding all milk), waffles, pizza, ice cream, and protein alternative products. Bids will be done on a monthly basis for deliveries beginning January 1, 2000 through December 31, 2000. Bid package available from Purchasing Office at the institution.

**Department:** Corrections  
**Location:** State Correctional Institution—Frackville, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** January 1, 2000 to December 31, 2000  
**Contact:** Mary Lou Neverosky, Purchasing Agent, (570) 874-4516, Ext. 112

**Bid Inquiry # 1035** Fresh Fruit and Vegetables. Bids will be done on a monthly basis for deliveries beginning January 1, 2000 through December 31, 2000. Bid package available from Purchasing Office at the institution.

**Department:** Corrections  
**Location:** State Correctional Institution—Frackville, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** January 1, 2000 to December 31, 2000  
**Contact:** Mary Lou Neverosky, Purchasing Agent, (570) 874-4516, Ext. 112

# **025** The bid is for miscellaneous foods (frozen miscellaneous baked goods, miscellaneous entrees, egg products, and non-meat items). A copy of the bid packet is available by contacting the Purchasing Department by phone, (610) 740-3428 or fax, (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** January 2000—March 2000  
**Contact:** Lois Kerbacher, Purchasing Agent, (610) 740-3428

## HVAC—22

**00973403** Contractor to service, maintain, repair, adjust and calibrate automatic temperature control systems when required by the hospital.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 1, 2000—June 30, 2004  
**Contact:** Linda J. Zoskey, (724) 459-4547

**3500-01386** Vendor to provide all parts, labor and equipment needed to replace existing STAFFA controls with Honeywell (or approved equal) controls for CU # 2 infirmary area located at the State Correctional Inst. Graterford.

**Department:** Corrections  
**Location:** State Correctional Inst. Graterford, Box 246, Rt. 29, Graterford, PA 19426  
**Duration:** 6 months  
**Contact:** Kelly Richardson, (610) 489-4151

**3500-01437** Vendor to provide all parts, labor and equipment to refurbish high mast lighting, 4—8 lights and 3—6 lights located at the State Correctional Inst. Graterford.

**Department:** Corrections  
**Location:** State Correctional Inst. Graterford, Box 246, Rt. 29, Graterford, PA 19426  
**Duration:** 6 months  
**Contact:** Kelly Richardson, (610) 489-4151

**FM0033** Provide and install temporary rated automatic transfer switch at the IBM Building Complex at 5267 East Simpson Ferry Road, Mechanicsburg, PA, on or before December 10, 1999. Remove between January 31, 2000 and February 9, 2000. Contractor is responsible for providing and installing all mechanical connections and materials needed to ensure continuous supply of electrical power from standby generator set to receive facility. All requests for bid package can be obtained by faxing request to James Kirkpatrick at (412) 429-5039 or by calling (412) 429-2854.

**Department:** Transportation  
**Location:** 5267 East Simpson Ferry Road, Mechanicsburg, PA  
**Duration:** December 10, 1999 to January 31, 2000  
**Contact:** James Kirkpatrick, (412) 429-2854

### Janitorial Services—23

**00973404** Contractor to furnish manpower, materials, equipment, and the like, to perform wall washing service in the Dietary Department of hospital.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 1, 2000—June 2004  
**Contact:** Linda J. Zoskey, (724) 459-4547

### Lodging/Meeting Facilities—27

**SU 99-12** Shippensburg University is seeking vendors interested in submitting bids for conference facilities in Center City Pittsburgh, PA for dates of November 4—8, 2000. Interested vendors must have facilities to accommodate a minimum of 260 individuals for lodging, 650 individuals for meals and meeting space. Must have audio/visual equipment available on premises for rental. Interested parties should fax their request to the attention of Pam King at (717) 477-4004, by November 19, 1999, to be added to the bidder's list. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Center City Pittsburgh, PA  
**Duration:** November 4—8, 2000  
**Contact:** Pamela King, (717) 477-1121

**PDA435** Provide meeting space and meals for 200—250 attendees on October 2, 3 and 4, 2000 for the Pa. Aquaculture Conference 2000. Space for a trade show for 30—50 booths is also needed. The location must be within a 15-minute bus ride from the Pa. State Capitol Building.

