

# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

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The Courts  
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Department of Banking  
Department of Corrections  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of State  
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Independent Regulatory Review Commission  
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State Board of Vehicle Manufacturers,  
Dealers and Salespersons

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

**No. 304, March 2000**

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**PENNSYLVANIA**



**BULLETIN**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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.

**SUBSCRIPTION INFORMATION: (717) 766-0211  
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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 GOVERNOR

## GOVERNOR'S OFFICE

### Proclamation of Disaster Emergency

February 19, 2000

*Whereas*, Investigations made at my direction have disclosed that unusually heavy rains combined with a sudden meltdown of the snow-pack in parts of Allegheny, Fayette, Washington and Westmoreland Counties on February 18 and 19, 2000, have caused widespread flooding along the length of the Monongahela River and many of its tributaries which has resulted in extensive damage to roads and streets, private homes, businesses and caused other adverse impacts upon the general population of those counties; and

*Whereas*, the emergency situation throughout the southwestern portion of the Commonwealth has the potential for requiring sheltering or evacuation of those citizens for their protection; and

*Whereas*, the emergency situation may be of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans;

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in Allegheny, Fayette, Washington and Westmoreland Counties, and I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation;

*Further*, I hereby transfer up to \$2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. Section 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; and

*Further*, I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster affected areas are cleared of debris and any other obstructions resulting from this severe flooding. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of the Department of Transportation. However, this assistance does not apply to privately owned highways, roads, streets or other types of property; and

*Further*, I hereby authorize the Secretary of the Department of Transportation to use all available equipment, resources and personnel of the Department, in whatever manner he deems necessary, to ensure that highways, bridges, roadbeds and related facilities and structures, including Federal-aid highways, that have sustained damage in the disaster affected area are immediately repaired, maintained, reconstructed or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the ability of the

Department to respond immediately and effectively in repairing, maintaining, reconstructing or replacing these damaged highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, and areas adjacent thereto, or in undertaking necessary new construction; and

*Further*, I have directed that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal and other disaster emergency response and recovery plans be activated and that all state, county and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty, for the duration of the emergency/disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by the aforementioned emergency; and

*Still Further*, I hereby continue to urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers, by the rental of equipment and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

*Given* under my hand and the seal of the Governor, at the City of Harrisburg, this nineteenth day of February in the year of our Lord two thousand and of the Commonwealth the two hundred and twenty-fourth.

*Governor*

[Pa.B. Doc. No. 00-369. Filed for public inspection March 3, 2000, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Adoption of Local Rule L2101.1—Pre-Hearing Statement and Conference; No. 00-0313

##### Administrative Order No. 6-2000

*And Now*, this 16th day of February, 2000, it is hereby *Ordered and Decreed* that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Adopts* Local Rule of Civil Procedure L2101.1 governing the Pre-Hearing Statement and Conference in Board of Assessment Appeals.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the Carbon County Law Journal.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

*By the Court:*

JOHN R. LAVELLE,  
*President Judge*

#### Rule L2101.1. Pre-hearing Statement and Conference.

A. Within forty-five (45) days after required service of the petition and preliminary decree, all parties of record shall submit a pre-hearing statement to the assigned Judge and serve a copy on all other parties of record. The pre-hearing statement shall include:

- 1) A summary of the facts which will be offered by oral and documentary evidence at the hearing;
- 2) A list of exhibits to be offered;
- 3) A list of the names and addresses of all witnesses to be called;
- 4) Copies of any appraisal reports, or if no report is available, a summary of the testimony of any expert who will be called as a witness;
- 5) A statement of the current valuation which is the basis for the appeal;
- 6) A statement setting forth the appellant's position as to the correct valuation which shall include appellant's position as to correct market value, assessment ratio, and assessment;
- 7) A statement that there have been negotiations between the parties and a good faith attempt to settle the case;
- 8) The statement shall be signed by the parties or their counsel; and

B. Upon receipt of the pre-hearing statement of the parties of record, the Deputy Court Administrator/Case Manager shall schedule a pre-hearing conference at which the parties of record and their counsel shall be present. Notice of the pre-hearing conference shall be given by the Scheduling Office to all affected taxing authorities whether or not parties of record.

C. At the pre-hearing conference, the parties of record shall consider:

- 1) Possible stipulations as to evidence and facts;
- 2) Simplification of the issue; and
- 3) Settlement.

D. At the pre-hearing conference, each party of record shall either be personally present, or shall be represented by counsel authorized to act on behalf of the absent party of record with respect to the trial of the case or its settlement.

E. Following the pre-hearing conference, the Court shall enter an appropriate order which may include the scheduling of a hearing.

[Pa.B. Doc. No. 00-370. Filed for public inspection March 3, 2000, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 37—LAW

### DEPARTMENT OF CORRECTIONS

#### [37 PA. CODE CH. 93]

#### Motivational Boot Camps

The Department of Corrections (Department), acting under the authority conferred by the Motivational Boot Camp Act (act) (61 P. S. §§ 1121—1129), amends Chapter 93 (relating to State correctional institutions and facilities) to read as set forth in Annex A.

Under section 5(c) of the act (61 P. S. § 1125(c)), the Secretary of the Department is required to promulgate regulations concerning motivational boot camps. At a minimum, the regulations shall address inmate discipline, selection criteria, curriculum, supervision, administration and intensive training for all staff prior to their involvement with a motivational boot camp.

Subchapter C (relating to motivational boot camp) is being added. Section 93.301 (relating to definitions) contains definitions. Section 93.302 (relating to selection criteria) contains the minimum criteria required for selection into a motivational boot camp. Section 93.303 (relating to selection committee) establishes selection committees, which shall be responsible for recommending whether inmates are favorable candidates for placement in a motivational boot camp. Section 93.304 (relating to administration) establishes how motivational boot camps are to be administered by the Department. The supervisory structure of boot camp facilities is addressed in § 93.305 (relating to supervision/organizational structure). Prescribed curriculum for motivational boot camp inmates is addressed in § 93.306 (relating to curriculum). Inmate discipline for boot camp participants is addressed in § 93.307 (relating to inmate discipline) and staff training is contained in § 93.308 (relating to staff training).

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

The Department has reviewed the final-form regulations and has considered their purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1 (relating to regulatory review and promulgation). The final-form regulations are statutorily mandated and otherwise comply with Executive Order 1996-1.

#### *Statutory Authority*

The Department adopts the final-form regulations under the authority of section 5(c) of the act.

#### *Fiscal Impact and Paperwork Requirements*

Since the Department currently operates a motivational boot camp in accordance with the final-form regulations, it does not expect the final-form regulations to have a fiscal impact on or to create new paperwork requirements for the Commonwealth, its political subdivisions or the private sector.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 4, 1999, the Department submitted a copy of the proposed regulations published at 29 Pa.B. 1513 (March 20, 1999) to the Independent Regulatory Review Commission (IRRC) and the Chairper-

sons of the House and Senate Judiciary Committees (Committees). The Department submitted a copy of the final-form regulations to IRRC and the Committees on January 10, 2000. In addition to submitting the final-form regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

In preparing these final-form regulations the Department has considered the comments received from IRRC. The Department did not receive any comments from the public or from the Committees. The final-form regulations were deemed approved by the House and Senate Judiciary Committees on January 30, 2000. IRRC met on February 3, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)). The Office of General Counsel and the Office of Attorney General approved the final-form regulations.

#### *Effective Date*

The final-form regulations shall be effective upon final publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

Written questions concerning the Department's final-form regulations may be submitted to Victoria S. Freimuth, Executive Assistant to the Secretary, Department of Corrections, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598.

#### *Findings*

The Department finds that:

(1) Notice of proposed rulemaking was published at 29 Pa.B. 1513 as required by 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no public comments were received by the Department for consideration.

(3) The adoption of these final-form regulations in the manner provided by this order is necessary and appropriate for the administration of the Department.

#### *Order*

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

(a) The regulations of the Department, 37 Pa. Code Chapter 93, are amended by adding §§ 93.301—93.308 to read as set forth in Annex A.

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

(c) The Secretary of Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as required by law.

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

MARTIN F. HORN,  
*Secretary*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 965 (February 19, 2000).)

**Fiscal Note:** Fiscal Note 19-3 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 37. LAW**

**PART III. AGENCIES AND OFFICES**

**Subpart B. DEPARTMENT OF CORRECTIONS**

**CHAPTER 93. STATE CORRECTIONAL INSTITUTIONS AND FACILITIES**

**Subchapter C. MOTIVATIONAL BOOT CAMPS**

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93.305.	Supervision/organizational structure.
93.306.	Curriculum.
93.307.	Inmate discipline.
93.308.	Staff training.

**§ 93.301. Definitions.**

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

*Act*—The Motivational Boot Camp Act (61 P. S. §§ 1121—1129).

*Department*—The Department of Corrections of the Commonwealth.

*Diagnostic and classification center*—A State correctional institution that receives inmates and assigns them custody levels through a classification process that evaluates the inmates' backgrounds and reasons for incarceration before assigning them to a State correctional institution according to their custody level and needs.

*Secretary*—The Secretary of the Department.

*Three-tiered approach*—A three-step disciplinary process in which an inmate first receives a demerit or demerits. Upon receiving ten or more demerits in a 7-day period, the inmate shall appear before the Deputy Commander's review board and may receive restrictions or additional duties. The final step is the commander's committee at which point an inmate may be removed from the motivational boot camp.

*Ventilation therapy*—A group session led by a counselor during which inmates are encouraged to discuss problems, stressful matters or pressures they are currently experiencing. The objective of the discussion is to help inmates identify, explore and ultimately either resolve or better cope with the stressors.

**§ 93.302. Selection criteria.**

(a) An eligible inmate, as that term is defined in section 3 of the act (61 P. S. § 1123), may be selected by the Department for participation in a motivational boot camp. In selecting inmates for participation in a motivational boot camp, the selection committee will consider all information relevant to whether the inmate is eligible for placement in a motivational boot camp and likely to perform competently while in the motivational boot camp. Selection criteria will include the following:

- (1) The written application submitted by the inmate.
- (2) Whether the inmate's participation in a motivational boot camp is consistent with the safety of the community.
- (3) Whether the inmate's participation in a motivational boot camp is consistent with the welfare of the inmate.
- (4) Whether the inmate's participation in a motivational boot camp is consistent with the objectives of the Department.
- (5) The health and physical condition of the inmate.
- (6) The inmate's criminal history.
- (7) The inmate's escape history.
- (8) The inmate's institutional adjustment during current and prior incarcerations.
- (9) Outstanding detainers or parole warrants, or both, for the inmate.
- (10) The inmate's psychological profile.
- (11) The submittal of a signed memorandum of understanding as required by section 6(c) of the act (61 P. S. § 1126(c)).

(b) An inmate will not be guaranteed acceptance into a motivational boot camp even if the inmate is eligible and likely to successfully graduate from a motivational boot camp.

(c) Successful completion of the boot camp program requires completion of three phases.

- (1) The first phase consists of orientation and introduction to discipline, physical training and treatment.
- (2) The second phase consists of discipline, physical training and treatment.
- (3) The third phase consists of preparing the inmates for life in society and striving for perfection in the aspects of the second phase of the program.

**§ 93.303. Selection committee.**

(a) There shall be a motivational boot camp selection committee in each diagnostic and classification center operated by the Department.

(b) Each selection committee shall be composed of the following individuals:

- (1) The diagnostic center director or a corrections counselor supervisor, or both.
- (2) A lieutenant or corrections counselor, or both.

(c) The selection committee is only responsible for recommending inmates for participation in a motivational boot camp.

(d) The superintendent of the State correctional institution in which a diagnostic and classification center is operated shall make the final decision as to inmate participation in a motivational boot camp.

**§ 93.304. Administration.**

(a) The Department will administer motivational boot camps at sites to be determined by the Department.

(b) Each motivational boot camp will operate under the administrative supervision of a regional deputy commissioner or other official designated by the Secretary.

**§ 93.305. Supervision/organizational structure.**

(a) Each motivational boot camp will be organized as a paramilitary unit with a supervisory structure consisting of a camp commander, a deputy commander and area commanders.

(b) The inmates will be organized into platoons consisting of no more than 50 inmates per platoon.

(c) Each platoon shall have at least two Department drill instructors.

**§ 93.306. Curriculum.**

Each motivational boot camp shall consist of the following curriculum:

- (1) Rigorous physical activity.
- (2) Intensive regimentation and discipline.
- (3) Work on public and community projects.
- (4) Substance abuse treatment.
- (5) Continuing education.
- (6) Vocational training.
- (7) Prerelease counseling.
- (8) Ventilation therapy.

**§ 93.307. Inmate discipline.**

(a) A list of the rules to be followed by inmates participating in a motivational boot camp will be provided to an inmate during orientation to the motivational boot camp.

(b) Serious rule infractions which constitute Class I misconducts listed in DC-ADM 801—*Inmate Disciplinary and Restricted Housing Procedures*—may result in an inmate's expulsion from a motivational boot camp.

(c) Minor rule infractions which constitute Class II misconducts listed in the DC-ADM 801—*Inmate Disciplinary and Restricted Housing Procedures*—will be dealt with according to a three-tiered approach.

(d) Inmates can be suspended or removed from a motivational boot camp for reasons other than violations of disciplinary rules, such as receipt by the Department of additional detainees or changes which make the inmate ineligible for the program or reasons which in the opinion of the commander make the inmate unsuitable for the motivational boot camp or detrimental to the motivational boot camp.

**§ 93.308. Staff training.**

Staff directly involved with a motivational boot camp shall undergo a minimum of 4 weeks of intensive training in addition to training required of all Department employees.

(1) This training shall include instruction on the boot camp's programs including the drug and alcohol program, drill and ceremony, the role model concept and physical training.

(2) Training shall also include instruction on the goals and philosophy of the boot camp as well as basic security.

(3) Drill instructors shall receive the training along with a 5-month on-the-job training program including a 2-week training assignment at a training center for Department drill instructors.

(4) Training for drill instructors shall include physical training of groups, drill and ceremony, leadership development and assessment, professional sensitivity and awareness, counseling techniques and instructional methods.

(5) Employees will not work as drill instructors until they have received this training and a certificate from the Secretary.

[Pa.B. Doc. No. 00-371. Filed for public inspection March 3, 2000, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### [52 PA. CODE CH. 57]

[Correction]

#### Annual Resource Report Filing Requirements

Errors occurred in the adoption of 52 Pa. Code § 57.141(b) (relating to general) as it appeared at 30 Pa.B. 1129, 1132 (February 26, 2000). The correct version of 52 Pa. Code § 57.141(b) appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

#### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

#### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 57. ELECTRIC SERVICE

#### Subchapter L. ANNUAL RESOURCE PLANNING REPORT

#### § 57.141. General.

\* \* \* \* \*

(b) As a condition to receiving a copy of the ARPR, the OCA and OSBA shall be obligated to honor and treat as confidential those portions of the report designated by the utility as proprietary.

(1) If the Commission, OCA, OSBA or any person challenges the proprietary claim as frivolous or not otherwise justified, the Secretary's Bureau will issue, upon written request, a Secretarial letter directing the EDC to file a petition for protective order under § 5.423 (relating to orders to limit availability of proprietary information) within 14 days.

(2) Absent the timely filing of such a petition, the proprietary information claim will be deemed to have been waived. The proprietary claim will be honored during the Commission's consideration of the petition for protective order.

[Pa.B. Doc. No. 00-338. Filed for public inspection February 25, 2000, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CHS. 3 AND 7]

### Importation and Intrastate Transportation of Animals; Brucellosis

The Department of Agriculture (Department) published a notice of proposed rulemaking for 7 Pa. Code Chapters 3 and 7 (relating to health requirements for importation and intrastate transportation of animals; brucellosis) at 30 Pa.B. 768 (February 12, 2000). The public comment period for these proposed regulations is 30 days. The close of the public comment period for the proposed regulations will be March 13, 2000.

Further information is available by contacting Dr. Phillip Debok, Bureau of Animal Health and Diagnostic Services at (717) 783-8555.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-372. Filed for public inspection March 3, 2000, 9:00 a.m.]

[7 PA. CODE CH. 138i]

### Farm Safety and Occupational Health Tuition Assistance Program

The Department of Agriculture (Department) published a notice of proposed rulemaking for 7 Pa. Code Chapter 138i (relating to Farm Safety and Occupational Health Tuition Assistance Program) at 30 Pa.B. 771 (February 12, 2000). The public comment period for these proposed regulations is 30 days. The close of the public comment period for the proposed regulations will be March 13, 2000.

Further information is available by contacting John Tacosky, Chief, Division of Health and Safety, Bureau of Plant Industry at (717) 772-5217.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-373. Filed for public inspection March 3, 2000, 9:00 a.m.]

[7 PA. CODE CH. 138j]

### Farm Safety and Occupational Health Developmental and Instructional Program

The Department of Agriculture (Department) published a notice of proposed rulemaking for 7 Pa. Code Chapter 138j (relating to Farm Safety and Occupational Health Developmental and Instructional Program) at 30 Pa.B. 776 (February 12, 2000). The public comment period for these proposed regulations is 30 days. The close of the public comment period for the proposed regulations will be March 13, 2000.

Further information is available by contacting John Tacosky, Chief, Division of Health and Safety, Bureau of Plant Industry at (717) 772-5217.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-374. Filed for public inspection March 3, 2000, 9:00 a.m.]

[7 PA. CODE CH. 138k]

### Farm Safety and Occupational Health Grant Program

The Department of Agriculture (Department) published a notice of proposed rulemaking for 7 Pa. Code Chapter 138k (relating to Farm Safety and Occupational Health Grant Program) at 30 Pa.B. 781 (February 12, 2000). The public comment period for these proposed regulations is 30 days. The close of the public comment period for the proposed regulations will be March 13, 2000.

Further information is available by contacting John Tacosky, Chief, Division of Health and Safety, Bureau of Plant Industry at (717) 772-5217.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-375. Filed for public inspection March 3, 2000, 9:00 a.m.]

## DEPARTMENT OF STATE

[4 PA. CODE CH. 177]

### Campaign Finance Forms

The Department of State (Department), Bureau of Commissions, Elections and Legislation (Bureau) proposes to amend § 177.9 (relating to official forms), to read as set forth in Annex A.

This proposal revises the references to four of the six existing forms in the current regulation and adds references to two additional forms, which have been in use since 1980 but never incorporated by reference in the regulation. The Department has modernized all the campaign finance forms that will ease documentation for the filers. Additionally, the regulation incorporates a provision announcing that reports may be filed on diskette.

Although the existing forms are included in the current regulation, the Department proposes to delete the forms from the regulation to comply with Rule 2.10(a) of the *Pennsylvania Code and Bulletin Style Manual*, which recommends that the forms be referenced in regulations rather than adopted in regulations. The information required to be reported continues to exist in Chapter 177.

While the new forms will be sent to all candidates and political committees for reporting during the 2000 elections, the Department will allow candidates and political committees to continue to file the current forms during the 2000 election year.

*Statutory Authority*

The Secretary of the Department (Secretary) has the authority to promulgate regulations on reporting forms under section 201(a) of the act of June 3, 1937 (P. L. 1333, No. 320) (25 P. S. § 2621(a)).

*Description of Proposed Revisions*

*A. Reports by Candidates, Political Committees and Other Persons*

The titles of Forms DSEB-502 and DSEB-503 were changed from Campaign Expense to Campaign Finance because the report includes not only campaign expenses but also receipts, contributions, in-kind contributions and unpaid debts. The statement includes both receipts and disbursements.

The Secretary also proposes to revise the reference to two additional forms that have been in use since the regulation was last promulgated in 1980:

(1) Form DSEB-504 (Contributions By Nonbid Contract Recipients).

(2) Form DSEB-505 (Independent Expenditure Report).

Finally, a reference is added to § 177.9 to indicate that reports will be accepted on diskette as long as it meets the technical specifications of the Department.

*B. Forms of Reports by Candidates, Political Committees and Other Persons*

Copies of all of these forms and the technical specifications for diskette filing are available from the Bureau, 302 North Office Building, Harrisburg, PA 17120. The Secretary proposes to delete from the regulation copies of the forms. Executive Order 1996-1 directs that agencies eliminate unnecessary regulatory provisions. The forms themselves are nonregulatory documents and do not impose any additional duties or liabilities on the general public or on the political committees that file reports. Furthermore, the Legislative Reference Bureau recommends that forms not be adopted in the *Code* and *Bulletin* but be referred to in regulations. See § 2.10 of the *Pennsylvania Code and Bulletin Style Manual*.

*Fiscal Impact*

This proposal would have no measurable fiscal impact on the Commonwealth, its political subdivisions or the private sector because the Commonwealth charges no fees for filing these reports. The Commonwealth will continue to charge a nominal fee for photocopies of the reports. However, reports will be made available on the Department's web page. Therefore, individuals with access to the Internet would no longer need to pay to obtain copies of the campaign finance reports.

*Paperwork Requirements*

Although this proposal requires the Department to revise its campaign finance reporting forms, these amendments would not create new paperwork for other agencies of the Commonwealth. As in the past, county boards of elections will be required to reproduce and distribute the forms prescribed by the Secretary to local candidates and political committees.

*Regulatory Review*

On February 22, 2000, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted copies of this notice of proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Senate Standing Committee on State Government and the House Standing Committee on State

Government. The Department also provided IRRC and the Committees with copies of a regulatory analysis form prepared by the Department in compliance with Executive Order 1996-1 (relating to regulatory review and promulgation). Copies of the regulatory analysis form are available to the public upon request.

If IRRC has objections to any portion of this proposal, it will notify the Department within 10 days after the close of the Committees' review period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures for review, prior to final adoption of the amendment, by IRRC, the General Assembly and the Governor of objections raised.

*Public Comment*

The Department invites interested persons to submit written comments, suggestions or objections regarding this proposal to Mary S. Heinlen, Director of Campaign Finance, Bureau of Commissions, Elections and Legislation, Department of State, 302 North Office Building, Harrisburg, PA 17120, within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

KIM PIZZINGRILLI,  
*Secretary of the Commonwealth*

**Fiscal Note:** 16-22. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART VIII. BUREAU OF LEGISLATION,  
COMMISSIONS AND ELECTIONS**

**Subpart D. ELECTIONS**

**CHAPTER 177. REPORTS BY CANDIDATES,  
POLITICAL COMMITTEES AND OTHER PERSONS**

**§ 177.9. Official forms.**

(a) The following official forms have been promulgated under [ **the provisions set forth in** ] this chapter.

\* \* \* \* \*

(3) Form DSEB-502 (Campaign [ **Expense** ] **Finance** Report).

(4) Form DSEB-503 (Campaign [ **Expense** ] **Finance** Statement).

(5) **Form DSEB-504 (Contributions By Nonbid Contract Recipients).**

(6) **Form DSEB-505 (Independent Expenditure Report).**

**(b) The Department also accepts campaign finance reports on diskette in lieu of a paper report as long as it meets the technical specifications of the Department and is accompanied by a cover page and signed affidavit.**

**(c) A copy of the technical specifications and approved list of vendors can be obtained by accessing the Department's website at [www.dos.state.pa.us](http://www.dos.state.pa.us) or contacting the Bureau at (717) 787-5280.**

*(Editor's Note:* The Department is proposing to delete the forms which appear following this section in the



*Pennsylvania Code* on pages 177-9—177-22 (serial pages (201059)—(201072).)

[Pa.B. Doc. No. 00-376. Filed for public inspection March 3, 2000, 9:00 a.m.]

## GAME COMMISSION

[58 PA. CODE CH. 139]

### Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 11, 2000, meeting, proposed the following:

Amend § 139.2 (relating to definitions) by adding field possession limit for deer, and § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 2000-2001 hunting license year.

These proposed amendments to Chapter 139 will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal of these amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the January 11, 2000, meeting of the Commission, and comments on these proposals can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 24, 2000.

#### *Amendment to § 139.2*

##### 1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Game Commission at its January 11, 2000, meeting proposed changing § 139.2 to add a definition of "field possession limit—deer." The use of this term in the deer bag limits in § 139.4 will add a requirement to secure a harvested deer before seeking another. This change was proposed under the provisions of sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of Commission; and regulations).

##### 2. *Purpose and Authority*

In the proposed seasons and bag limits for 2000-2001, the Commission has proposed to allow the taking of an antlerless deer in addition to an antlered deer or the taking of more than one antlerless deer in 1 day. To allow a more equitable harvest among competing hunters, however, the Commission decided to require that the carcass of a harvested deer must first be secured at a motor vehicle, hunting camp, residence or deer processing facility before another can be taken. The proposed change would impose this requirement.

Section 322(c) of the code specifically empowers the Commission to "... fix seasons . . . and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

##### 3. *Regulatory Requirements*

The proposed change would require deer hunters to secure a harvested deer before seeking to take another.

##### 4. *Persons Affected*

Deer hunters possessing an antlerless deer license who wish to take more than one deer in 1 day will be affected by the proposed change.

##### 5. *Cost and Paperwork Requirements*

The proposed change should not result in additional cost or paperwork.

##### 6. *Effective Date*

The proposed change will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### *Amendment to § 139.4*

##### 1. *Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 11, 2000, meeting proposed changing § 139.4 to provide for seasons and bag limits for the 2000-2001 license year. These seasons and bag limits were proposed under the provisions of sections 322(c)(1) and 2102(b)(1) of the code. Notable changes for the 2000-2001 year include a Statewide antlerless season that begins on a Saturday, the last day of the rifle buck season; an early Statewide muzzleloader antlerless deer season that also starts on a Saturday; and a proposed bobcat hunting and trapping season with the required permit.

##### 2. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to "... fix seasons . . . and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Changes that have been proposed for the 2000-2001 season are primarily intended to increase the harvest of antlerless deer and to maximize recreational opportunities where game and wildlife populations allow. Major changes are as follows:

1. The start of the Statewide 3-day antlerless deer season will be moved to the last Saturday of the rifle buck season. A provision has also been built into the regulation to allow a 1-day extension of the antlerless season, if it is required.

2. An additional early Statewide muzzleloader antlerless deer season will be held.

3. Junior and senior license holders and holders of disabled person permits (to use a vehicle) will be allowed to shoot an antlerless deer during antlered deer season for each antlerless deer license they possess.

4. Hunters will be limited to one antlered deer per year, but may take one antlerless for each antlerless deer license held. Hunters must, however, secure any deer they harvest before they can harvest another deer.

5. The start of the early small game season will be moved back approximately 2 weeks from the most recent start date under the proposal.

6. A bobcat hunting and trapping season will be established but a permit to harvest a bobcat will be required.

7. An additional week will be added to the fall turkey season in Turkey Management Area 7-A.

3. *Regulatory Requirements*

These proposed seasons and bag limits would establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally take.

4. *Persons Affected*

Persons wishing to hunt and trap in this Commonwealth would be affected by these seasons and bag limits.

5. *Cost and Paperwork Requirements*

The proposed new seasons and bag limits would not result in any additional cost either to the Commission or to hunters and furtakers.

6. *Effective Dates*

The effective dates are July 1, 2000 to June 30, 2001.

*Contact Person*

For further information on the proposed changes the contact person is William L. Hutson, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-116. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAGS LIMITS

§ 139.2. Definitions.

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

\* \* \* \* \*

**Field possession limit—deer—**When multiple harvests of deer per day are authorized, only one deer at a time may be harvested and possessed in the field or forest. Before harvesting additional deer, the deer previously harvested must be transported and secured at the hunter's motor vehicle, permanent or temporary camp, residence or deer processing facility.

\* \* \* \* \*

§ 139.4. Seasons and bag limits for the license year.

*(Editor's Note:* As part of the proposed rulemaking, the Commission is proposing to delete the existing text which appears at 58 Pa. Code pages 139-3—139-11, serial pages (255561)—(255569), and replace it with the following text, which has been printed in regular type to enhance readability.)

**2000-2001 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,  
FIELD POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 7	Oct. 9	6	12
Squirrels—(Combined species)	Oct. 14	Nov. 25	6	12
	and	Feb. 10, 2001		
Ruffed Grouse—(Statewide)	Oct. 14	Nov. 25	2	4
	and	Jan. 27, 2001		
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"				
Rabbits, Cottontail	Oct. 28	Nov. 25	4	8
	and	Feb. 10, 2001		
Ringneck Pheasant—Male only	Oct. 28	Nov. 25	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area only	Oct. 28	Nov. 25	2	4
	and	Feb. 10, 2001		

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all counties except Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry, Snyder and York where the season is closed.	Oct. 28	Nov. 25	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Dec. 30	2	4
Woodchucks (Groundhog)	No closed season except during the antlered and antlerless deer season and until 12 noon daily during the spring gobbler turkey season		Unlimited	

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female			1	1
Management Areas #1-A, 1-B & 2	Oct. 28	Nov. 11		
Management Area #7-B	Oct. 28	Nov. 4		
Management Areas #3, 4, 5, 6, 7-A & 8	Oct. 28	Nov. 18		
Management Area #9-A	Oct. 30	Nov. 1		
Management Area #9-B	Oct. 30	Nov. 4		
Turkey (Spring Gobbler) Statewide Bearded Bird only	April 28, 2001	May 26, 2001	1	1

**MIGRATORY GAME BIRDS**

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early and late season for Canada geese will be held as defined in § 141.25.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Nov. 26	Unlimited	
	Dec. 29	April 1, 2001		
Starlings and English Sparrows	No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season		Unlimited	

**FALCONRY**

Squirrels—(Combined species)	Sep. 1	Mar. 31, 2001	6	12
Quail	Sep. 1	Mar. 31, 2001	4	8

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Ruffed Grouse	Sep. 1	Mar. 31, 2001	2	4
Cottontail Rabbits	Sep. 1	Mar. 31, 2001	4	8
Snowshoe or Varying Hare	Sep. 1	Mar. 31, 2001	2	4
Ringneck Pheasant—Male and Female—(Combined)	Sep. 1	Mar. 31, 2001	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

#### DEER

Deer (Archery), Antlered—(Statewide) with 2 or more points to an antler or a spike 3 or more inches long	Sept. 30	and	Oct. 20	One antlered.**
	Oct. 25	and	Nov. 11	
	Dec. 26		Jan. 13, 2001	
Deer (Archery), Antlerless—(Statewide)	Sept. 30	and	Nov. 11	An antlerless deer with each required antlerless license.
	Dec. 26		Jan. 13, 2001	
Deer, Regular Antlered—(Statewide) with 2 or more points to an antler or a spike 3 or more inches long	Nov. 27		Dec. 9	One antlered.**
Deer, Antlerless—(Statewide) Junior and Senior License Holders, and Disabled Person Permit (to use a vehicle) Holders Only, with required antlerless license	Nov. 27		Dec. 9	An antlerless deer with each required antlerless license.
Deer, Regular Antlerless—(Statewide)	Dec. 9		Dec. 12*	An antlerless deer with each required antlerless license.
Deer, Antlerless (Presque Isle State Park, Erie County)	Dec. 6		Dec. 8	One antlered.** An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) (Flintlock Muzzleloading firearms only)	Oct. 21		Oct. 24	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) (Flintlock Muzzleloading firearms only)	Dec. 26		Jan. 13, 2001	One antlered ** or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Only on those lands designated by the Executive Director as "Deer Damage Areas" and posted with approved signs	Nov. 27		Dec. 9	An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Ritchie, Raven Rock Site, Adams County)	Hunting is permitted on days established by the Unites States Department of the Army			An antlerless deer with each required antlerless license.

**SPECIAL REGULATIONS AREAS  
SOUTHEASTERN PENNSYLVANIA AND ALLEGHENY COUNTY**

Deer, Antlered with 2 or more points to an antler or a spike 3 or more inches long	Nov. 27	Dec. 9		One antlered deer.**
Deer, Antlerless	Nov. 27 Dec. 26	and Dec. 12 Jan 13, 2001		An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<b>BEAR</b>				
Bear, any age	Nov. 20	Nov. 22	1	1

**FUR TAKING—TRAPPING**

Minks and Muskrats—(Statewide)	Nov. 18	Jan. 7, 2001		Unlimited
Beaver—(Statewide)	Dec. 26	Mar. 31, 2001		
Zones 1, 2 & 3 (except Bradford, McKean, Potter, Susquehanna, Tioga and Wayne Counties)			10	20
Bradford, McKean, Potter, Susquehanna Tioga and Wayne Counties			10	40
Zone 4 & 5			10	10
Zone 6			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—Statewide	Oct. 15	Feb. 24, 2001		Unlimited
Bobcat (Zones 2 & 3)	Oct. 15	Feb. 24, 2001	1	1***

**FUR TAKING—HUNTING**

Coyotes—(Statewide)	No closed season. Coyotes may be taken during the regular antlered and antlerless deer seasons or extensions only by hunters who have a valid deer tag or during the spring gobbler turkey season by hunters who have a valid spring turkey tag and meet fluorescent orange and shot size requirements.			Unlimited
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<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Opossums, Skunks, Weasels— Statewide	No closed season. These species may not be hunted prior to 12 noon during the spring gobbler turkey season.			
Raccoons and Foxes—(Statewide)	Oct. 14	Feb. 24, 2001		Unlimited
Bobcat (Zones 2 & 3)	Oct. 14	Feb. 24, 2001	1	1***

No open seasons on other wild birds or wild mammals.

\* The executive director is hereby authorized to extend, by order, in accordance with § 139.3, this season by 1 day either Statewide or on a designated area basis where it appears, after polling the Commissioners and regional offices, that there has been an underharvest of antlerless deer. Public notice of the extension shall be given by extensive publication.

\*\* Only one antlered deer (buck) may be taken during the hunting license year.

\*\*\*Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit.

[Pa.B. Doc. No. 00-377. Filed for public inspection March 3, 2000, 9:00 a.m.]

### [58 PA. CODE CH. 141] Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 11, 2000, meeting, proposed the following:

Amend Chapter 141 (relating to hunting and trapping):

Subchapter A (relating to general):

§ 141.1 (relating to special regulations areas), to allow the .410 shotgun with single projectile ammunition for deer hunting in the special regulations areas, and clarification that the 20 gauge shotgun or larger would continue to be lawful for buckshot in the Southeast special regulations areas.

§ 141.4 (relating to hunting hours), to allow the hunting of bobcat any hour, day or night.

§ 141.5 (relating to furbearer tagging requirements), to require the tagging of bobcat taken under a special permit.

§ 141.6 (relating to illegal devices), to allow the hunting of bobcat by the use of electronic calls, and permitting snares to be completely or partially submerged in water to be used to take beaver.

Subchapter B (relating to small game):

§ 141.21 (relating to hen ringneck pheasant), to expand the male and female pheasant area to include additional counties with low wild pheasant populations and low capability (due to natural succession and land use practices) to support a long-term wild pheasant population.

Subchapter C (relating to big game):

§ 141.43 (relating to deer), to address hunter safety concerns by requiring fluorescent orange during the overlap with the flintlock muzzleloading season that precedes the regular firearms season for deer, and to allow the use of muzzleloading pistols and expand types of lawful ammunition.

§ 141.45 (relating to turkey), by limiting lawful hunting devices to shotguns and archery in certain turkey management areas.

Subchapter D (relating to trapping):

§ 141.63 (relating to definitions), by changing the stop location to allow the snare loop to close to a minimum circumference of 7 inches.

These proposed amendments to Chapter 141 will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the January 11, 2000, meeting of the Commission, and comments on these proposals can be sent to the Executive Director of the Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 24, 2000.

*Amendment to § 141.1*

#### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 11, 2000, proposed changing § 141.1 to allow the use of the .410 shotgun with single projectile ammunition for deer hunting in special regulations areas. This would allow more flexibility for muzzleloaders in special regulations areas and create more consistency with what exists in the rest of this Commonwealth. These changes are adopted under authority contained in section 2102 of the code (relating to regulations).

#### 2. Purpose and Authority

The .410 shotgun with single projectile ammunition can currently be lawfully used to hunt deer through most of this Commonwealth. Section 141.1 has a limitation that at least a 20 gauge long gun or shotgun propelling a single projectile must be used. This has led to confusion for deer hunters who hunt both inside and outside of special regulations. The proposed changes will eliminate this limitation with regard to single projectile ammunition in special regulations areas but retain the requirement when using buckshot.

Section 2102(a) code directs the Commission to “. . . promulgate such regulations as it deems necessary and appropriate concerning . . . the ways, manner, methods, and means of hunting or furtaking . . .” Section 2102(d) also directs the Commission to promulgate regulations stipulating “. . . the type of firearms and ammunition and

other devices which may be used . . ." The proposed changes would be adopted under this authority.

### 3. Regulatory Requirements

The proposed amendments would relax current requirements.

### 4. Persons Affected

Individuals wishing to hunt deer in special regulations areas with muzzleloading long guns or shotguns using single projectile ammunition would be affected by the proposals.

#### *Amendment to Subchapter A*

##### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 11, 2000, proposed having a bobcat hunting and trapping season and also proposed changing §§ 141.4—141.6 to regulate the taking and tagging of bobcats. The Commission also proposed changing § 141.6 to permit partially submerged snares to be used to take beaver. These changes were proposed under section 322 (relating to powers and duties of the Commission) and section 2102(a) of the code.

##### 2. Purpose and Authority

After some years of studying bobcats and bobcat populations in this Commonwealth, the Commission's biologists have concluded that limited numbers of bobcats can be safely harvested by hunting and trapping. The Commission has therefore proposed a bobcat season as part of its seasons and bag limit proposals for 2000-2001. To regulate the taking of bobcats other changes to 58 Pa. Code (relating to recreation) will be required.

The Commission has proposed that § 141.4 be changed to specify hunting hours for bobcats. Also, under the proposal, § 141.5 would be changed to require tagging of bobcats. Finally, § 141.6 would be changed to allow use of electronic devices to take bobcats.

In addition, the Commission has proposed to allow partially submerged snares to be used to take beaver. This proposed change should increase snare capture efficiency and eliminate problems caused by fluctuating water levels.

Section 322(c) of the code empowers the Commission to fix daily shooting or taking hours and devices that can be used. Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The changes were proposed under this authority.

### 3. Regulatory Requirements

The proposed changes would set hours for hunting bobcats, require tagging of harvested bobcats and allow the use of electronic devices to take bobcats.

### 4. Persons Affected

Individuals wishing to hunt or trap bobcats or trap beaver would be affected.

#### *Amendment to § 141.21*

##### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 11, 2000, meeting proposed changing § 141.21 to allow the taking of female pheasants in a larger area of this Commonwealth. This change was proposed under the provisions of sections 322(c)(1) and 2102(b)(1) of the code.

### 2. Purpose and Authority

The Commission is required to set hunting and furtaking season and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to fix seasons for any species of game or wildlife. Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

It has become apparent that a larger area of this Commonwealth, for various reasons, is incapable of supporting a long-term wild pheasant population. Pheasants that are harvested in that area are essentially birds that were stocked by the Commission. To maximize the benefit of those stocked pheasants, the Commission has proposed allowing pheasants of either sex to be taken in the shaded areas of the map.

### 3. Regulatory Requirements

The proposed change will relax current regulatory requirements.

### 4. Comment and Paperwork Requirements

Persons wishing to hunt pheasants in this Commonwealth would be affected by the change.

#### *Amendment to § 141.43*

##### 1. Introduction

To provide for the safety of hunters in the field and to provide more options to hunters wishing to take advantage of the muzzleloader deer season, the Commission at its January 11, 2000, meeting proposed changes to § 141.43, to require archers to wear daylight fluorescent orange-colored material during the proposed early flintlock muzzleloader season and to allow the use of muzzleloading pistols and maxi and mini ball ammunition during muzzleloading season. These changes are proposed under the authority contained in section 2102 of the code.

### 2. Purpose and Authority

As part of the proposed 2000-2001 seasons and bag limits, the Commission decided to propose a 3 day early flintlock muzzleloader antlerless deer season. Since this season would overlap the archery deer season, and, at some time in the future, may overlap turkey season it was decided to require archers to wear daylight fluorescent orange-colored material while moving. This necessitated changing § 141.43. In addition, to expand the variety of firearms and ammunition available during the muzzleloader deer season, the Commission proposed changing § 141.43 to allow the use of pistols and mini and maxi balls.

Section 2101(a) of the code directs the Commission to ". . . promulgate such regulations as it deems necessary and appropriate concerning . . . the ways, manner, methods, and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife . . ." This provision provides the authority for the proposed changes.

### 3. Regulatory Requirements

The proposed changes require the archery deer hunters to wear daylight fluorescent orange-colored material while moving during the early flintlock muzzleloader antlerless deer season. The other changes relax current restrictions.

### 4. Persons Affected

Those desiring to hunt that part of the archery deer season that overlaps with the early flintlock muzzleloader antlerless deer season will be affected by the proposed changes.

