

# PENNSYLVANIA BULLETIN

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Department of Conservation and Natural  
Resources' Revisions to Schedule of Prices  
and Charges for State Recreation Areas

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

**No. 306, May 2000**

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**PENNSYLVANIA**



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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.

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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 2000.

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# PENNSYLVANIA BULLETIN

Volume 30 Number 20  
Saturday, May 13, 2000 • Harrisburg, Pa.

## **Part II**

This part contains the  
Department of Conservation and Natural Resources'  
Revisions to Schedule of Prices and Charges  
for State Recreation Areas

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 82]

Amendment of Rule 106 of the Pennsylvania Rules for Continuing Legal Education and Sections 11 and 12 of the Pennsylvania Continuing Legal Education Board Regulations; No. 244; Supreme Court Rules Doc. No. 1

#### Order

*Per Curiam:*

And Now, this 28th day of April, 2000, Rule 106 of the Pennsylvania Rules for Continuing Legal Education and Sections 11 and 12 of the Pennsylvania Continuing Legal Education Board Regulations are amended as follows.

To the extent that notice of proposed rulemaking would be required by Pa.R.J.A. No. 103, the amendment of the rules is hereby found to be required in the interest of efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective September 1, 2000.

#### Annex A

### TITLE 204 JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 82. CONTINUING LEGAL EDUCATION

##### SUBCHAPTER A. PROFESSIONAL RESPONSIBILITY

#### Rule 106. Providers.

(a) *Eligibility.*

1. \* \* \*
2. \* \* \*

#### [ 3. For Profit Providers:

a. A for profit corporation or association may apply to the Board for accreditation as a CLE provider or for approval of courses under Rule 107, and the Board may grant such accreditation or course approval to be effective on and after January 1, 1997.

b. Until authorized by these rules and the regulations of the Board, only CLE courses offered and conducted outside the territory of the Commonwealth of Pennsylvania by for profit corporations or associations may receive CLE credit from the Board. ]

\* \* \* \* \*

#### Subchapter B. Continuing Legal Education Board Regulations

#### Section 11: Accreditation of Accredited Continuing Legal Education Providers.

\* \* \* \* \*

(g) The Board shall accredit for profit corporations and associations as CLE providers in accordance with the rules and these regulations. Such accreditation of a for profit provider shall be effective on and after January 1, 1997. CLE credit will only be given for CLE courses offered and conducted outside the territory of Pennsylvania by accredited for profit corporations or associations. **On and after September 1, 2000, CLE credit can be given for CLE courses offered by accredited for profit corporations or associations without regard to the geographic location of the course.**

#### Section 12: Accreditation of a Single Course or CLE Activity.

\* \* \* \* \*

(d) The Board shall accredit courses offered and conducted outside the territory of the Commonwealth of Pennsylvania by for profit corporations or associations where such courses meet the requirements of the rules and these regulations. Such accreditation shall apply to courses to be conducted on and after January 1, 1997. **The Board shall accredit courses offered on and after September 1, 2000 without regard to the geographic location of the course when such courses otherwise meet the requirements of the rules and these regulations.**

[Pa.B. Doc. No. 00-776. Filed for public inspection May 12, 2000, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CH. 200]

#### Motion to Exclude Expert Testimony Which Relies Upon Novel Scientific Evidence; Proposed Recommendation No. 162

The Civil Procedural Rules Committee proposes to add new Rule of Civil Procedure 207.1 governing a motion to exclude expert testimony which relies upon novel scientific evidence. The recommendation is being published to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than June 7, 2000 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055 or E-Mail to [civil.rules@supreme.court.state.pa.us](mailto:civil.rules@supreme.court.state.pa.us).

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar.

It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 200. BUSINESS OF COURTS**

**Rule 207.1. Motion to Exclude Expert Testimony Which Relies Upon Novel Scientific Evidence.**

(a) If a party moves the court to exclude expert testimony which relies upon novel scientific evidence, on the basis that it is inadmissible under Pa.R.E. 702 or 703,

(1) the motion shall contain

(i) the name and credentials of the expert witness whose testimony is sought to be excluded,

(ii) a summary of the expected testimony of the expert witness, specifying with particularity that portion of the testimony of the witness which the moving party seeks to exclude,

(iii) the basis, set forth with specificity, for excluding the evidence,

(iv) the evidence upon which the moving party relies, and

(v) copies of all relevant curriculum vitae and expert reports,

(2) any other party need not respond to the motion unless ordered by the court,

(3) the court shall initially review the motion to determine if, in the interest of justice, the matter should be addressed prior to trial. The court, without further proceedings, may determine that any issue of admissibility of expert testimony be deferred until trial, and,

(4) if the court determines that the matter should be addressed prior to trial, the court shall order that a response be filed.

**Official Note:** This rule establishes procedures for motions to exclude expert testimony which relies upon novel scientific evidence. The rule does not address the requirements for the admission of expert testimony under Pa.R.E. 702 and 703, which are governed by case law. It also does not address motions under those rules on other grounds.

The court has discretion in the manner in which it determines the motion. While depositions of expert witnesses and evidentiary hearings are available to the court for this purpose, where appropriate the evidentiary record may be developed through affidavits, studies and treatises submitted by the parties, and supplemental reports signed by the expert witnesses. Also see the limitations set forth in Rule 4003.5 governing discovery of expert testimony.

In deciding whether to address prior to trial the admissibility of the testimony of an expert witness, the following factors are among those which the court should consider: the dispositive nature or significance of the issue to the case; the complexity of the issue involved in the testimony of the expert witness; the degree of novelty of the proposed evidence; the complexity of the case; the

anticipated length of trial; the potential for delay of trial; and the feasibility of the court evaluating the expert witness' testimony when offered at trial.

When a ruling on a pretrial motion to exclude the testimony of an expert witness is deferred until trial, the trial judge may choose to decide the motion (1) before the expert witness testifies on the basis of evidence offered outside the presence of the jury or (2) after the expert witness testifies on the basis of testimony offered at trial, in which event the trial judge will strike the testimony of the expert witness if it is found to be inadmissible under Pa.R.E. 702 or 703. However, hearings on preliminary matters must be conducted outside the presence of the jury "when the interests of justice require." See Pa.R.E. 104.

(b) A party is not required to raise prior to trial the issue of the admissibility of expert testimony which relies upon novel scientific evidence unless the court orders the party to do so.

*Explanatory Comment*

The purpose of new Rule 207.1 is to provide the procedure for pretrial motions concerning the admissibility of expert testimony which relies upon novel scientific evidence.

*By the Civil Procedural  
Rules Committee*

REA BOYLAN THOMAS,  
*Chair*

[Pa.B. Doc. No. 00-777. Filed for public inspection May 12, 2000, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CLINTON COUNTY

#### Rules of Miscellaneous Procedure, Rules of Civil Procedure, Rules of Criminal Procedure and Orphans' Court Rules of the Court of Common Pleas; No. 29 January Term 1976

#### Order

The District Attorney having publicly announced the unavailability of an attorney for the Commonwealth on a 24-hour basis, *It Is Hereby Ordered* Clinton R.Crim.P. No. 101A.1, Approval of Police Complaints and Arrest Warrant Affidavits by District Attorney for the Commonwealth is hereby suspended until the District Attorney certifies, to the Court, compliance with Pa.R.Crim.P. No. 107.

*It Is Further Ordered* the Clerk of Court shall:

1. File seven certified copies with the Administrative Office of Pennsylvania Courts;

2. Distribute two certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. File one certified copy with the Criminal Procedural Rules Committee, c/o Ann Panfil, Esquire, 5035 Ritter Road, Mechanicsburg, PA 17055.

Effective this date.

*By the Court*

RICHARD N. SAXTON, Jr.,  
*President Judge*

[Pa.B. Doc. No. 00-778. Filed for public inspection May 12, 2000, 9:00 a.m.]

### LYCOMING COUNTY

#### Amendments to Juvenile Court Rules; 00-00666

##### Order

*And Now*, this 12th day of April, 2000, it is hereby *Ordered and Directed* that the Lycoming County Juvenile Court Rules are hereby rescinded, in their entirety.