**Department:** Agriculture  
**Location:** Within a 15-minute bus ride of the Pa. State Capitol Building  
**Duration:** October 2, 3 and 4, 2000  
**Contact:** Mike Mesaris, (717) 787-5674

### Medical Services—29

**16990390004** Part-time registered nurse for services in College dispensary.

**Department:** Aging  
**Location:** Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** November 1, 1999 to January 31, 2000  
**Contact:** Betty Tompos, (717) 299-7749

**00973401** Contractor shall provide ambulance service to transport patients, with or without hospital personnel, on a routine basis and emergency basis from Torrance State Hospital to Latrobe Area Hospital, and on infrequent cases, Westmoreland Regional Hospital, Greensburg, PA or to other health care agencies.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 1, 2000—June 30, 2004  
**Contact:** Linda J. Zoskey, (724) 459-4547

**00973400** Psychiatrist—professional medical work in the specialized care and treatment of the physically ill and/or mentally disabled. Psychiatric duties include interviewing patients, reviewing patient records, writing physician's orders, writing progress notes, consulting with other physicians and treatment team staff, holding treatment team meetings, preparing reports and forms in accordance with current regulations and JCAHO standards.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 1, 2000—June 30, 2004  
**Contact:** Linda J. Zoskey, (724) 459-4547

**00973406** Contractor to provide qualified, professional personnel and any equipment (testing equipment, materials, necessary supplies, and the like) to perform hearing and speech services.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 1, 2000—June 30, 2004  
**Contact:** Linda J. Zoskey, (724) 459-4547

### Property Maintenance—33

**SP388102901** Planting of trees on the Buchanan State Forest, Forest District # 2 as follows: 25,000\*\* Virginia Pine seedlings on approximately 36 acres located off Township Road T-331 in Mann Township, Bedford County; 5,000\*\* Japanese Larch seedlings on approximately 9 acres and 13,000\*\* loblolly seedlings on 20 acres located off Shaffer Road in Mann Township, Bedford County.

\*\*Quantities are estimates and may increase or decrease based on Department needs.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, Forest District # 2, Bedford County  
**Duration:** Six months  
**Contact:** Andrew Glodek, Forester, (717) 485-3148

**Bid # 8003** Furnish all labor, materials and equipment for removal of snow, salting and cinderling from driveway and parking areas at the Mansfield Station, 1745 Valley Road, Mansfield, PA 16933-0230. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Mansfield Station, 1745 Valley Road, Mansfield, PA 16933-0230  
**Duration:** November 1, 1999 to June 30, 2001  
**Contact:** Donna Enders, (717) 783-5484

**SP3864009009** Installation of suspension ceiling and painting walls, doors and trim in the computer training room and as an alternate in addition to the above mentioned, paint three rooms of the engineering section and kitchen room of the Regional Park Office # 4, 2808 Three Mile Run Road, Perkaskie, Bucks County, PA 18944-2065.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of State Parks Regional Park Office # 4, 2808 Three Mile Run Road, Perkaskie, PA 18944-2065  
**Duration:** June 30, 2000  
**Contact:** Regional Park Office, (215) 453-5016

**03RS15** Mechanized tree and brush removal in Columbia and Union Counties along I-80. Contractor to provide all equipment, labor, material and traffic control necessary to complete contract according to bid specification. Job is to be bid on per hourly basis. Payment will be made lump sum. All requests for bid packages must be received by fax at (570) 368-4343 Attention: Lyndon Mink.

**Department:** Transportation  
**Location:** Columbia and Union Counties  
**Duration:** 5 Months  
**Contact:** Lyndon Mink, (570) 368-4224

**050-319** The Department of Transportation is soliciting bids for lawn maintenance services at the Roadside Rest, Site 41, I-80, Monroe County; Roadside Rest Information Center, Site F, I-80, Monroe County. All requests for bid packages can be obtained by faxing request to: Timothy Kaercher at fax (610) 798-4193 or by calling (610) 798-4189. All requests for bids shall be in by the close of business (4 p.m.) on January 5, 2000.

**Department:** Transportation  
**Location:** Roadside Rest, Site 41, I-80 Monroe County; Roadside Rest Information Center, Site F, I-80, Monroe County.  
**Duration:** One year from effective date with renewals.  
**Contact:** Timothy R. Kaercher, (610) 798-4189

### Sanitation—36

**SP386216901** Sealed bids will be received at Department of Conservation & Natural Resources, Park Region # 2, P. O. Box 387, 195 Park Road, Prospect, PA 16052 and then publicly opened and read. A bid opening date has not yet been set. For solid waste collection and disposal at Yellow Creek State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Yellow Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Yellow Creek State Park, 170 Route 259 Hwy., Penn Run, PA 15765-5941  
**Duration:** January 1, 2000 to December 31, 2002  
**Contact:** Yellow Creek State Park, (724) 357-7913