Amendment to § 141.45

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 11, 2000, meeting proposed changing § 141.45 to allow for the fact that Turkey Management Areas 1 and 9 have been split into Turkey Management Areas 1-A and 1-B and 9-A and 9-B. This change would be adopted under authority contained in sections 322(c)(4) and 2102(a) of the code.

2. Purpose and Authority

To better manage turkey populations in this Commonwealth, the Commission has split the turkey management areas, Nos. 1 and 9 in the more populous parts of the State, each into areas A and B, as is shown on the map in Chapter 141, Appendix C. The provision of § 141.45 prohibiting single projectile ammunition in those areas was not changed accordingly. The proposed change will make this adjustment.

Section 322(c)(4) of the code authorizes the Commission to define geographic limitations or restrictions. Section 2102(a) of the code directs the Commission to promulgate regulations it deems necessary and appropriate concerning hunting or furtaking. The proposed change would be adopted under this authority.

3. Regulatory Requirements

The proposed change will not change any regulatory requirements.

4. Persons Affected

Since the proposed change is essentially editorial, it will have no real impact.

Amendment to § 141.63

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 11, 2000, proposed changing § 141.63 to reduce the minimum circumference of snare loops used in trapping beaver from 20 inches to 7 inches. This change would be adopted under authority contained in sections 322(c)(5) and 2102(a) of the code.

2. Purpose and Authority

In 1998, the Commission changed its trapping regulations to allow snaring of beaver but required that the snare be crimped so it closed to a minimum circumference of 20 inches. This minimum circumference has been very inefficient in snaring beaver. As a result, the Commission has proposed reducing the circumference to 7 inches.

Section 322(c)(5) of the code directs the Commission to: "Fix the type and number of devices which may be used to take game or wildlife." Section 2102(a) of the code directs the Commission to promulgate regulations concerning the "... ways, manner, methods and means of hunting or furtaking." The proposed change would be adopted under this authority.

3. Regulatory Requirements

The proposed change relaxes a restriction and should enable beaver trappers to be more successful.

4. Persons Affected

Individuals wishing to trap beaver with snares would be affected by the change.

Cost and Paperwork Requirements

The proposed changes should not result in any additional cost or paperwork.

Effective Date

The changes will be effective on final publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

Contact Person

For further information on the proposed rulemaking contact William L. Huston, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS, Executive Director

Fiscal Note: 48-119. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1 Special regulations areas.

\* \* \* \* \*

(d) Permitted acts. It is lawful to:

(1) Hunt and kill deer through the use of a muzzleloading long gun or a shotgun, at least [ 20 ] .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

\* \* \* \* \*

(4) Take deer with a shotgun 20 gauge or larger, using buckshot in the Southeast area only.

\* \* \* \* \*

§ 141.4. Hunting hours.

During open hunting seasons, wild birds and animals may be taken 1/2 hour before sunrise to sunset unless further restricted.

\* \* \* \* \*

(2) Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be taken any hour, day or night, except during restricted periods in paragraph (1), and wookchuck, coyote, opossum, skunk and weasel may not be hunted prior to 12 noon during the spring gobbler season.

\* \* \* \* \*

§ 141.5. Furbearer tagging requirements.

\* \* \* \* \*

(d) Bobcat tag. Bobcat lawfully taken with a special permit shall be tagged as required in § 147.701(8) (relating to general).

(e) Instructions for tags. When wildlife is required to be tagged under this section, it shall be unlawful to fail to follow instructions on or given with the tag for completion and attachment to the bird or animal.

§ 141.6. Illegal devices.

It is unlawful to:

(1) Use electronic calls to take wildlife except bobcats, foxes, raccoons, coyotes and crows.



(2) Use snares to take wildlife or furbearers except beavers may be taken with snares completely or partially submerged [ under water ] in water in a waterway or watercourse, marsh, pond or dam.

\* \* \* \* \*

Subchapter C. BIG GAME

§ 141.43. Deer.

(a) Archery season. It is unlawful while hunting deer with a bow and arrow during the archery season to:

\* \* \* \* \*

(3) Move about or relocate during that portion of the archery deer season that is concurrent with [ the ] any flintlock muzzleloading season (antlerless only) that precedes the regular firearms season for deer or is concurrent with fall turkey season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(4) Be on stand and stationary during that portion of the archery deer season that is concurrent with [ the ] any flintlock muzzleloading season (antlerless only) that precedes the regular firearms season for deer or is concurrent with fall turkey season without placing a band containing a minimum of 100 square inches of daylight fluorescent orange-colored material, in lieu of the required 250 square inches, within 15 feet of their location so it is visible in a 360° arc.

(b) Muzzleloading season. Firearms lawful for use are original muzzleloading single-barrel [ long ] guns manufactured prior to 1800, or a similar reproduction of an original muzzleloading single-barrel [ long ] gun which:

- (1) [ Is fired from the shoulder.
(2) ] Is .44 caliber or larger and has open sights.

[ (3) ] (2) Propels a single spherical lead ball [ using ] with a cloth patch or a maxi-ball or mini-ball.

\* \* \* \* \*

(d) Prohibitions. It is unlawful to:

\* \* \* \* \*

(3) Use or possess single projectile ammunition [ or use or possess a projectile ] other than [ spherical lead ball ] specified in subsection (b)(2).

\* \* \* \* \*

§ 141.45. Turkey.

(a) While hunting wild turkey it is unlawful to:

\* \* \* \* \*

(4) Use or possess rifles or single projectile ammunition, except arrows, in Turkey Management [ Area #1 and Turkey Management Area #9 ] Areas 1-A, 1-B, 9-A and 9-B.

\* \* \* \* \*

Subchapter D. TRAPPING

§ 141.63. Definitions.

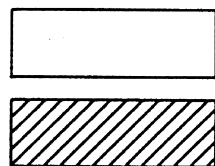
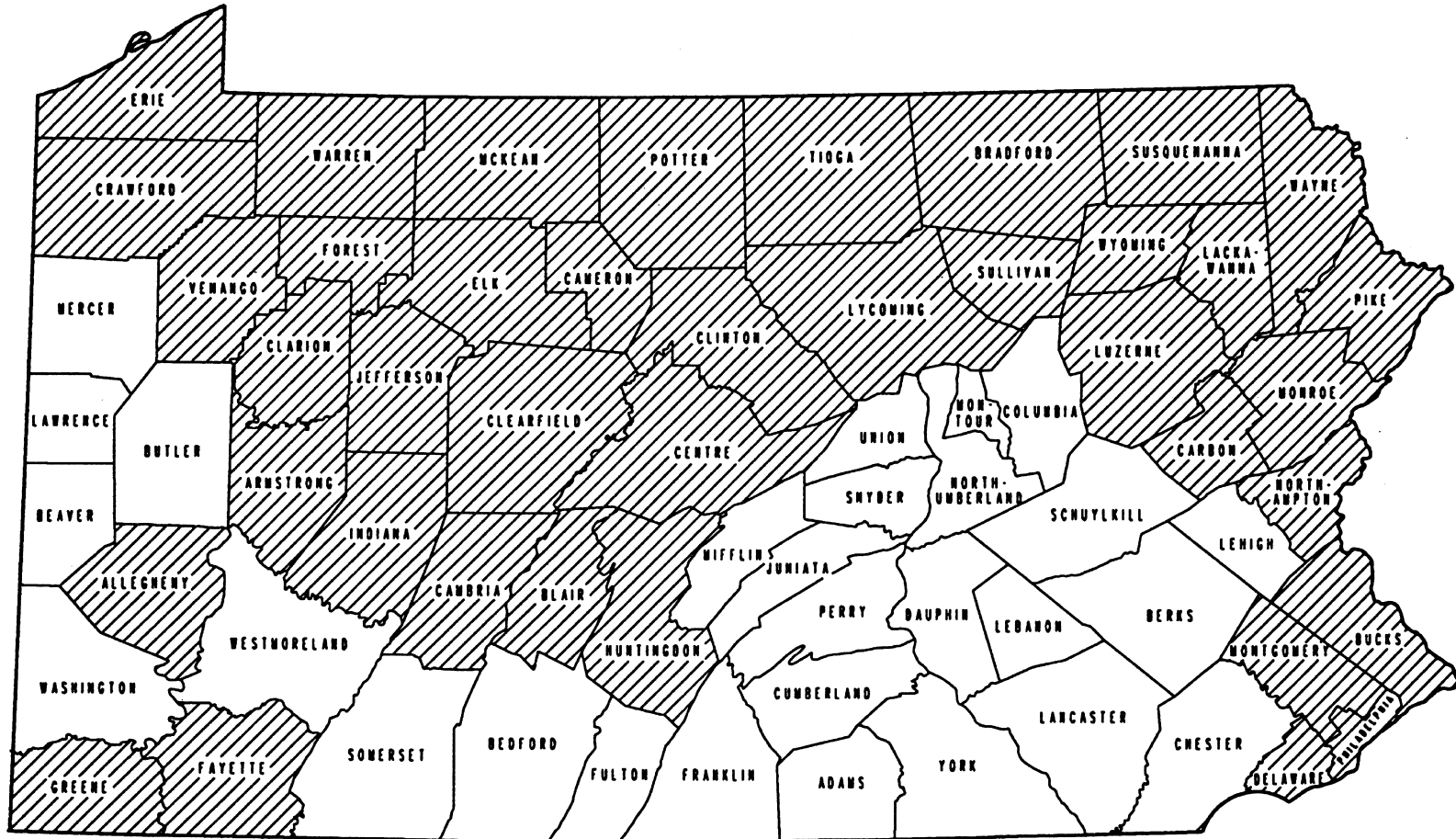
In addition to the definitions contained in the act and this part, the following words, when used in the enforcement of 34 Pa.C.S. § 2361(a)(11) (relating to unlawful acts concerning taking of furbearers) have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Snare—A looped galvanized or stainless stranded steel cable 3/32 inches in diameter equipped with a mechanical sliding metal release lock. A metal ferrule shall be crimped on the cable to prevent the snare loop from closing to a circumference less than [ 20 ] 7 inches.

\* \* \* \* \*

APPENDIX B  
 PENNSYLVANIA PHEASANT HUNTING AREAS



MALE PHEASANTS ONLY

MALE AND FEMALE PHEASANT AREA

[Pa.B. Doc. No. 00-378. Filed for public inspection March 3, 2000, 9:00 a.m.]

**[58 PA. CODE CH. 143]  
Hunting and Furtaker Licenses**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 11, 2000, meeting, proposed the following:

Amend Chapter 143, Subchapter C (relating to hunting and furtaker licenses), to allow ample time for license processing, issuance and delivery in time for the first day of archery season; by changing the name of surplus tags to unsold tags, and make unsold tags valid only on private land or on public land with a deer management plan approved by the Commission.

These amendments to Chapter 143 will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the January 11, 2000, meeting of the Commission, and comments on these proposals can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 24, 2000.

*Proposed Amendments to Chapter 143, Subchapter C*

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 11, 2000, proposed changes to Subchapter C to modify provisions for procedures for issuing antlerless deer licenses. The proposed changes would change the name of surplus licenses to unsold licenses, make those licenses available throughout the State, and make these licenses valid only on private land or on public land with an approved deer management plan.

The proposed changes would also require county treasurers to send out antlerless licenses no later than the third Monday in September rather than the last Wednesday. These changes were proposed under authority contained in section 2722(g) of the code (relating to authorized license-issuing agents).

2. *Purpose and Authority*

The primary mechanism by which the Commission manages the deer herd in this Commonwealth is by the allocation of antlerless licenses. In recent years, the Commission has had difficulty in selling all allocated antlerless licenses. To deal with this situation, the Commission has proposed to rename surplus antlerless licenses, which were available only in the southwest region, to "unsold" and make them available throughout this Commonwealth. Also, part of the perceived problem of deer management in this Commonwealth is that public lands are overhunted while private lands are underhunted. The usage of unsold licenses would therefore be essentially limited to private land. Finally, the current deadline for the mailing by county treasurers of antlerless licenses only allows 2 days for delivery of the license before the start of archery season. Moving the deadline forward in excess of 1 week should allow more time for delivery of those licenses.

Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuance. The proposed changes would be made under this authority.

3. *Regulatory Requirements*

The proposed changes will require county treasurers to send out antlerless licenses at least 9 days earlier than in the past. Also, although unsold licenses can be available Statewide, their use will be limited to private land or to public land with a Commission approved deed management plan.

4. *Persons Affected*

County treasurers and those wishing to harvest at least one antlerless deer could be affected by the proposed changes.

5. *Cost and Paperwork Requirements*

The proposed changes should not result in any additional cost or paperwork.

6. *Effective Date*

The changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information on the proposed changes contact William L. Hutson, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-120. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTAKE  
LICENSES**

**Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.42. Definitions.**

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

\* \* \* \* \*

*License*—The numbered back tag which is issued by the county treasurer authorizing the holder thereof to hunt antlerless deer in a specific county [ **during the regular firearms antlerless deer season or the archery deer seasons** ]. Each license has its own antlerless deer ear tag and antlerless deer harvest report card attached to be used only for tagging and reporting an antlerless deer harvested.

\* \* \* \* \*

[ *Surplus* ] *Unsold tag*—An antlerless deer license permitting properly licensed persons to take an antlerless deer during the regular firearms antlerless deer season, archery or flintlock muzzleloader deer seasons in the county of issue.

[ *Surplus* ] *Unsold tag application*—The form contained in the "Hunting and Trapping Digest" used in applying for [ **a surplus** ] **an unsold tag**.

§ 143.49. Issuing licenses.

\* \* \* \* \*

(c) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for qualified landowners, licenses issued shall be delivered to successful applicants in the envelope by standard first class mail through and by the United States Postal Service. Licenses shall be placed with the United States Postal Service no later than the [last Wednesday] third Monday in September. If more than one application is mailed to the county treasurer in the same envelope, the licenses shall be mailed to the person whose name appears on the return section of the envelope. The person receiving the additional licenses is responsible for delivering them to the appropriate people.

§ 143.51. Application and issuance of [surplus] unsold tags.

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth are eligible to receive [a surplus] an unsold tag [in one of the following counties: Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland]. Unsold tags are valid only on private land or on public land with a deer management plan approved by the Commission.

(b) An applicant for this tag may not use the regular antlerless deer license application. An applicant shall only use the [surplus] unsold application contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof.

\* \* \* \* \*

(e) [Surplus] Unsold tags shall be validated by the addition of the county treasurer's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag.

§ 143.55. Unlawful acts.

It is unlawful:

\* \* \* \* \*

(5) Except as specified in §§ 143.52(a) and (b) and 143.53 (relating to procedure for unlimited antlerless licenses; and reapplication), to apply for or receive more than one antlerless license or more than one [surplus] unsold license.

\* \* \* \* \*

[Pa.B. Doc. No. 00-379. Filed for public inspection March 3, 2000, 9:00 a.m.]

[58 PA. CODE CH. 147]
Bobcat Hunting-Trapping Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 11, 2000, meeting, proposed the following:

Amend Chapter 147, by adding Subchapter S (relating to bobcat hunting-trapping permit) to allow properly license hunters and trappers to obtain a permit to take a bobcat.

This proposed amendment to Chapter 147 will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the January 11, 2000, meeting of the Commission, and comments on this proposal can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 24, 2000.

Proposed Amendments to Chapter 147

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 11, 2000, meeting proposed a bobcat hunting and trapping season. It is believed that bobcat populations are sufficient to allow a limited harvest. To regulate the bobcat harvest it will be necessary to add Subchapter S to Chapter 147 (relating to special permits), to establish a permit to accomplish that purpose. A new Subchapter S for a bobcat hunting-trapping permit was proposed at the January 11, 2000 meeting. Section 2901(b) of the code (relating to regulations for permits), authorizes the Commission to promulgate regulations for the issuance of any permit.

2. Purpose and Authority

After some years of studying bobcats and bobcat populations in this Commonwealth, the Commission's biologists have concluded that limited numbers of bobcats can be safely harvested by hunting and trapping. The Commission has therefore proposed a bobcat season as part of its season and bag limit proposals for 2000-2001. To control the harvest, however, the Commission has decided to propose a permit system to strictly limit the harvest and allow monitoring of the harvest. Permits would be issued on a random drawing basis to individuals holding a furtaking or combination license.

Section 2901(b) of the code authorizes the Commission to promulgate regulations for the issuance of any permit. Section 2902(c) of the code (relating to general categories of permits) authorizes the director to "...issue other permits, with or without charge, as required to control the taking of game or wildlife. ..." Finally, section 2904(18) of the code (relating to permit fees), mandates that the Commission "...shall set a reasonable fee for any permit required by this title which is not specifically set forth in this section." These sections provide the authority for the proposed regulations.

3. Regulatory Requirements

The proposal requires holders of furtaker or combination licenses to submit an application together with a nonrefundable fee between July 1 and August 31. Those receiving a permit and harvesting a bobcat will be required to comply with tagging requirements.

4. Persons Affected

Persons wishing to harvest a bobcat by hunting or trapping will be affected by the proposed regulations.

5. Cost and Paperwork Requirement

Applicants for a permit will be required to pay a nonrefundable fee of \$5 which should cover the cost of issuing permits and tagging bobcats.

6. *Effective Date*

This proposal will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information on the proposal contact William L. Hutson, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-117. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT**

Sec.  
147.701. General.  
147.702. Unlawful acts.

**§ 147.701. General.**

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to residents of this Commonwealth who possess a valid resident furtakers license, junior combination license, senior combination license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) or to persons who qualify under section 2363 of the act (relating to trapping exception for certain persons).

(2) The fee for a permit to take a bobcat is \$5.

(3) Applications shall be submitted on a form supplied by the Commission and shall contain the required information as requested. A check or money order in the amount of \$5 payable to the Pennsylvania Game Commission shall accompany the application and is nonrefundable. Applications shall be mailed to the Commission's Bureau of Wildlife Management, 2001 Elmerton Avenue, Harrisburg, Pennsylvania 17110-9797.

(4) Applications may only be submitted by mail between July 1 and August 31. Applications received later than August 31 will be rejected.

(5) Only one application per person may be submitted. Anyone submitting more than one application for a permit will have all applications rejected.

(6) The selection of mailed application forms will be made by random drawing from all eligible applications submitted. The drawing will be held at the Commission's Harrisburg Headquarters on the second Friday in September and shall be open to the public.

(7) A special permit authorizing the lawful taking of one bobcat will be delivered to successful applicants by standard first class mail through and by the United States Postal Service. Permits shall be mailed by the first Friday in October and will be limited to the first 290 valid applications drawn.

(8) Tagging requirements are as follows:

(i) A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the person's name, address, special permit number, date of harvest, county and township of harvest, furbearer management zone of harvest and method of harvest. The bobcat carcass shall remain intact, that is, with entrails, until examined and tagged by a Commission representative. The temporary carcass tag shall remain attached to the animal until it is tagged with a numbered permanent interlocking tag.

(ii) A permitted person taking a bobcat shall contact the Commission within 48 hours of the taking by telephoning the number specified on the permit to arrange for carcass examination, data collection and tagging.

(iii) A bobcat taken under authority of a special permit shall be tagged with a numbered permanent interlocking tag no later than 4 p.m. on the 10th day following the closing of the bobcat season.

(iv) The tag shall remain attached to the bobcat until it is mounted, tanned, made into a commercial fur or prepared for consumption.

**§ 147.702. Unlawful acts.**

A person who fails or neglects to conform with or violates this subchapter or a permit issued under this subchapter shall be subject to penalties provided in the act.

[Pa.B. Doc. No. 00-380. Filed for public inspection March 3, 2000, 9:00 a.m.]

**[58 PA. CODE CH. 147]**  
**Deer Control**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 11, 2000, meeting, proposed the following:

Amend Chapter 147, Subchapter R (relating to deer control) by adding §§ 147.661—147.668 (relating to forestry), to provide relief to persons whose land is open to public deer hunting.

This amendment to Chapter 147 will have no adverse impact on the wildlife resources of the Commonwealth.

The authority for the proposal of these regulations is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the January 11, 2000, meeting of the Commission, and comments on this proposal can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 24, 2000.

*Amendments to Subchapter R*

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 11, 2000, meeting proposed adding a new category of permit, "Forestry." This proposed change would involve adding §§ 147.661—147.668 which would allow the issuance of permits to shoot deer inside deer exclosures on lands enrolled in the Commission's Forest Game or other public access programs. This change was proposed under authority contained in section 2901(b) of the code (relating to regulations for permits).

2. Purpose and Authority

A common practice in forestry operations is to erect deer "enclosure" fences to keep deer from eating tender seedlings. Deer are normally driven out when an enclosure fence is erected. Deer do manage to get inside these fences, however, and once growth regenerates it is a very difficult to drive deer out. As a result, the Commission at its January 11, 2000, meeting proposed regulations which would allow the issuance of permits to qualified landowners and their "legitimate employees" to shoot deer within these enclosures.

Section 2901(b) of the code authorizes the Commission to promulgate regulations for the issuance of any permit. Section 2902(c) of the code (relating to general categories of permits), authorizes the director to "...issue other permits, with or without charges, as required to control the taking of game or wildlife..." These sections provide authority for the proposed action.

3. Regulatory Requirements

To obtain the proposed permits, landowners must be enrolled in a Commission Forest Game or other public access program, have a Commission approved enclosure fence, and make a reasonable effort to drive deer from the enclosure. Application requirements include submitting a deed or lease establishing control of the property, a map of the property and enclosure, and a statement that the land within the enclosure is being managed on a sustained yield basis. Finally, harvested deer must be tagged, reported and properly handled.

4. Persons Affected

The proposal will affect owners, operators and employees of tree nurseries who have problems with deer.

5. Cost and Paperwork Requirements

The permits in question will be issued at no cost. As was outlined under "Regulatory Requirements" an application with copies showing control of the property and a map must be submitted.

6. Effective Date

The proposal will be effective on final publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

7. Contact Person

For further information on the proposal, contact William L. Hutson, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

VERNON R. ROSS, Executive Director

Fiscal Note: 48-118. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter R. DEER CONTROL
FORESTRY

- Sec. 147.661. General.
147.662. Application.
147.663. Fencing.
147.664. Permit.
147.665. Reporting of deer taken.
147.666. Tagging of deer taken.
147.667. Carcass handling.
147.668. Violations.

§ 147.661. General.

This section and §§ 147.662—147.668 (relating to forestry) provide for permits to be issued to qualified persons to remove deer by shooting on lands under their ownership or control or both if the lands are contained within a properly maintained fence designed to exclude deer.

§ 147.662. Application.

(a) Application for the deer control permit shall be made through the district wildlife conservation officer on a form provided by the Commission.

(b) Applications will only be accepted from persons who have been enrolled in the Commission's Forest Game Program for at least two hunting seasons immediately preceding their applications; or from persons who have been enrolled in one of the other Commission public access programs (Farm Game Project or Safety Zone - P.1-2-3) for a minimum of 2 years and are currently enrolled in the Program. Applications will also be made available to Managers of Department of Conservation and Natural Resources Lands and Allegheny National Forest Lands, which are open to public deer hunting.

(c) An application for a deer control permit shall contain the following information:

(1) A copy of a deed, lease or legal agreement showing the applicant to be the owner or have control, or both, of the land to be permitted shall accompany the application.

(2) A complete map showing the boundaries of the entire property and the location and boundaries of the fenced enclosure being considered.

(3) A statement from the applicant that the land within the enclosure is being managed on a sustained yield basis as defined in § 131.2 (relating to definitions).

(4) The names of all individuals who may act under authority of this permit.

(5) Certification that the fence will be properly maintained to exclude deer, as designed and intended, for the full length of the permit period.

§ 147.663. Fencing.

Fences will be inspected and approved by a Commission officer as part of the application.

(1) The fence shall form a complete enclosure. Buildings may form a part of the enclosure provided there are no gaps.

(2) The fence may be either woven wire at least 8 feet high with the bottom edge maintained tight to the ground, or high tensile electrified wire at least 5 feet high. Woven wire fencing may not have openings larger than 6" square. Individual wires on electrified fencing may not be spaced greater than 10" apart. Other designs of barrier-type fencing enclosures may be approved if the Commission is satisfied the design will exclude deer.

(3) The Commission officer will examine the entire perimeter of the enclosure. If the basic design of the fence, or its state of maintenance, is such that deer can enter the enclosure, the Commission officer will not approve the permit.

(4) Gates shall be closed except during actual times of ingress and egress.

(5) The applicant shall have made a reasonable effort to drive deer from the enclosure.

(6) There shall be a reasonable number of hunter access points along the enclosure. "Reasonable" means a minimum of one point for every 4,000 feet of fenceline, or part thereof. Gates used as hunter access points shall have a self-closing mechanism.

**§ 147.664. Permit.**

(a) The deer control permit is subject to annual renewal and shall authorize the permittee or the permittee's legitimate employees to remove deer from the enclosed property by shooting:

(1) Any time between February 1 and September 30, outside the established deer hunting seasons as set by the Commission in § 139.4 (relating to seasons and bag limits for the license year).

(2) With any lawful firearm for big game as described in section 2322 (a) of the act (relating to prohibited devices and methods).

(3) At any time of the day or night with, or without, an artificial light.

(b) The appropriate Commission regional office shall be notified of the date and time of anticipated deer removal.

(c) Deer killed shall be reported to the appropriate Commission regional office immediately after killing.

(d) For the purposes of this section, "legitimate employe" means an employe of record, one for which the employer deducts taxes or other fees required by any local, state or Federal government and is listed on the permit.

(e) A copy of the permit shall be carried by an authorized person when engaged in activities described and presented upon request of an officer of the Commission or person empowered to enforce the act or this part.

**§ 147.665. Reporting of deer taken.**

In addition to the requirements of § 147.664(c) (relating to permit), the permittee shall report on a form provided by the Commission, the number of deer killed and other information the Commission deems necessary. The completed report shall be submitted to the district wildlife conservation officer within 5 days after the end of each month while the permit is valid. If no deer are killed, a negative report shall be submitted.

**§ 147.666. Tagging of deer taken.**

Deer taken under the authority of the permit shall immediately be tagged with a tag provided by the Commission. The tag shall be attached to the head of the deer and may not be removed. Unused tags shall be returned to the district wildlife conservation officer within 5 days of the expiration of the permit.

**§ 147.667. Carcass handling.**

(a) The Commission will determine the disposition of all deer killed. Disposition shall be through a food bank, to a needy family, proper disposal by the permittee, or turned over to a Commission officer.

(b) Each deer harvested shall have the entrails removed and due care shall be taken with each carcass to preserve the meat for human consumption.

(c) Antlers from deer taken under the authority of this permit shall be submitted to the Commission for disposal by the Director.

**§ 147.668. Violations.**

In addition to penalties provided in the act, the Director may revoke a permit for a violation of this subchapter,

conditions of a permit or failure to maintain the enclosure fence.

[Pa.B. Doc. No. 00-381. Filed for public inspection March 3, 2000, 9:00 a.m.]

## STATE BOARD OF ACCOUNTANCY

[49 PA. CODE CH. 11]

### Commissions and Referral Fees

The State Board of Accountancy (Board) proposes to amend § 11.24 (relating to commissions) to read as set forth in Annex A.

#### *Background*

Section 11.24, which was adopted in 1970 and amended in 1980, currently provides that a licensee (that is, a certified public accountant, public accountant or public accounting firm) may not pay a commission to obtain a client or accept a commission for referring a client to the products and services of others. The section does not prohibit payments for the purchase of the assets of an accounting practice, retirement payments to former practitioners, or payments to the heirs and estates of retired practitioners.

Section 11.24 was superseded by section 12(p) of the CPA Law (63 P. S. § 9.12(p)), which was added by the act of December 4, 1996 (P. L. 851, No. 140) (Act 140). Section 12(p)(1) of the CPA Law permits a licensee in public practice to receive a commission—defined as compensation for recommending or referring to a client a product or service to be supplied by another person—provided the licensee or the licensee's firm does not also perform any of the following attest activities for the client: (i) audit or review of a financial statement; (ii) compilation of a financial statement, when it is reasonably expected that a third party would use the financial statement and there is no disclosure of lack of independence; or (iii) examination of prospective financial information. Section 12(p)(3) of the CPA Law permits a licensee to pay or accept a referral fee, which is defined as compensation paid to a licensee for recommending another licensee's professional services. Section 12(p)(2) and (3) of the CPA Law require a licensee to disclose to a client payment or receipt of a commission or referral fee. Section 12(p)(4) of the CPA Law requires that the disclosure be clear, conspicuous and in writing; state the amount of the commission or referral fee or the basis on which its computed; and be made, in the case of a commission, at or before the time when the recommendation or the referral of the product or service is made, or, in the case of a referral fee, at or before the time the client retains the licensee to whom the client has been referred. Section 12(p)(4) of the CPA Law also directs the Board to promulgate regulations specifying the terms and manner of disclosure. Section 12(p)(5) of the CPA Law exempts the same three categories in the current § 11.24 and adds a fourth, incentive or bonus payments to a licensee by the licensee's employing firm.

The Board's proposal is intended to revise § 11.24 so that it is complementary of the provisions set forth in section 12(p) of the CPA Law.

*Description of Amendments*

The amendments would delete the existing language in § 11.24, which prohibits commissions and referral fees absolutely, and replace it with seven new subsections.

*General.* Subsection (a) would provide that a licensee is permitted to receive commissions or to accept or pay referral fees subject to the requirements of section 12(p) of the CPA Law and this section.

*Notification to Board.* Subsection (b) would require a licensee who receives or intends to receive commissions to report that fact on the application for biennial renewal of licensure. The information would assist the Board in determining which licensees require monitoring to ensure compliance with disclosure and other requirements.

*Cooperation with peer reviewers.* Subsection (c) would require a licensee who receives commissions and who is subject to peer review under section 8.9 of the CPA Law (63 P.S. § 9.8i), to furnish peer reviewers with the necessary documentation to establish the licensee's compliance with section 12(p) of the CPA Law and this section. A licensee who sells commission-based products or services to attest clients will not receive an unqualified peer review report.

*Related licensure/registration.* Subsection (d) would require a licensee, prior to receiving commissions, to acquire and maintain in good standing any license or registration required by any governmental or regulatory agency for receiving commissions. Licensees who sell securities, for example, may need to be registered with the Pennsylvania Securities Commission or the National Association of Securities Dealers.

*Disclosure to client.* Subsection (e) would require a licensee who receives commissions or who accepts or pays referral fees to make the disclosures required by section 12(p)(4) of the CPA Law in engagement or representation letters that are signed by the clients. This requirement would help to ensure that clients receive meaningful and timely disclosures, and would provide a context in which clients may evaluate the commissions or referral fees in connection with other fees charged by the licensee.

*Workpapers.* Subsection (f) would require a licensee who receives commissions to maintain workpapers that document discussions regarding the clients' investment needs, the investment strategies considered, and the bases for the investment strategies recommended by the licensee. This requirement would ensure that a licensee exercise professional judgment in the course of recommending or referring commission-based products or services to clients. A licensee's referral of a client to the public accounting services of another licensee generally does not involve the exercise of professional judgment.

*Attest client.* Subsection (g) would provide that for purposes of section 12(p)(1) of the CPA Law, a licensee who performs an attest activity for a client (except for a compilation of financial statements accompanied by a disclosure of lack of independence as permitted under section 12(p)(ii) of the CPA Law), may not receive a commission for recommending or referring a product or service to an individual or entity that can exercise significant influence over the client's operating, financial and accounting policies. "Significant influence" would include, but not be limited to, situations in which the individual or entity (1) is connected with the client as a promoter, underwriter, voting trustee, general partner or non-honorary director; (2) is connected with the client in a policy-making position related to the client's primary operating, financial, or accounting policies, such as chief

executive officer, chief operating officer, chief financial officer, or chief accounting officer; or (3) meets the criteria established in Accounting Principles Board Opinion No. 18, "The Equity Method of Accounting for Investments in Common Stock," and its interpretations, to determine the ability of an investor to exercise the influence with respect to the client.

This subsection addresses the situation, not specifically dealt with in section 12(p)(1) of the CPA Law, where a licensee receives a commission for a product or service sold to an individual or entity that, although not an attest client of the licensee, can nevertheless directly and substantially impact the business affairs of another client for which the licensee performs attest services. An example would be where a licensee has a two-member partnership as an attest client, and the licensee receives a commission on the sale of a product or service to a nonattest client that is a 50% partner in the partnership. The Board believes that a licensee's receipt of a commission in these circumstances could have an adverse impact on the licensee's independence with respect to the attest client. The Board's proposed "significant influence" standard is derived verbatim from the American Institute of Certified Public Accountants' Code of Professional Conduct's Ethical Interpretation relating to the effect that a certified public accountant's financial interest in a nonclient has on his independence with a client when the nonclient has an investor or investee relationship with the client (ET § 101.10).

*Statutory Authority*

Section 3(a)(11) and (12) of the CPA Law empowers the Board to promulgate, respectively, regulations relating to professional conduct and administrative regulations necessary to carry out of the CPA Law. Section 12(p)(4) of the CPA Law empowers the Board to promulgate regulations specifying minimum disclosure requirements when receiving commissions or accepting or paying referral fees.

*Fiscal Impact and Paperwork Requirements*

The amendments' principal fiscal impact on the regulated community would be the loss of potential commissions in situations where, as set forth in proposed § 11.24(g), the party to whom a licensee desires to recommend a commission-based product or service is in the position of exercising significant influence over an attest client of the licensee. The Board has no way to estimate the financial cost to licensees of lost commission opportunities. The amendments would not have a fiscal impact on the Commonwealth's agencies or its political subdivisions.

The amendments would require licensees to maintain records of their disclosures of commissions and referral fees as well as workpapers documenting the appropriateness of recommending or referring particular commission-based products or services to clients. The amendments would require the Board to revise its biennial renewal form to include a question about whether the licensee receives commissions; the Board intends to use this information for the purpose of monitoring compliance with the amendments' other requirements. The amendments would not create new paperwork requirements for the Commonwealth's other agencies, the Commonwealth's political subdivisions, or other segments of the private sector.

*Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (relating to regulatory review and promulgation), the Board, in developing the amendments, solicited comments from the



major professional organizations that represent certified public accountants and public accountants in this Commonwealth.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 23, 2000, the Board submitted copies of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Senate Standing Committee on Consumer Protection and Professional Licensure, and the House Standing Committee on Professional Licensure. 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 these forms are available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days 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 any 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, Esq., State Board of Accountancy, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

THOMAS J. BAUMGARTNER, CPA,  
*Chairperson*

**Fiscal Note:** 16A-557. 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 11. STATE BOARD OF ACCOUNTANCY**

**GENERAL PROVISIONS**

§ 11.24. Commissions and referral fees.

**(a) General.** [A licensee may not pay a commission to obtain a client nor accept a commission for a referral to a client of products or services of others. This section does not prohibit payments for the purchase of all or a material part of an accounting practice, or retirement payments to persons formerly engaged in the practice of public accounting or payments to the heirs or estates of those persons.] A licensee engaged in public practice is permitted to receive commissions and accept or pay referral fees subject to the requirements in section 12(p) of the act (63 P. S. § 9.12(p)) and this section.

**(b) Notification to Board.** A licensee who receives or intends to receive commissions shall report this fact on the application for biennial renewal of the license.

**(c) Cooperation with peer reviewer.** A licensee who receives commissions and who is subject to peer review under section 8.9 of the act (63 P. S. § 9.8i) shall furnish peer reviewers with the necessary documentation to establish compliance with section 12(p) of the act and this section.

**(d) Related licensure/registration.** Prior to receiving commissions, a licensee shall acquire and maintain in good standing any license or registration required by another governmental or regulatory body for the purpose of receiving commissions.

**(e) Disclosure to client.** A licensee who receives a commission or who accepts or pays a referral fee shall make the disclosures required by section 12(p)(4) of the act in an engagement or representation letter that is signed by the client.

**(f) Workpapers.** A licensee who receives a commission shall maintain workpapers that document discussions regarding the client's investment needs, the investment strategies considered, and the basis for the investment strategy recommended by the licensee.

**(g) Attest clients.** For purposes of section 12(p)(1) of the act, a licensee who performs an attest activity for a client, except as set forth in section 12(p)(1)(ii) of the act, may not receive a commission for recommending or referring a product or service to an individual or entity that can exercise significant influence over the operating, financial or accounting policies of the client. For purposes of this subsection, "significant influence" includes the following situations:

**(i)** The individual or entity is connected with the client as a promoter, underwriter, voting trustee, general partner or director (other than an honorary director as defined in the AICPA Code of Professional Conduct).

**(ii)** The individual or entity is connected with the client in a policymaking position related to the client's primary operating, financial, or accounting policies, such as chief executive officer, chief operating officer, chief financial officer or chief accounting officer.

**(iii)** The individual or entity meets the criteria established in Accounting Principles Board Opinion No. 18. *The Equity Method of Accounting for Investments in Common Stock*, and its interpretations, to determine the ability of an investor to exercise such influence with respect to the client.

[Pa.B. Doc. No. 00-382. Filed for public inspection March 3, 2000, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 22, 2000.

#### **BANKING INSTITUTIONS**

No activity.

#### **SAVINGS INSTITUTIONS**

No activity.

#### **CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 00-383. Filed for public inspection March 3, 2000, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of March 2000

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of March 2000, is 9 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S.

Treasury. The latest yield rate on long-term government securities is 6.81 to which was added 2.50 percentage points for a total of 9.31 that by law is rounded off to the nearest quarter at 9 1/4%.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 00-384. Filed for public inspection March 3, 2000, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Application Period for the Small Water Systems Regionalization Grant Program

The Department of Environmental Protection (Department) announces the opening of the application period for funding the Small Water Systems Regionalization Grant Program. This program provides grants to eligible applicants to assess the feasibility of merging water systems. The proposed regionalized water system must involve at least one small community water system (a system serving 3,300 or fewer people).

Eligible applicants include any community water supplier, county, township, borough or authority whose jurisdiction includes the geographic territory of the proposed regionalized water system, and to which a small water system has issued a letter of intent to develop a water systems regionalization study.

Grant awards are limited to 75% of all approved project costs related to the water systems regionalization study or \$75,000, whichever is less. The grantee must provide local share in the form of matching funds or in-kind services at a minimum of 25% of the total project costs.

The application period runs from March 1 through April 28, 2000. Based on the availability of funding, applicants that submit a final work plan and budget which are approved by the Department will be given preference to receive a grant based on a first-come, first-served basis.

To arrange a meeting or to obtain a grant application, contact Donna L. Green at the Department of Environmental Protection, Bureau of Water Supply Management, Division of Technical Assistance and Outreach, Technical Assistance Center for Small Water Systems, P. O. Box 8467, Harrisburg, PA 17105-8467, or call at (717) 787-0125 or E-mail Green.Donna@dep.state.pa.us.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-385. Filed for public inspection March 3, 2000, 9:00 a.m.]

## Applications, Actions and Special Notices

## APPLICATIONS

APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS  
LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision to 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

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

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

**PA 0026603, Amendment No. 1. Sewage, Ambler WWTP, Upper Dublin Township, Montgomery County.**

This application is for amendment of an NPDES permit to discharge treated sewage from Ambler Borough WWTP in Upper Dublin Township, Montgomery County. This is an existing discharge to Wissahickon Creek.

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

Based on the results of the Group Water Effects Ratio (WER), as published in the November 20, 1999, *Pennsylvania Bulletin*, a copper limit for this discharge has been revised to monitor/report.

**PA 0056090. Industrial waste, Ogdan Aviation Service Company of PA, Inc., Hog Island Road/Tank Farm, Philadelphia International Airport, Philadelphia, PA 19153.**

This application is for renewal of an NPDES permit to discharge stormwater from an aviation fuel storage and distribution facility in Tinicum Township, **Delaware County**. This is an existing discharge to the Delaware River.

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

The proposed effluent limits for Outfalls 001 and 002, based on an average storm event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons		monitor/report	
Total Lead		monitor/report	
Total Zinc		monitor/report	
Total Phenols		monitor/report	
Benzene		monitor/report	
Toluene		monitor/report	
Total Xylenes		monitor/report	

*Other Conditions:*

PPC Plan Requirements

The EPA Waiver is in effect.

**PA 0012629.** Industrial waste, **Sunoco Inc.**, (R&M), Point Breeze Processing Area, 3144 Passyunk Avenue, Philadelphia, PA 19145-5299.

This application is for renewal of an NPDES permit to discharge treated process wastewater and treated groundwater from Point Breeze Oil Refinery located in City of Philadelphia, **Philadelphia County**. This is an existing discharge to Schuylkill River Zone 4 of Delaware River Estuary.

The receiving stream is classified for warm water fish (maintenance only), migratory fish (passage only), industrial water supply, wildlife water supply, boating, fishing and navigation.