The Prothonotary is directed to:

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

b. Distribute two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. File one (1) certified copy of this order with the Pennsylvania Criminal Procedural Rules Committee.

d. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.

e. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.

f. Keep continuously available for public inspection copies of this order.

The rescission of the Lycoming County Juvenile Court Rules shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

*By the Court*

CLINTON W. SMITH,  
*President Judge*

[Pa.B. Doc. No. 00-779. Filed for public inspection May 12, 2000, 9:00 a.m.]

### LYCOMING COUNTY

#### Amendments to Rules of Civil Procedure; 00-00666

##### Order

*And Now*, this 13th day of April, 2000, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rule of Civil Procedure L 1914 is hereby rescinded.

2. Lycoming County Rule of Civil Procedure L 1914, as follows, is hereby promulgated.

3. The Prothonotary is directed to:

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

b. Distribute two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. File one (1) certified copy of this order with the Pennsylvania Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.

e. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.

f. Keep continuously available for public inspection copies of this order.

4. The rule revision approved by this order shall become effective 30 days after its publication in the *Pennsylvania Bulletin*.

*By the Court*

CLINTON W. SMITH,  
*President Judge*

### PARENT EDUCATION PROGRAM

#### L1914. Seminar For Separating Families.

In such divorce and/or custody proceedings filed after the effective date of this rule as the court shall direct, where the interests of children under the age of eighteen (18) years are involved, the parties shall attend the "Lycoming County Parent Education Program." The program will be conducted by a service provider designated by the court, which shall be charged with implementing the program in accordance with guidelines issued by the court. This course must be completed once only, even if subsequent custody matters are filed involving the same children.

**Note:** A great deal of valuable research has been conducted to determine the nature of psychological impacts of divorce/parental separation upon children and their parents. This research has yielded specific and consistent results in terms of common reactions, stages and problematic behaviors, as well as successful psycho-educational models and prevention techniques designed to minimize the short and long term negative impacts associated with the divorce. This parent education program utilizes such knowledge in a proactive-prevention approach in order to minimize the negative psychological impact of divorce upon children in particular, as well as parents. This model provides critical education to parents regarding what to anticipate in terms of their children's adjustment process as well as their own. The fact that the *parent's behavior* and adjustment is very critical to the child's adjustment is emphasized. The model serves to help prevent severe long-term maladaptive reactions and to minimize more immediate negative emotional fallout which occurs in children as a result of the divorce/separation of parents. Another potential indirect benefit of the program would be the reduction in the use of the courts to resolve issues regarding children.

Court mandated parent education classes are becoming very common in the United States as the preventative value and effectiveness of such programs are recognized. Throughout the divorce process parents usually become very self absorbed with diminishing abilities to parent effectively (or even adequately). This occurs at a time when children's needs are tremendous for both proper parenting in terms of guidance and emotional support. For many of these couples, a court mandated parenting education class will be the only modality in which they receive critical information or assistance in the divorce

process. Most families will not receive or seek professional psychotherapy or community counseling-educational programs.

This parent education model utilizes a two part class (two hours each class), and a detailed (and understandable) handbook or "manual" is distributed for parents to utilize in class and keep. In addition to reviewing the handbook, the classes consist of a lecture, video and discussion periods. Classes will be scheduled at various times to avoid conflicts with work schedules.

#### A. *Participation by Court Order.*

1. Participation in the program shall be directed in all custody proceedings where the parties are unable to resolve their custody dispute at the initial conference before the custody conference officer, unless the parties have previously completed the program or the court excuses such participation for good cause shown. In addition, participation may be directed by the court as a result of custody contempt or protection from abuse proceedings brought before the court.

2. Within seven (7) days after entry of the order directing the parties to attend the program, both parties are required to register for the seminar by mailing or personally presenting the pre-printed "Lycoming County Parent Education Program" registration form, along with a registration fee of fifty dollars (\$50.00) or a request for waiver of the fee, to the service provider at the address set forth on the registration form. Any parent who obtains an order to proceed in forma pauperis (without payment of costs) will automatically have the registration fee waived, but a copy of the order must be attached to the request for waiver of the fee. A parent may request that the fee be waived even without an order to proceed in forma pauperis, as long as no order was entered denying a request to proceed in forma pauperis, but he or she must provide sufficient information to the service provider in the request for waiver of the fee to support the request. If the court has granted in forma pauperis status to a parent but the service provider determines nevertheless that it cannot waive the fee, for any reason, it shall issue a notice excusing the parent from participation in the program.

3. Unless the scheduling requirements of the service provider delay attendance, the parties shall complete the program within sixty (60) days of the entry of the order directing their attendance. Court approval is required for an extension of time to complete the program.

4. Upon completion of the program, the service provider shall issue a certificate of completion. The original shall be filed with the court and each parent shall receive a copy. Hearing on a party's request for custody or modification of custody may be deferred by the court until that party completes the program. A non-moving party's failure to complete the program as directed shall not delay the proceedings, but such may be considered by the court in its disposition of the matter.

#### B. *Voluntary Participation.*

1. Any party to a divorce or custody action may attend the program voluntarily, after registering in accordance with the procedure outlined in subsection A.2. of this rule.

#### 2. Notice of Program Availability

a. If the divorce complaint includes a count for custody or partial custody, the following language shall be in-

cluded in the notice attached to a complaint pursuant to Pa.R.C.P. 1920.12(c):

If you have minor children, you are advised that you may attend the Lycoming County Parent Education Program which is intended to assist you in parenting your children during divorce. There is a \$50.00 registration fee, which may be waived for those who cannot afford it. Registration forms and instructions on how to register are available in room 403 of the Lycoming County Courthouse.

b. In the order attached to a custody petition pursuant to Pa.R.C.P. 1915.15(c), the following language shall be included:

You are advised that you may attend the Lycoming County Parent Education Program which is intended to assist you in parenting your children during divorce or separation. There is a \$50.00 registration fee, which may be waived for those who cannot afford it. Registration forms and instructions on how to register are available in room 403 of the Lycoming County Courthouse. Should the custody issues raised by the attached petition remain unresolved after the conference, attendance will be mandatory.

[Pa.B. Doc. No. 00-780. Filed for public inspection May 12, 2000, 9:00 a.m.]

## MONTGOMERY COUNTY

### Custody Mediation Advisory Panel Pursuant to Local Rule of Civil Procedure \*1940.10; Administrative Order 2000

#### Order

And Now, this 26 day of April 1, 2000, pursuant to Montgomery County Local Rule of Civil Procedure \*1940.10, the Court hereby directs that the Advisory Panel to the Custody Mediation Orientation Program shall be comprised of the following members:

—the Montgomery County District Court Administrator;

—the Co-Chairs of the Montgomery Bar Association's Family Law Section Mediation Sub-Committee;

—two (2) active members of the Montgomery Bar, and

—two (2) "mental health professionals."

The names of the two active members of the Bar and the two mental health professionals shall be submitted to the Court for approval each year by the Mediation Subcommittee Co-Chairs.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Domestic Relations Rules Committee. One (1) copy shall be filed with the



Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.  
*By the Court*

JOSEPH A. SMYTH,  
*President Judge*

[Pa.B. Doc. No. 00-781. Filed for public inspection May 12, 2000, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that James Daniel Harrison, having been disbarred from the practice of law in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated April 28, 2000 disbaring James Daniel Harrison from the practice of law in this Commonwealth, to become effective May 28, 2000. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 00-782. Filed for public inspection May 12, 2000, 9:00 a.m.]

# SUPREME COURT

Appointment to Committee on Rules of Evidence;  
No. 243 Supreme Court Rules; Doc. No. 1

### Order

*Per Curiam:*

*And Now*, this 25th day of April, 2000, Vincent J. Grogan, Esquire, Allegheny County, is hereby appointed as a member of the Committee on Rules of Evidence to complete the remaining term of The Honorable Thomas C. Raup expiring on October 1, 2001.