**00973402** Contractor shall provide refuse/trash removal services to the hospital on a daily basis.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 1, 2000—June 30, 2004  
**Contact:** Linda J. Zoskey, (724) 459-4547

**90780019** Contractor agrees to furnish White Haven Center with removing and disposing of sludge.

**Department:** Public Welfare  
**Location:** White Haven Center, White Haven, PA 18661  
**Duration:** July 1, 2000—June 30, 2005  
**Contact:** Sandra A. Repak, Purchasing Agent, (570) 443-4232

**1010-024** Department is in need of 4 dumpsters to be located at said stockpiles for roadway trash. The size of these dumpsters would be 2-30 cy, 1-15 cy and 1-10 cy. The following location and size of dumpsters are 30 cy dumpster at Worthington Stockpile on SR 422, 1 mile east of Worthington on SR 422, 30 cy dumpsters at Farm Stockpile on SR 422, 4 miles east of Kittanning on SR 422, 15 cy dumpster at Crooked Creek Stockpile on SR 2019 Seg. 0040 offset 0000 Crooked Creek Dam, 10 cy 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. Contract will have original contract and three renewals attached to it.

**Department:** Transportation  
**Location:** Armstrong County SR 422, SR 2019 and SR 1037  
**Duration:** January 1, 2000 to December 31, 2000  
**Contact:** Susan Carson, (724) 543-1811

**Project 681** Pumping, transporting and disposal of 3,000 gallon sewage holding tank.

**Department:** Military Affairs  
**Location:** PA Air National Guard, 552 Airport Road, Johnstown, PA  
**Duration:** December 6, 1999—September 30, 2002  
**Contact:** Emma Schroff, (717) 861-8518

**FISH-99-100038** Supply all the necessary labor, equipment (including mobilization, demobilization), and all materials necessary to remove, store, transfer and spread or inject fish culture waste sludge on adjacent agricultural fields at Tylersville Fish Culture Station, Logan Township, Clinton County, PA. Estimated quantity of sludge (8% solids) to be removed will be approximately 100,000 gal. from a lagoon 120' x 240'. Sludge removal must follow Department of Environmental Protection guidelines. Bidder will be required to provide a list of equipment to be used subject to the approval of the PFBC. All work to be completed within 5 working days, Monday—Friday. The bidder will be required to protect integrity of 60 mil Hypalon liner of lagoon.

**Department:** Fish and Boat Commission  
**Location:** Tylersville Fish Culture Station, R. R. 2, Box 173, Loganton, PA 17747-9734  
**Duration:** December 1, 1999 to June 30, 2000  
**Contact:** Kathi Tibbott, (814) 359-5131

### Vehicle, Heavy Equipment—38

**SBC # 991094** Invitation for bid for rental of various types of construction equipment with operator on an as-needed basis. Bid opens December 1, 1999, 2 p.m. Fax your requests for the bid form to (570) 422-3232 Attention: Ann Zaffuto—also for special accommodations. All responsible firms including MBE/WBE firms are invited to participate.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** 1 Year  
**Contact:** Ann Zaffuto, (570) 422-3595

**PDA436** Lease one diesel truck tractor with twin dual drive wheels, 350 hp or better, 10 speed with overdrive, nonsleeper and white in color.

**Department:** Agriculture  
**Location:** Harrisburg, PA  
**Duration:** One, two or three years with options to renew for a total of five years.  
**Contact:** Mike Mesaris, (717) 787-5674

### Miscellaneous—39

**RFP OVR 99-1** To provide a Prevention of Blindness Program in each of six Bureau of Blindness and Visual Services (BBVS) districts in 24 counties where there are currently no organized local prevention services. The Prevention of Blindness Program shall include the following services: Pre-school Vision Screening; Adult Vision Screening; Eye Safety Programs in schools, industries, businesses, community organizations and senior centers; Public Education in all areas served; Follow-up and Referral; and Data Collection.

**Department:** Labor and Industry  
**Location:** Twenty-four counties located throughout the areas served by BBVS Altoona, Erie, Harrisburg, Philadelphia, Pittsburgh and Wilkes-Barre District Offices.  
**Duration:** Three Years  
**Contact:** Warren E. Thoma, (717) 787-4263

**050-318** The Department of Transportation is soliciting bids for the operation of waste water and drinking water systems in Monroe County, Site 41, Crescent Lake; Site F, Delaware Water Cap. All requests for bid packages can be obtained by faxing request to: Timothy R. Kaercher at (610) 798-4193 or by calling (610) 798-4189. All requests shall be in by the close of business (4 p.m.) on January 5, 2000.