The proposed effluent limits for Outfall 001, consisting of overflow of stormwater from a North Yard Retention Basin during periods of heavy rainfall, are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon		110
Oil and Grease		15
pH (STD Units)	6.0	9.0

The proposed effluent limits for Outfall 002, based on an average flow of 5.10 mgd of treated process wastewater from an industrial wastewater treatment plant are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub> (Net)	40	71	100
Total Suspended Solids (Net)	30	60	75
BOD <sub>5</sub> Removal		89.25%	
CBOD <sub>20</sub>		2,590 lbs. per day	
Chemical Oxygen Demand (Net)	275	530	688
Oil and Grease	15	30	30
Ammonia as N (Net)	22	47	55
Sulfide (Net)	0.2	0.5	0.5
Total Residual Oxidants	—	0.2	0.5
Temperature			110°F
Total Phenols (Net)	0.2	0.5	0.5
Total Chromium (Net)	0.24	0.6	0.6
Chromium, Hexavalent (Net)	0.04	0.05	0.05
Total Dissolved Solids	1,000 (Net)	2,000	2500
Benzene	monitor	monitor	
Toluene	monitor	monitor	
Ethylbenzene	monitor	monitor	
Total Xylenes	monitor	monitor	
Total Zinc	0.25	0.50	0.625
pH	within limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 003, consisting of overflow of stormwater from West Yard Retention Basin during periods of heavy rainfall, are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon		110
Oil and Grease		15
pH (STD Units)	6.0	9.0

The proposed effluent limits for Outfall 004, consisting of overflow of stormwater from South Yard Retention Basin during periods of heavy rainfall, are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Organic Carbon		110
Oil and Grease		15
pH (STD Units)	6.0	9.0

*Other Conditions:*

The EPA waiver is not in effect.

Additional Requirements to calculate stormwater credits.

Additional Requirements to calculate intake water credits.

Thermal Requirements.

- Approval to use certain chemical additives.
- Conditions for future permit modifications.
- Requirements to calculate allowable quantity of pollutants at Outfalls 001, 003 and 004.
- Requirements to sample bypass from the Dissolved Air Flotation Unit.
- No discharge from Sump S-10.
- Requirements for Total Dissolved Solids Limitations at Outfall 002.
- On-Line cleaning of cooling towers.

**PA 0054933.** Industrial waste, **Quebecor Printing Atglen, Inc.**, P. O. Box 465, Lower Valley Road, Atglen, PA 19310.

This application is for renewal of an NPDES permit to discharge treated groundwater from Groundwater Remediation System in West Sadsbury Township, **Chester County**. This is an existing discharge to unnamed tributary to Valley Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.028 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.001	0.002	0.0025
Total BTEX	0.1	0.2	0.25
Ethylbenzene	monitor/report	monitor/report	monitor/report
Toluene	monitor/report	monitor/report	monitor/report
Total Xylene	monitor/report	monitor/report	monitor/report
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

**PA 0081388.** SIC: 4952. Sewage, **Robert Barclay**, Windy Brae Mobile Home Park, 14871 Mount Olivet Road, Stewartstown, PA 17363.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to East Branch Codorus Creek, in North Hopewell Township, **York County**.

The receiving stream is classified for high quality cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was York Water Company located in Spring Garden Township, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0337 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	XXX	20
Total Suspended Solids	10	XXX	20
NH <sub>3</sub> -N			
(5-1 to 10-31)	2	XXX	4
(11-1 to 4-30)	6	XXX	12
Total Phosphorus	2	XXX	4
Total Residual Chlorine			
(Interim)	monitor and report	monitor and report	XXX
(Final)	0.25	XXX	0.75
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 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.

The EPA waiver is in effect.

**PA 0081655.** SIC: 3569, Industrial waste, **Philadelphia Mixers**, 1221 East Main Street, Palmyra, PA 17078.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Killinger Creek, in Palmyra Borough, **Lebanon County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water

supply intake considered during the evaluation was Pennsylvania American Water Company located in South Hanover Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.042 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	XXX	monitor	XXX
Dissolved Oxygen		minimum of 5.0 at all times	
Sulfate	XXX	monitor	XXX
Sodium	XXX	monitor	XXX
pH		from 6.0 to 9.0 inclusive	

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

The EPA waiver is in effect.

**PA 0085723.** SIC: 4952, Sewage, **Exit II WWTP, Inc.**, P. O. Box 1387, York, PA 17403.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Seaks Run, in Springfield Township, **York County**.

The receiving stream is classified for high quality, cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was York Water Company located in Spring Garden Township, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.080 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20
Total Suspended Solids	10.0	20
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Total Phosphorus	1.0	2.0
Dissolved Oxygen		minimum of 5.0 at all times
pH		from 6.0 to 9.0 inclusive
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		2,000/100 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.

The EPA waiver is in effect.

**PA 0082694.** SIC: 4952, Sewage, **East St. Clair Township Municipal Authority**, P. O. Box 55, Fishertown, PA 15539-0055.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Dunning Creek, in East St. Clair Township, **Bedford County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Saxton Municipal Waterworks located in Saxton Borough, Bedford County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.112 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		14,000/100 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.

The EPA waiver is in effect.

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

**PA 0022276.** Sewage, **Southmoreland School District**, 609 Parker Avenue, Scottdale, PA 15683.

This application is for renewal of an NPDES permit to discharge treated sewage from the Southmoreland School District STP in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of Stauffer Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

*Outfall 001:* existing discharge, design flow of .029 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6.5			13.0
(11-1 to 4-30)	19.5			39.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
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 0092860.** Sewage, **Terry G. and Regina A. Lambie**, R. D. 2, Dunbar, PA 15431.

This application is for renewal of an NPDES permit to discharge treated sewage from the Terrace Acres Mobile Home Park STP in Upper Tyrone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Jacobs 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 McKeesport Municipal Water Authority.

*Outfall 001:* existing discharge, design flow of .0372 mgd.

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

The EPA waiver is in effect.

**PA 0094676.** Sewage, **Twin Lakes Center, Inc.**, P. O. Box 909, 224 Twin Lake Road, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from the Twin Lakes Center STP in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the East Branch Coxes 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 Ohiopyle Municipal Water Works.

*Outfall 001:* existing discharge, design flow of .0059 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia Nitrogen (5-1 to 10-31)	6			12
(11-1 to 4-30)	18			36
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	6,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0216941.** Sewage, **Forest Hills Municipal Authority**, 401 Grant Street, South Fork, PA 15956.

This application is for renewal of an NPDES permit to discharge treated sewage from the South Fork Regional Wastewater Treatment Plant in Conemaugh Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Little Conemaugh River, 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 Saltsburg Municipal Water Authority.

*Outfall 001:* new discharge, design flow of 1.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	12	18		24
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	8,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA 0218375.** Sewage, **Arensberg Estates Homeowner's Association**, 660 Mercer Road, Greenville, PA 16125.

This application is for issuance of an NPDES permit to discharge treated sewage from the Arensberg Estates Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Millers Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Borough Water Authority.

*Outfall 001:* new discharge, design flow of .0048 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	4			8
(11-1 to 4-30)	12			24
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	.67			1.5
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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



**PA 0006343, Amendment No. 4.** Industrial waste, SIC: 3312. **AK Steel Corporation**, 703 Curtis Street, Middletown, OH 40543.

This application is for a transfer and amendment of an NPDES Permit, to discharge treated I. W., noncontact cooling water (steel making and finishing) and stormwater to Connoquenessing Creek in Butler Township and City of Butler, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelenople Municipal Water Works intake on Connoquenessing Creek located at Zelenople, approximately 20 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.265 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(Hex) Chromium	0.104	0.208	0.26

The EPA waiver is not in effect.

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

**PA 0102610.** Sewage. **Villa Vista Estates**, Kennihan Development Company, 133 Terra Drive, Valencia, PA 16059.

This application is for renewal of an NPDES Permit, to discharge treated sewage to an Unnamed Tributary to Glade Run in Middlesex Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelenople Municipal Waterworks on Connoquenessing Creek located at Zelenople, approximately 20 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 (after the chlorine contact tank) based on a design flow of 0.0125 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
TSS	10	20
Total Phosphorus (as P) (4-1 to 10-31)	2	4
Ammonia-Nitrogen (5-1 to 10-31)	2.5	5
(11-1 to 4-30)	7.5	15
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	
Total Residual Chlorine	0.5	0.8
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0221601.** Sewage. **Sherman Enterprises, Inc.**, P. O. Box 138, Tionesta, PA 16353.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Allegheny River in Tionesta Township, **Forest County**. This is a new discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 48 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.014 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	100,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0022373.** Sewage. **Lakeview Joint Sewer Authority**, Route 62N, P. O. Box 357, Stoneboro, PA 16153-0357.

This application is for renewal of an NPDES Permit to discharge treated sewage to Sandy Creek in Sandy Lake Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Authority on the Allegheny River located at Emlenton, approximately 40 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.450 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
TSS	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	6.5		13
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	15,000/100 ml as a geometric average		
Ultraviolet Light Intensity ( $\mu\text{w}/\text{cm}^2$ )	monitor and report		
pH	6.0—9.0 at all times		

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 permits to allow the continued discharge of controlled wastewater 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. The updates may include but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0054861	Bruce and Nancy McFarland	Bucks County Wrightstown Township	Neshaminy Creek	TRC
PA0053562	Joseph A. Gallagher	Bucks County Nockamixon Township	UNT of Rapp Creek	TRC
PA0050288	Doane Pet Care Co. 431 Deep Run Road Dublin, PA 18917-0247	Bucks County Bedminster Township	Deep Run	

*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>
PA0086134	Lapp, Herbst, Spade and Cooper 906 Huffs Church Rd. Alburtis, PA 18011	Berks County District Township	W. Branch Perkiomen Creek	TRC
PA0044261	PA Dept. of Conservation and Natural Resources Canoe Creek State Park R. R. 2 Box 560 Hollidaysburg, PA 16648-9752	Blair County Frankstown Township	New Creek	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 or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or 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 under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

**WQM Permit No 2300402.** Sewerage. **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. Applicant is requesting approval for the construction and operation of a sewage pump station to serve Thornbury A.M.E. Church located in Thornbury Township, **Delaware County**.

**WQM Permit No. 0900402.** Sewerage. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. Applicant is requesting approval for the construction and operation of a 1090 gpm submersible tri-plex pump station to serve New Hope Borough, **Bucks County**.

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

**A. 1300402. Weissport Municipal Authority**, 406 White Street, Lehighton, PA 18235. Application to replace sanitary sewer lines, located in Weissport Borough, **Carbon County**. Application received in the Regional Office—February 14, 2000.

**A. 5200401. Tamiment Development, Inc.**, Tamiment Resort, Tamiment, PA 18371. Application to operate a golf course irrigation system utilizing tertiary wastewater treatment effluent, located in Lehman Township, **Pike County**. Application received in the Regional Office—February 15, 2000.

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

**A. 3874403, amendment 00-1.** Sewage, submitted by **Borough of Myerstown**, 101 East Washington Avenue, Myerstown, PA 17067-1142 in Jackson Township, **Lebanon County** to re-rate their existing wastewater treatment plant was received in the Southcentral Region on February 8, 2000.

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

**A. 0200402.** Sewerage, **Elizabeth Township Sanitary Authority**, 522 Rock Run Road, Buena Vista, PA 15018. Application for the construction and operation of Sewers and Appurtenances and Stream Crossing to serve the Blythedale and Douglas Run Area located in Elizabeth Township, **Allegheny County**.

**A. 5692401-A5.** Sewerage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501. Application for the modification and the operation of a sewage treatment plant to serve the Somerset Correctional Facility located in Black Township, **Somerset 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 the 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 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. 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 Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 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 appealable 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 County Conservation District Office or the Department Regional Office indicated 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.

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

*Berks County Conservation District, District Manager, Berks County CD, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.*

**NPDES Permit PAS-10-C011-R.** Stormwater. **Grande Construction**, 424 Miller Road, Sinking Spring, PA 19608 has applied to discharge stormwater from a construction activity located in Union Township, **Berks County**, to French Creek.

*Cumberland County Conservation District, District Manager, Cumberland County CD, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013, (717) 240-7812.*

**NPDES Permit PAS-10-H089.** Stormwater. **Olympic Realty & Development Corp.**, 415 E. 52nd Street, 17th Floor, Suite AC, New York, NY 10022 has applied to discharge stormwater from a construction activity located in Carlisle Borough, **Cumberland County**, to Letort Spring Run.

**SAFE DRINKING WATER**

*Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

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

**Permit No. 5000501.** Public water supply. **Harry V. Pfautz**, Wheatfield Township, **Perry County**. *Responsible Official:* Harry V. Pfautz, 315 High St., Duncannon, PA 17020. *Type of Facility:* Construction Permit Application which seeks approval to add disinfection and manganese sequestration for existing Well No. 3 and manganese sequestration at existing Well No. 2. *Consulting Engineer:* W. Zeke Morrow, P.E., Morrow Engineering, Inc., R. R. 2, Box 542, New Bloomfield, PA 17068. Application received: November 29, 1999.

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

**0488503-A2. Forest Brook Mobile Home Park**, 320 Sunset Drive, Baden, PA 15001. Replace three 3,000 gallon water storage tanks with one 30,000 gallon water storage tank housed in a new building, New Sewickley Township, **Beaver County**.

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

**A. 4300502.** Public water supply. **Pine Grove Mobile Home Park**, 374 North Perry Highway, Mercer, PA 16137. This proposal involves the permitting of existing well no. 6 in Coolspring 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—304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person

who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(l)(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 following sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Cannon Sline**, City of Philadelphia, **Philadelphia County**. Michael D. Weaver, LFR, 5 Johnson Drive, P. O. Box 130, Raritan, NJ 08869, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on January 21, 2000.

**Hilltown Plaza**, Hilltown Township, **Bucks County**. Jason F. Hanna, RTES, Inc., 2917 Windmill Road, Suite 1, Sinking Spring, PA 19608, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The News Herald* on February 9, 2000.

*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 #57904N46777 (Grandview Drive)**, Dunmore Borough, **Lackawanna County**. PP&L, Envi-

ronmental 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 notice indicates that the site will be remediated to meet the Statewide human health standard.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole #56660N47766 (corner of Sanders and Pittston)**, City of Scranton, **Lackawanna County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The notice indicates that the site will be remediated to meet the Statewide human health standard.

## 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 or close solid waste processing or disposal area or site.**

*Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**A. 100346. Pioneer Crossing, F. R. & S., Inc.**, (727 Red Lane Road, Birdsboro, PA 19508). Application for new Soil Borrow Area for a site in Exeter Township, **Berks County**. Application determined to be administratively complete in the Regional Office February 8, 2000.

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

**WMGR038-SW005. Global Tire Management, Inc.**, 1238 Route 8, Pittsburgh, PA 15116. GMS Process Facility, Schenley Industrial Park, P. O. Box 82, Schenley, PA 15682. An application for a processing facility General Permit in Gilpin Township, **Armstrong County** was received in the regional office on February 3, 2000.

## 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.

Notice is hereby given that 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 mate-

rials 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. Any 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 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).

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

**06-03071A: Wolfe Dye & Bleach, Inc.** (25 Ridge Road, Shoemakersville, PA 19555-8916) for a textile dryer in Perry Township, **Berks County**.

**36-317-105D: Kellogg's USA** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) for operation of Corn Lines at the Lancaster Plant in East Hempfield Township, **Lancaster County**.

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

**TVOP-04-00113: Darlington Brick and Clay Products Co.** (P. O. Box 346, 602 Morris Street, Darlington, PA 16115) for operation of face brick manufacturer at the Darlington Plant in Darlington Township, **Beaver County**.

### PLAN APPROVALS

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

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

**06-03116: Genesis Metals, Inc.** (P. O. Box 159, Birdsboro, PA 19508) for construction of an aluminum recycling furnace controlled by a thermal afterburner in Birdsboro Borough, **Berks County**.

**36-03104: Lancaster Container, Inc.** (P. O. Box 18, Washington Boro, PA 17582) for operation of a surface coating facility in Manor Township, **Lancaster County**.

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

**PA-04-704A: Laurel Pipe Line Co. LP** (P. O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049) for opera-

tion of Tanks 13 and 14 at Midland Breakout Station in Midland Borough, **Beaver County**.

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

**99124: Woodcraft Products** (241 West Wyoming Avenue, Philadelphia, PA 19104) for operation of a wood furniture finishing facility 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. 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 such 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 §§ 86.31—86.34 and 77.121—77.123 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below 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, 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 submit-

ting 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*

**54851315R3. Nowacki Coal Co.** (R. R. 1, Box 1308, Tamaqua, PA 18252), renewal of an existing anthracite underground mine operation in Schuylkill Township, **Schuylkill County** affecting 1.0 acre, receiving stream—none. Application received February 14, 2000.

**54840205R3. Hegins Mining Company** (290 Swatara Road, Zerbe, PA 17981), renewal of an existing coal refuse reprocessing/coal preparation plant operation in Reilly Township, **Schuylkill County** affecting 64.0 acres, receiving stream—Swatara Creek. Application received February 17, 2000.

**54743007R3. Schuylkill Reclamation Corporation** (P. O. Box 434, Gilberton, PA 17934), renewal of an anthracite surface mine operation in Branch and Cass Townships, **Schuylkill County** affecting 326.0 acres, receiving stream—West Creek and West Branch Schuylkill River. Application received February 17, 2000.

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

**16713021. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Transfer of an existing bituminous surface strip operation in Redbank, Beaver and Clover Townships, **Clarion and Jefferson Counties** affecting 135.0 acres. Receiving streams: Two unnamed tributaries to Redbank Creek; unnamed tributary to Pine Creek and unnamed tributaries to Runaway Run. Transfer from Alvin Gearhart. Application received February 10, 2000.

**61970101. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Irwin Township, **Venango County**, affecting 66.5 acres. Receiving streams: Four unnamed tributaries to Scrubgrass Creek. Revision for the addition of 42.0 acres of Vanport Limestone area within the existing permit boundary. Application received February 11, 2000.

**10000101. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous surface strip and auger operation in Cherry Township, **Butler County**, affecting 111.7 acres. Receiving stream: One unnamed tributary to the South Branch of Slippery Rock Creek and South Branch to Slippery Rock Creek. Application received February 14, 2000.

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

**17940120. Larry D. Baumgardner Coal Co., Inc.** (P. O. Box 186, Lanser, PA 16849), revision to an existing bituminous surface mine permit for a change in land use from premining use of forestland to postmining use of pastureland. The permit is located in Cooper Township, **Clearfield County** and affects 44.4 acres. Application received February 11, 2000.

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

**32950901.** Permit Renewal for reclamation only, **Simpson Coal Company** (R. D. 1, Box 244, New Alexandria, PA 15670), for continued restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 10.9 acres, receiving stream unnamed tributary to Harpers Run and an unnamed tributary all to Blacklegs Creek to the Kiskiminetas River, application received February 15, 2000.

**56920111.** Permit Revision, **Senate Coal Mines, Inc.** (One Energy Place, Suite 1500, Latrobe, PA 15650), for an amendment to include coal ash for land reclamation in Jenner Township, **Somerset County**, affecting 80.0 acres, receiving stream unnamed tributary to Quemahoning Creek, application received February 11, 2000.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.*

*Noncoal Applications Received*

**65920302. M & Y Services, Inc.** (P. O. Box 9, Uniontown, PA 15401). Renewal application received for continued operation and reclamation of a large noncoal surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 95.5 acres. Receiving streams: Boyer Run, Hurst Run and unnamed tributaries to Boyer Run. Renewal application received: February 11, 2000.

**65900304. Carbon Fuel Resources, Inc.** (P. O. Box 275, West Leisenring, PA 15489). Renewal application received for continued operation and reclamation of a large noncoal surface mine located in Unity Township, **Westmoreland County**, affecting 40.4 acres. Receiving streams: unnamed tributary to Sewickley Creek. Renewal application received: February 11, 2000.

**3572SM17. Manor Minerals, Inc.** (265 S. Jefferson Street, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a large noncoal surface mine located in Burrell and South Bend Townships, **Armstrong County**, affecting 29.68 acres. Receiving streams: Crooked Creek to Allegheny River to Ohio River. Renewal application received: February 11, 2000.

**03823027. Manor Minerals, Inc.** (265 S. Jefferson Street, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a large noncoal surface mine located in Manor Township, **Armstrong County**, affecting 19.4 acres. Receiving streams: an unnamed tributary to Rupp Run and Garretts Run to the Allegheny River. Renewal application received: February 11, 2000.

**65850302. International Mill Service, Inc.** (1155 Business Center Drive, Horsham, PA 19044-3454). Renewal application received for continued operation and reclamation of a large noncoal surface mine located in Rostraver Township, **Westmoreland County**, affecting 42.0 acres. Receiving streams: unnamed tributary to and Speers Run to the Monongahela River. Renewal application received: February 14, 2000.

**02850302. LaFarge Corporation** (510 West Main Street, Canfield, OH 44406). Renewal application received for continued operation and reclamation of a large noncoal (slag recovery) surface mine located in West Mifflin Township, **Allegheny County**, affecting 70.3 acres. Receiving streams: unnamed tributary to Streets Run to Monongahela River. Renewal application received: February 16, 2000.

**02850301. LaFarge Corporation** (510 West Main Street, Canfield, OH 44406). Renewal application received for continued operation and reclamation of a large noncoal (slag recovery) surface mine located in West Mifflin Township, **Allegheny County**, affecting 68.2 acres. Receiving streams: Lewis Run to Peters Creek to the Monongahela River. Renewal application received: February 16, 2000.

**63800201. LaFarge Corporation** (510 West Main Street, Canfield, OH 44406). Renewal application received for continued operation and reclamation of a large noncoal (slag removal) surface mine located in Hanover Township, **Washington County**, affecting 85.05 acres. Receiving streams: Harmon Creek to the Ohio River. Renewal application received: February 16, 2000.

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

**300775-37870301-E-1. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Application for a stream encroachment to conduct mining activities within 100 feet and mine through unnamed tributaries to Duck Run in Wayne Township, **Lawrence County**. Receiving streams: Duck Run and unnamed tributary to Duck Run. Application received February 9, 2000.

**4379306. H & H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153). Revision to an existing sand and gravel pit operation in Lake Township, **Mercer County**, affecting 220.0 acres. Receiving streams: Unnamed tributary to Little Shenango River. Revision to include landuse changes from cropland to unmanaged natural habitat, cropland to unmanaged water impoundment, and unmanaged natural habitat to unmanaged water impoundment on lands of David P. Hoobler. Application received February 16, 2000.

**4379306. H & H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153). Revision to an existing sand and gravel pit operation in Lake Township, **Mercer County**, affecting 220.0 acres. Receiving streams: Unnamed tributary to Little Shenango River. Revision to mine sand and gravel to a deeper elevation. Application received February 16, 2000.

**302124-4379306-E-4. H & H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153). Application for a stream encroachment to encroach and conduct surface mining activities within the 100 foot barrier of a portion of the Little Shenango River in Lake Township, **Mercer County**. Receiving streams: Unnamed tributary to Little Shenango River. Application received February 16, 2000.

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

**1579601C2. Lynn Hanaway** (151 North Church Street, Parkesburg, PA 19365), renewal of NPDES Permit PA0119181 in Parkesburg Borough, **Chester County**, receiving stream—Buck Run Tributary. Application received February 14, 2000.

#### **Bureau of Deep Mine Safety**

The Bureau of Deep Mine Safety has received a request for variance from the Rosebud Mining Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the

Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (act) (52 P. S. §§ 701 and 702), provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

*Summary of the request:* Rosebud Mining Company requests a variance to use point carbon monoxide early warning fire detection system and entries in common with the belt conveyor entry in short term panels at the Josephine No. 3 Mine.

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

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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#### **Application 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.**

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

**E46-858.** Encroachment. **Acorn Four Falls Assoc.**, 400 Oaks Corporate Center, P. O. Box 1150, Oaks, PA 19456. To perform the following activities associated with the construction of the Four Falls Corporate Development Center:



1. To remove a bridge crossing on Bliss Street spanning Arrowmink Creek (WWF). (Norristown, PA USGS Quadrangle N: 12.35 inches; W: 8.0 inches)

2. To install and maintain approximately 250 linear feet of 12-foot by 6-foot reinforced concrete box stream enclosure in and along Arrowmink Creek (WWF). Work will also include a channel realignment of approximately 80 feet upstream and 25 feet downstream of the proposed enclosure. (Norristown, PA USGS Quadrangle N: 12.25 inches; W: 8.0 inches).

This site is located immediately north from the intersection of Crawford Avenue (S. R. 0023) and Woodmont Road. (Norristown, PA USGS Quadrangle N: 12.30 inches; W: 8.0 inches) in Lower Merion Township and West Conshohocken Borough, **Montgomery County**.

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

**E52-163.** Encroachment. **Richard Schroeder**, 24003 North Dobson Road, Scottsdale, AZ 85255. To remove approximately 10–12 large boulders along the shoreline of Lake Wallenpaupack (HQ-CWF) from the rear of Lots No. 113 and 114 to improve accessibility for boating. The project is located approximately 500 feet north of the intersection of S. R. 0507 and T365 (Hawley, PA Quadrangle N: 8.1 inches; W: 11.0 inches), Palmyra Township, **Pike County** (Philadelphia District, U. S. Army Corps of Engineers).

**E66-121.** Encroachment. **Robert Blum**, 364 Maple Avenue, Harleysville, PA 19438. To construct and maintain a private bridge having a single span of approximately 56 feet an underclearance of 20 feet across North Branch Mehoopany Creek (CWF) to provide access to a single family dwelling. The project is located on the south side of S. R. 0087, approximately 0.4 mile southeast of Township Road T438 (Jenningsville, PA Quadrangle N: 5.7 inches; W: 4.8 inches), North Branch Township, **Wyoming County** (Baltimore District, U. S. Army Corps of Engineers).

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-5485.*

**EA54-007NE.** Encroachment. **Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790. To backfill a 0.34 acre water-filled strip pit in conjunction with Abandoned Mine Reclamation project OSM 54 (3024) 101.1, Tremont North. (Tremont, PA Quadrangle N: 2.5 inches; W: 2.0 inches), in Frailey and Tremont Townships, **Schuylkill County** (Baltimore District, U. S. Army Corps of Engineers).

**EA54-008NE.** Encroachment. **Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790. To backfill 0.46 acre water-filled strip pit in conjunction with Abandoned Mine Reclamation project OSM 54 (3649) 101.1, Newtown South 2. (Minersville West, PA Quadrangle N: 0.5 inch; W: 16.5 inches), in Reilly and Tremont Townships, **Schuylkill County** (Baltimore 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.*

**E06-533.** Encroachment. **Roy Stevens**, R. D. 1, Box 399, Birdsboro, PA 19508. To remove an existing collapsed structure and to construct and maintain a bridge having a span of 52 feet and an underclearance of 7½ feet across the channel of Hay Creek (EV) at a point along Route 82 (Elverson, PA Quadrangle N: 20.5 inches; W: 12.4 inches) in Robeson Township, **Berks County**.

**E06-446-R.** Encroachment. **Baas Enterprises**, Ralph Baas, 456 West Ridge Drive, Limerick, PA 19468. To construct and maintain a 6-foot × 12-foot R. C. box culvert in the channel of a tributary to Antietam Creek (CWF) and to fill 0.71 acre of wetlands for roadway crossings at a point downstream of Schoffers Road (Birdsboro, PA Quadrangle, N: 10.75 inches; W: 12.25 inches) in Exeter Township, **Berks County**. The purpose of the project is to construct a residential community. The permittee will provide 0.53 acre of replacement wetlands adjacent to Antietam Creek will participate in the Pennsylvania Wetland Replacement Project for 0.18 acre of replacement wetlands.

**E22-412.** Encroachment. **Georgetown Commons Associates**, 308 East King Street, Lancaster, PA 17602. To relocate approximately 40 feet of stream channel and impact 0.45 acre of wetlands in and along a tributary to the Susquehanna River (WWF) at a point upstream of Jeffers Drive for the purpose of enlarging a residential subdivision (Steelton, PA Quadrangle N: 15.4 inches; W: 3.1 inches) in Lower Swatara Township, **Dauphin County**.

**E28-273.** Encroachment. **Shadow Creek Meadows Development**, Larry Crouse, P. O. Box 152, Greencastle, PA 17225. To remove approximately 430 linear feet of stream enclosure and to construct and maintain (1) approximately 505 feet of stream channel with two 24-inch × 35-inch corrugated metal pipe arch (CMPA) of Puddy Run located on the west side of Williamsport Pike (SR 3001); (2) realign 270 feet of channel and to disturb 0.37 acre of associated wetlands located on the east side of Williamsport Pike and; (3) approximately 360 feet of diversion channel upstream of Jason Drive in order to construct the remaining phases of Shadow Creek Meadows located about 1 mile south of Greencastle Borough (Greencastle, PA Quadrangle N: 5.0 inches; W: 15.88 inches) in Antrim Township, **Franklin County**.

**E36-685.** Encroachment. **WAWA, Inc.**, 260 W. Baltimore Pike, Wawa, PA 19063. To fill a 1.16 acre farm pond that outlets into a tributary channel to the Conestoga Creek (WWF) for construction of a retail store located at the intersection of Miller Road and SR 72 (Lancaster, PA Quadrangle N: 16.8 inches; W: 14.2 inches) in East Hempfield Township, **Lancaster County**.

**E36-686.** Encroachment. **Manor Township**, 26 Millersville Road, Lancaster, PA 17603. To remove the existing deteriorating structure and to construct and maintain a bridge having a prestressed concrete spread box beam superstructure with a clear span of 22 feet on a 70 degree skew with an average underclearance of 6 feet across the West Branch Little Conestoga Creek (TSF) on Habecker Church Road (T-597) (Columbia East, PA Quadrangle N: 3.8 inches; W: 4.75 inches) in Manor Township, **Lancaster County**.

**E38-129.** Encroachment. **PA Department of General Services**, 18th and Herr Streets, Harrisburg, PA 17120. To remove the existing structure and to construct and maintain 467 lineal feet of 20-foot bottom width U-shaped reinforced concrete channel with a minimum wall height of 11-foot for the Hazel Dyke Flood Control Project

located between State Drive (LR 38016) and South Lincoln Avenue. The State Drive bridge will be removed and replaced with a single-cell precast concrete box culvert having a 20-foot width with an 11-foot underclearance. A 45-foot section of reinforced concrete transition ramp will be attached to the upstream end of State Drive. The purpose of the project is to reduce flood damage to residential properties along the Hazel Dyke Creek which outlets into the Quittapahilla Creek (TSF) (Lebanon, PA Quadrangle N: 15.0 inches; W: 5.0 inches) in South Lebanon Township, and the City of Lebanon, **Lebanon County**.

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

**E14-371. Encroachment. PA Dept. of Transportation,** 1924-30 Daisy St., Clearfield, PA 16830. This project, called C12, proposes to construct and maintain three permitted encroachments: #1 a temporary stream crossing in North Bald Eagle Creek involving (6)-72-inch diameter CMP culverts with (1)-84-inch diameter CMP culvert, #2 (called Structure 312) a 922-foot long 60-inch diameter reinforced concrete pipe to carry Buffalo Run beneath and parallel to the proposed alignment of S. R. 6220 that connects to a Y-junction pipe in Structure 313, #3 (called Structure 313) a 726-foot long enclosure comprised of a 525-foot long 60-inch plastic culvert pipe, in an unnamed tributary to Buffalo Run, with an inlet 312-feet upstream of the inlet of an existing 196-foot long 4-foot by 6-foot reinforced concrete arch culvert, extending through the existing culvert and outletting 17-feet downstream of the existing culvert's outlet that connects to a 10-foot long 7-foot diameter concrete Y-junction pipe that in turn is connected to a 191-foot long 5-foot by 7-foot reinforced concrete box culvert in Buffalo Run. (Port Matilda, PA Quadrangle, Starting at N: 10.9 inches; W: 11.5 inches; and ending at 15.2 inches; W: 4.2 inches). This project includes construction of a new four-lane, divided, limited access highway (S. R. 6220) west of State College in Huston, Worth, and Patton Townships, **Centre County**. This project proposes to temporarily impact 100 linear feet of North Bald Eagle Creek, permanently impact 1,113 linear feet of Buffalo Run and 535 linear feet of an unnamed tributary to Buffalo Run. A total of 7.600 acres of jurisdictional wetlands will be impacted. 2.818 acres will result in a direct impact from construction activities, 1.008 acres will be indirectly impacted, and 0.353 acre will be temporarily impacted. There are also 28 drainage channels that will be impacted by the construction of this proposed project. These 28 drainage channels all have watersheds that are less than 100 acres and therefore the requirements for a permit are waived.

**E59-396. Encroachment. Pennsylvania Department of Transportation,** Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA 17754-0218. To change the channel of Slate Creek (CWF); modify, operate and maintain an existing stream enclosure of Slate Creek; modify, operate and maintain an existing stream enclosures of nine unnamed tributaries to the Tioga River (CWF); modify, operate and maintain a four span bridge across the Tioga River (CWF); modify, operate and maintain an existing stream enclosure of Kelly Creek (CWF) for the construction of a limited access highway. The channel change and modification at the stream enclosure of Slate Creek shall be limited to a maximum waterway impact of 395-feet. The bridge across the Tioga River shall be constructed with a minimum total span of 535-feet, underclearance of 49.8-feet, and skew of 56-feet. The modifications at the stream enclosure of Ellen Run shall

be limited to a maximum waterway impact of 142-feet. The modifications at the stream enclosure of Kelly Creek shall be limited to a maximum waterway impact of 190-feet. The modifications at the stream enclosures of the nine unnamed tributaries to the Tioga River shall be limited to a total waterway impact of 722-feet. Construction of S. R. 0615, Section E61 and F12 will result in the permanent impact to 0.609-acre of wetland and 3,681-feet of waterways. Construction of S. R. 0615, Section E61 and F12 will result in the temporary impact to 2.33-acres of wetland and 3,239-feet of waterway. All permanent wetland impacts authorized by this permit shall be mitigated by the permittee through replacement wetlands. All permanent waterway impacts authorized by this permit shall be mitigated by the permittee through a stream restoration project. All waterway and wetland mitigation shall be constructed prior or concurrent with the activities authorized by this permit. This permit also authorizes the construction, operation and maintenance of temporary construction accesses across waters of the Commonwealth; upon completion of the project, all construction accesses shall be removed and the areas restored to original contours, elevations, geometry and hydrology. The project is located along the eastern right-of-way of S. R. 0015 approximately 500-feet east of S. R. 0015 and S. R. 0006 intersection (Mansfield, PA Quadrangle N: 9.8 inches; W: 5.7 inches) in Mansfield Borough and Richmond Township, **Tioga County**.

**E59-397. Encroachment. PA Dept. of Transportation,** P. O. Box 218, Montoursville, PA 17754. To construct and maintain a single span concrete box beam bridge having a span of 45 feet and an underclearance of 6.5 feet. The new structure will be relocated 55 feet downstream of the existing structure. The project site is located over Alder Run on SR 328 (Millerton, PA Quadrangle, N: 16.94 inches; W: 11.976 inches) in Jackson Township, **Tioga County**. This project proposes to impact 100 linear feet of Alder Run which is designated Cold Water Fishery and will not impact any wetlands.

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

**E32-415. Encroachment. Washington Township,** 330 Red Line Road, Creekside, PA 15732. To remove the existing structure and to construct and maintain a 40-foot long, 5-foot diameter, twin-cell pipe culvert (invert depressed one foot) with an overflow channel in Dark Hollow Run (CWF). The project is located on Peppley Road at its intersection with Dark Hollow Road (Ernest, PA Quadrangle N: 12.1 inches; W: 13.8 inches) in Washington Township, **Indiana County**.

**E32-416. Encroachment. Pennsylvania Department of Transportation,** Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. To construct and maintain a 68 meter long, 3,000 mm × 1,800 mm reinforced concrete box culvert extension upstream and a 7 meter long, 3,000 mm × 1,800 mm reinforced concrete box culvert extension downstream onto an existing 15 meter long, 2,400 mm × 1,800 mm reinforced concrete arch culvert in an unnamed tributary to Weirs Run (CWF). Also to relocate and maintain 108 meters of the unnamed tributary to Weirs Run (CWF) starting from upstream from this culvert to permanently place and maintain fill in 0.44 hectare of wetland (0.38 hectare PEM, 0.03 hectare PSS, 0.03 hectare POW) and to temporarily place and maintain fill in 0.13 hectare of wetland (0.11 hectare PEM, 0.02 hectare PSS) for the purpose of improving highway safety. The project is located at the S. R. 0119/S. R. 0022 interchange (Bolivar, PA Quadrangle N: 14.3 inches; W: 11.9

inches) in Burrell Township, **Indiana County**. The applicant will construct replacement wetlands in the Blacklick Creek watershed.

**E56-293.** Encroachment. **Pennsylvania Turnpike Commission**, Engineering Department, P. O. Box 67676, Harrisburg, PA 17106-7676. To extend and maintain a 146.5 foot-long, 108-inch diameter corrugated metal pipe for an additional distance of 16.0 feet upstream and 23.0 feet downstream in an unnamed tributary to Glades Creek (CWF). The pipe is located along S. R. 1003 at the B-482 crossing over the Pennsylvania Turnpike (Berlin, PA Quadrangle N: 20.0 inches; W: 11.6 inches) in Stonycreek Township, **Somerset County**. Also to place and maintain fill in a de minimis area of palustrine emergent wetlands equal to 0.02 acre and located in the East Branch Coxes Creek watershed (WWF). The fill will be located along S. R. 0031 at the B-438 crossing over the Pennsylvania Turnpike (Somerset, PA Quadrangle N: 0.6 inch; W: 7.2 inches) in Somerset and Stonycreek Townships, **Somerset County**. The structure and activity are being proposed to allow future reconstruction of the Pennsylvania Turnpike from milepost 109 to Milepost 122.

**E65-751.** Encroachment. **North Huntingdon Township**, 11279 Center Highway, North Huntingdon, PA 15642-2018. To construct and maintain a 14-foot long, 18-foot by 7.5 foot box culvert to be connected to an existing 5-foot diameter CM pipe culvert in Long Run (HQ-TSF) for the purpose of providing access to the Jacktown Acres Park located on Roth Drive (McKeesport, PA Quadrangle N: 12.75 inches; W: 0.38 inches) in North Huntingdon Township, **Westmoreland County**.

**E11-281.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a 1.0-foot depressed 20.0-foot × 7.0-foot concrete box culvert in Clearfield Creek (WWF) for the purpose of improving transportation safety and roadway standards. The applicant also proposes the placement and maintenance of fill in 0.0013 acre of palustrine emergent, scrub/shrub wetlands and the temporary placement of fill in 0.0124 acre of palustrine emergent, scrub/shrub wetlands. The project is located on S. R. 1004, segment 0060, offset 0000 (Cresson, PA Quadrangle N: 18.9 inches; W: 15.8 inches) in Allegheny and Cresson Townships, **Cambria County**. Permanent wetland impacts have been replaced at the Cambria County Advance Wetland Compensation Area (State Game Lands No. 108).

**E65-752.** Encroachment. **Garland and Tina Zimmerman**, 4417 Logans Ferry Road, Murrysburg, PA 15668. To construct and maintain a 6-inch depressed, 48-inch corrugated metal pipe culvert in an unnamed tributary to Haymakers Run (HQ-CWF) for the purpose of providing access to a proposed single family residence. The project is located off Bulltown Road, approximately 1.7 miles from its intersection with Sardis Road (Murrysburg, PA Quadrangle N: 16.8 inches; W: 8.75 inches) in the Municipality of Murrysburg, **Westmoreland County**.

**E65-753.** Encroachment. **Derry Township Supervisors**, 650 Derry Road, Derry, PA 15627. To rehabilitate, operate and maintain the existing McCune Run Bridge across McCune Run (WWF) located on Township Road T-860, approximately 1.1 miles east of its intersection with Route 981 (Saltsburg, PA Quadrangle N: 0.25 inch; W: 2.65 inches) in Derry Township, **Westmoreland County**.

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

**E10-186.** Encroachment. **Neil Traurig, Division President**, Washington Homes, Inc., Pittsburg Division, 1035 Boyce Road, Suite 110, Upper Saint Clair, PA 15241. To reissue permit No. E10-186 which authorized Washington Homes, Inc. to place and maintain fill along a total of 650 lineal feet of a tributary to Brush Creek to provide public right-of-way and residential lots along Parkwood Drive off Freedom Road in Woodland Estates Development (Baden, PA Quadrangle N: 9.6 inches; W: 0.6 inch) located in Cranberry Township, **Butler County**.