[Pa.B. Doc. No. 00-783. Filed for public inspection May 12, 2000, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OPTOMETRY

[49 PA. CODE CH. 23]

### Application Fees

The State Board of Optometry (Board) amends § 23.91 (relating to fees) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 29 Pa.B. 2300 (May 1, 1999). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public. Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

On July 1, 1999, IRRC sent comments and suggestions to the Board.

#### *Effective Date*

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

#### *Statutory Authority*

The Board is authorized to set fees by regulation under section 9 of the Optometric Practice and Licensure Act (63 P. S. § 422.9).

#### *Response to IRRC Comment*

The HPLC questioned under what circumstances the Board "certifies" an examination score. The HPLC and IRRC also requested an explanation of the difference between a verification and certification and an explanation of what accounts for the differential in fees. Finally, the HPLC inquired whether the new fees would place this Commonwealth at a competitive disadvantage with surrounding states. After comparing the proposed fees with those in surrounding states, the Board determined the new fees would not place this Commonwealth at a competitive disadvantage. Details of the Board's analysis are in the Regulatory Analysis Form, which is available upon request.

#### *Certification and Verification Fees*

The certification of a score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in this Commonwealth which was issued on the basis of a uniform National or regional examination which was taken in this Commonwealth. Generally, the state of original licensure is the only source of the score of the licensee, as testing agencies do not maintain this information. The licensure laws of many states include provisions that licensure by reciprocity or endorsement based on licensure in another state will be granted only if the board or agency determines that the qualifications are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction

at the time of original licensure. For this reason, these states require that the Commonwealth's board and other boards certify the examination score the applicant achieved on the licensure examination.

As noted in proposed rulemaking, the difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. As noted, states request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The Bureau of Occupational and Vocational Standards (Bureau) has been able to create two documents from its records that will meet all of the needs of the requesting state. The licensee, when it applies to the other state, receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee.

In the case of a "verification," the staff produces the requested documentation by a letter, usually computer-generated, which contains the license number, date of original issuance and current expiration date and status of the license. The letters are printed for the Bureau's central computer records and sent to the Board staff responsible for handling the licensee's application. The letters are sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be 5 minutes.

The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment or training in another state. A certification document contains information specific to the individual requestor. It may include dates or locations where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The average time to prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted to provide the information requested. The Board staff then seals and issues this document.

#### *Administrative Overhead*

IRRC requested that the Bureau and the boards: (1) itemize the overhead cost to be recouped by the fees; and (2) reexamine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the boards enabling statutes.

In computing overhead charges, the boards and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific board. Once determined, the Bureau's total administrative charge is apportioned to each board based upon that board's share of the total

active licensee population. In turn, the board's administrative charge is divided by the number of active licensees to calculate a "per application" charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the Senate and House Standing Committees and IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the board to establish fees which meet or exceed expenses.

IRRC suggested that within each board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay 1/2 as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead charges obtained by applying IRRC's suggested time factor versus the current method.

This review of the boards' operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the boards note that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past 10 years. During these 5 biennial cycles, the experience of both the boards and the Bureau has been that established and verifiable data which can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the boards over an extended period. Similarly, accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

For these reasons, the boards have not made changes in the method by which they allocate administrative expenditures and the resulting fees will remain as proposed.

#### *Applications for Continuing Education Program Approval*

The HPLC and IRRC questioned the Board's estimate of the number of applications by providers of continuing education programs for Board approval of those programs. The Board's estimate of 1,500 program approvals for the biennial period was based on the experiences in prior biennial periods.

The HPLC and IRRC further questioned the process by which continuing education programs are approved and whether the approval fee is actually paid by providers or licensees. A provider wishing to obtain Board approval for a continuing education program must submit an application for program approval to the Board. After the applicant's information is entered into the Board's computer system, the application is sent to the Board's Continuing Education Chairperson who reviews the application and approves or disapproves the course for continuing education credit. The application is then returned to the Board's administrative offices and the approval or disapproval entered into the Board's computer system. It is not uncommon for a single provider to request approval for numerous continuing education programs. The fee would be paid by the provider for each program to offset the expenses involved in reviewing each program for which approval is sought.

#### *Certified Copy of License For Each Additional Practice Location*

No comments were received on the portion of the proposal that would increase the fee for receipt of a certified copy of the license for additional practice locations by \$5, from the current charge of \$15 to \$20. This rate is comparable to the fee charged in surrounding states for the same service.

#### *Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

#### *Fiscal Impact and Paperwork Requirements*

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

#### *Sunset Date*

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 19, 1999, the Board submitted a

copy of the proposed rulemaking, published at 29 Pa.B. 2300 (May 1, 1999), to IRRC and to the Chairpersons of the HCPL and the SCP/PLC for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), this final-form regulation was deemed approved by the HPLC on March 27, 2000, and by the SCP/PLC on March 28, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 13, 2000, and approved the final-form regulation.

*Further Information*

Individuals who need information about the amendment may contact Deborah Smith, Administrative Assistant, State Board of Optometry, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7155.

*Findings*

The Board finds that:

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

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

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 29 Pa.B. 2300.

(4) This amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

*Orders*

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 23, are amended by amending § 23.91 to read as set forth in Annex A.

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

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

(d) The amendment shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JAY B. TANNER, O.D.,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2176 (April 29, 2000).)*

**Fiscal Note:** Fiscal Note 16A-527 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 23. STATE BOARD OF OPTOMETRY FEES**

**§ 23.91. Fees.**

The following is the schedule of fees for services charged by the Board:

License application .....	\$25
Certified copy of license for each additional practice location .....	\$25
Certification of scores or licensure, or both .....	\$25
Verification of licensure .....	\$15
Biennial renewal—optometrist license .....	\$135
Biennial renewal—certified copy of license for each additional practice location .....	\$20
Application for certification to prescribe and administer pharmaceutical agents for therapeutic purposes .....	\$25

[Pa.B. Doc. No. 00-784. Filed for public inspection May 12, 2000, 9:00 a.m.]

**STATE BOARD OF VETERINARY MEDICINE  
[49 PA. CODE CH. 31]**

**Professional Conduct for Veterinarians: Advertising**

The State Board of Veterinary Medicine (Board) adopts an amendment to § 31.21 (relating to rules of Professional Conduct for Veterinarians) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 28 Pa.B. 2927 (June 27, 1998). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public. Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee made comments on the proposed rule.

On August 27, 1998, the Independent Regulatory Review Commission (IRRC) sent comments and suggestions to the Board.

*Response to IRRC Comment*

IRRC expressed its concern that anyone in need of emergency veterinary services be able to determine whether a particular veterinarian can meet their needs with respect to whether the veterinarian's practice could accommodate particular types of animals. In response to IRRC's comments, the Board has added the requirement that veterinarians disclose specific limitations when advertising emergency services.

Second, IRRC requested that veterinarians advertising emergency services designate whether their services are available only at the veterinarian's facility or whether the veterinarian is available to travel to the site where the animal is located. The Board has not added this require-

ment to its regulation for several reasons. First, the Board does not perceive a need for this designation because animal owners who generally take their animals to the veterinarian's facility will likely continue to do so in the case of an emergency whereas owners whose animals are usually visited by the veterinarian will likely continue to rely on the veterinarian to provide onsite emergency care. Second, the Board does not wish to limit the ability of a veterinarian to make the determination whether to travel to the animal or have the animal brought to the veterinary facility, as this may limit the veterinarian's ability to exercise professional judgment and may endanger rather than promote animal safety and welfare. Third, a designation would apply only to veterinarians offering on call services, because a veterinarian could not be on the premises during set hours if the veterinarian may be away from the facility to tend to an injured animal on site.

IRRC also requested that the Board specify a time certain which would be considered a reasonable time under the regulation and distinguish between the time it takes to respond to an initial contact seeking emergency service from the time it takes for the veterinarian to actually begin treating the animal. In response to this comment, the Board determined it would not specify a particular time that would be considered reasonable for purposes of the advertising regulation. Rather, the Board believes that veterinarians are already bound by professional responsibility in offering and providing treatment and must be allowed to exercise professional judgment in the provision of services.

Finally, IRRC suggested the proposed rulemaking be formatted to conform to the format of Principle 5. The Board agreed with the suggestion and made the change in final-form regulation.