**Department:** Transportation  
**Location:** 1713 Lehigh Street, Allentown, PA 18103  
**Duration:** One year from effective date with renewals.  
**Contact:** Timothy R. Kaercher, (610) 798-4189

**MU-800MPL** Mansfield University seeks full professional architectural/engineering design services for Maple A & B Dormitory. The structure contains approximately 123,000 gross square feet in two wings joined by a central connector building. Wing "A" contains approximately 45,300 in seven stories including laundry, recreation, storage and mechanical; spaces in the basement and ground floor which contain approximately 3,900 square feet housing lobby service equally divided between 'A' and 'B' wings. The professional shall provide program construction costs and time estimates, design/specifications services, bid services, and construction administrative services.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Mansfield, PA 16933  
**Duration:** 120 days for Notice to Proceed  
**Contact:** Peg Chapel, (570) 662-4148

**0600-400** Providing an Expressway Safety Service Patrol (tow trucks) to cover I-95, I-676, and I-76 in Philadelphia County. The Service Patrols will continuously patrol the Interstates during the AM rush and the PM rush providing emergency services to customers with disabled vehicles and assisting the Philadelphia Highway Patrol in mitigating the effects of incidents during the peak congestion periods.

**Department:** Transportation  
**Location:** 200 Radnor-Chester Road, St. Davids, PA 19087-5178  
**Duration:** January 5, 2000 to June 30, 2003  
**Contact:** Karl Ziemer, (610) 989-9326

**9027** Miscellaneous Frozen Foods.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** January through March, 2000  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**388119901** Contractor to prepare, procure and install wire woven deer fence to be installed on State forest lands. Two areas, one for 10,978 linear feet and one for 2,836 linear feet. Both areas are in Greene Township, Pike County, PA.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry, HC1 Box 95A, Swiftwater, PA 18370  
**Duration:** June 30, 2000  
**Contact:** Timothy A. Balch, (570) 895-4000

**IFB 99-002** Consultants to provide various training sessions, covering specific sources required by the Department of the Auditor General. All requests must be in writing and faxed to Andrea Quigley at (717) 787-2158.

**Department:** Auditor General  
**Location:** Statewide  
**Duration:** January 1, 2000—June 30, 2001  
**Contact:** Andrea Quigley, (717) 787-4993

**9028** Frozen Juices.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** January through March 2000  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**00973407** Contractor to provide all necessary labor, tools, equipment, and parts to repair Buffalo Fan Assemblies on Boilers No. 1 and No. 6.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 1, 2000—June 30, 2004  
**Contact:** Linda J. Zoskey, (724) 459-4547

**9026** Frozen Fruits and Vegetables.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** January through March, 2000  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**682** Vendor to provide all labor and materials for complete installation of a mobile trailer at the beginning of the lease and removal of the trailer at the end of the lease. A concrete pad must be provided to support and anchor trailer. Connection to a 100 amp sub distribution panel to an exterior transformer located within 75 feet of the site.

**Department:** Military Affairs  
**Location:** 258th Air Traffic Control Squadron, Johnstown, Cambria County Airport, Johnstown, PA  
**Duration:** 30 months  
**Contact:** Emma Schroff, (717) 861-8518

[Pa.B. Doc. No. 99-1908. Filed for public inspection November 5, 1999, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
7314300-02	10/26/99	Hondru Chrysler Plymouth Inc. t/a	44,420.00
8250460-01	10/26/99	Ralph A. Mattiola Co.	34,865.00
8250500-01	10/26/99	Tenco USA	76,413.00
8505010-01	10/26/99	Howells Glass Co. Inc.	21,120.00
3610-01 RIP # 4/Sup # 1	10/25/99	Lanier Worldwide Inc.	50,000.00
3610-01 RIP # 4/SUP # 1	10/25/99	Quality Copy Product Inc.	50,000.00

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1109239-01	10/26/99	Starr Uniform Center	232,176.00
1144169-01	10/26/99	Turner Hydraulics Inc.	24,500.00
1166079-01	10/26/99	Moore North America	31,500.00
7314300-01	10/26/99	Hondru Ford Inc. t/a Phillips Ford Sales	66,600.00

GARY E. CROWELL,  
*Secretary*

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