**E10-311.** Encroachment. **Butler County Commissioners**, 124 W. Diamond Street, P. O. Box 1208, Butler, PA 16003-1208. To remove the existing Englehart Bridge (County No. 76) and to install and maintain an aluminum multi-plate low profile arch box culvert having a span of 15 feet and a rise of 5.6 feet in a tributary to Little Buffalo Run on Carbon Center Road approximately 1.75 miles west of Clearfield Road (East Butler, PA Quadrangle N: 0.5 inch; W: 0.25 inch) in Clearfield Township, **Butler County**.

**E25-603.** Encroachment. **Commodore Perry Yacht Club**, P. O. Box 3455, Erie, PA 16508-0455. To conduct the following activities at the existing Commodore Perry Yacht Club at the foot of Poplar Street north of the Bayfront Highway (Erie North, PA Quadrangle N: 1.1 inches; W: 14.1 inches) in the City of Erie, **Erie County**: 1. To clear rock piles and maintain a 50-foot-wide navigation channel from the existing Marina entrance northeast approximately 375 feet to the lakeward end of water lots Nos. 181 and 182. 2. To perform periodic maintenance dredging within the basin of the existing Marina.

**E43-280.** Encroachment. **Mercer County Commissioners**, 503 Mercer County Courthouse, Mercer, PA 16137. To remove the existing County Bridge No. 1917 and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear normal span of 24 feet and an underclearance of 5 feet 9 inches on T-496 (Clay Furnace Road) across a tributary to Magargee Run (WWF) approximately 0.76 mile north of the intersection of SR 3020 (Lamor Road) and T-496 (Clay Furnace Road) (Sharpsville, PA Quadrangle N: 2.3 inches; W: 1.2 inches) located in Jefferson Township, **Mercer County**.

**E61-232.** Encroachment. **David E. Mitchell**, R. D. 1, Box 185, Cooperstown, PA 16317. To construct and maintain a dairy barn and manure storage facility within the floodway of Sugar Creek as part of the expansion of Mitchell's Dairy Operation. The project is located along Sugar Creek approximately 1,200 feet southeast of the intersection of SR 427 and T-595 (Dempseytown, PA Quadrangle N: 1.9 inches; W: 15.5 inches) located in Jackson Township, **Venango County**.

#### ENVIRONMENTAL ASSESSMENT

**Requests for Environmental Assessment approval under section 105.15 of 25 Pa. Code and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D36-254EA.** Environmental Assessment. **Manheim Borough Authority**, (15 East High Street, Manheim, PA 17545). To breach and remove the Manheim Water Au-

thority's intake dam across Rife Run (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,100 feet southeast of the intersection of Old Line Pike (S. R. 4026) and Orchard Road (Manheim, PA Quadrangle N: 7.55 inches; W: 4.40 inches) in Manheim Borough, **Lancaster County**.

**D52-061. Environmental Assessment. Girl Scouts of Southeastern Pennsylvania**, (594 S. New Middletown Rd., Media, PA 19063). To modify and repair Gorson Dam (Sunset Lake) including constructing a toe drain impacting a de minimis area of wetland (PEM) equal to 0.05 acre. The dam is located across a tributary to the Delaware River (HQ-CWF). Modifications will not change the normal pool elevation (Lake Maskenozha, PA-NJ Quadrangle N: 10.1 inches; W: 8.3 inches) in Lehman Township, **Pike County**.

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

**EA65-004SW. Department of the Army**, Pittsburgh District—Corps of Engineers, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. To dredge approximately 2,500 cubic yards of alluvial sand and gravel materials from the Allegheny River, downstream of the dam at Lock No. 4, located at river mile 24.2 (New Kensington East, PA Quadrangle N: 20.55 inches; W: 12.8 inches); to place and maintain approximately 5,800 cubic yards of pumped, tremie concrete and 630 cubic yards of grout-filled bags or precast concrete blocks within the river, along the downstream toe of the dam as scour protection; and to place the dredged materials within existing dredge holes within Pool 4 of the Allegheny River; between river miles 25.5 and 28 (Freeport, PA Quadrangle at several locations). The project area is located in Lower Burrell and Allegheny Township, **Westmoreland County**.

**EA03-002SW. Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. To place and maintain approximately 130,000 cubic yards of non-erodible fill in an existing approximately 850 foot long by 300 foot wide dredge hole located adjacent to Armstrong Power Station's water supply intake at approximately river mile 54.7 in the Allegheny River (Templeton, PA Quadrangle N: 9.8 inches; W: 12.3 inches). The source of the fill material is the U. S. Army Corps of Engineers Lower Monongahela Lock and Dam Project.

**EA02-003SW. Department of the Army**, Pittsburgh District—Corps of Engineers, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. To dredge approximately 15,000 cubic yards from an area approximately 1,000 feet long by 65 feet wide to a depth of 23 feet below normal pool elevation, and place and maintain fill covered with 36 inches deep rip rap in front of their dock wall on the left bank of the main channel of the Ohio River (WWF) at river mile 7.4, for the purpose of stabilizing the base of the new dock wall of the existing dock.

**EA02-003SW. Department of the Army**, Pittsburgh District—Corps of Engineers, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. To dredge approximately 2,500 cubic yards of alluvial sand and gravel materials from the Allegheny River, downstream of the dam at Lock No. 4, located at river mile 24.2 (New Kensington East, PA Quadrangle N: 20.55 inches; W: 12.8 inches); to place and maintain approximately 5,800 cubic yards of pumped, tremie con-

crete and 630 cubic yards of grout-filled bags or precast concrete blocks within the river, along the downstream toe of the dam as scour protection; and to place the dredged materials within existing dredge holes within Pool 4 of the Allegheny River; between river miles 25.5 and 28 (Freeport, PA Quadrangle at several locations). The project area is located in Harrison Township, **Allegheny County**.

**The following Environmental Assessment and request for Water Quality Certification are being processed under sections 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.**

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

**EA33-004NW. Environmental Assessment. Mike Poerio Contracting**, R. D. 1, Box 750, Rimersburg, PA 16248. To remove the abandoned railroad bridge, bridge abutment (north side), and bridge pier across Mahoning Creek. This project will include in-stream work and construction of a temporary causeway. The project is located over Mahoning Creek approximately 200 feet south of the intersection of S. R. 0310 and S. R. 0119 in the Borough of Punxsutawney. (Punxsutawney, PA Quadrangle N: 13.5 inches; W: 12.3 inches) located in Borough of Punxsutawney, **Jefferson County**.

#### **WATER QUALITY CERTIFICATION**

##### **Initial Notice of Request for Certification under Section 401 of the Federal Water Pollution Control Act**

The following requests have been made to the Department of Environmental Protection (Department) under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)), for certification that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of that act, and that the construction will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments, suggestions or objections, which are submitted in writing within 30 days of the date of this notice. Comments should be submitted to the Department at the address indicated above for each request for certification. All comments should contain the name, address and telephone number of the person commenting; identification of the certification request to which the comments are addressed; and a concise statement of comments, suggestions or objections in sufficient detail to inform the Department of the exact basis of the proposal 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 comments, if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated, between the hours of 8 a.m. and 4 p.m. on each working day.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment Permit and either a United States Army Corps of Engineers individual permit or a Nation-

wide permit 14, 18 or 26 will be published with the Actions of Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

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

*Certification Request Initiated by: Erie Western Pennsylvania Port Authority*, Raymond P. Schreckengost, Executive Director, 17 West Dobbins Landing, Erie, PA 16507-1424.

*Project Description:* The Erie Western Pennsylvania Port Authority has requested a State certification under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) that the dredging of the Captain John E. Lampe Marina basin and the discharge of this dredged material into the Lake Erie Harbor Confined Disposal Facility (CDF) will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act.

This request was necessitated by conditions imposed by the Department's Water Obstruction and Encroachment Permits E25-404A and E25-581 issued to the Erie Western Pennsylvania Port Authority requiring Federal Water Act Section 401 certification for the disposal of dredged material in the CDF prior to each dredging and disposal event. The Erie Western Pennsylvania Port Authority has sampled and tested the sediments in accordance with Attachment A "Sample Collection and Testing Protocol" of both Water Obstruction and Encroachments Permits E25-404A and E25-581. Laboratory testing was conducted in accordance with the United States Army Corps of Engineer's Inland Testing Manual and the document "Ecological Evaluation of Proposed Discharge of Dredged or Fill Material in Navigable Waters." Based upon this sampling and laboratory testing, the Erie-Western Pennsylvania Port Authority indicates that the dredging of this approximately 9,700 cubic yards of basin sediments from the Captain John E. Lampe Marina (Erie North, PA Quadrangle N: 4.2 inches; W: 10.0 inches) and the discharge of this dredged material into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) will have a relatively insignificant effect on the water quality of Lake Erie. This 401 Water Quality Certification is only for this single activity. Any subsequent dredging of the Captain John E. Lampe Marina and use of the CDF will require separate 401 Water Quality Certification.

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

*Certification Request Initiated by: Erie Western Pennsylvania Port Authority*, Raymond P. Schreckengost, Executive Director, 17 West Dobbins Landing, Erie, PA 16507-1424.

*Project Description:* The Erie-Western Pennsylvania Port Authority has requested a State certification under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) that the discharge of dredged material from the West Canal Basin into the Lake Erie Harbor Confined Disposal Facility (CDF) will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act.

This request was necessitated by conditions imposed by the Department's Water Obstruction and Encroachment Permits E25-404A and E25-581 issued to the Erie-Western Pennsylvania Port Authority requiring Federal Water Act Section 401 certification for the disposal of

dredged material into the CDF prior to each dredging and disposal event. The Erie-Western Pennsylvania Port Authority has sampled and tested the sediments in accordance with Attachment A "Sample Collection and Testing Protocol" of both Water Obstruction and Encroachments Permits E25-404A and E25-581. Laboratory testing was conducted in accordance with the United States Army Corps of Engineer's Inland Testing Manual and the document "Ecological Evaluation of Proposed Discharge of Dredged or Fill Material in Navigable Waters." Based upon this sampling and laboratory testing, the Erie-Western Pennsylvania Port Authority indicates that the approximately 500 cubic yards of basin sediments from the West Canal Basin (Erie North, PA N: 2.0 inches; W: 12.2 inches) discharged into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) will have a relatively insignificant effect on the water quality of Lake Erie. This 401 Water Quality Certification is only for this single activity. Any subsequent dredging of the West Canal Basin and use of the CDF will require separate 401 Water Quality Certification.

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

*Certification Request Initiated by: Erie Western Pennsylvania Port Authority*, Raymond P. Schreckengost, Executive Director, 17 West Dobbins Landing, Erie, PA 16507-1424.

*Project Description:* The Erie-Western Pennsylvania Port Authority has requested a State certification under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) that the discharge of dredged material from the East Canal Basin into the Lake Erie Harbor Confined Disposal Facility (CDF) will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act.

This request was necessitated by conditions imposed by the Department's Water Obstruction and Encroachment Permits E25-404A and E25-581 issued to the Erie-Western Pennsylvania Port Authority requiring Federal Water Act Section 401 certification for the disposal of dredged material into the CDF prior to each dredging and disposal event. The Erie-Western Pennsylvania Port Authority has sampled and tested the sediments in accordance with conditions 2 through 7 of Attachment A "Sample Collection and Testing Protocol" of both Water Obstruction and Encroachments Permits E25-404A and E25-581. This laboratory testing was conducted in accordance with the United States Army Corps of Engineer's Inland Testing Manual and the document "Ecological Evaluation of Proposed Discharge of Dredged or Fill Material in Navigable Waters." Based upon the laboratory testing, the Erie-Western Pennsylvania Port Authority indicates that the approximately 12,500 cubic yards of basin sediments from the East Canal Basin (Erie North, PA N: 2.4 inches; W: 12.3 inches) discharged into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) will have a relatively insignificant effect on the water quality of Lake Erie. This 401 Water Quality Certification is only for this single activity. Any subsequent dredging of the East Canal Basin and use of the CDF will require separate 401 Water Quality Certification.

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

*Certification Request Initiated by:* **Erie Western Pennsylvania Port Authority**, Raymond P. Schreckengost, Executive Director, 17 West Dobbins Landing, Erie, PA 16507-1424.

*Project Description:* The Erie-Western Pennsylvania Port Authority has requested a State certification under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) that the discharge of dredged material from the East Avenue Launch Ramp into the Lake Erie Harbor Confined Disposal Facility (CDF) will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act.

This request was necessitated by conditions imposed by the Department's Water Obstruction and Encroachment Permits E25-404A and E25-581 issued to the Erie-Western Pennsylvania Port Authority requiring Federal Water Act Section 401 certification for the disposal of dredged material into the CDF prior to each dredging and disposal event. The Erie-Western Pennsylvania Port Authority has sampled and tested the sediments in accordance with Attachment A "Sample Collection and Testing Protocol" of both Water Obstruction and Encroachments Permits E25-404A and E25-581. Laboratory testing was conducted in accordance with the United States Army Corps of Engineer's Inland Testing Manual and the document "Ecological Evaluation of Proposed Discharge of Dredged or Fill Material in Navigable Waters." Based upon this sampling and laboratory testing, the Erie-Western Pennsylvania Port Authority indicates that the approximately 450 cubic yards of basin sediments from the East Avenue Launch Ramp (Erie North, PA N: 3.6 inches; W: 8.9 inches) discharged into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) will have a relatively insignificant effect on the water quality of Lake Erie. This 401 Water Quality Certification is only for this single activity. Any subsequent dredging of the East Avenue Launch Ramp basin and use of the CDF will require separate 401 Water Quality Certification.

#### WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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

**WA2-143B.** Water Allocation. **Wilkesburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Wilkesburg, PA 15221. The applicant is requesting to withdraw 35,000,000 gallons per day (average day) from the Allegheny River.

**WA2-160B.** Water Allocation. **The Water Authority of the Borough of Braddock**, 415 Sixth Street, Braddock, PA 15104. The applicant is requesting to purchase 700,000 gallons per day (average day) from the Wilkesburg Penn Joint Water Authority.

**WA2-825C.** Water Allocation. **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239. The applicant is requesting to purchase 4,000,000 gallons per day (average day) from the Wilkesburg Penn Joint Water Authority, 637,000 gallon per day (average day) from the New Kensington Municipal Authority and 232,000 gallons per day (average day) from the Monroeville Water Authority.

**WA2-824A.** Water Allocation. **The Monroeville Water Authority**, 4185 Old William Penn Highway, Monroeville, PA 15146. The applicant is requesting to purchase 7,500,000 gallons per day (peak day) from the Wilkesburg Penn Joint Water Authority and, on an emergency basis, up to 2,736,000 gallons per day from the Municipal Authority of Westmoreland County.

#### 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.

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

##### Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

**NPDES Permit No. PA 0020532, Amendment No. 1 SEW, Upper Montgomery Joint Authority**, P. O. Box 6, Pennsbury, PA 18073, Upper Hanover Township, **Montgomery County**.

The following notice reflects changes to the notice published in the December 12, 1998, *Pennsylvania Bulletin*: Monitoring requirement for Mercury has been removed from the permit.

**WQM Permit No. 1599417.** Sewage. **Kendal Corporation**, P. O. Box 100, Kennett Square, PA 19348. Applicant is granted approval for the construction and operation to expand Kendal-Crossland WWTP located in Kennett Township, **Chester County**.

**WQM Permit No. 4600402.** Sewerage. **Montgomery Township Municipal Authority**, 1001 Stump Road, Montgomeryville, PA 18936. Applicant is granted approval for the construction and operation to replace approximately 4,460 long sewer pipelines located on Line Street in Montgomery Township, **Montgomery County**.

**WQM Permit No. 4699427.** Sewage. **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Road, King of Prussia, PA 19406-0139. Applicant is granted approval for the installation of a sodium hypochlorite/sodium bisulfite facility to serve Trout Run Water Pollution Control Center located in Upper Merion Township, **Montgomery County**.

**WQM Permit No. 4699431.** Sewage. **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Road, King of Prussia, PA 19406-0139. Applicant is granted approval for the installation of a sodium hypochlorite/sodium bisulfite facility to serve Matsunk Water Pollution Control Center located in Upper Merion Township, **Montgomery County**.

**WQM Permit No. 0999430.** Sewerage. **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954. Applicant is granted approval for the construction and operation and installation of submersible pump station, force main and gravity sewer to serve Manchester Farms Pump Station located in Northampton Township, **Bucks County**.

**WQM Permit No. 1599419.** Sewerage. **East Whiteland Township, Co-Permittee The Cutler Group**, 209 Conestoga Road, Frazer, PA 19355-1699. Applicant is granted approval for the construction and operation of a wastewater collection and conveyance system to serve Malvern Hunt located in East Whiteland Township, **Chester County**.

**NPDES Permit No. PA0056375.** Sewage. **Carol Curcio**, P. O. Box 312, Dublin, PA 18917-0312. Is authorized to discharge from a facility located in Hilltown Township, **Bucks County** into Deep Run Creek.

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

**Permit No. 4099406.** Sewerage. **Eagle Rock Resort Co.**, 1031 Valley of Lakes, Hazleton, PA 18201-9717. Permit to construct a low pressure sewer, located in Hazle Township, **Luzerne County**.

**NPDES Permit PA-0030139.** Sewerage. **Pennsylvania Department of Corrections**, P. O. Box 598, Camp Hill, PA 17001-0598 is authorized to discharge from a facility located in Jackson Township, **Luzerne County**, to East Fork Harvey's Creek.

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

**Permit No. PA004668 T-1.** Industrial waste. **Republic Services Group of Pennsylvania III, LLC**, (Modern Landfill), 4400 Mt. Pisgah Road, York, PA 17402 is authorized to discharge from a facility located in Windsor and Lower Windsor Townships, **York County** to the receiving waters named unnamed tributary of Kreutz Creek.

**Permit No. PAG-043531.** Single Family Residence Sewerage. **George E. Myers**, 775 Lake Meade Road, York Springs, PA 17372 is authorized to discharge from a facility located in Reading Township, **Adams County** to the receiving waters named unnamed tributary to Mud Run.

**Permit No. PA0086690.** Industrial waste. **Kalas Manufacturing, Inc.**, Plant No. 2, 25 Main Street, Denver, PA 17517 is authorized to discharge from a

facility located in East Cocalico Township, **Lancaster County** to the receiving waters named Stony Run.

**Permit No. PA0082881.** Industrial waste. **Alcoa, Inc.**, (Lancaster Works), Alcoa Corporate Center, 201 Isabella Street, Pittsburgh, PA 15212 is authorized to discharge from a facility located in Lancaster City, **Lancaster County** to the receiving waters named Little Conestoga Creek.

**Permit No. PA0084026.** Sewerage. **Northwestern Lancaster County Authority**, 97 North Penryn Road, Manheim, PA 17545 is authorized to discharge from a facility located in Penn Township, **Lancaster County** to the receiving waters named Chickies Creek.

**Permit No. PA0080586.** Sewerage. **Morton Building, Inc.** (Gettysburg Plant), 3370 York Road, Gettysburg, PA 17325 is authorized to discharge from a facility located in Straban Township, **Adams County** to the receiving waters named Swift Run.

**Permit No. 4499401.** Sewage. **Kistler Borough**, 94 Cedar Street, Mount Union, PA 17066. This permit approves the construction of Sewers and Appurtenances and Pump Station in Kistler Borough, **Mifflin County**.

**Permit No. 0915410-00-1.** Sewage. **George E. Myers**, 775 Lake Meade Road, York Springs, PA 17372. This permit approves the construction of Sewage Treatment Facilities in Reading Township, **Adams County**.

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

**NPDES Permit No. PA0216712.** Industrial waste. **Municipal Authority of the City of New Kensington (MACNK)**, P. O. Box 577, New Kensington, PA 15068 is authorized to discharge from a facility located at MACNK H. Burns Smith Water Treatment Plant, City of New Kensington, **Westmoreland County** to receiving waters named Allegheny River.

**NPDES Permit No. PAS206109.** Industrial. **City Center of Duquesne—R.I.D.C. of Southwestern PA**, Keystone Commons, 600 Braddock Avenue, Turtle Creek, PA 15145 is authorized to discharge from a facility located at City Center of Duquesne—R.I.D.C. of S.W. PA, Duquesne Borough, **Allegheny County** to receiving waters named Monongahela River.

**NPDES Permit No. PA0218197.** Sewage. **Michael P. Baycura**, 131 Cardinal Drive, New Brighton, PA 15066 is authorized to discharge from a facility located at Steven's Trail Small Flow Sewage Treatment Plant, Daugherty Township, **Beaver County** to receiving waters named unnamed tributary to Blockhouse Run.

**Permit No. 0399404.** Sewerage. **Armstrong County Industrial Development Authority**, 402 Market Street, Kittanning, PA 16201. Construction of Sewage Treatment Plant, Pump Stations, Conveyance Facilities and Appurtenances located in North Buffalo/South Buffalo Townships, **Armstrong County** to serve Slate Lick Park, Phase I, Treatment/Conveyance Facilities.

**Permit No. 6399408.** Sewage. **Stanley Beck, Jr.**, 902 Main Street, Bentleyville, PA 15314. Construction of a small flow sewage treatment plant located in West Pike Run Township, **Washington County** to serve Beck property.

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

**NPDES Permit No. PA0222771.** Industrial waste. **Astor Corporation**, 1100 East Main Street, Titusville, PA 16354-0128 is authorized to discharge from a facility located in the City of Titusville, **Crawford County** to Oil Creek.

**WQM Permit No. 2099414.** Sewage. **Spartansburg Borough**, P. O. Box 222, Main Street, Spartansburg, PA 16434. This project is for the construction and operation

of a sewage treatment facility located in Spartansburg Borough and Sparta Township, **Crawford County**.

**WQM Permit No. 2500401.** Sewerage, **James J. and Norma J. Fialkowski SRSTP**, 7831 Clemens Road, Union City, PA 16438. Construction of James J. and Norma J. Fialkowski SRSTP located in Union Township, **Erie County**.

### INDIVIDUAL PERMITS

#### (PAR)

#### 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>
Erie County Summit Township	PAR10K149	Sumprop Investments 521 Seminole Drive Erie, PA 16505	Lake Erie by Elk Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Straban Township Adams County	PAR-10-0098	Levan Family LLC 1094 Baltimore Pike Gettysburg, PA 17325	Rock Creek	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Broad Top Township Bedford County	PAR-10-0446	Dept. of Env. Protection Bureau of Abandoned Mine Reclamation P. O. Box 149 122 South Center Street Ebensboro, PA 15931-0169	Tributary to Six Mile Run	Bedford County CD 702 West Pitt Street, Suite 4 Bedford, PA 15009 (814) 623-6706
Spring Township Berks County	PAR-10-C312	Keiser Ridge East Hayes Construction Company 10 Commerce Drive Wyomissing, PA 19610	Cacoosing Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Snyder Township Blair County	PAR-10-0692	Tyrone Water Transmission Main ABCD Corporation 4500 6th Avenue Altoona, PA 16602	South Bald Eagle Creek	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Dickinson Township Cumberland County	PAR-10-H220	F. R. Acquisition Richard Astheimer 200 Philips Road Exton, PA 19341	Alexander Spring Creek	Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Antrim Township Franklin County	PAR-10-M194	Lindale Investments, Inc. 11833 Buck Run Drive Greencastle, PA 17225	Conococheague Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074

#### General Permit Type—PAG-3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lancaster County Denver Borough	PAR203533	Kalas Manufacturing, Inc.—Plant 1 25 Main Street Denver, PA 17517	Little Cocalico Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707



<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>
Blair County Logan Township	PAR213534	Vesuvius Crucible Company 103 Fault Road Suite 202 Wilmington, DE 19803	Mill Run to Beaver Dam	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenberg Township	PAR233509	CRYOVAC, Inc. Rigid Packaging Division P. O. Box 464 Duncan, SC 29334	Schuylkill River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Carlisle Borough	PAR233522	Carlisle Syntec, Inc. P. O. Box 7000 Carlisle, PA 17013	Conodoguinet River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Lower Swatara Township	PAR803569	Mack Trucks, Inc. 2100 Mack Boulevard P. O. Box "M" Allentown, PA 18105-5000	Burd Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Beaver County Ambridge Borough	PAR606117	Waste Management of PA Inc. 2097 Duss Avenue Ambridge, PA 15003	UNT leading to the Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greene County Perry Township	PAR606150	Robert B. Lemley Shannon Run Auto Salvage R. D. 1, Box 342A Mt. Morris, PA 15349	Shannon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location 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 Exeter Township	PAG043631	Jaime L. Kirlin 5454 Oley Turnpike Road Reading, PA 19606	UNT to Monocacy Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Longswamp Township	PAG043632	Michael E. and Linda E. Conrad 18 Michael Lane Alburtis, PA 18011-2610	Swabia A.	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Washington County West Pike Run Township	PAG046196	Stanley Beck Jr. 902 Main Street Bentleyville, PA 15314	UNT to Pike Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<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>
Union Township Erie County	PAG048652	James J. and Norma J. Fialkowski 7831 Clemens Road Union City, PA 16438	Unnamed Tributary to Horton Run	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<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>
Hamilton Township Adams County	PAG-08-0001 PAG-08-0002 PAG-08-0003 PAG-08-0008 PAG-08-0009 PAG-08-2201 PAG-08-2203 PAG-08-3501 PAG-08-3515 PAG-08-3517 PAG-08-3522 PAG-08-3525 PAG-08-3825	SYNA GRO Mid Atlantic 59 South 3rd Street P. O. Box 70 Oxford, PA 19363	Timothy Starner Farm Hamilton Township Adams County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-10*

<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 Swatara Township	PAG103501	Mobil Oil Corporation 8 South Malin Road Frazer, PA 19355	Conestoga Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Manheim Township	PAG103502	Mobil Oil Corporation 8 South Malin Road Frazer, PA 19355	Spring Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### **Plan approvals granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Northcentral Regional Office—Department of Environmental Protection, Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-0530.*

*Location: Athens Township, Bradford County.*

*Project Description:* The approved plan calls for construction of a low pressure/grinder pump collection system to replace the holding tanks presently serving the 21 existing residences in the **Lake Macham Development**. Treatment will be provided in a new 11,500 gallon per day recirculating sand filter type wastewater treatment facility with discharge of the treated effluent to Wolcott Creek.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

*Location: Covington Township, Tioga County.*

*Project Description:* An update revision proposing construction of a wastewater collection system to serve the portion of the Township along Route 15 just north of the Covington Township/Putnam Township line has been disapproved by the Department. The new sewers would have been tributary to existing conveyance lines owned by the **Richmond Township Municipal Authority** and the **Borough of Mansfield** and Mansfield's existing wastewater treatment facility. The reason for the Department's disapproval of this plan was the failure of Covington Township to secure resolutions from Richmond Township and Mansfield Borough to formalize those municipalities' commitment to the recommended project.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

*Location:* Richmond Township, **Tioga County**.

*Project Description:* The approved plan calls for construction by the **Richmond Township Municipal Authority** of new sewer extensions to serve the Kable Acres, Pickle Hill and Route 6 West areas of the township which are presently served by onlot septic systems. The Kable Acres collection line will convey collected wastewater through existing Richmond Township Municipal Authority and Mansfield Borough conveyance lines to Mansfield's existing wastewater treatment facility for final treatment. The Pickle Hill and Route 6 West extensions will be tributary to existing Mansfield Borough sewer lines. Again, treatment will be provided at the existing Mansfield treatment facility. A total of approximately 95 existing equivalent dwelling units will be served by the new sewers.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

## SAFE DRINKING WATER

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

*Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Permit No. 4899505.** Public water supply. **Easton Suburban Water Authority**, Roy White, Manager, 2424 Butler Street, P. O. Box 3819, Easton, PA 18043. This proposal involves the construction of a 2.0 mgd booster pumping station to deliver water from the City of Easton's twin reservoirs to the Easton Suburban Water Authority's North High system. The pump station will replace an existing pump station, also known as the North Pump Station, which is owned/operated by the City of Easton. It is located in the City of Easton, **Northampton County**. Permit issued on January 26, 2000.

**Permit No. 4599502.** Public water supply. **Saw Creek Estates**. John Briggs, Vice-President, Development Operations, c/o Resorts USA Inc., Bushkill, PA 18324. This proposal involves chemical addition for sequestering iron and manganese in Well No. 12, modification of the corrosion control plan for Well No. 10 and connection of the community water system to provide a secondary supply for Timothy Lake South Campground. It is located in Lehman and Middle Smithfield Township, **Monroe County**. Permit issued on February 9, 2000.

**Permit No. 3486301.** Special Permit by Rule. **H2O to Go**, 49 Village Square Drive, Marietta, PA 17547, William Brightman. This proposal is to add a vending machine to the H2O to Go permit. It is located in Whitehall Township, **Lehigh County**. Permit issued on January 18, 2000.

**Permit No. 2646395.** **Fox Ledge, Inc., Bottling Plant**, P. O. Box 89, Mount Pleasant, PA 18453, Alfred Alessi. It is located in Mount Pleasant Township, **Wayne County**. Permit issued on January 12, 2000.

**Minor Amendment.** Public water supply, **Sandy Shore Water Company**, HC 1, Box 256, Lakeville, PA 18436, Sam Marville. It is located in Paupack Township, **Wayne County**.

**Operations permit issued to PAWC (Ceasetown Water Treatment Plant)**, on January 20, 2000, located in Jackson Township, **Luzerne County**.

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

**Permit No. 5669504-A1.** Public water supply. **Seven Springs Municipal Authority**, R. D. 1, Helen Road, Champion, PA 15622. *Type of Facility:* Trout Run Spring Chlorination Modification. *Permit issued for Operation:* February 4, 2000.

**Permit No. 5670501-A1.** Public water supply. **Seven Springs Municipal Authority**, R. D. 1, Helen Road, Champion, PA 15622. *Type of Facility:* Hemlock Lodge Spring Chlorination Modification. *Permit Issued for Operation:* February 4, 2000.

**Permit No. 5692502-A1.** Public water supply. **Seven Springs Municipal Authority**, R. D. 1, Helen Road, Champion, PA 15622. *Type of Facility:* Gosling Well Chlorination Modification. *Permit issued for Operation:* February 4, 2000.

**Permit No. 5677501-A1.** Public water supply. **Seven Springs Municipal Authority**, R. D. 1, Helen Road, Champion, PA 15622. *Type of Facility:* Trout Run Spring Chlorination Modification. *Permit issued for Operation:* February 4, 2000.

**Permit No. 0299508.** Public water supply. **Municipal Authority of the Borough of Oakmont**, P. O. Box 73, 721 Allegheny Avenue, Oakmont, PA 15139. *Type of Facility:* Magill water storage standpipe. *Permit issued for Construction:* February 4, 2000.

## 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 non-residential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Cannon Slone**, City of Philadelphia, **Philadelphia County**. Michael D. Weaver, LFR, 5 Johnson Drive, P. O. Box 130, Raritan, NJ 08869, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

**Proposed Home Depot Facility**, Warrington Township, **Bucks County**. Gregory P. Smoot, P.G., NTH Consultants Ltd., 860 Springdale Road, Exton, PA 19341, has submitted a Final Report concerning remediation of site soil contaminated with heavy metals, solvents and BTEX and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet site-specific standards.

**Heritage Nissan**, Newtown Township, **Delaware County**. Eric S. Poulson, Poulson & Associates, 5 Camby Chase, Media, PA 19063, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

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

**Duferco Farrell**, 15 Roemer Boulevard, Farrell, PA, City of Farrell, **County of Mercer**, has submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs, PAHs. The report is intended to document remediation of the site to meet the Statewide Health and 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 Remediations 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 Remediations 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of the plan or report appears. If information concerning a 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 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 #52005N40268 (N. Pennsylvania Avenue)**, City of Wilkes-Barre, **Luzerne County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on February 14, 2000.

**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 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard and was approved on February 14, 2000.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole #63982S47834 (Corner of Clay and North Halst Streets)**, City of Allentown, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard and was approved on February 15, 2000.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole #71189S53648 (Rt. 611)**, Lower Mount Bethel Township, **Northampton County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard and was approved on February 15, 2000.

## 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.*

**46-302-219GP: Georgia-Pacific Corp.** (600 Righters Ferry Road, Bala Cynwyd, PA 19004), on February 2, 2000, for a 24.27 MMBtu/hr Natural Gas Boiler in Lower Merion Township, **Montgomery County**.

**Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**OP-17-0001: Sithe Pennsylvania Holdings, LLC** (P. O. Box 1050, Johnstown, PA 15907-1050) on February 10, 2000, to modify the language of a malfunction reporting requirement for the Shawville Station in Bradford Township, **Clearfield County**.

**19-317-023A: Heinz Pet Products** (6670 Low Street, Bloomsburg, PA 17815) on February 11, 2000, for operation of an alternate reagent in a scrubbing solution used in two odor scrubbers associated with a meat scrap storage area and wastewater treatment operations in South Centre Township, **Columbia 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-15-0009A: Asahi Glass Fluoropolymers USA** (255 South Bailey Road, Downingtown, PA 19335) on February 11, 2000, for Facility VOC/NOx RACT in Caln Township, **Chester County**.

**15-307-026: Heckett MultiServ** (IMS Drive, Route 82 South, Coatesville, PA 19320) on February 15, 2000, for a steel slag processing in East Fallowfield Township, **Chester County**.

**Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**TVOP-46-00038: PECO Energy Co.** (Evergreen and Sanatoga Roads, Sanatoga, PA 19464) on February 8, 2000, for operation of a facility Title V Operating Permit in Limerick Township, **Montgomery County**.

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

**22-317-012A: Hershey Foods, Inc.** (100 Crystal A Drive, Hershey, PA 17033-0810) on February 14, 2000, for operation of a sugar conveying system controlled by fabric filters at the Hershey Plant in Derry Township, **Dauphin County**.

**36-304-091: Donsco, Inc.** (P. O. Box 2001, Wrightsville, PA 17368-0400) on February 15, 2000, for operation of a shot blast machine and six grinding wheels controlled by a fabric filter at the Mount Joy Foundry in Mount Joy Borough, **Lancaster County**.

**67-306-006A: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on February 15, 2000, for operation of a circulating fluidized bed boiler controlled by an electrostatic precipitator at the Spring Grove Mill in Spring Grove Borough, **York County**. This source is subject to 40 CFR Part 60, Subpart Db of the Standards of Performance for New Stationary Sources.

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

**TVOP-18-00005: CNG Transmission Corp. Finnefrock Station** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) issued a Title V Operating Permit on February 16, 2000, for operation of a natural gas transmission station which includes: four natural gas fired engines, two boilers, two heaters, parts washer and nine storage tanks in Leidy Township, **Clinton County**.

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

**OP-65-00907: Advance USA, Inc.** (P. O. Box 518, Old Route 119 South, New Stanton, PA 15672) on November 30, 1999, for operation of spray booth at the New Stanton Facility in East Huntingdon Township, **Westmoreland County**.

## PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**PA-46-0054: Abington Memorial Hospital** (1200 Old York Road, Abington, PA 19001), on February 7, 2000, for operation of two emergency generators in Abington Township, **Montgomery County**.

**PA-46-0197A: Hershey Foods Corp.** (2452 Quakertown Road, Pennsburg, PA 18073), on February 8, 2000, for operation of a starch dryer in Upper Hanover Township, **Montgomery County**.

**PA-09-0007A: Waste Management Disposal Services of PA** (1513 Bordentown Road, Morrisville, PA 19067), on February 9, 2000, for operation of a solid waste landfill expansion in Falls Township, **Bucks County**.

**PA-09-0028A: FiberMark, Inc.** (45 North 4th Street, Quakertown, PA 18951) on February 14, 2000, for operation of Graphin Art Line No. 2 in Quakertown Borough, **Bucks County**.

**PA-09-0028: FiberMark, Inc.** (45 North 4th Street, Quakertown, PA 18951) on February 14, 2000, for operation of Graphin Art Line No. 1 in Quakertown Borough, **Bucks County**.

**PA-09-0074: PCR Enterprises, Inc.** (401 Fairview Avenue, Quakertown, PA 18951) on February 14, 2000, for operation of a spray booth in Quakertown Borough, **Bucks County**.

**PA-23-0001I: Sunoco, Inc.** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on February 15, 2000, for operation of storage tanks in Marcus Hook Borough, **Delaware County**.

**PA-15-0058: Martin Limestone, Inc.** (199 Quarry Road, Honey Brook, PA 19344) on February 16, 2000, for operation of a Tertiary Crusher and Sizing Screen in West Brandywine Township, **Chester County**.

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

**48-309-084B: Hercules Cement Co.** (501 Center Street, P. O. Box 69, Stockertown, PA 18083) on February 9, 2000, for installation of an air cleaning device in Stockertown Borough, **Northampton County**.

**48-320-005C: Mack Printing Group** (1991 Northampton Street, Easton, PA 18042) on February 15, 2000, for installation of a catalytic oxidizer in Wilson Borough, **Northampton County**.

**48-313-086: Elementis Pigments, Inc.** (1525 Wood Avenue, Easton, PA 18042) on February 16, 2000, for construction of Finishing Plant No. 2 IMP mill in Wilson Borough, **Northampton County**.

**13-313-030A: Ametek/Westchester Plastics** (Box 9, Green Acres Industrial Park, Nesquehoning, PA 18240) on February 18, 2000, for construction of a ZSK-92 product bagging operation in Nesquehoning Borough, **Carbon County**.

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

**06-03005C: Morton International** (P. O. Box 15209, Reading, PA 19612-5209) on February 14, 2000, for construction of five fabric collectors at the Glenside Plant in Reading City, **Berks County**.

**67-05068: Highway Materials, Inc.** (P. O. Box 1667, Blue Bell, PA 19422-0465) on February 15, 2000, for construction of a batch asphalt plant controlled by a knockout box and a fabric collector and two 30,000 gallon asphalt storage tanks at the Wrightsville Plant in Hellam Township, **York County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels.

**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**46-317-006A: Colorcon** (415 Moyer Boulevard, West Point, PA 19486) on February 2, 2000, for operation of a manufacturing process in Upper Gwynedd Township, **Montgomery County**.

**46-320-028A: Global Packaging, Inc.** (Brower and Montgomery Avenues, Oaks, PA 19456) on February 7, 2000, for operation of Flexographic Printing Press No. 1 in Upper Providence Township, **Montgomery County**.

**PA-46-0026A: Global Packaging, Inc.** (Brower and Montgomery Avenues, Oaks, PA 19456) on February 7, 2000, for operation of Flexographic Printing Press in Upper Providence Township, **Montgomery County**.

**23-312-194: Sunoco, Inc.** (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on February 2, 2000, for operation of five storage tanks in Marcus Hook Borough, **Delaware County**.

**23-312-044E: Sunoco, Inc.** (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on February 2, 2000, for operation of Gasoline Storage Tank #242 in Marcus Hook Borough, **Delaware County**.

**46-313-147: Cabot Corp.** (County Line Road, Boyertown, PA 19512) on February 14, 2000, for operation of a refrigerated condenser in Douglass Township, **Montgomery County**.

**PA-46-0010B: Montenay Montgomery Ltd. Partnership** (1155 Conshohocken Road, Conshohocken, PA 19428) on February 14, 2000, for operation of a municipal solid waste combustor in Plymouth Township, **Montgomery County**.

**09-302-065A: Rohm & Haas Co.** (Route 413 and Old Route 13, Bristol, PA 19007) on February 15, 2000, for operation of two boilers to amend waste in Bristol Township, **Bucks County**.

**23-313-041A: Sunoco, Inc.** (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on February 15, 2000, for operation of an organic chemical production in Marcus Hook Borough, **Delaware County**.

**23-312-198A: Sunoco, Inc.** (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on February 15, 2000, for operation of 23 storage tanks in Marcus Hook Borough, **Delaware 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 such 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 Applications Issued:*

**11990104. Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650), commencement, operation and restoration of a bituminous surface mine in Portage Township, **Cambria County**, affecting 116.6 acres, receiving stream unnamed tributaries to/and Trout Run, application received July 21, 1999, permit issued February 15, 2000.

**32990106. Gary C. Walls** (P. O. Box 212, Clymer, PA 15728), commencement, operation and restoration of a

bituminous-auger surface mine in Green Township, **Indiana County**, affecting 280.0 acres, receiving stream unnamed tributaries to North Branch to North Branch and unnamed tributaries of Buck Run to Buck Run both to Two Lick Creek to the Conemaugh River, application received July 14, 1999, permit issued February 15, 2000.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.*

**02823014. Xecol Corporation** (200 Marshall Drive, Coraopolis, PA 15108). Renewal issued for continued reclamation and post mining discharge remediation activities only at a bituminous surface mine located in Robinson Township, **Allegheny County**, affecting 72.0 acres. Receiving streams: Campbells Run to Chartiers Creek to Ohio River. Application received November 3, 1999. Renewal issued February 14, 2000.