#### *Statutory Authority*

The amendment is authorized under section 5(1) and (2) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.5(1) and (2)). Section 5(1) of the act empowers the Board to adopt reasonable rules and regulations governing the practice of veterinary medicine as are necessary to enable it to carry out and make effective the purpose and intent of the act. Section 5(2) of the act empowers the Board to adopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine.

#### *Fiscal Impact*

The amendment will have no fiscal impact on the Commonwealth or its political subdivisions. Veterinarians who advertise emergency services may incur additional costs in amending their advertisements if the advertisements do not list the hours during which the emergency services will be provided and indicate whether there is a veterinarian on the premises or on call and indicate limitations in the practice, if any. These costs may ultimately be passed on to the public.

#### *Paperwork Requirements*

The amendment will create no additional paperwork for the Board or the private sector.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 2927 to IRRC and to the Chairpersons of the HPLC and the Senate Committee on Consumer Protection and Professional Licensure.

Publication of the notice of proposed rulemaking was followed by a 30-day public comment period during which the Board received no written comment from the public. Subsequent to the close of the public comment period, the Board received no comments from the House or Senate Committee. The Board received and considered comments from the IRRC.

This final-form regulation was approved by the HPLC on March 17, 2000, and was deemed approved by the Senate Consumer Protection and Professional Licensure Committee on March 20, 2000. IRRC met on March 23, 2000, and approved the final-form regulation in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

#### *Further Information*

Individuals who need information about the regulation may contact Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-4848.

#### *Order*

The Board finds that:

(1) Public notice of intention to adopt the amendment was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendment is necessary and appropriate for the administration of the act.

The Board therefore orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 31.21, Principle 5, to read as set forth in Annex A with ellipses referring to the existing text of the regulation.

(b) The Board shall submit a copy of the Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

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

(d) The amendment shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

BRIAN U. HARPSTER, V.M.D.,  
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 1929 (April 8, 2000).)

**Fiscal Note:** Fiscal Note 16A-576 remains valid for the final adoption of the subject regulation.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE**

#### **PROFESSIONAL CONDUCT**

#### **§ 31.21. Rules of Professional Conduct for Veterinarians.**

#### **Preamble**

The Board is empowered under section 5(2) of the act (63 P. S. § 485.5(2)), to adopt rules and regulations of

professional conduct appropriate to establish and maintain a high standard of integrity, skill and practice in the profession of veterinary medicine. In accordance with this authority, the Board has determined that the following rules are necessary in the public interest to protect the public against unprofessional conduct on the part of veterinarians. The Board therefore adopts this professional conduct code for veterinarians practicing veterinary medicine in this Commonwealth. Some of the rules of conduct are imperatives, cast in the terms, "shall" or "may not." Veterinarians who fail to adhere to these rules will be subject to professional discipline. Other rules, generally cast in the terms "may" or "should," are intended as aspirational goals and define areas under which the veterinarian has professional discretion. No disciplinary action will be taken when a veterinarian acts within the bounds of discretion. References throughout this professional conduct code to imperative conduct on the part of veterinarians shall also apply to applicants for licensure and temporary permit holders where these persons render services under qualified supervision.

\* \* \* \* \*

**Principle 5. Advertising.**

(a) Advertising by veterinarians is permissible when it does not include false, deceptive or misleading statements or claims. A false, deceptive or misleading statement or claim is one which does one or more of the following:

- (1) Contains an unrealistic prediction of future success or a guarantee that satisfaction or a cure will result from the performance of professional services.
- (2) Refers to secret drugs or secret methods of treatment for special services and which could be characterized as deceptive.
- (3) States or implies that a veterinarian is a specialist, unless the veterinarian is a diplomate of an American Veterinary Medical Association—recognized specialty organization.
- (4) Contains a material misrepresentation of fact.
- (5) Contains a representation or implication that is likely to cause a reasonable person to misunderstand or be deceived, or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.

(b) Testimonials and endorsements by veterinarians pertaining to veterinary products or veterinary equipment are permissible if all of the following guidelines are met:

- (1) If an endorsement represents that the endorser uses the endorsed product, the endorser shall be a bona fide user of the product.
- (2) The endorser shall be able to adequately substantiate that the endorser's experience with the product is representative of what consumers will generally achieve with the advertised product in actual conditions of use. Adequate substantiation implies publication of a report in a journal in which articles are open to peer review or in a publication recognized by reputation as a source of reliable scientific information.
- (3) The endorser's qualifications shall be consistent with the expertise that the endorser is represented as possessing with respect to the endorsement.
- (4) The endorsement shall be supported by an actual exercise of the endorser's expertise in evaluating product features or characteristics which shall include an examination or testing of the product as extensive as someone

with the same degree of expertise would need to evaluate the product features or characteristics to support the conclusions presented.

(c) Advertising by veterinarians for emergency veterinary services shall provide information as to whether a veterinarian is on the premises, or on call, and shall specify the hours during which emergency services are available.

(1) For the purposes of this section, "on the premises" means that a veterinarian is physically present at the veterinary establishment and is immediately available to render emergency services. "On call" means that a veterinarian is available to return calls requesting emergency services within a reasonable time and is available to render emergency services within a reasonable time.

(2) Veterinarians shall disclose specific limitations (that is, exotics/avian/large animal/small animal) when advertising emergency services.

\* \* \* \* \*

[Pa.B. Doc. No. 00-785. Filed for public inspection May 12, 2000, 9:00 a.m.]

**STATE BOARD OF DENTISTRY**

**[49 PA. CODE CH. 33]**

**Expanded Function Dental Assistants**

The State Board of Dentistry (Board) amends §§ 33.101—33.109, 33.201, 33.209, 33.211 and 33.212 and adds §§ 33.114 and 33.205a, to read as set forth in Annex A relating to expanded function dental assistants (EFDAs).

*A. Description of Amendments*

*Substantive Amendments*

*§ 33.102(c) (relating to professional education)*

Section 33.102(c) implements section 3(d.1)(1) of the Dental Law (act) (63 P. S. § 122(d.1)(1)). EFDAs are required to satisfy one of three educational pathways:

- 1. Graduate from an EFDA program at an accredited 2-year college or institution which offers an Associate Degree.
- 2. Graduate from an accredited dental hygiene school requiring the successful completion of at least 75 hours of clinical and didactic instruction in restorative functions.
- 3. Complete a certification program in EFDA of at least 200 hours of clinical and didactic instruction from an accredited dental assisting program.

In developing this rulemaking, the Board considered requiring accreditation by the Commission on Dental Accreditation of the American Dental Association (CODA) for each educational pathway, to parallel the requirements for dentists and dental hygienists. However, section 3(d.1)(1) of the act recognizes varying accrediting bodies. Therefore, under the Board's proposal, 2-year colleges, under subparagraph (i), would be accredited by an accrediting agency approved by the United States Department of Education Council on Postsecondary Accreditation. Dental hygiene schools, under subparagraph (ii), would receive CODA accreditation. Dental assisting programs, under subparagraph (iii), would be accredited by either CODA or an accredited agency approved by the United States Department of Education Council on Postsecondary Accreditation whose expanded function educational standards are approved by the Board.

*§ 33.114 (relating to first certification examination)*

Proposed § 33.114, which implements section 11.7(b) of the act (63 P. S. § 130h(b)), establishes the procedure for temporary permit holders to take the certification examination. Temporary permit holders are first required to take that examination. Those who fail are required to cease practicing and return their permits to the Board. Those who register for the examination and fail to appear are deemed to have failed the examination, unless they have received a waiver from the Board due to illness or bereavement. Those who pass will be permitted to continue practicing pending receipt of their certificate.

*§ 33.205a (relating to practice as an expanded function dental assistant)*

Section 33.205a, which implements section 2 of the act (63 P. S. § 121), delineates the scope of practice. Subsection (a) lists the procedures which expanded function dental assistants are statutorily authorized to perform. Each of these procedures may only be performed under the direct supervision of a dentist. Subsection (b) lists the procedures which expanded function dental assistants are statutorily prohibited from performing.