**03663009. Earl O. Houser** (R. R. 1, Box 206, New Bethlehem, PA 16242). Renewal issued for continued operation and reclamation of a bituminous/shale removal surface auger mine located in Wayne Township, **Armstrong County**, affecting 491.6 acres. Receiving streams: four unnamed tributaries to Scrubgrass Creek and Scrubgrass Creek; unnamed tributary to Mahoning Creek to the Allegheny River. Renewal application received November 1, 1999. Renewal permit issued February 17, 2000.

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

**33990907. Dale Hollobaugh** (R. D. 1, Box 31, Penfield, PA 15849). Commencement, operation and restoration of an Incidental Coal Extraction Permit in Washington Township, **Jefferson County** affecting 17.0 acres. Receiving streams: Wolf Run. Application received April 1, 1999. Permit issued February 4, 2000.

**16990104. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous strip operation in Porter Township, **Clarion County** affecting 208.5 acres. Receiving streams: Two unnamed tributaries of Leatherwood Creek and one unnamed tributary of West Fork Leatherwood Creek. Application received August 11, 1999. Permit issued February 8, 2000.

**102119-16990104-E-1. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 4 to Leatherwood Creek in Porter Township, **Clarion County**. Receiving streams: Two unnamed tributaries of Leatherwood Creek and one unnamed tributary of West Fork Leatherwood Creek. Application received August 11, 1999. Permit issued February 8, 2000.

**24900103. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip, auger and use of a co-product operation in Fox and Horton Townships, **Elk County** affecting 367.0 acres. Receiving streams: McCauley Run, Curry Run, Boderocco Run, Brandy Camp Creek and unnamed tributaries to Little Toby Creek. Application received: September 2, 1999. Permit issued February 11, 2000.

**33980109. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Commencement, operation and restoration of a bituminous strip operation in Oliver Township, **Jefferson County** affecting 83.1 acres. Receiving streams: Unnamed tributary to Little Sandy Creek. Application received: October 15, 1998. Permit issued February 15, 2000.

**101748-33980109-E-1. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Application for a stream encroachment to conduct mining activities within 100 feet and construct and maintain a haul road crossing over Beaver Run in Oliver Township, **Jefferson County**. Receiving streams: Unnamed tributary to Little Sandy Creek. Application received October 15, 1998. Permit issued February 15, 2000.

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

**40940206R. Heavy Media, Inc.** (160 Nesbitt Street, Plymouth, PA 18651), renewal of an existing coal refuse reprocessing operation in Larksville Borough, **Luzerne County** affecting 15.9 acres, receiving stream—none. Renewal issued February 17, 2000.

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

*Small Noncoal (Industrial Minerals) Permits Issued*

**25992804. John F. Pfadt** (12612 Half Moon Road, Wattsburg, PA 16446). Commencement, operation and restoration of a small noncoal sand and gravel operation in Venango Township, **Erie County** affecting 2.0 acres. Receiving streams: None. Application received April 26, 1999. Permit issued February 4, 2000.

**20990805. Bruce E. Dean** (33074 State Hwy. 77, Centreville, PA 16404). Commencement, operation and restoration of a small noncoal sand and gravel operation in Athens Township, **Crawford County** affecting 5.0 acres. Receiving streams: None. Application received July 6, 1999. Permit issued February 15, 2000.

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

*Small Noncoal (Industrial Mineral) Permits Issued*

**40990802. Earth Conservancy** (101 South Main Street, Ashley, PA 18706), commencement, operation and restoration of a small quarry operation in the City of Nanticoke, **Luzerne County** affecting 2.5 acres, receiving stream—Susquehanna River. Permit issued February 14, 2000.

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

*Noncoal Permits Issued*

**52770301T. Shiffer Bituminous Service Company** (P. O. Box 248, 76 Storm Street, Stroudsburg, PA 18360), transfer of an existing quarry operation in Polk Township, **Monroe County** affecting 15.2 acres, receiving stream—none. Transfer issued February 15, 2000.

## 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 rule 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) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Permits Issued and Actions on 401 Certifications.*

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

**E46-851.** Encroachment Permit. **Abington Township**, 1176 Old York Road, Abington, PA 19001. To relocate and maintain approximately 500 linear feet of an unnamed tributary to Sandy Run (TSF). This work is associated with the construction of an onstream jurisdictional dam (D46-332). This site is located within the Ardsley Burial Park approximately 400 feet southeast of the intersection of Maple Avenue and Lincoln Avenue and is associated with the Susquehanna Woods Stormwater Management Control Project (Germantown, USGS Quadrangle N: 22.2 inches, W: 3.6 inches) in Abington Township, **Montgomery County**.

**E09-777.** Encroachment Permit. **Bricks Sales**, 1200 South West End Boulevard, Quakertown, PA 18951. To place fill in 0.40 acre body of water to provide additional display area for an existing commercial facility. The site is located approximately 1,800 feet south of Tollgate Road along the west side of Route 309 (Quakertown, PA Quadrangle N: 6.7 inches; W: 12.9 inches) in Richland Township, **Bucks County**.

**E46-854.** Encroachment Permit. **Upper Dublin Township**, 801 Loch Alsh Avenue, Fort Washington, PA 19034-1697. To perform the following water obstruction and encroachment activities associated with the Camphill and Highland Athletic Complex Project:

1. To construct and maintain an 8-foot wide and 14-foot long prefabricated pedestrian bridge across Rapp Run (TSP);

2. To place fill within a de minimis amount (0.03 acre) of wetlands (PEM) associated with the construction of a proposed parking lot;

3. To perform minor grading within the 100-year floodplain of Rapp Run associated with the construction of athletic fields and associated facilities.

The site is located just west of the intersection of Camphill Road and Highland Avenue (Ambler, PA Quadrangle N: 2.3 inches; W: 8.6 inches) in Upper Dublin Township, **Montgomery County**.

**E51-181.** Encroachment Permit. **City of Philadelphia**, Philadelphia International Airport, Terminal E, Philadelphia, PA 19153. To construct and maintain a commercial facility within 100 year floodplain of the Delaware River for Hertz car rental operations, including: a maintenance building with offices and a mezzanine; a car wash; fueling stations and a parking lot. The site is located approximately 1,000 feet northwest from the intersection of Bartram Avenue and Island Avenue (Philadelphia, PA-NJ USGS Quadrangle N: 3.3 inches; W: 16.0 inches) in the **City and County of Philadelphia**.

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

**EA-54-003NE.** Encroachment, **Pennsylvania Department of Environmental Protection**, Bureau of Abandon Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790. To backfill four existing water bodies totaling 1.86 acres in conjunction with Abandon Mine Reclamation Project OSM54 (3648) 101.1, Blackwood West. (Minersville, PA Quadrangle N: 2.0 inches; W: 14.0 inches), Reilly Township, **Schuylkill County** (Baltimore 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.*

**E07-315.** Encroachment. **Bur. of Abandoned Mine Reclamation**, P. O. Box 149, Ebensburg, PA 15931. To relocate and place fill in approximately 1,000 linear feet of intermittent tributary stream channels and to construct and maintain about 320 feet of channel relocation to tributary to Glenwhite Run (CWF) in conjunction with the construct of a passive wetland treatment system which includes two sediment basins, a vertical flow wetland and an aerobic wetland for the purpose of providing acid mine drainage abatement in the Glenwhite Run watershed located about 2.0 miles north of the Penn Central Railroad's Horseshoe Curve. This permit also authorizes a temporary road crossing of Glenwhite Run to provide access into the wetlands construction area and four rock apron outfall structures to convey flow from the wetlands to receiving stream channels (Ashville, PA Quadrangle N: 0.7 inch; W: 2.2 inches) in Logan Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-298.** Encroachment. **PP&L, Inc.**, 2 North 9th Street, 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**. This permit was issued under section 105.13(e) "Small Projects."

**E36-682.** Encroachment. **Bent Creek Country Club**, 2345 Quarry Road, Lititz, PA 17543. To construct and maintain a 20-foot span and a 160-foot span footbridge supported on 18-inch diameter concrete pilaster bases spaced at 10-foot centers across the Little Conestoga Creek (WWF) located at the Bent Creek Country Club for pedestrian access between the golf course (Lancaster, PA Quadrangle N: 22.0 inches; W: 15.0 inches) in Manheim and East Hempfield Townships, **Lancaster County**. This



permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E36-683.** Encroachment. **Steven Beiler**, 405 Red Hill Road, Narvon, PA 17555. To construct and maintain a bridge having a clear span of 40-foot with an underclearance of 7-foot across Pequea Creek (HQ-TSF) for an access driveway from Jacobs Road to a 57 acre farm land tract (Honey Brook, PA Quadrangle N: 11.5 inches; W: 12.5 inches) in Salisbury Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E44-097.** Encroachment. **Kistler Borough**, 94 Cedar Street, Mount Union, PA 17066. To construct and maintain approximately 375 feet of 6 inch diameter sanitary sewer force main pipe across the Juniata River and to construct a precast concrete barrier and sandbag cofferdam in the channel of the river to facilitate the construction of the force main in conjunction with the development of the Kistler Borough Wastewater Collection Facilities Project located at Kistler Borough (Newton Hamilton, PA Quadrangle N: 1.0 inches; W: 16.3 inches) in Wayne Township, **Mifflin County** and Mount Union Borough, **Huntingdon County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E65-700-A1.** Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To amend Permit No. E65-700 to construct and maintain an additional access roadway crossing consisting of a 6-inch depressed, 154.0-foot long, 84-inch concrete pipe culvert in an unnamed tributary to Beaver Run (HQ-CWF) and to place and maintain fill in 0.042 acre of palustrine emergent wetlands. The project is located off of S. R. 0066 just north of the S. R. 0022/S. R. 0066 interchange (Slickville, PA Quadrangle N: 4.4 inches; W: 10.1 inches) in Salem Township, **Westmoreland County**. The replacement of 0.042 acre of palustrine emergent wetlands is included at the wetland replacement site authorized under Permit No. E65-700.

**E11-279.** Encroachment. **Cambria County Commissioners**, P. O. Box 269, Ebensburg, PA 15931. To remove the existing structure (Amsbury Bridge), and to construct and maintain a bridge having a normal clear span of 55.00 feet and an underclearance of 8.58 feet across Clearfield Creek (WWF) located on T-487 at a point approximately 0.1 mile east of its intersection with S. R. 53. The project includes placement and maintenance of scour protection along the abutments and wingwalls, installation of approximately 95 feet of rock riprap for bank stabilization. Also, to reconstruct and maintain the existing stream banks underneath the proposed bridge using scour protection (rip rap) and by constructing an elevated floodplain (Ashville, PA Quadrangle N: 6.55 inches; W: 8.25 inches) in Gallitzin Township, **Cambria County**.

*Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E43-275.** Encroachment. **Mercer Raceway Park, LLC**, R. D. 1, Pulaski, PA 16143. To extend and maintain a 36-inch-diameter stream enclosure in a tributary to Munnell Run for expansion of the existing parking area for Mercer Raceway Park south of S. R. 2013 approxi-

mately 1,000 feet east of S. R. 19/62 (Mercer, PA Quadrangle N: 20.0 inches; W: 15.1 inches) in Findley Township, **Mercer County**.

**E62-361.** Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. To remove the existing concrete arch culvert and to construct and maintain a 3.65 meter wide by 2.74 meter high precast reinforced concrete box culvert with 0.15 meter depressed invert on a 60 degree skew in Bimber Run on S. R. 0062, Segment 0120, Offset 3695 approximately 3.5 kilometers north of the Buckingham Bridge at Tidioute (Cobham, PA Quadrangle N: 10.6 inches; W: 16.3 inches) in Limestone Township, **Warren County**.

## DAM SAFETY

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Permits Issued and Actions on 401 Certification*

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D46-332. DEP—Township of Abington** (1176 Old York Road, Abington, PA 19001). To construct, operate, and maintain a flood control dam located across a tributary to Sandy Run in Abington Township, **Montgomery County**.

**D14-124. DEP. Pennsylvania Military Museum** (P. O. Box 160A, Boalsburg, PA 16827). To modify, operate and maintain the Reflecting Pond Dam at the Pennsylvania Military Museum for the purpose of re-establishing fish passage and restoring the aquatic habitat of the stream. This dam is located across Spring Creek in Harris Township, **Centre County**.

## ENVIRONMENTAL ASSESSMENT

*Environmental Assessment Approval and Actions on 401 Certification*

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D02-063EA.** Environmental Assessment. **Duquesne Light** (One Oxford Centre, 301 Grant Street, Pittsburgh, PA 15729). To breach and abandon the Emergency Ash Pond and Stilling Basin as part of Cheswick Power Station's fly ash closure plan. The dam is located in the Tawney Run watershed (WWF) approximately 4,000 feet north of the powerplant (New Kensington West, PA Quadrangle N: 8.8 inches; W: 6.2 inches) in Springdale Township, **Allegheny County**.

## SPECIAL NOTICES

**Reaffirmation of Act 537 Sewage Facilities Update Revision Plan approvals granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Northcentral Regional Office: Department of Environmental Protection, Water Management, Planning and Fi-*

nance Section, Gary L. Metzger, Chief, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3399.

*Location:* Wallaceeton Borough and Boggs Township, Clearfield County.

*Project Description:* On June 30, 1994, the Department approved a joint update revision to Wallaceeton Borough and Boggs Township's Act 537 Official Sewage Facilities Plan. The Plan called for the construction of a new 125,000 gpd sewage treatment plant and sewer extensions to serve approximately 405 residences. The proposed discharge for the new sewage treatment plant is to Laurel Run.

The Department has re-evaluated the planning for the project and proposes to authorize Wallaceeton Borough and Boggs Township to proceed with the project. The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

[Pa.B. Doc. No. 00-386. Filed for public inspection March 3, 2000, 9:00 a.m.]

### Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center. The "2000 Inventory" heading is the Governor's List of Nonregulatory Guidance Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 2000.

#### Ordering Paper Copies of DEP Technical Guidance

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes To Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

#### Final Guidance

DEP ID: 274-0300-003 Title: Continuous Emission Monitoring Systems Inspection Manual, Revision number two, (Staff Workbook). Description: This guidance document is primarily an internal procedural guide for Bu-

reau and Regional personnel responsible for conducting quality assurance activities on existing monitoring systems. Effective Date: March 4, 2000 Contact: Joe Nazzaro at (717) 783-9247, fax at (717) 772-3940 or E-mail at [Nazzaro.Joseph@dep.state.pa.us](mailto:Nazzaro.Joseph@dep.state.pa.us).

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 00-387. Filed for public inspection March 3, 2000, 9:00 a.m.]

### Environmental Justice Work Group

The Department of Environmental Protection's Environmental Justice Work Group is holding a 2-day meeting in March at the Clarion Hotel and Convention Center, 1700 Harrisburg Pike, Carlisle. The meeting on the first day, March 12, will begin at 3 p.m. and end at 9:30 p.m. The second day, March 13, will begin at 8 a.m. and end at 4:30 p.m. The work group is assisting the agency in developing an environmental justice policy and program. Anyone wishing to attend the meeting should contact Alisa Harris, Environmental Equity Coordinator or Tom Oldham at (717) 787-4449.

Persons with a disability who desire to attend the meeting and require auxiliary aid, service or other accommodations to do so should contact Alisa Harris, (717) 787-4449.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 00-388. Filed for public inspection March 3, 2000, 9:00 a.m.]

### Legislation/Regulation Committee Meeting and the Small Water Systems Technical Assistance Center Board Meeting

The Legislation/Regulation Committee and the Small Water Systems Technical Assistance Center Board are holding special meetings on Thursday, March 23, 2000, in the Rachel Carson State Office Building, 14th Floor Conference Room, 400 Market Street, Harrisburg, PA. The committee meeting will be held from 9 a.m. to 12 noon with the full Board meeting resuming at 12 noon. The purpose of the meetings will be to review the most recent drafts of the proposed amendments to Chapter 109 Disinfectants/Disinfection Byproducts Rule (D/DBPR) and Chapter 109 Interim Enhanced Surface Water Treatment Rule (IESWTR).

Questions concerning these schedule or agenda items can be directed to Donna L. Green at (717) 787-0122 or E-mail at [Green.Donna@a.dep.state.pa.us](mailto:Green.Donna@a.dep.state.pa.us). This schedule, an agenda for each meeting, and notices of meeting changes will be available through the Public Participation Center on the Department's the web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Donna L. Green directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 00-389. Filed for public inspection March 3, 2000, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Design Professional Selections

The Selections Committee for the Department of General Services (Department) will meet to consider selections of Design Professionals for the following projects:

*Project No. DGS 408-59*—Addition to and Renovation of Science Buildings, Kutztown University, Kutztown, Berks County, PA. Construction Cost: \$9,176,000. The scope of work includes, but is not limited to, upgrade/replace existing HVAC, plumbing and electrical systems in both the Boehm Science Building and the Grim Science Building. Both buildings must be brought up to compliance with all current codes and standards. Utility, power and data to be provided to lab and classroom spaces. Also included are expansion of the first floor of the Grim Science Building and an addition to the Boehm Science Building.

*Project No. DGS 508-39*—Life Safety Code Upgrades, Mayview State Hospital, Bridgeville, Allegheny County, PA. Construction Cost: \$1,500,000. The scope of work includes, but is not limited to, renovation/upgrade of Bengs Building to include partitioning and the electrical, plumbing and HVAC systems. Also included is a fire detection/alarm system in five buildings.

*Project No. DGS 509-30*—Replace Electrical Cables, Norristown State Hospital, Norristown, Montgomery County, PA. Construction Cost: \$1,000,000. The scope of work includes, but is not limited to, replacement of feeders and the Germantown Pike Pole Line. The project also includes the rebuilding/replacing of main substation switchgear and the replacement of obsolete distribution panels and transformers.

*Project No. DGS 509-31*—Life Safety Code Upgrades, Norristown Hospital, Norristown, Montgomery County, PA. Construction Cost: \$1,548,000. The scope of work includes, but is not limited to, code improvements including construction of exiting stair towers, new smoke partition doors, patient sleeping area partitions and smoke doors. Also included are renovations to the mechanical and electrical systems. Work to be accomplished in Buildings 1, 9, 10, 12 and 51.

*Project No. DGS 552-29*—Upgrade Electrical Service, Polk Center, Polk, Venango County, PA. Construction Cost: \$500,000. The scope of work includes, but is not limited to, upgrade the existing 2,400 volt system to a 4,160 volt system; replacement of equipment not compatible with the new 4,160 volt system and upgrade building substations to accept the new system.

*Project No. DGS 553-32*—Install Particulate Emissions Collection System, Selinsgrove Center, Selinsgrove, Snyder County, PA. Construction Cost: \$1,000,000. The scope of work includes, but is not limited to, installation of emissions control devices on the existing boiler plant.

Consideration should be given to a device other than the conventional baghouse. Must be completed and operational by December 31, 2001.

*Project No. DGS 572-23*—Security Systems Upgrade, State Correctional Institution, Huntingdon, Smithfield Township, Huntingdon County, PA. Construction Cost: \$7,950,000. The scope of work includes, but is not limited to, construction of a new 14'-0" perimeter fence; repair/upgrade existing fences; lighting; new cell block locking system for "A" through "D" Block and perimeter intrusion system. Included are CCTV System, Sally Port renovation and security windows for Housing Unit "E."

*Project No. DGS 657-16*—New Welcome Center, Tioga County, PA. Construction Cost: \$5,966,000. The scope of work includes, but is not limited to, construction of an approximately 7,000 square foot building, including water supply and sewage systems; electric power; telephone service; area/highway lighting; landscaping; trash collection area; storage/maintenance building; picnic and other miscellaneous facilities.

*Project No. DGS 980-6*—Installation of Fire Protection Systems, Railroad Museum of PA, Strasburg, Lancaster County, PA. Construction Cost: \$150,000. The scope of work includes, but is not limited to, installation of a fire suppression system. Consideration should be given to a pre-action, dry-pipe water suppression system.

*Project No. DGS 1101-24*—Campus Security System, Lincoln University, Chester County, PA. Construction Cost: \$1,042,500. The scope of work includes, but is not limited to, replacement/upgrade of emergency fire alarm and security systems. System to include wiring, detectors, emergency lighting, enunciators, panels and related batteries and generators in 12 residential, 6 academic and 5 support/administrative buildings. Provide a central monitoring/control panel. Upgrade/install door locking system and associated security devices.

### Requirements and Information

#### Note—Project Program

A Project Program, prepared by the Using Agency, is available for the following projects: DGS 408-59, DGS 508-39, DGS 509-30, DGS 509-31, DGS 552-29, DGS 553-32, DGS 572-23, DGS 657-16, DGS 980-6 and DGS 1101-24. Copies of the Project Programs may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468.

#### Instructions for Filing Application

Professionals will not be considered by the Committee until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department of General Services. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the Department's Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained by E-mail by addressing a request to: [pbianch@exec.gsinc.state.pa.us](mailto:pbianch@exec.gsinc.state.pa.us).

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the

requesting professional firm's application (Form 150-ASP) a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7 through 9 of the application (Form 150-ASP). It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location, and the name of the Professional of Record. Color Xerox copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application, (Form 150-ASP). The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resumes of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. Do not bind the application (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c), must be received on or before the close of business (5 p.m.) Friday, March 24, 2000, and addressed to the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Selections Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

*Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials*

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Selections Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed state work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Selections Committee. The Selections Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final pursuant to Act 57 of May 15, 1998.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-390. Filed for public inspection March 3, 2000, 9:00 a.m.]

### State Surplus Property Program

Under the provisions of Act 57 of 1998, the Department of General Services, State Surplus Property Program is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
1. Tractor-Side Dozer	Huber	110-5683	PA Dot- Tionesta, PA
2. Grader Maintainer	Galion	509-5672	PA Dot- Warren, PA
3. Belt Loader	Athey, Mdl 721	132-5369	PA Dot- Warren, PA
4. Loader/Backhoe	Case, Mdl 680-H	219-6056	PA Dot, Hyde, PA
5. Articulated Tandem Grader	J.D., Mdl 772A	074-6678	PA Dot, Montoursville, PA
6. Self Propelled Belt Loader	Athey	119-5369	PA Dot, Montoursville, PA
7. Self Propelled Belt Loader	Athey	109-5369	PA Dot, Montoursville, PA
8. Bucket Loader	Case, W20C	297-2056	PA Dot, Montoursville, PA
9. Articulated Loader	J.D., 544C	081-2040	PA Dot, Sunbury, PA
10. Belt Loader	Athey, Mdl 712	115-5369	PA Dot, Towanda, PA
11. Grader, Pacer 400	Aust. Western	230-4671	PA Dot, Montrose, PA
12. Rubber Tire Backhoe	J.D.	099-6040	PA Dot, Montrose, PA
13. Front End Loader	J.D., Mdl 544A	049-1385	PA Dot, Temple, PA
14. Front End Loader	Case, Mdl W20C	247-2056	PA Dot, Allentown, PA
15. Loader/Backhoe	Case, Mdl 680-H	220-6056	PA Dot, Easton, PA
16. Front End Loader	J.D., Mdl 544C	041-2040	PA Dot, W. Chester, PA
17. Loader/Backhoe	J.D., Mdl 610B	094-6040	PA Dot, Bortondale, PA

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
18. Front End Loader	Case, Mdl W20C	319-2056	PA Dot, Norristown, PA
19. Front End Loader	Case	326-2056	PA Dot, Norristown, PA
20. Loader	Deere & Company	077-2040	PA Dot, Philadelphia, PA
21. Loader/Backhoe	Case, Mdl 680-H	271-6056	PA Dot, Lancaster, PA
22. Front End Loader	Case, Mdl W20C	313-2056	PA Dot, Lancaster, PA
23. Loader/Backhoe	Case, Mdl 680H	266-6056	PA Dot, New Bloomfield, PA
24. Loader/Backhoe Tractor	Case	172-6056	PA Dot, Ebensburg, PA
25. Loader/Backhoe Tractor	Case	147-8056	PA Dot, Ebensburg, PA
26. Front End Loader	J.D., Mdl 544C	055-2040	PA Dot, Huntingdon, PA
27. Loader/Backhoe	Case, Mdl 680	199-6056	PA Dot, Huntingdon, PA
28. All Wheel Drive Grader	J.D., Mdl 672	033-6678	PA Dot, Huntingdon, PA
29. Wheel Loader	J.D., Mdl 544C	086-2040	PA Dot, Uniontown, PA
30. Articulated Front End Loader	J.D., Mdl 544C	059-2040	PA Dot, Waynesburg, PA
31. 4-6 Ton Tandem Roller	Galion	745-9435	PA Dot, Waynesburg, PA
32. Articulated Loader	Case, Mdl W20C	339-2056	PA Dot, Greensburg, PA

The items will be sold to the highest responsible bidder by sealed bid sale. Those political subdivisions which are interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, P. O. Box 1365, Harrisburg, PA 17105 or call (717) 787-4085. Requests for bid proposals need to be made prior to the bid opening on April 10, 2000 at 1 p.m.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-391. Filed for public inspection March 3, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Policy Board Meetings

The Health Policy Board is scheduled to hold a meeting on March 8, 2000, at 10 a.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or for persons with a disability who desire to attend the meeting and require an auxiliary aid service or other accommodation to do so, contact Karen Grosser at (717) 783-2500, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN,  
*Secretary*

[Pa.B. Doc. No. 00-392. Filed for public inspection March 3, 2000, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Office of Social Programs Meeting Notice

The Office of Social Programs (OSP) within the Department of Public Welfare (Department) is currently developing a home and community-based waiver program to serve persons with traumatic brain injury or autism. The Community Care Waiver program (COMMCARE) is not designed to provide intensive rehabilitation services. It will provide an ongoing, maintenance style of rehabilitation service to consumers in the residence of their choice.

An informational meeting for agencies interested in either program facilitation (case management) or service

provision will be held on Wednesday, March 22, 2000 from 9-11 a.m. at The Sheraton Inn, I83 & Union Deposit Road, Harrisburg, PA, (717) 561-2800.

Please respond to Charles Coates, Program Manager, by E-mail at ccoates@dpw.state.pa.us by March 10th for information and to reserve a space.

Person with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons requiring another alternative format, should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTON,  
*Secretary*

[Pa.B. Doc. No. 00-393. Filed for public inspection March 3, 2000, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Anniversary Millions Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Anniversary Millions.

2. *Price:* The price of a Pennsylvania Anniversary Millions instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania Anniversary Millions instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each

game has a different game play method and is played separately. Each Pennsylvania Anniversary Millions instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$40\$ (FORTY), \$80\$ (EIGHTY), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and MILLION (\$1 MILL).

(c) The play symbols and their captions located in the play area for "Game 2" are: Star Symbol (STAR) and X Symbol (XXX).

(d) The play area for "Game 3" will contain a "Lucky Number" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucky Number" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT) and 29 (TWYNIN).

#### 4. Prize Play Symbols:

(a) The play area for "Game 2" will contain a "Prize" area. The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$40\$ (FORTY), \$80\$ (EIGHTY), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

(b) The prize play symbols and their captions located in the "Your Numbers" area for "Game 3" are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$40\$ (FORTY), \$80\$ (EIGHTY), \$200 (TWO HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and MILLION (\$1 MILL).

(c) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$25\$ (TWY FIV), \$40\$ (FORTY) and TRY AGAIN.

5. Prizes: The prizes that can be won in "Game 1" are \$5, \$6, \$8, \$10, \$15, \$25, \$40, \$80, \$200, \$400, \$1,000, \$10,000 and \$1,000,000. The prizes that can be won in "Game 2" are \$5, \$6, \$8, \$10, \$15, \$25, \$40, \$80, \$200, \$400, \$1,000 and \$10,000. The prizes that can be won in "Game 3" are \$5, \$6, \$8, \$10, \$15, \$25, \$40, \$80, \$200, \$1,000, \$10,000 and \$1,000,000. The prizes that can be won in the "Fast Cash Bonus" area are \$5, \$6, \$8, \$10, \$25 and \$40. The player can win up to nine times on a ticket.

6. Approximate Number of Tickets Printed For the Game: Approximately 2,280,000 tickets will be printed for the Pennsylvania Anniversary Millions instant lottery game.

#### 7. Determination of Prize Winners:

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols of MILLION (\$1 MILL) in the play area, on a single ticket, shall be entitled to a prize of \$1,000,000.

(2) Holders of tickets with three matching play symbols of \$10,000 (TEN THO) in the play area, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets with three matching play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets with three matching play symbols of \$400 (FOR HUN) in the play area, on a single ticket, shall be entitled to a prize of \$400.

(5) Holders of tickets with three matching play symbols of \$200 (TWO HUN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets with three matching play symbols of \$80\$ (EIGHTY) in the play area, on a single ticket, shall be entitled to a prize of \$80.

(7) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(8) Holders of tickets with three matching play symbols of \$25\$ (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(9) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with three matching play symbols of \$8<sup>00</sup> (EGT DOL) in the play area, on a single ticket, shall be entitled to a prize of \$8.

(12) Holders of tickets with three matching play symbols of \$6<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$10,000 (TEN THO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10,000.

(2) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$1,000 (ONE THO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$400 (FOR HUN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$400.

(4) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$200 (TWO HUN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$200.

(5) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$80\$ (EIGHTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$80.

(6) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diago-

nal, and a prize play symbol of \$40\$ (FORTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$25\$ (TWY FIV) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$15\$ (FIFTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$10<sup>00</sup> (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$8<sup>00</sup> (EGT DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$8.

(11) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$6<sup>00</sup> (SIX DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$6.

(12) Holders of tickets with three matching Star Symbol (STAR) play symbols in the same row, column or diagonal, and a prize play symbol of \$5<sup>00</sup> (FIV DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) *Determination of prize winners for "Game 3" are:*

(1) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of MILLION (\$1 MILL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(2) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$10,000 (TEN THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$200 (TWO HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(5) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(6) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(11) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(12) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) *Determination of prize winners for the "Fast Cash Bonus" area are:*

(1) Holders of tickets with a prize play symbol of \$40\$ (FORTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$40.

(2) Holders of tickets with a prize play symbol of \$25\$ (TWY FIV) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$25.

(3) Holders of tickets with a prize play symbol of \$10<sup>00</sup> (TEN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(4) Holders of tickets with a prize play symbol of \$8<sup>00</sup> (EGT DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$8.

(5) Holders of tickets with a prize play symbol of \$6<sup>00</sup> (SIX DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$6.

(6) Holders of tickets with a prize play symbol of \$5<sup>00</sup> (FIV DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

NOTICES

<i>Fast Cash Bonus</i>	<i>Match 3 Amts. Game 1</i>	<i>Tic- Tac- Toe Game 2</i>	<i>Key Symbol Match Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,280,000 Tickets</i>
\$5				\$5	1:18.75	121,600
	\$5			\$5	1:30	76,000
		\$5		\$5	1:30	76,000
			\$5	\$5	1:30	76,000
\$6				\$6	1:33.33	68,400
	\$6			\$6	1:200	11,400
		\$6		\$6	1:200	11,400
			\$6	\$6	1:200	11,400
\$8				\$8	1:60	38,000
	\$8			\$8	1:200	11,400
		\$8		\$8	1:300	7,600
			\$8	\$8	1:600	3,800
\$10				\$10	1:300	7,600
	\$10			\$10	1:600	3,800
		\$10		\$10	1:600	3,800
			\$5 x 2	\$10	1:600	3,800
\$5	\$5			\$10	1:300	7,600
\$5		\$5		\$10	1:300	7,600
\$5			\$5	\$10	1:600	3,800
	\$15			\$15	1:600	3,800
		\$15		\$15	1:600	3,800
			\$15	\$15	1:600	3,800
	\$5	\$5	\$5	\$15	1:600	3,800
\$5	\$5	\$5	\$5	\$15	1:600	3,800
\$10			\$5	\$15	1:600	3,800
\$25				\$25	1:100	22,800
	\$25			\$25	1:600	3,800
		\$25		\$25	1:600	3,800
			\$25	\$25	1:600	3,800
	\$5		\$5 x 4	\$25	1:600	3,800
\$5	\$5	\$5	\$5 x 2	\$25	1:300	7,600
\$10	\$5	\$5	\$5	\$25	1:150	15,200
\$40				\$40	1:2,000	1,140
	\$40			\$40	1:12,000	190
		\$40		\$40	1:12,000	190
			\$40	\$40	1:12,000	190
\$8	\$8	\$8	\$8 x 3	\$40	1:4,000	570
\$8			\$8 x 4	\$40	1:2,000	1,140
\$10			\$5 x 6	\$40	1:2,000	1,140
\$25			\$5 x 3	\$40	1:2,000	1,140
	\$80			\$80	1:120,000	19
		\$80		\$80	1:120,000	19
			\$80	\$80	1:120,000	19
	\$10	\$10	\$10 x 6	\$80	1:24,000	95
\$10	\$40	\$10	\$10 x 2	\$80	1:20,000	114
\$10	\$40		\$5 x 6	\$80	1:20,000	114
\$25	\$25		\$5 x 6	\$80	1:12,000	190
\$40	\$5	\$5	\$5 x 6	\$80	1:12,000	190
	\$200			\$200	1:120,000	19
		\$200		\$200	1:120,000	19
			\$40 x 5	\$200	1:30,000	76
\$25	\$25	\$25	\$25 x 5	\$200	1:20,000	114
\$40	\$40	\$40	\$40 x 2	\$200	1:15,000	152
	\$400			\$400	1:120,000	19
		\$400		\$400	1:120,000	19
	\$200	\$200		\$400	1:60,000	38
	\$80	\$80	\$40 x 6	\$400	1:30,000	76
\$40	\$80	\$80	\$40 x 5	\$400	1:30,000	76
	\$1,000			\$1,000	1:2,280,000	1
		\$1,000		\$1,000	1:2,280,000	1
			\$1,000	\$1,000	1:2,280,000	1
			\$200 x 5	\$1,000	1:1,140,000	2
	\$10,000			\$10,000	1:2,280,000	1
		\$10,000		\$10,000	1:2,280,000	1
			\$10,000	\$10,000	1:2,280,000	1



<i>Fast Cash Bonus</i>	<i>Match 3 Amts. Game 1</i>	<i>Tic- Tac- Toe Game 2</i>	<i>Key Symbol Match Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,280,000 Tickets</i>
	\$1 MILLION			\$1,000,000	1:2,280,000	1
			\$1 MILLION	\$1,000,000	1:2,280,000	1

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Anniversary Millions, prize money from winning Pennsylvania Anniversary Millions instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Anniversary Millions instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. An announcement will be disseminated through media used to advertise or promote Pennsylvania Anniversary Millions or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 00-394. Filed for public inspection March 3, 2000, 9:00 a.m.]

**Pennsylvania Scratch Happy Doubler Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Scratch Happy Doubler.

2. *Price:* The price of a Pennsylvania Scratch Happy Doubler instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Scratch Happy Doubler instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$4.<sup>00</sup> (FOR DOL), \$6.<sup>00</sup> (SIX DOL), \$12\$ (TWLV), \$24\$ (TWY FOR), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$2,000 (TWO THO), Smile Symbol (SMILE) and FREE Symbol (TICKET).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$6, \$12, \$24, \$50, \$100, \$200, \$2,000 and one free ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 8,160,000 tickets will be printed for the Pennsylvania Scratch Happy Doubler instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$2,000 (TWO THO) in the play area on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets with three matching play symbols of \$200 (TWO HUN) in the play area on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets with two matching play symbols of \$100 (ONE HUN) and a Smile Symbol (SMILE) play symbol in the play area on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with two matching play symbols of \$50\$ (FIFTY) and a Smile Symbol (SMILE) play symbol in the play area on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the play area on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with three matching play symbols of \$24\$ (TWY FOR) in the play area on a single ticket, shall be entitled to a prize of \$24.

(h) Holders of tickets with two matching play symbols of \$12\$ (TWLV) and a Smile Symbol (SMILE) play symbol in the play area on a single ticket, shall be entitled to a prize of \$24.

(i) Holders of tickets with three matching play symbols of \$12\$ (TWLV) in the play area on a single ticket, shall be entitled to a prize of \$12.

(j) Holders of tickets with two matching play symbols of \$6.<sup>00</sup> (SIX DOL) and a Smile Symbol (SMILE) play symbol in the play area on a single ticket, shall be entitled to a prize of \$12.

(k) Holders of tickets with three matching play symbols of \$6.<sup>00</sup> (SIX DOL) in the play area on a single ticket, shall be entitled to a prize of \$6.

(l) Holders of tickets with two matching play symbols of \$3.<sup>00</sup> (THR DOL) and a Smile Symbol (SMILE) play symbol in the play area on a single ticket, shall be entitled to a prize of \$6.

(m) Holders of tickets with three matching play symbols of \$4.<sup>00</sup> (FOR DOL) in the play area on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with two matching play symbols of \$2.<sup>00</sup> (TWO DOL) and a Smile Symbol (SMILE) play symbol in the play area on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with three matching play symbols of \$3.<sup>00</sup> (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets with three matching play symbols of \$2.<sup>00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with two matching play symbols of \$1.<sup>00</sup> (ONE DOL) and a Smile Symbol (SMILE) play symbol in the play area on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets with three matching play symbols of \$1.<sup>00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

(s) Holders of tickets with three matching play symbols of FREE (TICKET) in the play area on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale.

7. *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:

*Get 3 Like Amounts,  
Win That Amount Or  
Get 2 Like Amounts  
And a (SMILE)  
To Double With  
Prize(s) Of:*

	<i>Win</i>
FREE	Ticket
\$1	\$1
\$1 (SMILE)	\$2
\$2	\$2
\$3	\$3
\$2 (SMILE)	\$4
\$4	\$4
\$3 (SMILE)	\$6
\$6	\$6
\$6 (SMILE)	\$12
\$12	\$12
\$12 (SMILE)	\$24
\$24	\$24
\$50	\$50
\$50 (SMILE)	\$100
\$100	\$100
\$100 (SMILE)	\$200
\$200	\$200
\$2,000	\$2,000

SMILE = Double

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
1:10	816,000
1:10.71	761,600
1:30	272,000
1:100	81,600
1:75	108,800
1:100	81,600
1:300	27,200
1:200	40,800
1:600	13,600
1:200	40,800
1:600	13,600
1:428.57	19,040
1:1,000	8,160
1:1,067	7,650
1:16,000	510
1:48,000	170
1:24,000	340
1:40,000	204
1:1,020,000	8

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

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Scratch Happy Doubler, prize money from winning Pennsylvania Scratch Happy Doubler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Scratch Happy Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. An announcement will be

disseminated through media used to advertise or promote Pennsylvania Scratch Happy Doubler or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 00-395. Filed for public inspection March 3, 2000, 9:00 a.m.]

**Pennsylvania Sparkling Gold Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sparkling Gold.

2. *Price:* The price of a Pennsylvania Sparkling Gold instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Sparkling Gold instant lottery game ticket will contain one play area featuring a “Winning Numbers” area and ten “Your Number” areas. The play symbols and their captions

located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT) and 29 (TWYNIN). The play symbols and their captions located in the ten "Your Number" areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENTY), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and a Gold Bar Symbol (GLD BAR).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$8<sup>00</sup> (EGT DOL), \$16\$ (SIXTN), \$24\$ (TWY FOR), \$40\$ (FORTY), \$80\$ (EIGHTY), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$8, \$16, \$24, \$40, \$80, \$1,000, \$5,000 and \$50,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania Sparkling Gold instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$50,000 (FTY THO) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5,000 (FIV THO) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "Your Number" play symbols is a Gold Bar Symbol (GLD BAR) and a prize play symbol of \$80\$ (EIGHTY) appears in the "Prize" area under the Gold Bar Symbol (GLD BAR) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$80\$ (EIGHTY) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(f) Holders of tickets upon which any one of the "Your Number" play symbols is a Gold Bar Symbol (GLD BAR) and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area under the Gold Bar Symbol (GLD BAR) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets upon which any one of the "Your Number" play symbols is a Gold Bar Symbol (GLD BAR) and a prize play symbol of \$24\$ (TWY FOR) appears in the "Prize" area under the Gold Bar Symbol (GLD BAR) play symbol, on a single ticket, shall be entitled to a prize of \$24.

(i) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOR) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(j) Holders of tickets upon which any one of the "Your Number" play symbols is a Gold Bar Symbol (GLD BAR) and a prize play symbol of \$16\$ (SIXTN) appears in the "Prize" area under the Gold Bar Symbol (GLD BAR) play symbol, on a single ticket, shall be entitled to a prize of \$16.

(k) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$16\$ (SIXTN) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$16.

(l) Holders of tickets upon which any one of the "Your Number" play symbols is a Gold Bar Symbol (GLD BAR) and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area under the Gold Bar Symbol (GLD BAR) play symbol, on a single ticket, shall be entitled to a prize of \$8.

(m) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(n) Holders of tickets upon which any one of the "Your Number" play symbols is a Gold Bar Symbol (GLD BAR) and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under the Gold Bar Symbol (GLD BAR) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$4.

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

(q) Holders of tickets upon which any one of the "Your Number" play symbols is a Gold Bar Symbol (GLD BAR) and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under the Gold Bar Symbol (GLD BAR) play symbol, on a single ticket, shall be entitled to a prize of \$2.

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

(s) Holders of tickets upon which any one of the "Your Number" play symbols matches either of the "Winning

Numbers" play symbols and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area under the matching "Your Number" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*Match Any Of  
Your Numbers To  
Either Winning  
Number Or Get A  
Gold Bar With  
Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$1 x 2	\$2	1:11.54	436,800
\$2	\$2	1:50	100,800
\$2 (GB)	\$2	1:20	252,000
\$1 x 3	\$3	1:75	67,200
\$3	\$3	1:75	67,200
\$1 x 4	\$4	1:41.67	120,960
\$1 x 2 + \$2	\$4	1:62.50	80,640
\$2 x 2	\$4	1:83.33	60,480
\$4	\$4	1:375	13,440
\$4 (GB)	\$4	1:187.50	26,880
\$1 x 8	\$8	1:166.67	30,240
\$1 x 4 + \$4	\$8	1:750	6,720
\$4 x 2	\$8	1:1,500	3,360
\$8	\$8	1:1,500	3,360
\$8 (GB)	\$8	1:750	6,720
\$2 x 8	\$16	1:375	13,440
\$2 x 4 + \$4 x 2	\$16	1:750	6,720
\$1 x 4 + \$4 + \$8	\$16	1:1,500	3,360
\$16	\$16	1:1,500	3,360
\$16 (GB)	\$16	1:750	6,720
\$2 x 8 + \$4 x 2	\$24	1:750	6,720
\$4 x 2 + \$16	\$24	1:750	6,720
\$8 + \$16	\$24	1:1,500	3,360
\$2 x 2 + \$4 x 3 + \$8	\$24	1:1,500	3,360
\$24	\$24	1:500	10,080
\$24 (GB)	\$24	1:1,714	2,940
\$4 x 10	\$40	1:3,429	1,470
\$4 x 6 + \$8 x 2	\$40	1:3,000	1,680
\$8 x 3 + \$16	\$40	1:2,400	2,100
\$8 x 5	\$40	1:3,000	1,680
\$8 + \$16 x 2	\$40	1:2,400	2,100
\$16 + \$24	\$40	1:4,800	1,050
\$40	\$40	1:1,333	3,780
\$40 (GB)	\$40	1:6,000	840
\$8 x 10	\$80	1:10,000	504
\$8 x 6 + \$16 x 2	\$80	1:15,000	336
\$40 x 2	\$80	1:12,000	420
\$80	\$80	1:4,800	1,050
\$80 (GB)	\$80	1:40,000	126
\$1,000	\$5,000	1:5,040,000	1
\$1,000 x 5	\$5,000	1:5,040,000	1
\$5,000	\$50,000	1:1,680,000	3
\$5,000 x 10	\$50,000	1:2,520,000	2

(GB) = Gold Bar Instant Win

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sparkling Gold, prize money from winning Pennsylvania Sparkling Gold instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sparkling Gold instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sparkling Gold or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 00-396. Filed for public inspection March 3, 2000, 9:00 a.m.]

### Pennsylvania Wild Card Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Wild Card.

2. *Price:* The price of a Pennsylvania Wild Card instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Wild Card instant lottery game ticket will contain four play areas known as "Hand 1," "Hand 2," "Hand 3" and "Hand 4." Each "Hand" is played separately. Each "Hand" will feature a "Your Card" and a "Dealer's Card" area. The play symbols and their captions located in the "Your Card" area are: 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN), K (KNG), A (ACE) and Wild Symbol (WILD). Aces are high. The play symbols and their captions located in the "Dealer's Card" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN) and K (KNG).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$7<sup>00</sup> (SVN DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$125 (HUNTWFIV), \$250 (TWOHUNFTY), \$1,000 (ONE THO) and \$4,000 (FOR THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$7, \$8, \$10, \$21, \$28, \$125, \$250, \$1,000 and \$4,000. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,240,000 tickets will be printed for the Pennsylvania Wild Card instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$4,000 (FOR THO) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$4,000.

(b) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$4,000 (FOR THO) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$4,000.

(c) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$250 (TWOHUNFTY) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$250 (TWOHUNFTY) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$250.

(g) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$125 (HUNTWFIV) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$125.

(h) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$125 (HUNTWFIV) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$125.

(i) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$28\$ (TWY EGT) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$28.

(j) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$28\$ (TWY EGT) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$28.

(k) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$21\$ (TWY ONE) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$21.

(l) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol

of \$21\$ (TWY ONE) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$21.

(m) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$8.

(p) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$8.

(q) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$7.

(r) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$7.

(s) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets where "Your Card" beats the "Dealer's Card" in the same "Hand," and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$1.

(x) Holders of tickets with a Wild Symbol (WILD) play symbol in the "Your Card" area, and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area for that "Hand," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*If Your Card Beats Dealer's Card Or Get "Wild" Card With Prize(s) Of:*

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,240,000 Tickets</i>
\$1	1:8.11	769,600
\$1 x 2	1:25	249,600
\$2	1:75	83,200
\$1 x 4	1:250	24,960
\$2 x 2	1:250	24,960
\$2 + \$1 x 2	1:250	24,960
\$4	1:750	8,320
\$1 + \$2 x 3	1:300	20,800
\$4 + \$1 x 3	1:300	20,800
\$4 + \$2 + \$1	1:375	16,640
\$7	1:1,500	4,160
\$2 x 3 + \$4	1:1,000	6,240
\$2 + \$4 x 2	1:1,000	6,240
\$2 + \$8	1:1,000	6,240
\$10	1:3,000	2,080
\$7 x 3	1:333.33	18,720
\$1 + \$10 x 2	1:300	20,800
\$10 + \$7 + \$4	1:333.33	18,720
\$21	1:1,500	4,160
\$7 x 4	1:6,000	1,040
\$10 x 2 + \$7 + \$1	1:6,000	1,040
\$21 + \$7	1:24,000	260
\$28	1:24,000	260
\$125	1:30,000	208
\$125 x 2	1:104,000	60

*If Your Card Beats Dealer's Card Or Get "Wild" Card With Prize(s) Of:*

\$250  
\$250 x 4  
\$1,000  
\$1,000 x 4  
\$4,000

*Win*  
\$250  
\$1,000  
\$1,000  
\$4,000  
\$4,000

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,240,000 Tickets</i>
1:624,000	10
1:1,248,000	5
1:2,080,000	3
1:1,560,000	4
1:3,120,000	2

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Wild Card, prize money from winning Pennsylvania Wild Card instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Wild Card instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Wild Card or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 00-397. Filed for public inspection March 3, 2000, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

Notice of properties to be considered at the March 14, 2000 meeting of the Historic Preservation Board for nomination to the National Register of Historic Places. The meeting will start at 9:45 a.m. in the Fifth Floor Board Room of the State Museum, 3rd and North Streets, Harrisburg, PA, with the review of National Register nominations beginning roughly at 10:30 a.m.

Individuals with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate, should contact Dan Deibler at (717) 783-8946 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. Persons who have questions or comments, should contact the Bureau for Historic Preservation at (717) 783-8946.

#### *National Register Nominations to be Reviewed Great Valley and Piedmont Region*

Adams County, PA Properties Associated with the Battle of Gettysburg, July 1-3, 1863, Multiple Property Listing:

1. *Fairfield Cavalry Action Historic District.* Carroll's Tract Road, approximately 2 miles north of Fairfield, Hamiltonban Township 110734
  2. *Fairfield Historic District.* Roughly bounded by Landis Drive, Steelman Street, Wortz Drive and north-west border of Fairfield Borough, Fairfield Borough 110732
  3. *Hunterstown Historic District (Boundary Increase).* Rte. 394, Granite Station Road, Hunterstown Road, Straban Township 109966
  4. *McKnightstown-Flohers Church Historic District.* 100-400 Blocks, Old Route 30, to Flohrs Church Road, Franklin Township 110440
  5. *Rock Creek/White Run Union Hospital Complex.* Baltimore Pike, Goulden Road, White Church Road, Mount Joy and Cumberland Townships 17325
  6. *Isaac Hunsberger House.* 545 W. Ridge Pike, Limerick Township, Montgomery County 087972
  7. *William Montgomery House.* 19-21 S. Queen Street. Lancaster, Lancaster County 027609
  8. *Red Men Hall.* 831-833 Walnut Street, Reading, Berks County 111482
- Southwestern Pennsylvania*
9. *Phipps-McElveen Building.* 525-529 Penn Avenue, Pittsburgh, Allegheny County 110781
  10. *John H. Nelson House.* 104 Colvin Road, Fal-lowfield Township, Washington County. 111254
- Allegheny Plateau*
11. *Redferd Segers House.* U.S. Route 219, opposite Snyder Township Route 1025. Snyder Township, Jefferson County 110129

*Anthracite Region and Poconos—no nominations  
Ridge and Valley—no nomination*

BRENT D. GLASS,  
*Executive Director*

[Pa.B. Doc. No. 00-398. Filed for public inspection March 3, 2000, 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, February 17, 2000, and took the following actions:

#### *Regulations Approved:*

Insurance Department #11-195: Quality Health Care Accountability and Protection (amends 31 Pa. Code §§ 154.1 and 154.18).

Department of Revenue #15-353: Sales and Use Tax; Books, Publications and Advertising Materials (amends 61 Pa. Code §§ 31.3 and 31.29 and deletes 61 Pa. Code §§ 48.2 and 48.3).

Environmental Quality Board #7-343: Nitrogen Oxides Allowance (amends 25 Pa. Code Chapters 121 and 123).

State Board of Medicine #16A-4911: Requirements of Health Care Services Malpractice Act (amends 49 Pa. Code § 16.32).

Insurance Department #11-170: Surplus Lines Insurance (amends 31 Pa. Code Chapter 124).

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 17, 2000

*Insurance Department—Quality Health Care Accountability and Protection; Regulation No. 11-195*

#### **Order**

On July 20, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code §§ 154.1—154.18. The authority for this regulation is section 2181 of the Insurance Company Law of 1921 (40 P.S. § 991.2181), Act 68 of 1998 (40 P.S. §§ 991.2101—991.2193) and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412). The proposed regulation was published in the July 31, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form was submitted to the Commission on December 9, 1999, but was withdrawn prior to Commission action. A revised final-form regulation was submitted to the Commission on January 24, 2000.

The regulation implements the provisions of Act 68 of 1998, the Quality Health Care Accountability and Protec-

tion Act. It includes new requirements and procedures for managed care plans, insurers, health care providers and the public.

All managed care plans and licensed insurers issuing or underwriting health insurance contracts or policies will be affected by the regulation. Additionally, the public will be affected through alterations in the structure of existing managed care plans.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 11-195 from the Insurance Department, as submitted to the Commission on January 24, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli—Proxy; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 17, 2000

*Department of Revenue—Sales and Use Tax; Books, Publications and Advertising Materials; Regulation No. 15-353*

#### **Order**

On December 9, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code §§ 31.3 and 31.29 and deletes 61 Pa. Code §§ 48.2 and 48.3. The authority for this regulation is sections 204 and 270 of the Tax Reform Code (72 P.S. §§ 7204 and 7270). The proposed regulation was published in the December 20, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 19, 2000.

The Department is updating existing provisions. The amendments are consistent with recent statutory changes in the Tax Reform Code and a recent ruling by the Pennsylvania Supreme Court.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 15-353 from the Department of Revenue, as submitted to the Commission on January 19, 2000, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli—Proxy; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 17, 2000

*Environmental Quality Board—Nitrogen Oxides Allowance; Regulation No. 7-343*

#### **Order**

On February 17, 1999, the Independent Regulatory Review Commission (Commission) received this proposed



regulation from the Environmental Quality Board. This rulemaking amends 25 Pa. Code Chapters 121 and 123. The authority for this regulation is section 5 of the Air Pollution Control Act (35 P.S. § 4005). The proposed regulation was published in the March 6, 1999 *Pennsylvania Bulletin* with a 65-day public comment period. The final-form regulation was submitted to the Commission on January 19, 2000.

The amendments consist of technical corrections to the Nitrogen Oxides Allowance Program implemented on November 1, 1997. The adjustments and corrections to the allowance allocations implement the program in the manner originally intended.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-343 from the Environmental Quality Board, as submitted to the Commission on January 19, 2000, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Voting:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli—Proxy; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 17, 2000

*State Board of Medicine—Requirements of the Health Care Services Malpractice Act; Regulation No. 16A-4911*

**Order**

On January 18, 2000, the Independent Regulatory Review Commission (Commission) received this rulemaking from the State Board of Medicine (Board). It amends 49 Pa. Code § 16.32. The authority for this regulation is section 8 of the Medical Practice Act of 1985 (63 P.S. § 422.8) and section 701 of the Health Care Services Malpractice Act (act) (40 P.S. § 1301.701). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking deletes obsolete minimum dollar amounts for malpractice insurance coverage that Board licensees are required to maintain under the act. To provide guidance to licensees as to coverage requirements, the regulation retains the reference to the professional liability insurance requirements of the act.

These amendments will have no adverse impact because they do not change anything required of licensees under the act. The regulation will be clarified and simplified by eliminating outdated provisions and referencing the self-executing malpractice insurance requirements of the act.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-4911 from the State Board of Medicine, as submitted to the Commission on January 18, 2000, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

*Commissioners Voting:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli—Proxy; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 17, 2000

*Insurance Department—Surplus Lines Insurance; Regulation No. 11-170*

**Order**

On September 23, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code Chapter 124. The authority for this regulation is found in Article XVI of the Insurance Company Law (40 P.S. §§ 991.1601—991.1625). The proposed regulation was published in the October 3, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final regulation was submitted to the Commission on January 24, 2000.

Surplus lines insurance is intended to provide coverage for nonstandard or unique risks that do not fit the underwriting guidelines of most insurers. The original Surplus Lines Insurance Law (act) was adopted in 1966. The act was updated in 1992. This rulemaking amends the existing regulations to be consistent with the 1992 revisions to the act.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 11-170 from the Insurance Department, as submitted to the Commission on January 24, 2000, 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. 00-399. Filed for public inspection March 3, 2000, 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 (75 P.S. § 745.5a(h)(i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
10-160	Department of Health Managed Care Organizations	2/17/00	1/18/02

**Department of Health Regulation No. 10-160  
Managed Care Organizations  
February 17, 2000**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Department of Health (DOH) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by January 18, 2002, the regulation will be deemed withdrawn.

During our review of this proposed rulemaking, the Commission has received considerable legislative comment. Legislative commentators include Senators Michael A. O'Pake, Democratic Caucus Chairperson, and Jay Costa, Jr., Democratic Chairperson of the Banking and Insurance Committee, and the following members of the House of Representatives: William F. Adolph, Jr., Vice Chairperson of the Insurance Committee; Robert E. Belfanti, Jr., Democratic Chairperson of the Labor Relations Committee; Dennis M. O'Brien, Chairperson of the Health and Human Services Committee; Patricia H. Vance, Vice Chairperson of the Professional Licensure Committee; Frank L. Oliver, Democratic Chairperson of the Health and Human Services Committee; Leo Trich, Democratic Sub-Committee Chair on Health of the Health and Human Services Committee; H. William DeWeese, Democratic Leader; Michael R. Veon, Democratic Whip; and Anthony M. DeLuca, Democratic Chairperson of the Insurance Committee.

Many of the above Members were actively involved in the passage of Act 68. A number of their comments and concerns are included in the Commission's Comments. We suggest the DOH carefully review the comments from Members of the Legislature.

**Subchapter F. General.**

**1. Section 9.602. Definitions.—Consistency with the statute; Clarity.**

This subsection contains 39 definitions, which come from Act 68 of 1998 (Act 68) and the Health Maintenance Organization Act (HMO Act). Some of the definitions are identical; some are not. We object to the reiteration of the statutory definitions. Instead, DOH should reference the definitions in Section 2102 of Act 68 or Section 1553 of the HMO Act.

We further object to the following terms, which differ from the definitions contained in Act 68. If DOH does not reference the statutory definitions of these terms in the final regulation, it should justify any changes made to these definitions.

*Complaint*

The definition of "complaint" mirrors the statutory definition in Section 2102 of Act 68, except that it adds the phrases "by an enrollee" and "including contract exclusions and noncovered benefits."

*Emergency Service*

The definition of "emergency service" differs from the statutory definition in Section 2102 of Act 68. Subsection (ii) deletes the word "emergency," substitutes the word "care" for "service," and adds the phrase "if the condition is as described in subparagraph (i)."

*Service Area*

In the definition of "service area" DOH adds the phrase "has received approval to operate from the Department" (Emphasis added) to the definition.

Finally, there are definitions of three terms used in both the Insurance Department final Regulation #11-195 and this proposal that are different. To reduce confusion, definitions of "Gatekeeper," "Gatekeeper PPO," and "Integrated delivery system" should be the same in both regulations. Additionally, we recommend you review the Insurance Department final regulation #11-195 for other terminology inconsistencies.

**2. Section 9.603. Technical advisories.—Clarity.**

This section provides that "The Department may issue technical advisories to assist plans in complying with . . ." this regulation, the HMO Act and Act 68. However, the regulation does not address how DOH will notify interested parties that a technical advisory has been issued. DOH should consider publishing in the *Pennsylvania Bulletin* either the advisories or notice of the advisories and instructions for obtaining copies.

**3. Section 9.604. Plan reporting requirements.—Clarity.**

*Subsection (a) Annual Reporting Requirements for Managed Care Plans*

Paragraph (a)(2) requires plans to report "Health care services utilization data." This requirement is vague because it does not list the specific type of data that is required.

Paragraph (a)(3) requires plans to submit "Data relating to complaints and grievances." Again, this vague requirement leaves plans without clear direction regarding what information is required. Without targeted reporting requirements, how can DOH determine compliance with this regulation, Act 68 and the HMO Act? In the final regulation, DOH should clarify these reporting requirements.

Paragraph (a)(11) provides that DOH may request other information upon advance notice. This provision is vague because it does not specify the type of information that may be required, or the length of the advance notice period. DOH should either clarify this provision or delete it.

*Subsection (b) Quarterly Reports*

This subsection requires plans to submit quarterly reports that contain "key utilization, enrollment, and complaint and grievance system data." To improve clarity, DOH should amend the final regulation to specify the data that is required in the quarterly reports.

*Penalties for Late Reporting*

This section of the regulation is silent on what penalties, if any, apply to plans which fail to comply with these reporting requirements or to meet the timing deadlines in Subsections (a) and (b). For clarity, DOH should add a cross-reference to Section 9.606. Penalties and sanctions.

**4. Section 9.605. Department investigations.—Clarity.**

Subsection (a) appears to apply to all managed care plans, while Subsections (b) through (e) apply specifically to HMOs. Why are DOH's investigatory powers in Subsections (b) through (e) not applicable to other managed care plans?

**5. Section 9.606. Penalties and sanctions.—Clarity.**

Subsection (a)(2) references an "injunction to prohibit the activity that violates the provisions." To improve clarity, DOH should specify a violation of the provisions "of Act 68."

Under Subsection (a)(4), DOH may require a plan which has violated Act 68 or this regulation to adhere to a “plan of correction” approved by DOH. A “plan of correction” is also referenced in Section 2182(e) of Act 68. Act 68 does not specify what is to be included in the plan. To improve the clarity of the final regulation, DOH should specify the information that is to be included in a “plan of correction,” and define this phrase.

*Subchapter G. HMOs*

**6. Section 9.631. Content of an application for an HMO certificate of authority.—Reasonableness; Clarity.**

This section outlines the information that must accompany an application for a certificate of authority under the HMO Act. According to the Preamble, DOH intended to eliminate the following two requirements:

- A description of the manner by which subscribers will be selected and appointed to the board of directors; and
- A detailed description of the HMO’s incentives and mechanisms for cost control.

However, these requirements are contained in Paragraphs (1) and (16) of the proposed regulation. Section 1557 of the HMO Act addresses election of board members. Section 1558(a) of the HMO Act address incentives and mechanisms for costs control and directs DOH to review HMO contracts to determine that reasonable cost control measures are included. Consequently, DOH should retain Paragraphs (1) and (16) in the final regulation, and resolve the discrepancies between the Preamble and the text of the regulation.

DOH is also proposing to eliminate the following existing requirements:

- A job description for the medical director (28 Pa. Code § 9.52(16));
- A procedure for referral of subscribers to non-participating specialists (28 Pa. Code § 9.52(17)); and
- Written procedures for payment of emergency services provided by other than a participating provider (28 Pa. Code § 9.52(18)).

According to the Preamble, DOH is removing these requirements because “. . . they have been superceded by requirements in Act 68, or the Department believes they are no longer critical to the review of an applicant.” We disagree. These requirements are significant in determining an applicant’s ability to operate in accordance with Act 68 and the HMO Act. We request DOH either reinsert them, or explain why they are no longer relevant and provide citations to the sections of Act 68 which superceded these requirements.

**7. Section 9.632. HMO certificate of authority review by the Department.—Reasonableness; Clarity.**

Subsection (e) states that DOH “may” visit a site to determine its ability to comply with the HMO Act, Act 68 and this regulation. Under what circumstances would DOH determine a site visit is necessary?

**8. Section 9.633. HMO board requirements.—Clarity.**

Subsection (a) addresses the membership of an HMO’s board of directors. However, the requirements contain the following vague phrases related to selection of board members: “undue influence” and “diverse representation of broad segments.” These phrases could be open to interpretation, making compliance difficult for HMOs. DOH should clarify the meaning of these two phrases.

**9. Section 9.634. Location of HMO activities, staff and materials.—Reasonableness; Clarity.**

*Paragraph (1) Documents*

This paragraph addresses the accessibility of certain HMO documents for DOH review. The documents do not need to be permanently maintained in Pennsylvania, but must be made available in Pennsylvania within 48 hours. We request DOH explain how the 48-hour time period was determined. In addition, did DOH consider using a business day time period, rather than a time period based on hours?

*Paragraph (2) Medical Director Licensure*

This paragraph requires Pennsylvania licensure for an HMO’s medical director when the director is responsible for overseeing utilization review and quality assurance activities for services provided to enrollees who are residents of Pennsylvania. We have not identified any statutory provisions which require Pennsylvania licensure. Some HMOs may have operations in other states as well as Pennsylvania and, consequently, may employ physicians who are licensed in other states. What other factors “qualify” a physician to oversee delivery of health care services? Why is Pennsylvania licensure required?

Also, the proposed regulation references “. . . services provided to enrollees who are residents of this Commonwealth . . .” It is possible that an HMO could serve enrollees who work in Pennsylvania but reside in a neighboring state. Is it DOH’s intent that a separate medical director, with separate licensure requirements, oversee services related to those enrollees? If not, the phrase “who are residents of this Commonwealth” is unnecessary.

*Paragraph (3) Quality Assurance/Improvement Committee*

This paragraph states, “The HMO’s quality assurance/improvement committee shall *include* health care providers licensed in this Commonwealth.” (Emphasis added.) It is unclear how many of the health care providers on the committee must be licensed in Pennsylvania. DOH should clarify its intent in the final regulation.

**10. Section 9.635. Delegation of HMO operations.—Clarity.**

Commentators have noted that a broad interpretation of the term “HMO operations” could result in a burdensome reporting requirement which could include contracts that are not directly related to the health services provided. If DOH retains this provision, it should define “HMO operations” in the final regulation. Also, DOH should clarify which contracts it will review under the HMO Act (40 P. S. § 1558(a)).

**11. Section 9.636. Issuance of a certificate of authority to a foreign HMO. —Clarity.**

*Subsection (a) Certification of Authority—Foreign HMOs*

Under this subsection, DOH may grant a certificate of authority to a foreign HMO if DOH “is satisfied that it is fully and legally organized and approved and regulated under the laws of its state and that it complies with the requirements for HMOs organized within and certified by the Commonwealth.” The regulation, however, does not specify what documentation the foreign HMO must provide to “satisfy” DOH. This information should be included in the final regulation.

*Subsection (c) Waivers*

DOH can waive or modify the requirements under the HMO Act if "... the waiver or modification will be consistent with the purposes of the HMO Act, and ... would not result in unfair discrimination in favor of the HMO of another state." The proposed regulation, however, gives no detail on how DOH will make this determination. DOH should clarify this provision in the final regulation.

*Reciprocity*

Section 1556.1(c) of the HMO Act (40 P. S. § 1556.1(c)) authorizes DOH to develop reciprocal licensing agreements with other states "... which permit the commissioner and the secretary to accept audits, inspections and reviews of agencies from other states to determine whether health maintenance organizations in other states meet Commonwealth requirements." The proposed regulation is silent on how DOH intends to administer the provision in Section 1556.1(c) of the HMO Act. DOH should include regulatory standards related to this provision in the final regulation.

**12. Section 9.651. HMO provision and coverage of basic health services to enrollees. —Clarity.***Subsection (a) Provider Networks*

This subsection refers to an "adequate network of health care providers ..." and "... basic health services to enrollees as medically necessary and appropriate without unreasonable limitations as to frequency and cost." The terms "adequate," "appropriate" and "unreasonable" are vague. Without more specific standards, how will DOH enforce this provision and ensure compliance with the HMO Act and Act 68?

*Subsection (b) Excluded Services*

This subsection references services which are "customarily excluded by indemnity insurers." It is unclear what types of services fall into this category and who determines what is "customarily excluded." DOH should clarify this issue in the final regulation.

*Subsection (c) Basic Health Services*

An HMO must offer certain basic health services according to the HMO's definition of "medical necessity." There are no parameters in the regulation for defining this term. An HMO's definition should be consistent with directives of Act 68, such as medically necessary and appropriate follow-up obstetrical and gynecological care and referrals. DOH should consider identifying the basic components required in the definition of "medical necessity" to ensure an HMO's definition meets the requirements of Act 68.

Subsection (c)(3) requires that an HMO provide inpatient services as a basic health service. The existing regulations at 28 Pa. Code § 9.54(a)(3) require "... a minimum of 90 days per contract or calendar year." Although the proposed regulation defines "inpatient care" in Section 9.602. Definitions., it does not include the 90-day standard. Why was this standard removed?

**13. Section 9.652. HMO provision of other than basic health services to enrollees. —Clarity.**

Paragraph (1) refers to "reasonable" access. To improve clarity, DOH should define what constitutes "reasonable" access.

**14. Section 9.653. Use of co-payments and co-insurances in HMOs.—Statutory Authority; Need; Clarity.**

According to this subsection, DOH will review an HMO's request to use co-payments and co-insurances in the HMO's benefit structure, at the request of the Insurance Department. Specifically, DOH will review the HMO's request to see if it would "detract from availability, accessibility or continuity of services and to ensure that the request constructively advances the purposes of quality assurance, cost-effectiveness and access."

We have several concerns with this provision. First, why is it necessary for DOH to state in its regulation that it may perform an inter-agency review on this particular issue? Are there other aspects of an HMO's operations that DOH would review at the Insurance Department's request? If so, what are they and how will these reviews be accomplished?

Second, does DOH have approval authority over an HMO's request to use co-payments and co-insurances in its benefit structure?

Finally, the regulation does not list the criteria DOH will use to determine the impact on "availability, accessibility or continuity of services" or how it will "ensure that the request constructively advances the purposes of quality assurance, cost-effectiveness and access." If DOH is going to review HMO requests in this area, it should alert the regulated community to the standards it will use to make these determinations. These standards should be included in the regulation.

**15. Section 9.654. HMO provision of limited networks to select enrollees.— Clarity.***Subsection (a) Limited Subnetworks*

To improve clarity, DOH should define this term in Section 9.602. Definitions.

Also, throughout Subsections (a) and (b), DOH refers to both "limited subnetworks" and "limited networks." DOH should use a single, defined term consistently in this section.

*Subsection (b) Disclosure of Information*

In (b)(1) and (b)(3), DOH uses the term "adequate" to describe disclosure of participating provider information to enrollees and the number and distribution of network providers. This term is vague. DOH should provide more specific parameters relating to these provisions. Additionally, DOH should ensure that the disclosure to enrollees in (b)(1) is consistent with the disclosure requirements in the Insurance Department's final Regulation #11-195.

Subsection (b)(4) limits enrollment in a limited network to "enrollees within a reasonable traveling distance to limited network providers." DOH should explain the criteria it will use to determine what qualifies as a "reasonable traveling distance." Does DOH intend to apply the same traveling distance requirements found in Section 9.679(e)?

**16. Section 9.655. HMO external quality assurance assessment.—Clarity.***Subsection (a) External Quality Assessment*

HMOs must have an external quality assessment within 18 months of receiving a certificate of authority, and every 3 years thereafter. According to the Preamble, this time frame was selected to be consistent with "...

standards of Nationally recognized accrediting bodies.” We request DOH identify the “Nationally recognized accrediting bodies.”

The assessment must be conducted by an “external quality review organization acceptable to the Department.” DOH should publish a list of acceptable organizations or instructions for obtaining a list in the *Pennsylvania Bulletin*.

*Subsection (c) External Quality Assessment and Accreditation Review*

This subsection permits an HMO to combine the external quality assessment with an accreditation review, “. . . if the review adequately incorporates assessment factors required by the Department . . .” However, the assessment factors are not contained in the regulation. In the final regulation, DOH should list the specific factors that must be considered as part of the external quality assessment, such as review of a statistically significant sample of medical records.

*Penalties*

Subsection (e) requires the HMO to file a copy of all interim and final reports on the assessment with DOH. However, there is no indication that penalties may be imposed if reviews disclose deficiencies or violations of Act 68, the HMO Act and these regulations. To improve clarity, DOH should add a subsection which provides that the results of a review may be used for enforcement purposes and cross-references Section 9.606. Penalties and sanctions.

**17. Section 9.656. Standards for approval of point-of-service options by HMOs. —Need; Clarity.**

*Subsection (a) Formal Product Filing*

This subsection requires an HMO to “. . . submit a formal product filing for a point of service (POS) product to the Department and the Insurance Department.” For clarity, DOH should include a cross-reference to the relevant section of the Insurance Department’s regulations relating to formal product filings.

*Subsection (b)(1) Point of Service Options*

Subsection (b)(1)(i) requires an HMO, which offers POS options, to “periodically” inform primary care providers of enrollee self-referrals. Commentators have raised concerns that this requirement would violate the confidentiality rights of the enrollee. Why is this provision necessary? Also, what is the time frame required by “periodically”?

Subsection (b)(1)(ii) requires an HMO to “promptly” investigate any primary care provider (PCP) practice where enrollees utilize “substantially higher levels of non-PCP referred care than average . . .” For clarity, DOH should define “promptly.”

Also, the standard of “substantially higher levels of non-PCP referred care than average” is vague and could be open to broad interpretations among HMOs. The final regulation should include a more precise standard for HMO investigations of PCP practices relating to non-PCP referred care.

*Subsection (b)(2) Disclosure to Enrollees*

This subsection requires “clear disclosure to enrollees of out-of-pocket expenses.” DOH should clarify what it means by “clear disclosure.” Also, the disclosure require-

ments should be coordinated with the corresponding requirements in the Insurance Department’s final Regulation #11-195.

**Subchapter H. Availability and Access**

**18. Section 9.672. Emergency Services.—Consistency; Reasonableness; Clarity.**

*Inconsistency with Insurance Department Regulations*

There are a number of provisions in this section that were not addressed or were inconsistent with the Insurance Department’s final Regulation #11-195. Subsection (c) in DOH’s regulations states, “A plan shall apply the prudent layperson standard to the enrollee’s presenting symptoms and services provided in adjudicating related claims for emergency services.” The Insurance Department’s regulations require the plan to “pay all reasonably necessary costs...including evaluation, testing, and if necessary, the stabilization of the condition of the enrollee.” The DOH regulations, when compared to the Insurance Department’s rulemaking, are not as comprehensive. For consistency, DOH should reference Section 2116 of Act 68 in this section to include coverage for all emergency services.

Additionally, Sections 154.14(e) and (f) of the Insurance Department’s final Regulation #11-195 are not included, paraphrased or referenced in DOH’s regulations. These sections relate to notification to an enrollee’s plan of provided emergency services and provide information concerning emergency services to prospective enrollees and health care providers upon written request). Why were these sections not included in the regulation?

*Subsection (c) Claims for emergency services*

This subsection includes the phrase “adjudicating related claims.” This phrase is vague. DOH should explain what are the claims related to.

**19. Section 9.673. Plan provision of prescription drug benefits to enrollees.—Protection of the public health; Reasonableness; Clarity.**

*Subsection (b) Time Period for Written Inquiries*

This subsection allows a plan 30 days to respond to a written inquiry from an enrollee regarding whether or not a specific drug is in the plan’s formulary. Many commentators assert that a 30-day response period is too long. Why did DOH select 30 days, rather than a shorter response time?

*Subsection (d) Distribution of Prescription Drug Benefit Policy and Process*

Subsection (d) requires a plan to distribute its policy and process (relating to prescription drug benefits) to participating health care providers. However, Section 2136(b)(6) of Act 68 requires plans to disclose this information to both enrollees and prospective enrollees upon written request. The DOH should add “and enrollees and prospective enrollees upon written request” to this subsection.

*Subsection (e) Prescription Drug Benefit Exception*

This subsection provides that if a plan does not approve an exception, the enrollee (or health care provider) can file a grievance. Is a grievance always appropriate in this instance? How does this situation qualify as a grievance instead of a complaint?

**20. Section 9.674. Quality assurance standards.—Statutory authority; Reasonableness; Clarity.**

*Standards and Measurements*

This section requires all plans to have a quality assurance program. However, the standards of the program, structures, processes, personnel, and measurements are either unclear or absent.

Subsection (b)(4) requires that “[T]he plan’s quality assurance structures and processes shall be clearly defined with responsibility assigned to appropriate individuals.” This paragraph is unclear. DOH should specify who the appropriate individuals are, what their responsibilities will be, and how those responsibilities are will assigned.

Finally, this section does not include specific measurements to determine whether the quality assurance program has been effective. Plans are only required to have a program in place; they do not need to demonstrate that the program has been effective. We question the lack of any performance standards in this section, and we ask DOH to explain this omission.

*Subsection (b)(3) Active Clinical Practice*

This subsection includes the phrase “active clinical practice.” “Active clinical practice” is defined in Section 2102 of Act 68. For improved clarity, DOH should reference the statutory cite of the term in this paragraph.

*Subsections (b)(9) and (b)(10)*

Subsection (b)(9) requires the plan to provide DOH with “a description of the annual quality assurance work plan, or schedule of activities . . . for the year.” Subsection (b)(10) states “[T]he plan shall present a report of the plan’s quality assurance activities annually to the plan’s board of directors, and shall provide a copy to the Department.” Because the substance of these two paragraphs are very similar, DOH should consider combining Subsections (b)(9) and (b)(10) in the final regulation.

**21. Section 9.675. Delegation of medical management.—Statutory authority; Clarity.**

Subsection (a) allows the plan to contract with an entity to manage health care services to enrollees, provided “[T]he plan shall submit the medical management contract to the Department for review and approval prior to implementation.” We have two concerns with this subsection.

First, the regulation contains no time limit for DOH to review and approve these contracts. For clarity, DOH should include a time frame for their review and action.

Second, this subsection doesn’t indicate whether enrollees and providers will be notified when medical management decision-making is delegated. Do medical management companies have a direct impact on the availability, access or quality of an enrollee’s care? If so, it would be reasonable to alert an enrollee when medical management decision-making has been subcontracted. DOH should consider adding language requiring plans to notify enrollees and providers to the delegation of medical management.

**22. Section 9.676. Standards for enrollee rights and responsibilities.—Consistency with statute; Clarity.**

Paragraph (4) requires a plan to adopt policies and procedures to assure implementation of enrollee’s rights and responsibilities, including “[O]ther rights and responsibilities mandated by State and Federal law.” This

phrase is vague. For clarity, DOH should cite any applicable state laws that clearly delineate other rights and responsibilities a plan should adopt and implement.

**23. Section 9.678. Primary care providers.—Statutory authority; Protection of the public health; Reasonableness; Clarity.**

*Primary Care Provider Training and Experience*

This section establishes criteria for primary care providers and allows plans to consider Certified Registered Nurse Practitioners (CRNP) as a primary care provider. Act 68’s definition of a primary care provider includes the term “health care provider.” Act 68’s definition of a health care provider includes, “a physician, podiatrist, optometrist, psychologist, physical therapist, certified nurse practitioner, registered nurse, nurse midwife, physician’s assistant, chiropractor, dentist, pharmacist or an individual accredited or certified to provide behavioral health services.” Is this section designed to allow any health care practitioner to be designated as a primary care provider? DOH should clarify in this section which health care providers are able to be primary care providers.

*Subsection (d) Primary Care Provider—CRNP*

Subsection (d) allows a plan to consider a CRNP a primary care provider if the CRNP meets the plan’s credentialing criteria and practices in accordance with State law. We have a number of concerns regarding this subsection.

First, the definition of “primary care provider” in Act 68 does not exclude CRNPs from performing acts of medical diagnosis or prescription of medical therapeutic or corrective measures. However, 63 P. S. § 422.15(a) states that “[A] CRNP shall act in accordance with regulations authorized by this section.” Regulations authorized by this statute are contained in 49 Pa. Code, § 21.251, which contains the definition of CRNP. It requires CRNPs that perform the aforementioned duties do so “in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.”

For consistency with existing statutes and regulations, DOH should: add language clarifying that a CRNP may be considered a primary care provider as long as the CRNP collaborates with or is supervised by, a licensed physician; or include a cross reference to Section 21.251.

Second, DOH should consider requiring written notice that alerts the enrollee that their primary care provider is a CRNP—not a physician. This written notice should also identify the physician with whom the CRNP has a written agreement to provide such services.

Finally, Subsection (d) includes the phrase, “in accordance with State law.” This phrase is unnecessary, and should be deleted.

*Subsection (f) Change of Designated PCP*

This subsection allows enrollees to change a primary care provider “with appropriate advance notice to the plan.” The term “advance notice” is vague. For clarity, DOH should provide a specific time frame during which an enrollee must give a plan notice of their intention to change a primary care provider.

**24. Section 9.679. Access requirements in service areas.—Reasonableness; Clarity.**

Subsection (e) requires plans to “ensure that services for hospitalization, primary care and frequently utilized specialty services shall be available to enrollees within 20

minutes or 20 miles in urban areas, and 30 miles or 30 minutes in rural areas." We have three concerns with this subsection.

First, this subsection should include the criteria that will be used to determine network adequacy, or provide a cross-reference to Section 9.654(b). HMO provision of limited networks to select enrollees. Additionally, for some specialty areas, network adequacy should be determined on a case-by-case basis. The Department should consider including this in the final regulation.

Second, how will the 20/20, 30/30 "rule" be enforced? DOH should include methods for ensuring that enrollees are able to access services within their 20/20 or 30/30 radiuses.

Finally, we understand that access standards for the Department of Public Welfare's (DPW) HealthChoices HMO program are 30 miles/30 minutes urban, 60 miles/60 minutes rural. Did DOH consider adopting the standards from the DPW Program? How will DOH's access standards impact upon DPW's program? DOH should explain.

**25. Section 9.681. Health Care Providers.—Reasonableness; Clarity.**

*Subsection (a) Provider Directory*

Subsection (a) requires a plan to furnish a provider directory to enrollees. Section 2136(a)(14) of Act 68 requires plans to update this directory at least annually. For clarity, DOH should add the phrase "updated annually" to this subsection. Additionally, DOH should indicate whether a plan is required to distribute an entire provider directory to enrollees annually, simply send the updated entries, or make updates available upon request.

*Subsection (c) Services from Nonparticipating Providers*

This subsection allows plans with no available, participating health care providers to arrange for services to be provided by nonparticipating providers. The criteria for determining whether a health care provider exists, is available, or is participating are unclear. This subsection should further define "no available, participating health care providers," or give criteria to determine whether a health care provider is "available" or "participating."