*Technical Amendments*

Sections 33.101—33.105, 33.107—33.109, 33.201, 33.209, 33.211 and 33.212 are amended to add provisions for expanded function dental assistants similar to those currently in existence for dentists and dental hygienists.

Notice of proposed rulemaking was published at 28 Pa.B. 3296 (July 11, 1998). Publication was followed by a 30-day public comment period during which the Board received comments from the House Professional Licensure Committee (HPLC), the Pennsylvania Dental Hygienists' Association (PDHA), Harcum College, a dentist and a dental hygienist. Following the close of the public comment period, the Board also received comments from the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee offered no comments, suggestions or objections regarding the amendments.

The amendments reflected in Annex A are responsive to the comments and suggestions received by all commentators. In addition, the Board considered this rulemaking and its purpose under Executive Order 1996-1, Regulatory Review and Promulgation.

For ease of reference, the Board will address the comments in the order in which the amendments appear.

*§ 33.102. Professional Education*

IRRC proposed a revision of subsection (c)(1)(iii) to clarify the Board's approval process.

A public commentator also suggested that subsection (c)(1)(iii) delineate how the Board will conduct a review of these EFDA programs, by site visits or rubber-stamping a self-assessment document provided by the institution. Following additional public comment and considerable discussion, the Board has determined to retain the flexibility that this section provides.

A public commentator suggested that this section should reflect the duration of an EFDA program. The program content and duration are regulated by the accreditation process of the accrediting agency approved by the United States Department of Education Council on Post-Secondary Accreditation (§ 33.102(c)(1)(i)).

Subsection (c)(2) was revised to accommodate candidates from nonaccredited programs.

*§ 33.102(c). Professional Education*

IRRC suggested adding the exemption from the educational requirements contained in the 1994 revisions to the act. The Board has added paragraph (3) to meet this objective.

*§ 33.102(c)(1)(iii)*

IRRC proposed that this section be rewritten for clarity. The Board redrafted this section. The intent is to give guidance to the educational institutions that do not use CODA.

The citation reference under subsection (c)(1) has been corrected to 63 P. S. § 122(d)(1).

*§ 33.103(d). Examinations*

IRRC suggested that this section created a potential confusion because readers might believe a NERB examination is available for EFDAs. Although not adopting IRRC's suggested language, the Board has amended this section to meet IRRC's concern about potential confusion.

IRRC also recommended that the Board amend the second sentence of this section by inserting "or certification" after "licensure" to recognize that EFDAs are not licensed, but instead certified. The Board has deleted the words "for licensure" to achieve the same objective.

The HPLC suggested that the amendments to this section be postponed until there is an examination for EFDAs that can be identified. The Board has carefully considered this suggestion but has retained this section for the following reasons: (1) Section 33.103, pertaining to examinations, would need to be amended as part of the comprehensive coverage of the entire rulemaking package as it pertains to EFDAs. To leave this gap would be to cause more ambiguity than adding the new subsection (c). (2) The Northeast Regional Board Examination (NERB) is an examination developed and administered by a governing board composed of members of state licensing boards in the Northeast Region. In this regard, it is similar to the National Board Examination. Subsections (a) and (b) detail the NERB examination for dentists and dental hygienists. The EFDA examination will, in all likelihood, be similar to the radiologic procedure examination for auxiliary personnel in § 33.301, which is given by a third party testing administrator under contract with the Bureau. The proposed language is similar to that of existing § 33.301 and is more useful than identifying a particular contractor.

*§ 33.107. Licensure and Certification by Criteria Approval*

A public commentator recommended that the Board delete the sentence specifying that licensure and certification by criteria approval will be granted only to applicants whose licensing board confirms that it reciprocates with the Commonwealth. The Board has not deleted this provision as section 3(f) of the act requires that other states, territories or Canada recognize and endorse licenses issued by the Commonwealth.

*§ 33.114. First certification examination*

IRRC recommended that the Board amend the regulation to indicate the specific date on which a licensee must cease practicing. IRRC further suggested that the Board determine under what circumstances and when a waiver should be granted. The Board believes that this section can be simplified and IRRC's concerns met by revising the section as follows: (1) The Board will give notice to temporary permit holders of the date, time and location of the first expanded function dental assistant certification

examination. A temporary permit holder will be required to register for and achieve a passing score on the examination. (2) Failure to register or to sit for the examination (unless the Board grants a waiver under subsection (c)) shall be deemed a failure of the examination. Upon notice from the Board of the failure of the examination, the temporary permit holder must immediately cease to practice as an EFDA and return the temporary permit to the Board. (3) The Board would grant a waiver to a temporary permit holder who has not been present at the examination, and who provides the Board with documentation acceptable to the Board that illness or bereavement prevented the applicant from taking the examination as scheduled. A request for a waiver would be filed with the Board within 10 days of the examination date. If a waiver is not granted, the temporary permit holder must, upon notice, immediately cease practicing as an EFDA and return the permit to the Board.

The HPLC suggested that the Board insert language in response to a public commentator to clarify that a temporary permit holder can retake the examination. The Board believes that this additional language is unnecessary and duplicative. The Legislature, in providing for EFDAs, provided for no limitation on the ability of anyone, whether a temporary permit holder or not, to take the examination as many times as the applicant chooses.

The HPLC also suggested that the word "scheduled" be inserted after the word "examination." The Board has not adopted this suggestion because inserting this language presents a problem in the sense that if the examination is not held as scheduled, a literal reading may result in temporary permit holders having to cease practice and return their temporary permits, contrary to legislative intent.

#### *§ 33.205a. Practice as an EFDA*

IRRC recommended that the Board consider a recommendation of the PDHA to amend subsection (a)(1)(vii) to include the placing and finishing of sealant material as a restorative procedure. The Board has amended this subsection to reflect current practice of EFDAs, allowing the placement and finishing of composite restorations or sealant material, or both.

IRRC suggested that subsection (b) be amended to include the statutory prohibition against EFDAs taking impressions other than for study models or diagnostics. The Board has added this suggestion.

A public commentator objected to creation of § 33.205a, for practice as an EFDA, as a subsection to § 33.205, practice as a dental hygienist. The Board believes that each section, § 33.205 and § 33.205a, is separate and distinct, and it is helpful to have them placed contiguously.

Section 33.205a(b)(4) and (6) were amended to more clearly conform to the mandates of section 2 of the act.

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

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulations address a compelling public interest as described in this Preamble and otherwise comply with Executive Order 1996-1.

#### *C. Fiscal Impact and Paperwork Requirements*

1. *Commonwealth*—The amendments will require the Board to assure compliance with the certification requirements for EFDAs. The costs associated with implementing these amendments, including an audit, will be borne by the general licensee/certificate holder population through biennial renewal fees which generate revenue for all Board activities. Additional paperwork will be incurred by the Board to amend renewal application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—There will be no adverse fiscal impact or paperwork requirements imposed.

#### *D. Statutory Authority*

The amendments are promulgated under sections 2—5.1, 10—11.5 and 11.7 of the act (63 P. S. §§ 121—124.1, 129—129.1, 130, 130e and 130h).

#### *E. Sunset Date*

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

#### *F. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 11, 1998, the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 3296 (July 11, 1998), to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Board considered the comments received from IRRC and the public.

These final-form regulations were deemed approved by the House and Senate Committees on March 15, 2000. IRRC met on April 13, 2000, and deemed approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

#### *G. Contact person*

Further information may be obtained by contacting Lisa Burns, Board Administrator, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7162.

#### *H. Findings*

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

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

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 28 Pa.B. 3296.

(4) These amendments are necessary and appropriate for administration and enforcement of the Board's authorizing statute.

#### *Order*

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



(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending §§ 33.101—33.109, 33.201, 33.209, 33.211 and 33.212 and adding §§ 33.114 and 33.205a to read as set forth in Annex A.

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

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

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

NORBERT O. GANNON, D.D.S.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2176 (April 29, 2000).)*

**Fiscal Note:** Fiscal Note 16A-465 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 33. STATE BOARD OF DENTISTRY

#### Subchapter B. LICENSURE OF DENTISTS AND DENTAL HYGIENISTS AND CERTIFICATION OF EXPANDED FUNCTION DENTAL ASSISTANTS

##### § 33.101. General information.

(a) Only persons holding a current license issued by the Board may practice dentistry or may practice as a dental hygienist in this Commonwealth.