**26. Section 9.682. Direct access for obstetrical and gynecological care.—Statutory authority; Clarity.**

*Inconsistency with Insurance Department Regulations*

There are a number of provisions in the Insurance Department's final Regulation #11-195 that are either inconsistent with, or absent from, DOH's regulations. Section 154.12(b) of the Insurance Department regulations state, "[A] . . . plan may require a provider of obstetrical and gynecological services to obtain prior authorization for selected services such as diagnostic testing . . ." Subsection (b) of DOH's regulations state, "[A] plan may not require prior authorization for these services, or any aspect of services . . . including related laboratory or diagnostic services." These two subsections are inconsistent. DOH should be consistent with the Insurance Department's final Regulation #11-195.

Additionally, the Insurance Department's rulemaking applies the term "routine" to obstetrical services in Section 154.12(c), but not to gynecological services. DOH uses the same term for both obstetrical and gynecological services in Section 9.682(b) of its proposed regulations. Again, DOH should explain why "routine" is used for both classifications of service.

*Subsection (b) and (c)*

We have two questions about these subsections. First, Subsection (b) provides that plans may not require prior authorization for services considered as a "routine part of obstetrical and gynecological care." Additionally, subsection (c) states "[A] plan may require that directly accessed participating health care providers seek prior plan authorization for *nonroutine* services." (Emphasis added.) DOH should explain what "routine" and "nonroutine" services entail, and why the terms were included.

Second, the phrase "related laboratory or diagnostic procedures" in Subsection (c) is unclear. DOH should provide examples of these procedures in the final regulation.

*Subsection (d)*

This subsection states, "The plan shall have these policies and procedures (relating to obstetrical and gynecological care) approved by its quality assurance committee." Section 9.674(a) states, "[A] plan shall have an ongoing quality assurance program that includes review, analysis and assessment of the access, availability and provisions of health care services." However, no other policies or procedures in the proposed rulemaking are required to be approved by a plan's quality assurance committee. Additionally, Act 68 does not require a plan's quality assurance committee to approve these policies and procedures. DOH should explain why obstetrical and gynecological care policies are being singled out for approval.

**27. Section 9.683. Standing referrals or specialists as primary care providers.—Statutory authority; Reasonableness; Clarity.**

*Subsection (b) Plan Procedures*

This subsection allows a plan a time period to issue a decision regarding an enrollee's request for a standing referral or the designation of a primary care provider. DOH should explain why "within 45 days" is an appropriate time period to reply to this type of request.

*Subsection (b)(3) Treatment Plan*

Paragraph (3) states, "(an enrollee) be under a treatment plan approved by the plan and provided in writing to the specialist." Section 2111 of Act 68 allows referrals and designations of specialists "shall be pursuant to a treatment plan approved by the managed care plan, *in consultation with the primary care provider; the enrollee and, as appropriate, the specialist.*" (Emphasis added.) For consistency with the statute, DOH should insert the phrase "in consultation with the primary care provider, the enrollee and, as appropriate, the specialist" in this paragraph.

**28. Section 9.684. Continuity of care.—Consistency with Statute; Clarity.**

*Subsection (h) Continuation of Services*

This subsection states, "[A] plan shall use best efforts to ascertain the health care provider's willingness to continue to provide health care services." The phrase "best efforts" is vague. DOH should provide examples of "best efforts" in the final regulation.

*Subsection (k) Termination of Providers for Cause*

Subsection (k) describes the responsibility of the plan if a participating health care provider is terminated for "cause." The term "cause" is unclear. Section 2117(b) of Act 68 describes the reasons a participating health care

provider could be terminated for cause. For improved clarity, DOH should reference Section 2117(b) of Act 68 in this subsection.

### **Subchapter I. Complaints and Grievances.**

#### **29. Transition to Act 68 complaint and grievance process—Implementation Procedures; Reasonableness.**

It is our understanding that prior to Act 68 DOH has used a guidance document relating to operational standards for fundamental fairness of the complaint and grievance process. Commentators have stated protections in this guidance document have not been carried forward into the regulation. DOH should explain the following:

- Why provisions in the guidance document, consistent with Act 68 and the HMO Act, are not codified.
- Whether the complaint and grievance procedures established in the guidance document will change upon implementation of these regulations.
- Whether the changes in the procedures will diminish the rights of enrollees.
- How areas in the guidance document that are not addressed in the regulation will be interpreted and enforced.

#### **30. Section 9.702. Complaints and grievances.—Duplication; Clarity.**

##### *Subsection (a) General.*

Paragraph (1) ends with the phrase “and is satisfactory to the Secretary.” Complaint and grievance procedures must meet the processes specified in Act 68 and this subchapter. DOH should explain what additional requirements the Secretary intends to impose or delete this phrase.

Paragraph (2) is limited to the enrollee. Under Section 9.703, health care providers can also initiate grievances with the consent of the enrollee. DOH should consider whether these protections should include health care providers.

Paragraph (3) is unclear because it does not provide any specific requirements for approval of procedures. A reference to Section 9.710, which provides the specific requirements for approval of complaint and grievance procedures, should be added to Paragraph (3).

Two requirements of Section 2136 of Act 68 are not included in the general requirements of Section 9.702. First, the requirement to have “a toll free telephone number to obtain information regarding the filing and status of a complaint or grievance” as required by Section 2136(8)(i) of Act 68 should be added.

Second, “the enrollee’s right to designate a representative to participate in the complaint or grievance process” is required by Section 2136(8)(iii) of Act 68. Although this is mentioned in specific sections such as Section 9.705(h), this right is for the entire process and should be included in Subsection (a).

##### *Subsection (b) Correction of plan.*

Section 2182(e) of Act 68 gives DOH the authority to require a managed care plan to develop and adhere to a plan of correction approved by DOH. Subsection (b) should be amended to clearly reflect the authority in Section 2182(e) of Act 68 to require a managed care plan to develop and adhere to a plan of correction.

What is the difference between a noncompliant plan and a plan that creates unacceptable administrative

burdens on the enrollee? It would appear that a plan that placed unacceptable administrative burdens on an enrollee would not be in compliance with Section 9.702(a)(2), and therefore would be noncompliant. DOH should delete the phrase “and a plan that creates unacceptable administrative burdens on the enrollee.”

##### *Subsection (c) Complaints versus grievances.*

While this subsection provides mechanisms to resolve errors in classification of complaints and grievances, it does not provide guidance on how to distinguish between complaints and grievances. The Insurance Department’s final regulation #11-195, Section 154.17(a), includes examples of complaints that can be filed with the Insurance Department. DOH should consider adding language to this section that explains the difference between a complaint and a grievance, along with examples. Further, DOH should review the final Insurance Department regulation to ensure there are no conflicts in the classification of complaints and grievances.

Paragraphs (1), (2) and (3) use the term “appeal.” This term is vague and conflicts with how “appeal” is used in Section 9.705. Appeal of a complaint decision. DOH should use another term in Subsection (c).

Paragraph (1) ends with the term “process.” For consistency with Subsections (a) and (b), Paragraph (1) should use the term “procedures.”

Paragraph (2) only requires the plan to “consult” with DOH or the Insurance Department. It is unclear whether a determination made by DOH is binding. The regulation should state whether the determination is binding or nonbinding.

Paragraph (4) mentions waiving filing fees if a grievance is improperly filed as a complaint. Why doesn’t Paragraph (5) require refund of a fee charged if a complaint was improperly filed as a grievance?

##### *Subsection (d) Time Frames*

Paragraph (d)(1) states a plan may not impose “unreasonable time limitations on an enrollee’s ability to file an appeal or grievance.” We have two concerns with this requirement. First, as it applies to grievances, Paragraph (1) duplicates the requirements in Paragraphs (2) and (3). Second, the term “unreasonable” is unclear. DOH should either delete Paragraph (1) or amend it to provide the specific 15-day requirement to file appeals.

Paragraph (2) uses a time limit of “30 calendar days” whereas Paragraph (3) requires “45 days.” Time limits expressed in days are interpreted as calendar days. For clarity, the word “calendar” should be deleted from Paragraph (2).

#### **31. Section 9.703. Health care provider initiated grievances.—Economic Impact Clarity.**

##### *General*

Health care provider grievances would be filed under Sections 9.706 to 9.708. For clarity, this section should be in sequence with those sections.

Subsections (f), (g) and (h) provide broad requirements for the content of a consent form. The written consent is between a health care provider and an enrollee. A health care provider may have patients in different plans. Without guidance from DOH, each plan could place its own requirements on consent forms. DOH should consider use of a universal consent form so that health care providers and plans do not waste time and resources resolving conflicts over enrollee consent.



*Subsection (b) Consent to File Grievance*

Commentators have raised questions over whether consent can be obtained at the time of treatment. Subsection (b) only prohibits a health care provider from making consent a condition of treatment. DOH should clarify in the regulation whether consent can be obtained at the time of treatment provided it is not a condition of treatment.

*Subsection (d) Billing of Services Subject to Grievance*

Subsection (d) prohibits a health care provider from billing the enrollee until an external grievance is completed. Commentators questioned whether billing can occur if the grievance is filed by an enrollee. DOH should clarify whether Subsection (d) applies to all grievances, regardless of whether the enrollee or the provider initiates the grievance.

**32. Section 9.704. Internal complaint process.—Clarity.***Subsection (a) Requirements*

Subsection (a) contains the phrase “and is acceptable to the Secretary.” The internal complaint process must meet Act 68 and this subchapter. DOH should either explain what additional requirements the Secretary intends to impose or delete this phrase.

The second sentence of Subsection (a) lacks clarity. The parallel Section 2141(a) of Act 68 states “an enrollee shall be able to file a complaint regarding a participating health care provider or the coverage, operation or management policies of the managed care plan.” Subsection (a) should be rephrased to follow Act 68.

*Subsection (b) Complaints*

Subsection (b) would allow written or oral complaints for both initial and second level review. However, Section 2141(b)(2) of Act 68 only addresses oral complaints for an initial review. Section 2141(b)(5) requires the plan to include the procedure “to file a request” for a second level review. The regulation should state that a written request is required to initiate a second level review.

*Subsection (c) Paragraph (1) First level review.*

For clarity, Subsection (c)(1)(i) should state “. . . one or more employees of the plan” to better reflect Section 2141(b)(1) of Act 68.

Subsection (c)(1)(iii) states review and investigation must be completed in 30 days, but does not specifically state when a decision is required by the plan. For clarity, DOH should state the required time frame for plan decisions.

Subsection (c)(1)(iv) should reference Section 9.702(d)(3) which requires the plan to give the enrollee a minimum of 45 days to file a second level complaint.

In Sections (c)(1)(iv) and (c)(2)(vii), commentators state the phrase “basis for decision” is unclear. Use of this phrase could result in a denial of a complaint that the enrollee may not be able to understand. It is unclear how much detail is required of the plan in the basis for the decision. For example, would the basis for the decision require contract citations? DOH should provide further guidance on how detailed the information from the plan regarding the decision.

Subsection (c)(1) does not state whether a first level decision is binding unless appealed. Under Subsection (c)(2)(iii), a second level decision is binding unless appealed. Is a first level decision binding unless appealed?

*Subsection (c) Paragraph (2) Second level review.*

Subsection (c)(2)(i) is unclear because there are two requirements in one sentence. The regulation would be clearer if one sentence describes the minimum size of the committee and a second sentence states the prohibition on members who participated in prior decisions.

In Subsection (c)(2)(ii)(A) the phrase “reasonable flexibility in terms of time and distance” is unclear. DOH should provide more specific requirements for scheduling reviews similar to the requirements in Section 9.679(e).

In Subsection (c)(2)(ii)(C), the word “or” causes confusion in the phrase “. . . the enrollee’s provider or applicable witnesses . . .” As written, it would allow either the provider to attend or applicable witnesses, not both. Both could be needed in certain circumstances and should be allowed. The word “and” should be substituted.

Subsection (c)(2)(iv) allows the deliberation of the second level review committee, including the enrollee’s comments to be “transcribed verbatim or summarized.” Would a summary be sufficient for appeals under Section 9.705?

Subsection (c)(2)(v) states the second level review must be completed in 45 days, but does not specifically state when the plan is required to issue a decision. For clarity, DOH should specifically state when a decision must be issued by the plan.

Subsection (c)(2)(vii) requires a notice to include “the procedures and time frame” to file an appeal. The procedures are specified in Section 9.705 and the time frame is 15 days as specified in Section 2142 of Act 68. For clarity, Subsection (c)(2)(vii) should reference the procedures in Section 9.705 and state the specific 15-day time period.

Since an enrollee can have a representative, Subsections (c)(2)(vi) and (vii) should also require notice to the enrollee’s representative, if known.

**33. Section 9.705. Appeal of a complaint decision.—Statutory Authority; Clarity.***Subsection (a)*

This subsection requires an enrollee to appeal within 15 days of receipt of the second level decision. How is receipt of the decision determined?

Subsection (a) contains the phrase “or the Insurance Department.” This phrase should be deleted since DOH has no authority over the Insurance Department.

*Subsection (b)*

Paragraph (b)(3) requires “The enrollee’s plan ID number.” Does this mean the ID number assigned to the enrollee by the plan, or some other number, such as an NAIC number assigned to the plan? Also, “ID” should be replaced with “identification.”

*Subsection (c)*

Subsection (c) requires notice to the plan. The regulation should also require notice to the enrollee of the status of the filing (that is, a timely filing or a late filing).

*Subsection (d)*

For clarity, the two sentences in Subsection (d) should be combined to state that upon confirmation of a timely filing, the plan shall forward the file within 5 business days.

*Subsection (f)*

This Section ends without any time constraint on DOH to rule on the appeal. The plan has 30 days to complete an initial review and 45 days to complete a second level

review. DOH should consider adding a time period within which it will rule on an appeal.

Subsection (f) should state that the time requirements for review will not be affected by a decision to change the department reviewing the appeal.

**34. Section 9.706. Enrollee and provider grievance system.—Clarity.**

*Subsection (a)*

Subsection (a) contains the phrase “and is acceptable to the Secretary.” The internal complaint process must meet the requirements of Act 68 and this subchapter. DOH should either delete this phrase or explain what additional requirements the Secretary intends to impose.

*Subsection (c) Paragraph (1) First level review.*

Subsection (c)(1)(iii) states the first level review must be completed in 30 days, but does not specifically state when the plan is required to issue a decision. For clarity, DOH should state when a decision is required to be issued by the plan.

Subsection (c)(1)(iv) does not reference Section 9.702(d)(3) which requires the plan to give the enrollee a minimum of 45 days to file a second level grievance. DOH should reference the requirement of Section 9.702(d)(3).

Subsection (c)(1)(iv) should require notice to both the enrollee and the health care provider to be consistent with Section 2161(b)(3) of Act 68.

Subsection (c)(1) should indicate whether the initial decision is binding unless appealed.

*Subsection (c) Paragraph (2) Second level review.*

The phrase “reviewing a grievance appealed to the second level of review” in Subsection (c)(2)(i) is not needed and should be deleted.

Subsection (c)(2)(ii) actually encompasses two separate requirements. It should be split into two separate paragraphs for clarity.

Subsection (c)(2)(ii)(A) requires the plan to provide “reasonable flexibility in terms of time and distance” when scheduling a review. The phrase “reasonable flexibility in terms of time and distance” is unclear. DOH should provide more specific requirements for scheduling reviews similar to the requirements in Section 9.679(e).

Subsection (c)(2)(iii) allows the deliberation of the second level review committee, including the enrollee’s comments to be “transcribed verbatim or summarized.” Would a summary be sufficient for appeals under Section 9.708?

Subsection (c)(2)(vi) requires a notice to include “the procedures and time frame” to file an appeal. The procedures are specified in Section 9.707 and the time frame is 15 days as specified in Section 2162 of Act 68. For clarity, Subsection (c)(2)(vi) should reference the procedures in Section 9.707 or state the specific 15-day time period.

Since an enrollee can have a representative, Subsection (c)(2)(vi) should also require notice to the enrollee’s representative, if known.

Subsection (c)(2)(v) should require notice to both the enrollee and the health care provider to be consistent with Section 2161(c)(4) of Act 68.

*Subsection (c) Paragraph (3) Same or similar specialty.*

Subsection (c)(3) uses the term “similar.” The similarity of specialties could be broadly interpreted. DOH should define or specify the scope of a “similar specialty.”

**35. Section 9.707. External grievance process.—Statutory Authority; Clarity.**

*Subsection (b)*

Paragraph (b)(1) requires an enrollee to appeal within 15 days of receipt of the second level decision. How is receipt of the decision determined?

Paragraph (b)(2) uses the word “or.” This could be read to require notification to only one entity. For clarity, DOH should indicate whether notification should be given to the enrollee or provider, depending on who filed.

The reference to “subsection k” in Subsection (b)(4) appears to be in error. DOH should review this reference.

Paragraph (b)(4) mentions an “external grievance coordinator.” This position is not defined or explained in the regulation. DOH should add a definition of “external grievance coordinator.”

Paragraph (b)(5)(iv) requires “The enrollee’s plan ID number.” Does this mean the ID number assigned to the enrollee by the plan, or some other number, such as an NAIC number assigned to the plan? Also, “ID” should be replaced with “identification.”

In Subparagraphs (b)(5)(viii) and (b)(6)(ii) it is unclear what “reasonably necessary” supporting documentation is. These provisions should specify the information required.

**36. Section 9.708. Grievance reviews by CRE.—Clarity.**

Since an enrollee can have a representative, Subsection (a) should also require notice to the enrollee’s representative, if known.

**37. Section 9.709. Expedited review.—Clarity.**

*Subsection (a)*

Subsection (a) requires expedited review “. . . if the enrollee’s life, health or ability to regain maximum function will be placed in jeopardy by delay . . .” The intent of an expedited review could be negated by disagreement over the prognosis of the enrollee. The regulation should state who makes this determination.

*Subsections (c) and (f)*

Subsections (c) and (f) should specify “upon receipt of the enrollee’s request.”

*Subsection (i)*

Subsection (i) requires “receipt on the next business day.” What constitutes “receipt on the next business day”?

Subsection (i) uses the term “response” and Subsection (j) uses the term “decision.” For clarity, a single term should be used consistently.

**38. Section 9.710. Approval of plan enrollee complaint and enrollee and provider grievance systems.—Clarity.**

*Timeframes for approval*

Section 9.710 does not have a timeframe or formal process for approval of the complaint and grievance systems or changes to them.

- Is approval required prior to implementation?
- How must changes initiated by the plan be approved?

DOH should add the specific requirements and timeframes for system approval.

*Subsection (a)*

Subsection (a) should require approval by DOH rather than use the phrase “satisfactory to the Secretary.”

*Subsection (b)*

Subsection (b) should state how far in advance DOH expects these filings.

**Subchapter J. Health Care Provider Contracts****39. Sections 9.722, 9.724 and 9.725.—Consistency with the statute; Reasonableness; Need; Clarity.***Timeframe for approval*

Overall, the subchapter provides no time period for DOH review and approval. Plans, HMOs and Integrated Delivery Systems (IDSs) should be given notice as to the length of time DOH will need to review and approve the contract forms.

*Fiscal Impact*

The requirement in Section 9.722 mirrors existing regulations that cover HMOs but extends the requirements to other managed care plans that are not HMOs. For plans not covered by the HMO Act, DOH states in the Preamble that its statutory authority for this requirement is Section 2111(1) of Act 68 (40 P. S. § 991.2111(1)). This section of the statute states that a plan shall “assure availability and accessibility of adequate health care providers in a timely manner, which enables enrollees to have access to quality care and continuity of health care services.” Unlike the HMO Act, Act 68 does not contain any specific language addressing the review of contracts by DOH.

What fiscal impact will Subchapter J have? The Preamble and the Regulatory Analysis Form for this regulation do not contain any information regarding the cost of this requirement for the plans or DOH. This information should accompany the final-form regulation. In addition, DOH should consider whether there are less cumbersome and less expensive alternatives for implementing Act 68.

**40. Section 9.722. Plan and health care provider contracts.—Consistency with the statute; Reasonableness; Need; Clarity.***Subsection (a) DOH Review*

This subsection requires plans and HMOs to submit standard forms for each provider contract to DOH for review and approval. There are two concerns.

First, commentators indicated that many contracts simply require general compliance with State and Federal regulations and laws, and a provider manual published by a plan. For some plans, the provisions of this section may be included in their provider manuals rather than in each contract form. Rather than require each contract form to be submitted, it may reduce paperwork requirements if DOH reviews and approves provider manuals that are referenced by contracts.

Second, the requirements of this section may be duplicative for HMOs participating in the Medical Assistance (MA) program. They are required to submit contracts to the Department of Public Welfare (DPW). If the MA requirements are similar, then DOH may be able to reduce paperwork costs by allowing HMOs to use the same documents that they submit to DPW, or DOH could accept DPW's notice of approval of the contracts rather than undertake a separate review.

*Subsection (b) Contract Changes and Amendments*

This subsection requires the plan to “submit any change or amendment” to a contract to DOH 10 days “prior to implementation of the change or amendment.” There are two concerns.

First, this requirement will be burdensome for plans handling and mailing paperwork to DOH. Is it necessary for DOH to review every change or amendment? DOH should consider limiting this subsection to avoid unnecessary filing and review costs.

Second, the regulation should specify whether DOH will review and approve the amendments or changes. In addition, the regulation needs to set a time period for DOH review.

*Subsection (c) Provider Protection Provisions*

Subsection 9.722(c) states that a provider contract cannot contain provisions allowing the plan to sanction, terminate or fail to renew a health care provider for certain reasons including taking an action specifically permitted by Section 2113 of Act 68. There are two concerns.

First, Subsection 2121(e) of Act 68 states “no managed care plan shall exclude or terminate a health care provider from participation in the plan due to” two activities not mentioned in Section 2113. They include:

(2) The health care provider has a practice that includes a substantial number of patients with expensive medical conditions.

(3) The health care provider objects to the provision of or refuses to provide a health care service on moral or religious grounds.

Therefore, Subsection 9.722(c)(4) should reference both Section 2113 and Subsection 2121(e).

Second, if a plan terminates, or fails to renew a contract with a provider, what is the mechanism to insure that Sections 2113 and 2121(e) of Act 68 were not violated?

*Subsection (e) Consumer Protection Provisions*

This subsection sets forth “consumer protection provisions” that contracts must contain. There are two concerns.

First, Subsection 9.722(e)(5) states that the contract will include “language requiring the health care provider to adhere to State and Federal laws and regulations.” What is the purpose of the general reference to “State and Federal laws and regulations”? This regulation should reference the specific laws and regulations with which providers must comply.

Second, Subsection 9.722(e)(6) requires contracts to include “language concerning prompt payment of claims.” What type of language is being required? Is this a reference to the prompt payment of claims provisions of Act 68 or 31 Pa. Code § 154.18 of Regulation #11-195 from the Insurance Department? If so, DOH should reference Act 68 or the pertinent regulatory provision.

*Subsection (f) Health Care Provider Contract Requirements*

This subsection requires the contract to include information concerning reimbursement systems for providers. There are two concerns.

First, Subsection 9.722(f)(1) requires the contract to describe the reimbursement methods, including systems and factors for the types of economic or bonus incentive

systems used. What level of detail will DOH require? As a part of the reimbursement method description, the regulation should require details concerning the amounts and percentages used in the methods.

Second, Subsection 9.722(f)(2) sets forth specific proportions for incentive reimbursement systems. It states that no system can weigh utilization performance as a single component more highly than the other factors collectively. These other factors include quality of care and enrollee services. This would allow low utilization to equal almost one half of the incentive. How did DOH determine these proportions? In addition, DOH should consider standards promulgated by the Health Care Financing Administration at 42 CFR 417.479.

**41. Section 9.723. IDS. and Section 9.724. HMO-IDS provider contract.—Reasonableness; Clarity.**

These two sections relate to contracts between an IDS and HMO, and contracts between the IDS and health care providers. There are two concerns.

First, Subsection 9.723(b) requires an HMO and IDS to notify DOH in writing at least 60 days in advance of any proposed action that would stop the IDS's providers from treating enrollees, including institution of litigation, termination or nonrenewal. Commentators noted that an HMO or IDS may not always receive 60 days advance notice of litigation. DOH should consider revising this subsection to allow for flexibility when an HMO or IDS does not receive 60 days advance notice of litigation.

Second, both sections are confusing because they intermix requirements for contracts between an IDS and HMO, and requirements for contracts between an IDS and health care providers. For example, Subsection 9.724(c) includes the requirement that the HMO provide DOH with copies of the contracts between an IDS and health care providers, and sets forth a list of 14 detailed standards for contracts between IDSs and HMOs. To clarify the requirements for these two different types of contracts, they should be set forth in separate sections.

**42. Sections 9.723, 9.724 and 9.725.—Consistency; Reasonableness; Clarity.**

These sections establish standards and requirements for IDSs and HMOs. The definition of an IDS in Section 9.602 of this regulation defines an IDS as a partnership or other legal entity that "[e]nters in to a contractual arrangement with a plan." Why is the term "HMO" used in these sections rather than plan or managed care plan?

**Subchapter K. CREs**

**43. Section 9.742. CREs.—Clarity.**

Subsection 9.742(c) states that a licensed insurer or plan with a certificate of authority shall comply with the requirements of Act 68 but is not required to obtain certification as a CRE. However, the requirements for a certificate of authority include assessment by an external quality review organization. It is our understanding that this assessment would include a review of the plan's utilization review component that is equivalent to certification of a CRE. For this reason, this subsection should reference Section 9.655 relating to HMO external quality assurance assessment.

**44. Section 9.743. Content of an application for certification as a CRE.—Consistency with the statute; Reasonableness; Need; Clarity.**

*Subsection (b)*

Subsection 9.743(b) allows DOH to change the application form by publishing notice of the changes in the

*Pennsylvania Bulletin*. Any changes to the application form must be non-substantive in nature. Substantive changes must be made by a new rulemaking. This subsection should include language that any changes would be in accordance with this regulation or consistent with the content requirements in this section.

*Subsection (c)*

This subsection sets forth content requirements for the CRE application form. There are five concerns. First, Subsection 2151(c) of Act 68 states that DOH "may adopt a nationally recognized accrediting body's standards to certify utilization review entities to the extent the standards meet or exceed the standards set forth in this article." Subsection 9.743(c)(5)(vii) requires a CRE's application to include: "Evidence of approval, certification or accreditation received by a Nationally recognized accrediting body in the area of UR [utilization review], if it has secured the approval, certification or accreditation."

What accrediting bodies meet the standards set forth in this regulation and Act 68? DOH should designate these organizations in the regulation or publish a list of accrediting bodies that is available to the public.

Second, Subsections 2152(a)(4)(i)—(iii) of Act 68 set forth specific "turnaround" time requirements for UR decisions. There are two issues related to these statutory requirements. The first concern is that the specific statutory time requirements for UR decisions should be referenced or included in the regulation. Second, how will DOH determine whether a CRE has the ability or capacity to meet these "turnaround" time requirements?

Third, Subsection 9.743(c)(5)(ii) states that the application should include a description of the applicant's "acceptable selection and credentialing procedures and criteria for physician and psychologist clinical peer reviewers." What is meant by "acceptable"? Do these procedures and criteria include the requirement in Section 2152(a)(5) of Act 68? What is included in "other required credentials"? DOH should clarify.

Fourth, Subsection 9.743(c)(5)(ix) will limit applicants to those who are already in the business of CREs. This subsection requires that the application include a list of three clients for which the applicant conducted UR. Is it the intent of DOH to prevent entry into this market by new CREs? If not, this subsection needs to be revised.

*Subsection (d)*

Subsection 9.743(d)(3) asks the applicant to certify that a plan is not providing compensation to a CRE employee or other person performing UR on its behalf that contain direct or indirect incentives to approve or deny payment for health care services. However, Subsection 2152(b) of Act 68 simply states: "Compensation to any person or entity performing utilization review may not contain incentives, direct or indirect, for the person or entity to approve or deny payment for delivery of any health care services." The regulation should not limit the application of the statutory language to plans. The subsection should reference the language of Act 68.

**45. Section 9.744. CREs participating in internal and external grievance reviews.—Reasonableness; Clarity.**

Subsection 9.744(a)(3) requires disclosure of any potential conflict of interest. Why isn't this requirement a part of the application in Section 9.743? A CRE may avoid this disclosure requirement if it uses the application procedures in Section 9.743. Since DOH needs to identify CREs

that meet the requirements of Section 2162 of Act 68, wouldn't it be useful to have this information for all CREs?

**46. Section 9.748. Maintenance and renewal of CRE certification.—Clarity.**

This section should contain specific language providing DOH with access to the same records and other information concerning a CRE as described in Subsection 9.747(b). In addition, this subsection should state that DOH will have access to and review UR decisions developed by the CRE. This is necessary to allow DOH to monitor CREs for compliance with Act 68 and this subchapter.

**Subchapter L. Credentialing**

**47. Section 9.761. Provider credentialing.—Clarity.**

Subsection (b) should require DOH approval to be consistent with Section 2121(a) of Act 68. In addition this subsection should provide the process and time frame for approval of the provider's credentialing plan.

**48. Miscellaneous Clarity Issues.**

*Section 9.702. Complaints and grievances.*

Paragraph (a)(1) uses the singular word "procedure." For clarity, we suggest using the plural word "procedures" to emphasize that complaints and grievances are separate procedures.

*Section 9.711. Alternative provider dispute resolution systems.*

The title of this Section could imply there is an alternative provider rather than an alternative dispute resolution system. Since this system is an agreement between the provider and the plan, the word "provider" should be deleted from the title.

*Section 9.711. Alternative provider dispute resolution systems.*

There is a typographical error in Subsection (e). It should state "... alternative dispute resolution system. . . ."

*Subsections 9.721. Applicability.*

In this section, why are the terms "health care providers" and "IDSs" repeated twice?

*Subsections 9.722(a), 9.722(b), 9.724(b) and 9.743(b).*

On its page 44, the *Pennsylvania Code and Bulletin Style Manual* recommends the use of the word "before" instead of the word "prior." In these three subsections, DOH should replace the words "prior to" with "before."

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-400. Filed for public inspection March 3, 2000, 9:00 a.m.]

**Notice of Filing of Final Rulemaking**

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-466	Department of Public Welfare Subsidized Child Day Care Eligibility	2/17/00

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-401. Filed for public inspection March 3, 2000, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Application for Written Consent; Department Notice No. 2000-04**

This notice is to advise all persons and entities currently engaged or participating, or seeking to engage or participate, in the business of insurance in this Commonwealth that the Insurance Department (Department) has adopted an application for written consent to engage in the business of insurance under The Violent Crime Control and Law Enforcement Act of 1994 (act), 18 U.S.C.A. §§ 1033 and 1034 (relating to application for written consent).

Under the act, it is a criminal offense for an individual who has been convicted of a criminal felony involving dishonesty or a breach of trust, or an offense under the act, to willfully engage or participate in the business of insurance, or to willfully permit such participation, without the written consent of the appropriate insurance regulatory official. The written consent must specify that the consent is granted for the purpose of permitting insurance activity under § 1033(e) of the act.

The act broadly defines the term "business of insurance" and provides no exemptions or "grandfather" provisions for convictions that occurred prior to its enactment or for persons who are already engaged or participating in the business of insurance. Individuals prohibited from engaging or participating in the business of insurance without written consent are referred to as "prohibited persons." The Department has jurisdiction under the act to consider requests for written consent filed by the following types of prohibited persons:

1. Officers, directors, employees, consultants, and subcontractors of domestic insurers, including but not limited to, insurance companies, associations and exchanges, Lloyds insurers, health maintenance organizations, fraternal benefit societies, beneficial associations, hospital plan corporations, health services plan corporations, preferred provider organizations, premium finance companies, risk retention groups and purchasing groups.
2. Resident licensees and their officers, directors and employees, including but not limited to agents, brokers, agencies, insurance administrators, managers, exclusive general agents, managing general agents, reinsurance intermediaries, surplus lines agents, public adjusters, public adjuster solicitors and motor vehicle physical damage appraisers.

A Commonwealth resident who is a prohibited person must apply for and obtain the written consent of the Department to begin or to continue to engage or participate in the business of insurance. Written consent under the act must be obtained even if the prohibited person is

now or has ever been licensed or otherwise approved by the Department to transact business. In addition, a prohibited person who resides outside of the Commonwealth must obtain the written consent of his or her domiciliary insurance regulatory official to be permitted to begin or continue to engage or participate in the business of insurance in this Commonwealth.

While the act provides a mechanism whereby a prohibited person may apply to the appropriate insurance regulatory official for written consent, it does not allow a prohibited person to work in the business of insurance while applying for that consent. The Department maintains full discretion in deciding whether or not to grant written consents, which will be determined on a case-by-case basis taking into account materials submitted to the Department by the applicant.

All affected persons are encouraged to thoroughly review the act and insure that they are complying with it. Failure to inform the Department of a prior felony on a license application may result in a violation of the act as well as constitute grounds for denial of the license. Employers must make diligent efforts to identify prohibited persons and insure that they are not violating the act by permitting prohibited persons to engage or participate in the business of insurance without written consent.

The Department's application for written consent may be obtained by contacting the Office of Regulation of Companies at (717) 783-2142, Fax (717) 787-8557. On or about March 1, 2000, the application will also be available on the Department's website at [www.insurance.state.pa.us](http://www.insurance.state.pa.us).

Questions concerning this notice may be directed to Stephen J. Johnson, CPA, Deputy Insurance Commissioner, Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2142/Fax: (717) 787-8557, E-mail: [sjohnson@ins.state.pa.us](mailto:sjohnson@ins.state.pa.us).

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 00-402. Filed for public inspection March 3, 2000, 9:00 a.m.]

### First Priority Health Rate Filing; #H-437-BASE-FPH2-1/1/2000; Rate Increase for Community HMO Products

Due to higher medical care costs and utilization trends, First Priority Health submitted a rate filing on February 22, 2000 requesting the Insurance Department's (Department) approval to increase the monthly base rate for its Standard HMO Plan, including the prescription drug rider, by 11.44%. This filing is for an effective date of second quarter 2000.

When combined with the 20.63% increase previously approved by the Department for January 1, 2000, customers selecting the prescription drug rider will see a 34.43% rate increase from the 1999 approved rate. For customers not selecting the prescription drug rider, the rate increase from the previously approved rate in 1999 is 27.45%. To obtain consistency between the medical care cost trends and the quarterly rate trends, FPH is also requesting increases in the quarterly rate trends. These proposed rate actions would affect the second quarter 2000 through December 2000 group renewals. The rate increase requested for the Non-Group Conversion pool is 8.68% effective second quarter 2000.

The projected average number of HMO contracts per month which renew from April 1, 2000—December 31, 2000 period is approximately 30,000.

This filing is available for public inspection during normal working hours on the 13th floor, Strawberry Square, Harrisburg, PA 17120.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Life and Health Actuary, Insurance Department at the aforementioned address within 30 days after the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 00-403. Filed for public inspection March 3, 2000, 9:00 a.m.]

### Pennsylvania National Mutual Casualty Insurance Company; Pennsylvania Homeowners Program Rate Revision

On February 14, 2000 the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for a rate level change for homeowners insurance.

The company requests an overall 2.0% increase amounting to \$261,000 annually, to be effective June 1, 2000.

Unless formal administrative action is taken prior to March 15, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions, or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (E-mail at [mburkett@ins.state.pa.us](mailto:mburkett@ins.state.pa.us)) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 00-404. Filed for public inspection March 3, 2000, 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 the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). These administrative hearings will be held in the Insurance Department's Regional 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 Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Jason Manley; file no. 00-181-00369; Nationwide Insurance Company; doc. no. P00-02-012; March 30, 2000, 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 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. 00-405. Filed for public inspection March 3, 2000, 9:00 a.m.]

### Review Procedure Hearings: Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to 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 hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Aetna Life & Casualty Company; file no. 94-407-90946; Paul Gettleman; doc. no. E94-1001; March 15, 2000, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

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. 00-406. Filed for public inspection March 3, 2000, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer Without Hearing

**A-110000 F0002. Keystone Generating Station, et al.** Application of Public Service Electric and Gas Company (PSE&G), for approval of the transfer by PSE&G of its interest in the Keystone Generating Station the Conemaugh Generating Station and Peach Bottom Atomic Power Station.

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 March 20, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Public Service Electric & Gas Company

*Through and By Counsel:* Robert C. Gerlach, Esquire, Ballard Spahr Andrews and Ingersoll, LLP, 1735 Market Street, 51st Floor, Philadelphia, PA 19103.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-407. Filed for public inspection March 3, 2000, 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 protests to the application. Protests to the applications published herein are due on or before March 27, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests 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-00116603. John S. Herman, II, t/d/b/a Alpha Limousine** (602 Old York Road, Etters, York County, PA 17319)—persons in limousine service, between points in the counties of Dauphin and York, and from points in said counties, to points in Pennsylvania, and vice versa.

**A-00116604. Michael Simpson Corporation, t/d/b/a Latif's Van Service** (4727 Salem Street, Philadelphia, PA 19124), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in the city and county of Philadelphia, to Federal and State Correctional Institutions in Pennsylvania, and return.

**A-00116605. Day and Night Shuttle, Inc.** (1604 Locust Street, 2R, Philadelphia, PA 19103), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, using vehicles seating 15 passengers or less including the driver, between points in the city and county of Philadelphia, and from points in the city and county of Philadelphia, to points in Pennsylvania, and return. *Attorney:* Laura Feldman, 1604 Locust Street, Philadelphia, PA 19103.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00114432, Folder 2, Am-A. Red Carpet Limousine Connection, Inc.** (239 Main Street, Mt. Pleasant, Washington County, PA 15666)—persons in limousine service, from points in the county of Allegheny, to points in the counties of Fayette, Greene and Washington, and return: *So as to permit* the transportation of persons in limousine service: (1) between points in the county of Westmoreland, and from points in said county, to points in Pennsylvania, and return; and (2) from points in the county of Allegheny, to points in the county of Westmoreland, and return; subject to the following condition: That no right, power or privilege is granted to transport persons attending funerals.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-408. Filed for public inspection March 3, 2000, 9:00 a.m.]

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**Merger**

**Without Hearing**

**A-120011 F0003; A-120011 F0004; and A-120011 F0005. Southern Union Company et al.** Application of Southern Union Company for all approvals necessary

under the public utility code for the transactions described in the agreements of merger between Southern Union Company and Fall River Gas Company, Inc., Providence Energy Corporation and Valley Resources, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 20, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Southern Union Company

*Through and By Counsel:* Thomas J. Sniscak, Esquire, Todd S. Stewart, Esquire, Malatesta, Hawke, and McKeon, LLP, Harrisburg Energy Center, 100 North 10th Street, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-409. Filed for public inspection March 3, 2000, 9:00 a.m.]

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**Telecommunications**

**A-310325F0002. Bell Atlantic-Pennsylvania, Inc. and ALLTEL Communications, Inc.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and ALLTEL Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and ALLTEL Communications, Inc., by its counsel, filed on February 11, 2000, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and ALLTEL Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-410. Filed for public inspection March 3, 2000, 9:00 a.m.]

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**Telecommunications**

**A-310862F0002. GTE North Incorporated and Blue Star Communications, Inc.** Adoption by Blue Star Communications, Inc. of a supplemental interconnection agreement between GTE North Incorporated and AT&T Communications under section 252(i) of the Telecommunications Act of 1996.

GTE North Incorporated and BlueStar Communications, Inc., by its counsel, filed on January 11, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a supplemental



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 GTE North Incorporated and BlueStar Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-411. Filed for public inspection March 3, 2000, 9:00 a.m.]

## PHILADLEPHIA REGIONAL PORT AUTHORITY

### Requests for Letters of Interest

The Philadelphia Regional Port Authority (PRPA), a non-profit corporation, is accepting letters of interest for the opportunity to bid on the 1999-2000 fiscal year audit. The 12-month period runs from July 1, 1999 to June 30, 2000. All accounting firms should submit their letters of interest prior to March 15, 2000. The Audit Committee will begin the interview process in late March or early April.

The PRPA is an independent authority of this Commonwealth charged with the management, maintenance and promotion of Philadelphia's port facilities along the Delaware River.

Send letters of interest to Bruce J. Colucci, Philadelphia Regional Port Authority, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 00-412. Filed for public inspection March 3, 2000, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 28, 2000 Sylvia J. Amato 10:30 a.m.  
(Purchase of Maternity Leave)

William D. McClure 1 p.m.  
(Purchase of Service)

Rosemary Muller 2:30 p.m.  
(Purchase of Service)

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 00-413. Filed for public inspection March 3, 2000, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Robert Finkbiner and Michael A. Bazadona, individually and d/b/a Owners Auto Mart; Doc. No. 1047-60-99; File No. 99-60-04000; 98-60-05075

On January 20, 2000, the State Board of Vehicle Manufacturers, Dealers and Salespersons levied a civil penalty of \$2,000 upon Robert Finkbiner of Sugar Notch, PA, license number MV-113854-L, and levied a civil penalty of \$2,000 upon Michael A. Bazadona, Jr. of Wilkes-Barre, PA, license number MV-136158-L, for 48 acts of brokering, in violation of sections 5(a)(3), 19(26) and 19(27) of the Board of Vehicles Act, 63 P. S. §§ 818.5(a)(3), 818.19(26) and 818.19(27), respectively.

Individuals may obtain a copy of the Adjudication and Order by writing to Thomas A. Blackburn, State Board of Vehicle Manufacturers, Dealers and Salespersons, 116 Pine Street, 3rd Floor, P. O. Box 2649, Harrisburg, PA 17105-2649.

ROBERT G. PICKERILL,  
*Chairperson*

[Pa.B. Doc. No. 00-414. Filed for public inspection March 3, 2000, 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

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### 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*

### NOTICE

#### NEW ACT 57 THRESHOLDS

**EFFECTIVE January 1, 2000**

Act 57 of 1998 provides for annual adjustments to certain thresholds to reflect the annual percentage change in the Composite Construction Cost Index of the United States Department of Commerce occurring in the 1-year period ending December 31 of each year. The Composite Construction Cost Index for the year ending December 31, 1998 was 121.7. The Composite Construction Cost Index for the year ending December 31, 1999 was 126.9. The difference between the indices for calendar years 1998 and 1999 is 5.2. Therefore, the percentage change in the Composite Construction Cost Index was +4.273%. Using this adjustment percentage the new dollar thresholds are:

	<b>Original Threshold Amount</b>	<b>1999 Threshold Amounts</b>	<b>2000 Threshold Amounts</b>
The maximum amount which DGS can authorize for procurement on a no-bid basis for construction projects	\$10,000.00	\$10,235.50	\$10,672.85
Requirement for contract performance security for construction contracts	\$25,000.00	\$25,588.75	\$26,682.10
Requirement for performance bonds and payment bonds for construction contracts	\$100,000.00	\$102,355.00	\$106,728.35
Dollar threshold for approval of statewide requirements contracts by the State Treasurer	\$1,000,000.00	\$1,023,550.00	\$1,067,283.45
Ceiling for establishment of the design professional fee by DGS selections committee	\$20,000,000.00	\$20,471,000.00	\$21,345,668.65

## Commodities

**1333389** Latest Model John Deere 550H crawlers/dozers. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Conservation and Natural Resources  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1418229** Bituminous surface course per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Fish and Boat Commission  
**Location:** Liverpool, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**8250720** Tarp System. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1420119** Folger Adams sliding door parts and electric locks with keys. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1407159** Trash Liners, for the "Keep America Beautiful" Program. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1411189** Double window envelopes. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Revenue  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1200359** Source Testing Vehicle. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**1405389** Weeping Hose. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Conservation and Natural Resources  
**Location:** Halifax, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

**E00002—Tools** Tools—Air, Electrical, Plumbing and Carpentry. For a copy of the solicitation FAX your request to State Armory Board, (717) 861-2932.

**Department:** Military Affairs  
**Location:** Fort Indiantown Gap, Annville, PA 17003  
**Duration:** June 30, 2000  
**Contact:** Eugene Ollar, (717) 861-2921

**1338169** Automotive chassis dynamometer. For a copy of the bid package fax request to (717) 787-0725.

**Department:** State System of Higher Education  
**Location:** Lancaster, PA  
**Duration:** FY 99—00  
**Contact:** Vendor Services, (717) 787-2199

# SERVICES

## Advertising—01

**ADV No. 68** Indiana University of Pennsylvania is seeking qualified vendors to respond to a Request for Proposal for initiating and maintaining a revenue-sharing project for IUP's TV Station, WIUP-TV. Vendors for copies of the Proposal package should be made in writing referencing ADV No. 68 and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, 650 South 13th Street, Robertshaw Building, Indiana, PA 15705; Fax Number (724) 357-2670; email address "cerovich@grove.iup.edu". Requests for the proposal package will be accepted until March 15, 2000. The University encourages responses from small and disadvantaged, minority and woman-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** Five years  
**Contact:** Barbara Cerovich, (724) 357-2301

**RFP No. 5-00** Contract for outreach services for the Statewide Adoption Network (SWAN) Program to include a media campaign and network communications. The media campaign will target appropriate adoptive families for children with special needs through the use of television, radio, printed materials and coordination with the Pennsylvania State Foster Parent Association. The network communications will include publishing Network News, an Adoption Conference, family packets, brochures, special events promotions, One Church, One Child of Pennsylvania, Inc., Adoption Help Manual and SWAN Helpline. Copies of the RFP can be requested by facsimile at (717) 787-3560.

**Department:** Public Welfare  
**Location:** Statewide  
**Duration:** July 1, 2000—June 30, 2005  
**Contact:** Kathy A. King-McCarthy, (717) 705-3878

## Agricultural Services—02

**2000-BRINE SHRIMP** Premium Grade Artemia Cysts (Brine Shrimp Eggs), minimum hatch rate 85%.

**Department:** Fish and Boat Commission  
**Location:** Central Warehouse, Robinson Lane, Pleasant Gap, PA 16823  
**Duration:** To be purchased approximately March 15, 2000  
**Contact:** Kathi Tibbott, (814) 359-5130

**Audio/Video—04**

**5820-0100-000** The contractor shall provide all labor, equipment, materials, and supplies necessary to maintain closed circuit television (CCTV) systems, VCRs, Camcorders and collateral audio visual equipment as needed and requested by the State Correctional Institution at Greensburg.

**Department:** Corrections  
**Location:** R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Jack A. Loughry, (724) 837-4397, Ext. 254

**WC 733** West Chester University is issuing Request for Proposal WC 733—Long Distance Service including Billing and Collection for Resident Students. The successful contractor will provide long distance telephone service to resident students by the University's Centrex service, and shall directly, or through a subcontractor, bill individually, collect and manage said service. A preproposal meeting will be held at 10 a.m. on March 10, 2000 in Room 209 of Sykes Union Building (E. Rosedale Avenue). The Proposals are due by 3 p.m. on March 28, 2000. The service will begin on July 15, 2000. The University expects that the contract will be awarded for a 3 year period with two 1-year options for renewal. The contract will not exceed a total of 5 years. Please send requests for the RFP to (610) 436-2720 or e-mail jmarthinsen@wcupa.edu.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** Three years with two one-year options for renewal  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 439-2705

**RFP 99-15-2580-014** To provide telecommunications billing audit services for voice services under the jurisdiction of the Department of General Services. These auditing services will be provided with express intent of finding billing errors and recovering the appropriate refunds for the Commonwealth.

**Department:** General Services  
**Location:** Statewide—2221 Forster Street, G-13, Harrisburg, PA 17103  
**Duration:** Two years with three optional one year renewals  
**Contact:** John B. Malcolm, Jr., (717) 783-1965

**Construction & Construction Maintenance—09**

**FDC-317-664** Excavate and Replace Existing Toe Drain along dam at Little Buffalo State Park. Work includes Excavation, Backfill, 80 L.F. of 12 inch PVC Pipe, 80 tons of Sand, 22 tons of No. 57 and No. 8 Stone and Landscaping. Bid documents will be available on or after March 8, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Juniata and Centre Townships  
**Duration:** 45 days  
**Contact:** Construction Management Section, (717) 787-5055

**IN-759** Renovation of John Sutton Hall—Phase I. Replacement of windows, plumbing and heating systems, addition of central air conditioning and exhaust and ventilation systems, electrical system upgrades. Also included will be selected interior modifications and renovations as well as exterior work including new storm drains, and the like.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4851

**015DGS552-28PHASE2** Project Title: Installation of Integrated and Updated Fire Alarm System for Entire Facility. Brief Description: Provide complete fire alarm systems (interconnecting to existing system) for the following buildings: No. 1 through 6, No. 9, 14, 16, 17 and 21. Also provide infrastructure of conduits, ductbanks and connect to central monitoring locations. Estimated Range: \$100,000 to \$500,000. Electrical Construction. Plans Deposit: \$150 per set payable to: LLI Technologies Design Group. 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: LLI Technologies Design Group, 806 Penn Avenue, Pittsburgh, PA 15222, (412) 338-0700. Bid Date: Wednesday, March 29, 2000 at 11 a.m. A Prebid Conference has been scheduled for Friday, March 17, 2000 at 10 a.m. at the Polk Center at DGS Office, Building No. 9, Polk, PA. Contact: Tom Monaghan, (412) 338-0700. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Polk Center, Polk, Venango County, PA  
**Duration:** 154 Calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS655-9PHASE2** Project Title: Mechanical System Upgrades. Brief Description: Replacement of existing ice-making refrigeration system and installation of packaged roof top dehumidification unit. Estimated Range: \$100,000 to \$500,000. HVAC Construction. Plans Deposit: \$70 per set payable to: Elwood S. Tower Corporation. 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: Elwood S. Tower Corporation, 8150 Perry Highway—Suite 319, Pittsburgh, PA 15237-5288, (412) 369-7777. Bid Date: Wednesday, March 22, 2000 at 11 a.m. A Prebid Conference has been scheduled for Friday, March 10, 2000 at 10 a.m. in the Robert Braybender Conference Room, Lower Level of the Tullio Arena, 809 French Street, Erie, PA. Contact: Jim Kosinski, (412) 369-7777. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Louis J. Tullio Convention Center, Erie, Erie County, PA  
**Duration:** 120 Calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**98-77A and 98-77B** Renovations to Grant Science Center and Simon B. Elliott Hall. These renovations include upgrading finishes, renovating toilet rooms to comply with The Americans with Disabilities Act and Department of Labor and Industry Universal Accessibility Standards, a new water service to each building, upgrading portions of the HVAC and plumbing systems, and replacing lighting and rewiring mechanical equipment as required. Work shall include, but is not necessarily limited to, the furnishing of all labor, superintendence, materials, tools and equipment and performing all work necessary to complete all General, HVAC, Plumbing and Electrical Construction at the satisfaction of, and subject to approval of the professional and the State System of Higher Education. This is a prevailing wage project. The system encourages responses from small firms, minority firms, and firms which may have not previously performed work for the system. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education. Plans and Specifications are available from Burkavage Design Associates, Inc., 200 Abington Executive Park, Clark Summit, PA 18411, (570) 586-0719 for a nonrefundable fee of \$150. A prebid conference has been scheduled for March 23, 2000 at 10 a.m. in Brooks Maintenance Building, Mansfield University.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Mansfield, PA 16933  
**Duration:** 147 days from notice to proceed  
**Contact:** Purchasing Department, (570) 662-4148

**FBP-07-0007R** Removal of existing structures; excavating, backfilling and compacting; boulders; E & S measures; select material surfacing; water supply line; traffic signing; landscaping; plain and reinforced concrete structures (6 c.m.); structural steel; and glulam timber bridge superstructure and timber railing. Project is in Poe Paddy State Park, Centre County. Note: Bid documents may be requested on or after March 6, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Haines Township  
**Duration:** Complete all work by October 31, 2000  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-012-381** Construct approximately 23 miles of recreational trail on an existing railroad grade between Blackwell and Waterville. Work includes excavating, grading, placing aggregate, bituminous paving, drainage work, wood railing and guide rail, landscaping, signs, rehabilitate an existing comfort station, and construct four new comfort stations. Located in Lycoming County. Note: Bid documents will be available on or after March 6, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Brown, McHenry and Cummings Townships  
**Duration:** 460 days  
**Contact:** Construction Management Section, (717) 787-5055

**015DGS506-21** Project Title: Renovate Building # 12. Brief Description: Project consists of adding a new air conditioning system, replacing the heating system, upgrading the electrical system, adding gypsum board bulkheads and replacing some window sashes. Work includes general, HVAC and electrical construction. Estimated Range: \$500,000 to \$1,000,000. General, HVAC and Electrical Construction. Plans Deposit: \$250 per set payable to: Erdman, Anthony, 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 for \$15 per set or provide your express mail account number to the office listed. Mail requests to: Erdman, Anthony, Associates Inc., 3 Crossgate Drive, Suite 100, Mechanicsburg, PA 17055-2459, (717) 766-1741. Bid Date: Wednesday, March 22, 2000 at 2 p.m. A Prebid Conference has been scheduled for Friday, March 10, 2000 at 10 a.m. at Harrisburg State Hospital, Building No. 11, Room 125 and 126, Harrisburg, PA. Contact: Terry Keiter, (717) 772-7371. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Harrisburg State Hospital, Harrisburg, Dauphin County, PA  
**Duration:** 185 Calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**015DGS948-12RPHASE5PTLREBID** Project Title: Perimeter Security Project/West Side of Main Capitol. Brief Description: Security System to West Plaza entrance/exit including one or two guard stations, vehicle bollards/barriers, gate arms with card access, link entire system to IMCS, retaining walls and replace roadways to the plaza. Estimated Range: \$2,000,000 to \$5,000,000. General and Electrical Construction. Plans Deposit: \$150 per set payable to: Vitetta, 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: Vitetta, Inc., Philadelphia Naval Business Center, 4747 S. Broad Street, Philadelphia, PA 19112, (215) 218-4747. Bid Date: Wednesday, March 8, 2000 at 2 p.m.

**Department:** General Services  
**Location:** Main Capitol Building, Harrisburg, Dauphin County, PA  
**Duration:** Work must be completed on or before August 27, 2000. Actual planting must be completed on or before September 30, 2000  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**62-0049** West Chester University is soliciting sealed bids for the renovation of Traditions Dining Room—Project 62-0049. There will be three separate prime contracts—General, Electrical and Food Service. The project consists of: renovations to a take-out area, serving area and seating area. Also, limited modification to the building, new interior and exterior doors, interior partitions, millwork, fire protection lighting, electrical installations and food service equipment. The work is to begin on or about May 8, 2000 and completed by August 14, 2000. Plans and specifications are available from Marianna Thomas Architects, 3961 Baltimore Ave., Philadelphia, PA 19104. Phone: (215) 386-0200 or fax: (215) 386-7052 for a nonrefundable fee of \$50 if picked-up or \$65 for UPS.

**Department:** State System of Higher Education  
**Location:** West Chester University, Traditions Dining Room, West Chester, PA 19383  
**Duration:** Start on or about May 8, 2000—finish August 14, 2000  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**015DGS948-41MCI** Project Title: Commissioning. Brief Description: The package consists of, but is not limited to the following work: Testing and Balancing of HVAC work and Writing and Implementation of a Commissioning Plan that includes: Startup procedures, verification of functional performance and management of vendor and contractor training of Department Personnel. Estimated Range: \$100,000—\$500,000. HVAC Construction. Plans Deposit: \$250 for one set. Checks payable to: CRSS Constructors. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 Calendar Days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased from Reliance Reprographics, Inc., Governor's Plaza South, Building # 3, Suite 325, 2001 N. Front Street, Harrisburg, PA 17102, Attn: Adam Kenes, (717) 232-5700. Bid Date: Tuesday, March 28, 2000 at 2 p.m. A Prebid Conference has been scheduled for Thursday, March 9, 2000 at 2 p.m. Meeting to be held in the Corporate Board Room, Arsenal Building, 18th and Herr Streets, Harrisburg, PA. Contact: Justin Koenes, (717) 233-7507. All bidders who have secured Contract Documents are invited and urged to attend this Prebid Conference. All questions must be submitted in writing to CRSS Constructors, Inc. in Association with the Quandel Group, Inc., P. O. Box 60827, Harrisburg, PA 17106-0827, Attn: Justin Koenes, (717) 233-7507, Fax (717) 233-7528 by Friday, March 17, 2000.

**Department:** General Services  
**Location:** Keystone Building Project, Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** 206 Calendar days from preconstruction conference date  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**2000-NW Paving** Paving of driveway and parking areas with Bituminous Surface Course—ID-2A complete in place, approximately 2,000 sq. yds. Requires removal and disposal of approximately 50 sq. yds. of existing asphalt. PennDOT permit not required, however contractor must follow traffic control requirements.

**Department:** Fish and Boat Commission  
**Location:** Fish & Boat Commission, Northwest Law Enforcement Office, 11528 State Highway 98, Meadville, PA 16355  
**Duration:** Work to be performed between April 1 and June 30, 2000  
**Contact:** Kathi Tibbott, (814) 359-5131

**MU 99-19** Installation of approximately 1,850 top 2,000 computer, telephone, cable TV lines, and electrical outlets in the following eight residence hall buildings: Cedarcrest A & B, Maple A & B, Hemlock & Pinecrest. Project also includes the installation of new electrical panels on each floor of each building mentioned. Interested bidders may request the bid package from the Purchasing Department, Mansfield University, Mansfield, PA 16933, (570) 662-4148, for a nonrefundable fee of \$20. Please note that bonding and Prevailing Wage is required for this project. The system encourages responses from small firms, minority firms, and firms which may have not previously performed work for the system. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education. A prebid conference has been scheduled for April 13, 2000 at 10 a.m. Bids are due May 3, by 2 p.m.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Mansfield, PA 16933  
**Duration:** 67 days from Notice to Proceed  
**Contact:** Purchasing Department, (570) 662-4148 Engineering Services—14

## Engineers—14

**08430AG2508** Two Open-End Contracts to provide various engineering and environmental services in Engineering District 2-0, that is, Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 2-0  
**Duration:** Sixty Months  
**Contact:** N/A

**08430AG2509** To provide construction inspection and documentation services on S. R. 2004, Section B05, Freedom-Crider Safety Project and S. R. 2004, Section 006, Freedom-Crider Bridge Rehabilitation, both in Beaver County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Thirty days after construction completion  
**Contact:** N/A

**08430AG2510** To provide supplemental construction inspection staff of approximately 20 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services for S. R. 6015, Section D52 (earthwork and drainage) and Section 52P (structures and paving), in Tioga County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** Thirty days after construction completion  
**Contact:** N/A

**08430AG2511** Open-End Contract to perform plans checking, P.S.&E. Package Preparation and review of construction project documentation on various projects in Engineering District 3-0, that is, Bradford, Tioga, Lycoming, Sullivan, Columbia, Montour, Northumberland, Snyder and Union Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 3-0  
**Duration:** Sixty Months  
**Contact:** N/A

**08430AG25112** A multi-phase, specific project agreement to conduct environmental studies, perform preliminary engineering, final design and services during construction (shop drawing review and consultation during construction) for the replacement of the Emerald Lake Bridge on S. R. 4002, Section 01B in the Township of Tobyhanna, Monroe County, Engineering District 5-0. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Thirty days after construction completion  
**Contact:** N/A

**08430AG2513** Open-End Contract for various engineering and environmental services in Engineering District 10-0, that is, Armstrong, Butler, Clarion, Indiana and Jefferson Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at www.statecontracts.com under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 10-0  
**Duration:** Sixty Months  
**Contact:** N/A

**Environmental Maintenance Services—15**

**AMD 11(2568)101.1** Acid Mine Drainage Abatement, Bellwood (Lloydville Run) involves approximately 4,830 c.y. embankment construction, 2,470 s.y. SAP basin geotextile, 1,010 tons spent mushroom substrate, and seeding 20 acres. This project issues March 3, 2000; payment in the amount of \$10 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Reade Township, Cambria County  
**Duration:** 280 days  
**Contact:** Construction Contracts Section, (717) 783-7994

**Food—19**

**00-001** CC #: 8915-2010-000. Contractor shall provide concentrated drink base and dispensing system. Approximate projection of consumption should approach 7,900 gallons of drink base per each 12 month period. Please contact the Agency listed for quote specifications.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Route 258 South, Mercer, PA 16137  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** John Pitonyak, (724) 662-1837, Ext. 194

**00-01 MILK** Contractor to provide milk and dairy products to the Department of Public Welfare for a 12-month period beginning July 1, 2000. Copies of the bid proposal can be obtained by contacting the Procurement office.

**Department:** Public Welfare  
**Location:** Each Department of Public Welfare facility/center (Statewide)  
**Duration:** July 1, 2000 through June 30, 2001  
**Contact:** Lori Vessella, (717) 783-9281

**7733** Perishable Foods: Meats, poultry, seafood/fish, miscellaneous, juice, pre-prepared salads, pre-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:** April 1, 2000—June 30, 2000  
**Contact:** Pamela Bauman, (570) 271-4578

**Hazardous Material Services—21**

**359005** The Department of Transportation is soliciting bids to provide for Emergency Road Response for the Department. This service shall be limited to PennDOT's right-of-way within Engineering District 8-0 to include Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon, and Perry Counties. Work is limited to initial incident response, removal of obstructions and materials from the right-of-way, containerization, transportation characterization, storage and disposal of wastes generated within PennDOT's right-of-way. No excavation shall be performed. To obtain a copy of this bid package please FAX the following information to Diane Cole at (717) 772-8282: Contract # 359005, Company Name, Company Contact Name, Address, Telephone Number, and Fax Number. Please reference Contract # 359005 on the Fax.

**Department:** Transportation  
**Location:** Within counties that make up District 8-0. Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon, and Perry Counties  
**Duration:** One year with renewal options  
**Contact:** James Doheny, (717) 787-4463

**HVAC—22**

**SP 3590009282** Provide maintenance and on-call service for the heating, air conditioning and boiler systems at the Department of Environmental Protection, Hawk Run District Office, Hawk Run, PA.

**Department:** Environmental Protection  
**Location:** Hawk Run, PA  
**Duration:** Through June 30, 2001, with option to renew  
**Contact:** Sherry Morrow, (717) 772-1216

**007** Lighting renovation, repairs, re-lamp of the drill hall.

**Department:** Military Affairs  
**Location:** PA Army National Guard Pittsburgh, Crane and OMS Shop 22, 826 Crane Avenue, Pittsburgh, PA 15216-3012  
**Duration:** DOA—September 30, 2000  
**Contact:** Aimme/Brenda, (717) 861-8519/2118

**120006** Maintenance of Electrical System for Overhead Lighting and Signs in Washington County. Bid based on hourly wage and equipment rates for on-call service to maintain electrical systems for overhead lighting and illumination of overhead signs in accordance with specifications in the bid proposal. The bid price includes total per hour rate for one foreman, one journey-electrician, one journey lineman, one common laborer, one hydraulic bucket truck, and one line truck with hydraulic boom and digging equipment.

**Department:** Transportation  
**Location:** Various sites/routes in Washington County. Includes overhead lighting on Interstate 0070 and 0079.  
**Duration:** One year contract with option for three 1-year renewals. Tentative contract period is July 1, 2000, to June 30, 2001  
**Contact:** Terri M. Schubenski, (724) 223-4480/4481

**1775** Bathroom Partitions: Furnish Panels, Doors, and Pilasters. Nuts, bolts and anchors needed to put together and install the partitions in four rooms in Building 16 of the Harrisburg State Hospital. Exact specifications of items needed may be obtained from the facility.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105  
**Duration:** Indeterminate 1999—2000  
**Contact:** Jack W. Heinze, (717) 772-7435

**004** Furnace installation. \*Please fax requests for specifications to (717) 861-2932, Attn: Aimme Heffner.

**Department:** Military Affairs  
**Location:** PA National Guard Armory, Organizational Maintenance Shop # 29A 1085, Route 522 North, Lewistown, PA 17044  
**Duration:** Date of Award to September 30, 2000  
**Contact:** Aimme or Brenda, (717) 861-8519/2118

**1034** Boiler and Heating Repair/Replacement. \*Please fax requests for specifications to (717) 861-2932, Attn: Aimmee Heffner.

**Department:** Military Affairs  
**Location:** PA National Guard Armory, 358 West Main Street, Ligonier, PA 15658-1132  
**Duration:** Date of Award—September 30, 2000  
**Contact:** Aimmee or Brenda, (717) 861-8519/2118

### Lodging/Meeting Facilities—27

**370098** The Department of Transportation is soliciting bids from contractors to provide hotel facilities, meals, equipment rental and staff services to coordinate its PennDOT Leadership Academy for Managers (PLAM) and PennDOT Leadership Academy for Supervisors (PLAS). Approximately 30 PennDOT employees attend each session of this training. PLAM is held 3 times for 5 consecutive days: September 11-15, 2000, October 16-20, 2000, November 13-17, 2000. PLAS is held one time for 3 consecutive days September 3 to 5, 2000. Added sessions are negotiable. Facility must be located within a 30 mile radius of downtown Harrisburg, and easy access to the Interstates. Interested parties may request a bid package by faxing a request to Pam Meloy at (717) 787-3466. Please reference SBC 370098 in the fax.

**Department:** Transportation  
**Location:** PA Department of Transportation, ATTN: Pam Meloy, Center for Performance Excellence, 9th Floor Forum Place, 555 Walnut Street, Harrisburg, PA 17101  
**Duration:** 5 year  
**Contact:** Pam Meloy, (717) 787-5090

**BOOT-99-036** Provide meeting rooms, food service and lodging for up to 30 people on September 7, 2000 and up to 67 people on September 8 and 9, 2000. The facility must be within 15 miles of the Fort Indiantown Gap, Annville, PA. Facility must have a full service restaurant, a working fire alert system and must be in compliance with the American Disabilities Act. To receive a bid package, please contact the Fiscal Management at (717) 651-2189.

**Department:** PA Emergency Management Agency  
**Location:** Annville, PA area  
**Duration:** September 8, 2000 through September 10, 2000  
**Contact:** Christopher Nolan, (717) 651-2189

**110034** Provide a meeting room for approximately 225 people, from 8:30 a.m. until 4:30 p.m. on 3 consecutive days. The meeting can be held either February 13 to 15, 2001, or March 6 to 8, 2001, or March 13 to 15, 2001. We will also require eight additional rooms for 30 persons each, during each session, as well as the main room accommodating 225 persons. Morning and afternoon refreshments as well as lunch for the 225 persons are to be provided. Room accommodations will be required for approximately 160 overnight guests. Award of contract will be made on a lump sum basis, excluding the costs of individual overnight rooms.

**Department:** Transportation  
**Location:** City of Pittsburgh. Within 4 miles of the downtown area  
**Duration:** Three days over a 3 month period  
**Contact:** Joe Savage, Bill Arnold, (412) 429-5059/5061

### Medical Services—29

**0400-bc** To provide equipment and personnel for cleaning of bridges on limited access and non-interstate highways utilizing crane, street sweeper and bucket truck when required. Contractor must be able to work during nighttime hours when specified and in accordance with Pub. 203 requirements. Bid opening is Wednesday, March 29, 2000 at 1 p.m.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties  
**Duration:** June 17, 2000 to March 31, 2001 followed by three 1-year renewals  
**Contact:** Gerald Pronko, (570) 963-4039

### Property Maintenance—33

**FM-0053** Construction of 45 ft. x 36 ft. bulk material storage building. To obtain a copy of this bid package please Fax the following information to Roberta Cooper at (717) 783-7971: Contract FM-0053, Company Name, Company Contact Name, Address, Telephone Number and Fax Number. Please reference FM-0053 on the Fax.

**Department:** Transportation  
**Location:** Maintenance District 9-3, PennDOT Stockpile # 11, Wilmore Stockpile # 11, Route 160, Wilmore, Cambria County, PA  
**Duration:** 90 Calendar Days  
**Contact:** Roberta Cooper, (717) 787-4006

**SP 3598540105** Interior and exterior painting of the Toby Creek AMD Treatment Plant, Fox Township, Elk County.

**Department:** Environmental Protection  
**Location:** Toby Creek AMD Treatment Plant, 333 Coal Hollow Road, Kersey, PA 15846  
**Duration:** Contract Completion Date: September 30, 2000  
**Contact:** Phyllis Cocco, (814) 472-1800

**FM-0264** Construction of 45 ft. x 36 ft. bulk storage building. To obtain a copy of this bid package please fax the following information to Vikki Mahoney at (717) 783-7971: Contract FM-0264, Company Name, Company Contact Name, Address, Telephone Number, and Fax Number. Please reference FM-0264 on the Fax.

**Department:** Transportation  
**Location:** Maintenance District 9-3, PennDOT Stockpile # 1, William Penn Highway West, P. O. Box 119, Ebensburg, Cambria County, PA  
**Duration:** 90 Calendar Days  
**Contact:** Vikki Mahoney, (717) 787-7001

**FM-0050** Construction of 45 ft. x 36 ft. bulk material storage building. To obtain a copy of this bid package please Fax the following information, to Roberta Cooper at (717) 783-7971: Contract FM-0050, Company Name, Company Contact Name, Address, Telephone Number, and Fax Number. Please reference FM-0050 on the Fax.

**Department:** Transportation  
**Location:** Maintenance District 9-5, PennDOT Stockpile # 1, U. S. Route 22 West, P. O. Box 386, Huntingdon, Huntingdon County, PA  
**Duration:** 90 Calendar Days  
**Contact:** Roberta Cooper, (717) 787-4006

**FM-0253** Construction of 45 ft. x 36 ft. bulk material storage building. To obtain a copy of this bid package please Fax the following information, to Vikki Mahoney, (717) 783-7971: Contract FM-0253, Company Name, Company Contact Person, Address, Telephone Number and Fax Number. Please reference FM-0253 on the Fax.

**Department:** Transportation  
**Location:** Maintenance District 4-6, PennDOT Stockpile # 1, Route 6, 6 miles east of Honesdale, Honesdale, Wayne County, PA  
**Duration:** 90 Calendar Days  
**Contact:** Vikki Mahoney, (717) 787-7001

**04136-001-99-AS-1** Remove existing asphalt shingle roof and install new asphalt shingle roof at Storage Building 9-78, Fort Indiantown Gap, Lebanon County, Pennsylvania. A prebid meeting will be held on March 8, 2000, at 10 a.m. at building 9-78, Fort Indiantown Gap, for all firms interested in submitting bids for the project. For directions contact the Project Manager at (717) 783-9930. All interested bidders should submit a \$25 (nonrefundable) check and a request for a bid package in writing to: PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401. All proposals are due on Friday, March 24, 2000 at 11:45 a.m. Bid opening will be held in Room 526, 5th Floor of the State Museum Building, corner of 3rd and North Streets, Harrisburg, PA 17120.

**Department:** Historical and Museum Commission  
**Location:** Storage Building 9-78, Fort Indiantown Gap, Lebanon County, PA  
**Duration:** May 1, 2000 to June 30, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**8129** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the Ephrata Station, four cuttings per month, or as required by the Station Commander. Fertilization twice a year. Trim shrubs twice a year. Weeding once a month. Detailed Work Schedule and Bid must be obtained from Facility Management Division at (717) 783-5484.

**Department:** State Police  
**Location:** Ephrata Station, P. O. Box 547, Ephrata, PA 17522-0547  
**Duration:** July 1, 2000 to June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484



**008** Replacement of 2 sets of double steel exterior doors and 1 single steel exterior door.

**Department:** Military Affairs  
**Location:** PA Army National Guard West View, 100 Valley High Drive, Pittsburgh, PA 15229-1037  
**Duration:** DOA—September 30, 2000  
**Contact:** Aimme/Brenda, (717) 861-8519/2118

**00676-000-99-As-2** Repairs to Restrooms at Bowmans Hill Wildflower Preserve. Make alterations to existing restrooms at the Bowmans Hill Wildflower Preserve, Washington Crossing, Bucks County, PA. A prebid meeting will be held on March 10, 2000, at 1 p.m. at Bowmans Hill Wildflower Preserve, Washington Crossing, PA, for all firms interested in submitting bids for the project. For directions contact the site at (215) 493-4076. All interested bidders should submit a \$25 (nonrefundable) check and a request for a bid package in writing to: PA Historical & Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120—Attention: Judi Yingling, (717) 772-2401. All proposals are due on Friday, March 24, 2000 at 11:45 a.m. Bid opening will be held in Room 526, 5th Floor of the State Museum Building, corner of 3rd and North Streets, Harrisburg, PA 17120.

**Department:** Historical and Museum Commission  
**Location:** Washington Crossing Historic Park, Wildflower Preserve, P. O. Box 103, Washington Crossing, PA  
**Duration:** May 1, 2000 to June 30, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**00872014** Tree service to include tree and stump removal, pruning and chipping of brush and limbs.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin July 1, 2000 to June 30, 2003  
**Contact:** Pamela Bauman, (570) 271-4578

## Real Estate Services—35

**373883** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 2,057 useable sq. ft. of office/clinic space in Adams County, PA with minimum parking for eight vehicles, within the Borough of Gettysburg. In areas where street or public parking is not available, an additional 10 parking spaces are required. The Department of Health will occupy the space. Proposals Due: April 24, 2000. Solicitation No.: 92969.

**Department:** Health  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** N/A  
**Contact:** John Hocker, (717) 787-4396

**373883** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 1,720 useable sq. ft. of office/clinic space in Blair County, PA, with minimum parking for eight vehicles, within the Altoona City limits. In areas where street or public parking is not available, an additional 10 parking spaces are required. The Department of Health will occupy the space. Proposals Due: April 17, 2000. Solicitation No.: 92968.

**Department:** Health  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** N/A  
**Contact:** John Hocker, (717) 787-4396

## Vehicle, Heavy Equipment—38

**2010990053** The Pennsylvania State Police is issuing an invitation to bid for the refurbishing of 50 high mileage patrol vehicles which include 1994 and 1995 Chevrolet Caprice and 1995 through 1998 Ford Crown Victoria police package equipped vehicles. The refurbishing includes the replacement of the engine, transmission and numerous other parts. Detailed specifications must be obtained from the Procurement & Supply Division at (717) 783-5485.

**Department:** State Police  
**Location:** Transportation Division, 20th and Herr Streets, Harrisburg, PA  
**Duration:** One Year  
**Contact:** Diane Bolden, Procurement & Supply Division, (717) 783-5485

## Miscellaneous—39

**5401-99-5** Twenty 1 1/2" Nibco valves and actuators/or equal, installed at the Toby Creek AMD Treatment Plant, Fox Township, Elk County.

**Department:** Environmental Protection  
**Location:** Toby Creek AMD Treatment Plant, 333 Coal Hollow Road, Kersey, PA 15846  
**Duration:** Contract Completion Date: September 30, 2000  
**Contact:** Phyllis Cocco, (814) 472-1800

**FD 4943** Provide all labor, materials and equipment necessary to clean two oil-water separators located at the State Fire Academy, 1150 Riverside Drive, Lewistown, PA 17044. Work to include; but not limited to the removal, transportation and disposal of all waste water, suspended and settled solids and petroleum products. The contractor will be responsible for full compliance with all applicable PA Department of Environmental Protection, U. S. Environmental Protection Agency, and Occupational Safety and Health Administration regulations. Residue needs to be disposed at an approved waste disposal site. To receive a bid package, please contact the Fiscal Management at (717) 651-2189.

**Department:** PA Emergency Management Agency  
**Location:** Pennsylvania Emergency Management Agency, State Fire Academy, 1150 Riverside Drive, Lewistown, PA 17044  
**Duration:** Up to June 30, 2000  
**Contact:** Christopher Nolan, (717) 651-2189

**1193500021** Vendor to provide all equipment, parts and labor to fabricate and install new stairway in Kitchen # 1 area.

**Department:** Corrections  
**Location:** State Corrections Inst. Graterford, Box 246, Route 29, Graterford, PA 19426  
**Duration:** 5 months—completion prior to June 30, 2000  
**Contact:** Kelly Richardson, (610) 489-4151

**00-001** Design and manufacture up to nine imbedded fiberglass interpretive signs measuring 24" x 36". Panels to be four color with historic photographs, illustrations or maps (up to 2 per panel). Each panel to have a lead header and narrative text. Contractor to provide mounting hardware and instructions. Please contact site for complete bid package.

**Department:** Historical and Museum Commission  
**Location:** Bushy Run Battlefield, Route 993, Jeannette, PA 15644; mailing address: P. O. Box 468, Harrison City, PA 15636-0468  
**Duration:** 6 months  
**Contact:** John F. Gibling, (412) 281-9285, Ext. 12

**E4867** Embroidered patches, 29,000. Three different patches and four different bar patches. All materials must be certified washable by the International Fabricare Institute. Thread shall be rayon yarn, continuous filament regenerated cellulose type not to exceed: 150/2 denier for large elements in the design and 100/2 for the smaller elements and all lettering. Emblems shall not contain less than 2,300 stitches not including the stitching on the overlapped merrow edge.

**Department:** Conservation and Natural Resources  
**Location:** 8th Floor, RCSOB, 400 Market Street, Harrisburg, PA 17101-2301  
**Duration:** March 2000 to June 2000  
**Contact:** Deborah Kauffman, (717) 783-1896

**HUN 343** ST-28 Compartment Tray, Deep 6, includes a silverware tray, 1" deep. Part # 484127, 24 trays per case. Color: Chocolate/Brown. Temperature approved to 250 degree material, polycarbonate. (Use as a Satellite tray).

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112, Attn: Phyllis Sheffield  
**Duration:** February 16, 2000 to June 30, 2000  
**Contact:** Phyllis Sheffield, (814) 643-2400, Ext. 303

**PGC-2631** To provide for removal and lawful disposal of Whitetail deer, or major parts thereof, which are dead and clearly visible; on, along, or within 50 feet of a highway "which is publicly maintained and open to the use of the public for vehicular travel" (excluding the PA Turnpike and State Routes 1, 13, 95, 202, 309, 611, and 663) within Bucks County, PA. (More specific information is included in bid package.) At 10 a.m. on March 16, 2000, there will be a prebid conference at the Southeast Regional Office of the Game Commission, 448 Snyder Road, Reading, PA 19605-9254. Bids will be publicly opened on March 23, 2000, 2 p.m. at the Game Commission, Bureau of Administrative Services, 2001 Elmerton Avenue, Room 206, Harrisburg, PA 17110-9797. Questions concerning the prebid conference should be directed to the Reading location, and questions or requests to obtain a bid should be directed to Linda Beaver in the Automotive and Procurement Division at (717) 787-6594.

**Department:** Game Commission  
**Location:** Game Commission, Bureau of Administrative Services, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** One year contract, beginning July 1, 2000, with an option to renew for 2 additional years upon mutual agreement  
**Contact:** Diane Shultz, (717) 787-6594

**FD-5440** To provide and assemble electronic equipment racks manufactured by Equipto Electronics Corporation, 351 Woodlawn Avenue, Aurora, IL 60506-9988. To receive a bid package, contact the Fiscal Management at (717) 651-2189, referencing FD-5440.

**Department:** PA Emergency Management Agency  
**Location:** Pennsylvania Emergency Management Agency, 2605 Interstate Drive, Harrisburg, PA 17110-9364  
**Duration:** Not to exceed June 16, 2000  
**Contact:** Christopher Nolan, (717) 651-2189

**TR-0001** Purchase of a trailer 20 ton capacity: For hauling machinery and equipment for Forest District # 12, Lycoming County.

**Department:** Conservation and Natural Resources  
**Location:** DCNR—Bureau of Forestry, Forest District # 12, 423 E. Central Avenue, South Williamsport, PA 17702  
**Duration:** 30 day delivery following receipt of purchase order  
**Contact:** Charles Schwarz, (570) 327-3450

**99-14** State Transportation Needs Assessment. The objective of this project is to satisfy a need for the Commonwealth of Pennsylvania to perform a quick response simulation of the future transportation needs of the Commonwealth. The assessment will be multi-modal, Statewide in scope and will assess a period of 25 years. Additional information and a request for proposal (RFP) may be obtained by faxing a request for RFP 99-14 to Vikki Mahoney at (717) 783-7971.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** 2 years  
**Contact:** Tom Schumacher, (717) 783-8906

**SP-00879001** Bulk Salt Storage System.

**Department:** Public Welfare  
**Location:** Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870  
**Duration:** 5 years  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**LBLA 1262** Mattresses, self-adjusting pressure management system.

**Department:** Public Welfare  
**Location:** Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870  
**Duration:** Indeterminate 1999—2000  
**Contact:** Arletta K. Ney, Purchasing Agent, (570) 372-5070

**SP 3881139009** Provide installation and materials for Electric Deer Fencing as follows: Three fences in the Elk State Forest, Cameron and Potter Counties. Fence One—North Branch Indian Run, approximately 6,000 lineal feet in Shippen Township, Cameron County; fence two—Slabtown I, approximately 4,200 lineal feet in Portage Township, Potter County; fence three—Slabtown II, approximately 6,000 lineal feet in Portage Township, Cameron County. Site inspection will be on Thursday, March 23, 2000 at the District Office in Emporium, PA. Bid opening will be on Friday, March 31, 2000 at 2 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Shippen Township, Cameron County and Portage Township, Potter County, Elk State Forest, District 13, P. O. Box 327, Emporium, PA 15834  
**Duration:** October 31, 2000  
**Contact:** Robert W. Martin, Jr., District Forester, (814) 486-3353

[Pa.B. Doc. No. 00-415. Filed for public inspection March 3, 2000, 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*