(b) Only persons holding a certificate issued by the Board may practice as an expanded function dental assistant in this Commonwealth.

(c) To secure a license or certificate, an applicant shall satisfy the requirements of the act and of this subchapter.

(d) Applications for licensure or certification shall be made on forms supplied by the Board and shall be accompanied by the application fee in § 33.3 (relating to fees).

##### § 33.102. Professional education.

###### (a) *Dentists.*

(1) Candidates for licensure as dentists shall show compliance with section 3(c) of the act (63 P. S. § 122(c)) which requires a diploma from an "approved institution or college," by submitting certification of graduation from a dental school accredited or provisionally accredited by the Commission on Accreditation of the American Dental Association.

(2) Candidates for licensure who received their professional education outside the United States in a nonaccredited school may satisfy the education requirement by submitting their credentials to an accredited or provisionally accredited school and obtaining additional preclinical and clinical training that will lead to the awarding of the D.M.D. or D.D.S. degree by that school.

###### (b) *Dental hygienists.*

(1) Candidates for licensure as dental hygienists shall show compliance with section 3(d) of the act by submitting certification of graduation from a dental hygiene school accredited or provisionally accredited by the Commission on Accreditation of the American Dental Association, if the school's dental hygiene course of study comprises a minimum of 2 years of at least 32 weeks of at least 30 hours each week or its equivalent.

(2) Candidates for licensure who received their professional education outside the United States in a nonaccredited school may satisfy the education requirement by submitting their credentials to an accredited or provisionally accredited school and obtaining additional training that will lead to the awarding of a degree in dental hygiene by that school.

###### (c) *Expanded function dental assistants.*

(1) Candidates for certification as expanded function dental assistants shall show compliance with 3(d.1) of the act by submitting verification of one of the following:

(i) Graduation from an expanded function dental assisting program at a 2-year college or other institution accredited or provisionally accredited by an accrediting agency approved by the United States Department of Education Council on Postsecondary Accreditation which offers an Associate Degree.

(ii) Graduation from a dental hygiene school which required the successful completion of at least 75 hours of clinical and didactic instruction in restorative functions accredited or provisionally accredited by the Commission on Accreditation of the American Dental Association.

(iii) Completion of a certification program in expanded function dental assisting of at least 200 hours of clinical and didactic instruction from a dental assisting program accredited by one of the following:

(A) The Commission on Dental Accreditation of the American Dental Association.

(B) An accrediting agency approved by the United States Department of Education Council on Postsecondary Accreditation whose expanded function educational standards are approved by the Board.

(2) Candidates for certification who receive their professional education outside the United States or from a nonaccredited program may satisfy the education requirement by submitting their credentials to a program listed in paragraph (1) and obtaining additional training that will lead to the awarding of a degree by that school.

(3) This subsection does not apply to persons who are not required to meet the educational requirements under section (3)(d.1)(2) of the act.

##### § 33.103. Examinations.

(a) *Dentists.* Candidates for licensure shall pass the National Board Dental Examination (written examination) and the Northeast Regional Board (NERB) Dental Examination (clinical examination).

(b) *Dental hygienists.* Candidates for licensure shall pass the National Board Dental Hygiene Examination (written examination) and the NERB Dental Hygiene Examination (clinical examination).

(c) *Expanded function dental assistants.* Candidates for certification shall pass an examination comprised of both a written and a clinical component acceptable to the Board.

(d) *Additional requirement.* The Board will recognize successful completion of the NERB Dental Examination or NERB Dental Hygiene Examination or the expanded function dental assistant examination approved by the Board for up to 5 years from the date scores are reported to the Board. After 5 years, the Board will accept passing scores on the examinations only if the candidate has been engaged in postgraduate training or in the practice of dentistry, as a dental hygienist or as an expanded function dental assistant in another jurisdiction.

**§ 33.104. Initial licensure; licensure documents.**

(a) Each new licensee is issued a wall certificate indicating initial licensure and a registration packet including a biennial renewal certificate and a wallet-size license card that show the expiration date of the license. Licenses expire on March 31 of each odd-numbered year, regardless of the date of issuance.

(b) Each new certificate holder is issued a wall certificate indicating initial certification and a registration packet including a biennial renewal certificate and a wallet-size certification card that show the expiration date of the certificate. Certificates expire on March 31 of each odd-numbered year, regardless of the date of issuance.

(c) Fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101—1401-501), shall be charged for duplicate wall certificates and biennial renewal documents. A duplicate will be issued only upon submission by the licensee or certificate holder of a notarized statement specifying why the original is unavailable and stating that the duplicate will be returned if the original is recovered.

**§ 33.105. Biennial renewal of licenses and certificates.**

(a) Licenses and certificates are renewable for a 2-year period beginning April 1 of each odd-numbered year. The fee for biennial renewal is set by the Board. See § 33.3 (relating to fees). Upon renewal, licensees and certificate holders receive new biennial renewal certificates and wallet-size license cards that show the next expiration date of the license or certificate. These documents are the only evidence of valid, current licensure or certification.

(b) Dentists, dental hygienists and expanded function dental assistants who fail to renew their licenses or certificates are prohibited from practicing their profession in this Commonwealth.

**§ 33.106. Reactivation of licenses and certificates.**

(a) Dentists, dental hygienists and expanded function dental assistants who have failed to renew their licenses or certificates may apply for reactivation of licensure or certification on forms prescribed by the Board. The applicant shall pay the current biennial renewal fee and shall submit a notarized affidavit identifying the period of time in which the applicant did not practice in this Commonwealth.

(b) An applicant for reactivation of licensure or certification who practiced in this Commonwealth without a current license or certificate shall pay a late renewal fee of \$5 for each month or part of a month during which the unauthorized practice occurred, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225). In addition, the applicant shall pay the biennial renewal fee for each biennium during which unauthorized practice occurred. The payment of late fees and biennial renewal fees does not preclude the Board from taking disciplinary action

against a dentist, dental hygienist or expanded function dental assistant who practiced without a current license or certificate.

**§ 33.107. Licensure and certification by criteria approval.**

Dentists, dental hygienists and expanded function dental assistants who are currently licensed or certified in another state or territory or in Canada may be granted licensure or certification in this Commonwealth if the credentials submitted meet the requirements of the act and of this subchapter. Licensure and certification by criteria approval will be granted only to applicants whose licensing boards confirm that they reciprocate with the Commonwealth. An applicant shall cause the licensing authority of each state where the applicant has practiced to submit to the Board a letter of good standing. The Board may grant a personal interview to resolve questions concerning an applicant's qualifications.

**§ 33.108. Transfers out-of-state.**

Dentists, dental hygienists and expanded function dental assistants who wish their licensure, certification or grades certified to another state shall pay the fee in § 33.3 (relating to fees).

**§ 33.109. Licensee's and certificate holder's change of name or address; service of process and legal papers.**

(a) A licensee's or certificate holder's name on file with the Board shall be the name that appears on the license or certificate unless that name is legally changed, in which case the licensee or certificate holder shall report the change to the Board in writing within 10 days.

(b) A licensee or certificate holder who changes an address on file with the Board shall notify the Board in writing within 10 days. Licensees or certificate holders who do not comply with this subsection shall bear full responsibility for failure to receive correspondence, including biennial renewal notifications, from the Board or the Department.

(c) A licensee's or certificate holder's most recent name and address on file with the Board will be deemed the licensee's or certificate holder's official name and address for purposes of service of process and other legal papers.

**§ 33.114. First certification examination.**

(a) The Board will give notice to temporary permit holders of the date, time and location of the first expanded function dental assistant certification examination. A temporary permit holder is required to register for and achieve a passing score on the examination.

(b) Failure to register or to sit for the examination (unless the Board grants a waiver under subsection (c)) shall be deemed a failure of the examination. Upon notice from the Board of the failure of the examination, the temporary permit holder shall immediately cease to practice as an expanded function dental assistant and shall return the temporary permit to the Board.

(c) The Board will grant a waiver to a temporary permit holder who has not been present at the examination, who provides the Board with documentation acceptable to the Board that illness or bereavement prevented the applicant from taking the examination as scheduled. A request for a waiver shall be filed with the Board within 10 days of the examination date. If a waiver is not granted, the temporary permit holder shall, upon notice,

immediately cease practicing as an expanded function dental assistant and return the permit to the Board.

**Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE**

**§ 33.201. Use of titles and other designations.**

(a) Dentists, dental hygienists and expanded function dental assistants may use only the following titles when formally holding themselves out to the public as members of their respective professions:

(1) *Dentists.*

(i) "Doctor" or "Dr." if the licensee's name and a title permitted under subparagraph (ii) or (iii) follows immediately. The Board specifically prohibits the use of the word "Doctor" or its abbreviation except in combination with one of these titles.

(ii) "Dentist," "Doctor of Dental Surgery," "Doctor of Dental Medicine," or a title such as "Orthodontist," signifying a specialty recognized by the Board in which the dentist has advanced training in conformity with § 33.203(d)(1) (relating to advertising), when preceded by the licensee's name.

(iii) "D.D.S." or "D.M.D.," when preceded by the licensee's name.

(2) *Dental hygienists.*

(i) "Dental Hygienist" or "D. H.," when preceded by the licensee's name.

(ii) "Registered Dental Hygienist" or "R.D.H.," when preceded by the licensee's name.

(3) *Expanded function dental assistants.* "Expanded function dental assistant" or "EFDA" when preceded by the certificate holder's name.

(b) In addition to the titles approved under subsection (a), licensees may use, in conjunction with their names, designations of advanced degrees earned from accredited institutions and designations of advanced professional status—such as diplomate or fellow.

(c) References in this section to the licensee's or certificate holder's name shall be interpreted to mean the name appearing on the licensee's or certificate holder's current license or certificate but to allow for the use of initials preceding the licensee's or certificate holder's surname.

**§ 33.205a. Practice as an expanded function dental assistant.**

(a) *Scope of professional practice.*

(1) An expanded function dental assistant may offer to perform or perform the following services:

(i) Placing and removing rubber dams.

(ii) Placing and removing matrices.

(iii) Placing and removing wedges.

(iv) Applying cavity liners and bases.

(v) Placing and condensing amalgam restorations.

(vi) Carving and contouring amalgam restorations.

(vii) Placing and finishing composite resin restorations and/or sealant material or both.

(2) Each of the professional services identified in paragraph (1) shall be performed under the direct supervision of a dentist.

(b) *Prohibitions.* An expanded function dental assistant may not:

(1) Examine, diagnose or plan treatment.

(2) Cut hard or soft tissue.

(3) Prescribe drugs, medicaments or lab authorizations.

(4) Approve the final occlusion.

(5) Perform pulp capping, pulpotomy and other endodontic procedures.

(6) Perform final placement/cementation of fixed and removable prosthetic appliances.

(7) Administer local anesthesia, parenteral or inhalational sedation, nitrous oxide analgesia or general anesthesia.

(8) Take impressions other than for study models or diagnostic casts.

(c) *Supervision.* Expanded function dental assistants shall perform under the direct supervision of a dentist. Direct supervision means that a dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed by the expanded function dental assistant, and, before dismissal of the patient, evaluates the work performed by the expanded function dental assistant.

**§ 33.209. Preparing, maintaining and retaining patient records.**

(a) A dentist shall maintain a dental record for each patient which accurately, legibly and completely reflects the evaluation and treatment of the patient. A patient dental record shall be prepared and maintained regardless of whether treatment is actually rendered or whether a fee is charged. The record shall include, at a minimum, the following:

(1) The name and address of the patient and, if the patient is a minor, the name of the patient's parents or legal guardian.

(2) The date of each patient visit.

(3) A description of the patient's complaint, symptoms and diagnosis.

(4) A description of the treatment or service rendered at each visit and the identity of the person rendering it.

(5) Information as required in § 33.208 (relating to prescribing, administering and dispensing medications) and this section with regard to controlled substances or other medications prescribed, administered or dispensed.

(6) The date and type of radiographs taken and orthodontic models made, as well as the radiographs and models themselves. Notwithstanding this requirement, the dentist may release orthodontic models to the patient. This transaction shall be memorialized on a form which is signed by the patient. The signed form shall become part of the patient's record.

(7) Information with regard to the administration of local anesthesia, nitrous oxide/oxygen analgesia, conscious sedation or general anesthesia.

(8) The date of each entry into the record and the identity of the person providing the service if not the dentist of record—for example, dental hygienist, expanded function dental assistant, dental assistant, and the like.

(b) A patient dental record shall be retained by a dentist for a minimum of 5 years from the date of the last dental entry.

(c) Within 30 days of receipt of a written request from a patient or a patient's parents or legal guardian if the patient is a minor, an exact copy of the patient's written dental record, along with copies of radiographs and orthodontic models, if requested, shall be furnished to the patient or to the patient's new dentist. This service shall be provided either gratuitously or for a fee reflecting the cost of reproduction.

(d) The obligation to transfer records under subsection (c) exists irrespective of a patient's unpaid balance for dental services or for the cost of reproducing the record.

(e) Dentists shall provide for the disposition of patient records in the event of the dentist's withdrawal from practice, incapacity or death in a manner that will ensure their availability under subsection (c).

(f) The components of a patient dental record that are prepared by a dentist or an agent and retained by a health care facility regulated by the Department of Health or the Department of Public Welfare shall be considered a part of the patient dental record required to be maintained by a dentist, but shall otherwise be exempt from subsections (a)–(e). The components of a patient dental record shall contain information required by applicable Department of Health and Department of Public Welfare regulations—see, for example, 28 Pa. Code § 141.26 (relating to patient dental records)—and health care facility bylaws.

(g) This section does not restrict or limit the applicability of recordkeeping requirements in § 33.207 (relating to prescribing, administering and dispensing controlled substances) and § 33.208.

(h) A dentist's failure to comply with this section will be considered unprofessional conduct and will subject the noncomplying dentist to disciplinary action as authorized in section 4.1(a)(8) of the act (63 P. S. § 123.1(a)(8)).

**§ 33.211. Unprofessional conduct.**

(a) *Dentists.* Unprofessional conduct, as defined in section 4.1(a)(8) of the act (63 P. S. § 123.1(a)(8)), includes the following conduct by a dentist:

(1) Knowingly or negligently employing as a dentist, dental hygienist or expanded function dental assistant a person whose license or certificate is not current or has been suspended or revoked.

(2) Failing to carry out supervisory responsibility with regard to auxiliary personnel or dental residents/interns.

(3) Delegating to a person duties that the dentist knows, or has reason to know, the person is not competent to perform or not authorized to perform.

(4) Withdrawing dental services after a dentist-patient relationship has been established so that the patient is unable to obtain necessary dental care in a timely manner.

(5) Physically, sexually or verbally abusing a patient.

(6) Unnecessarily exposing a patient to ionizing radiation.

(7) Failing to follow current infection-control recommendations issued by the Federal Centers for Disease Control or to ensure that auxiliary personnel and other supervisees follow these Federal guidelines.

(8) Failing to provide necessary dental care to a patient in a timely manner or to apprise the patient of the need for the care.

(9) Failing to make available to a patient, within 30 days of a request, information sufficient to enable the patient to complete an insurance form.

(b) *Dental hygienists.* Unprofessional conduct, as defined in section 4.1(a)(8) of the act includes the following conduct by a dental hygienist:

(1) Practicing as a dental hygienist without the supervision of a dentist.

(2) Performing a service that the dental hygienist knows, or has reason to know, the hygienist is not competent to perform or not authorized to perform.

(3) Physically, sexually or verbally abusing a patient.

(4) Failing to follow current infection-control recommendations issued by the Federal Centers for Disease Control.

(5) Unnecessarily exposing a patient to ionizing radiation.

(c) *Expanded function dental assistants.* Unprofessional conduct, as defined in section 4.1(a)(8) of the act includes the following conduct by an expanded function dental assistant:

(1) Practicing as an expanded function dental assistant without the direct supervision of a dentist.

(2) Performing a service that the expanded function dental assistant is not competent or not authorized to perform.

(3) Physically, sexually or verbally abusing a patient.

(4) Failing to follow current infection-control recommendations issued by the Federal Centers for Disease Control.

(5) Providing ionizing radiation in violation of § 33.302 (relating to auxiliary personnel performing radiologic procedures).

**§ 33.212. Misleading, deceptive, untrue or fraudulent representations.**

As used in section 4.1(a)(2) of the act (63 P. S. § 123.1(a)(2)), the phrase "misleading, deceptive, untrue or fraudulent representations" includes the following conduct by dentists, dental hygienists and expanded function dental assistants:

(1) Misrepresenting or concealing a material fact in obtaining, renewing or seeking reinstatement of a license or certificate.

(2) Misrepresenting or concealing a material fact in obtaining payment for dental services.

(3) Writing a prescription for a controlled substance or other medication in the name of a person other than for whom the controlled substance or other medication is intended under §§ 33.207 and 33.208 (relating to prescribing, administering and dispensing controlled substances; and prescribing, administering and dispensing medications).

(4) Falsifying a patient's record regarding treatment or the issuance of a controlled substance or other medication.

[Pa.B. Doc. No. 00-786. Filed for public inspection May 12, 2000, 9:00 a.m.]

# Title 58—RECREATION

## 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 April 4, 2000, meeting, adopted the following changes:

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. The amendments were proposed at 30 Pa.B. 1257 (March 4, 2000). These amendments were adopted under the authority of 34 Pa.C.S. §§ 101—2965 (relating to Game and Wildlife Code) (code).

### *Amendment of § 139.2*

#### 1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its January 11, 2000, meeting proposed, and at its April 4, 2000, meeting finally adopted, changes to § 139.2 by adding the 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 on the same day. This change was adopted under 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 seasons and bag limits for 2000-2001, the Commission has adopted a provision allowing 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 shall first be secured at a motor vehicle, hunting camp, residence or deer processing facility before another can be taken. On final adoption, the Commission decided to also allow transfer of a deer to a pick-up point.

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 change requires deer hunters to secure a harvested deer before seeking to take another.

#### 4. *Persons Affected*

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

#### 5. *Comment and Response Summary*

No comments were received specifically addressing the adopted change.

#### 6. *Cost and Paperwork Requirements*

The change will not result in any additional cost or paperwork.

#### 7. *Effective Date*

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

### *Amendment § 139.4*

#### 1. *Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 11, 2000, meeting proposed, and at its April 4, 2000, meeting finally adopted, changes to § 139.4 to provide for seasons and bag limits for the 2000-2001 license year. These seasons and bag limits were adopted under 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 adopted 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 shall, however, secure any deer they harvest before they can harvest another deer on the same day.

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

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

7. For final adoption, the Commission moved the start of the fall turkey season in Turkey Management Area No. 9-B from October 30 to October 28 and added a week to the mink and muskrat trapping season.

#### 3. *Regulatory Requirements*

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

4. *Persons Affected*

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

5. *Comment and Response Summary*

a. The Commission received 408 comments on form letters from the agricultural community endorsing the proposed changes in the deer seasons. The Commission received 621 comments on the proposed 3-day muzzleloader season for antlerless deer 47 of which were for and 574 of which were opposed, but 69% of those in opposition were signatures on a petition. Two hundred and fifteen comments favored the early muzzleloader season but wanted the harvesting of an antlered deer during that season to be lawful. Fifty-three comments expressed support for an early muzzleloader season but wanted it not to be concurrent with the archery season.

The Commission received 468 comments with regard to starting the antlerless deer season on the last day of the antlerless deer season, 39 of which were in favor and 429 of which were opposed. Ninety percent of the opposition comments were signatures on a petition which expressed concerns about safety, despite the fluorescent orange requirement, with either sex being legal. The Commission received 69 comments on the concurrent antlered and antlerless seasons for junior, senior and disabled hunters, 22 of which were in favor and 47 were opposed. Finally, two comments opposed multiple daily harvests of deer. Given this interesting mix of comments, the Commission decided to leave the deer seasons as proposed.

b. The Commission received a total of 6,271 comments with regard to the proposed bobcat season, seven of which were in favor and 6,264 were opposed. Over 70% of the opposition comments were in the form of signatures on petitions. It was quite clear that the opposition was based on general opposition to hunting and trapping of any species.

Section 103(b) of the code (relating to ownership, jurisdiction and control of game and wildlife), mandates that: "the Commission shall utilize hunting and trapping as methods of effecting necessary management of game, furbearer and wildlife populations." The Commission closed the bobcat season in 1970 because of concerns about bobcat populations. Commission biologists have been studying bobcat populations for over 10 years and have concluded that populations are adequate to support very limited recreational harvests of bobcats. The Commission therefore adopted the seasons that had been proposed.

c. The Commission received 95 comments with regard to the proposed fall turkey hunting season in Turkey Management Area 9A, nine of which were in favor and 86 of which were opposed. Concerns about turkey populations in that area are prompted by the fact that the habitat is fragmented, which means populations are abundant in some areas and not in others. Overall, the Commission determined that the population was adequate to keep the season as proposed.

d. The Commission received three comments in favor of an early pheasant season opener. The season was adopted as proposed.

6. *Cost and Paperwork Requirements*

The adopted new seasons and bag limits will not result in additional costs either to the Commission or to hunters and furtakers.

7. *Effective Dates*

The amendment is effective July 1, 2000, to June 30, 2001.

*Contact Person*

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

*Findings*

The Game Commission finds that:

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

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending §§ 139.2 and 139.4 to read as set forth in Annex A.

(B) The Executive Director of the Commission shall submit this order and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(C) This order amending §§ 139.2 and 139.4, shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-116 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.2. Definitions.**

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

*Antlered deer*—A deer having two or more points to one antler, or with one antler 3 inches or more in length.

*Antlerless deer*—A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

*Closed season*—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

*Daily limit*—The maximum number permitted to be taken by one person in 1 day during the open season.

*Early small game hunting season*—A designated period when only squirrels and grouse may be hunted and taken.

*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 shall be transported and secured at the hunt-

er's motor vehicle, permanent or temporary camp, residence, deer processing facility or pick-up point.

*Hunting hours*—The period each day of the open season, Sundays excepted, when game and wildlife may be lawfully taken.

*Regular small game hunting season*—The designated

period of time when resident small game species may be hunted and taken.

*Season limit*—The maximum number of wildlife which may be taken during a designated open season or license year.

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

**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 Dec. 26	and	Nov. 25 Feb. 10, 2001	6	12
Ruffed Grouse—(Statewide)	Oct. 14 Dec. 26	and	Nov. 25 Jan. 27, 2001	2	4
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 Dec. 26	and	Nov. 25 Feb. 10, 2001	4	8
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 Dec. 26	and	Nov. 25 Feb. 10, 2001	2	4
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. 28		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 Dec. 29	and	Nov. 26 April 1, 2001		Unlimited
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
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.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Deer Field Possession Limit</i>
<b>DEER</b>					
Deer (Archery), Antlered—(Statewide) with 2 or more points to an antler or a spike 3 or more inches long	Sep. 30		Oct. 20	One antlered.**	
	Oct. 25	and	Nov. 11		
	Dec. 26	and	Jan. 13, 2001		
Deer (Archery), Antlerless—(Statewide)	Sep. 30		Nov. 11	An antlerless deer with each required antlerless license.	
	Dec. 26	and	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>Deer Field Pos- session Limit</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 estab- lished by the United States Depart- ment 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 ant- ler or a spike 3 or more inches long	Nov. 27	Dec. 9	One antlered deer.**	
Deer, Antlerless	Nov. 27	Dec. 12	An antlerless deer with each required antlerless license.	
	Dec. 26	and Jan. 13, 2001		

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
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**BEAR**

Bear, any age	Nov. 20	Nov. 22	1	1
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**FUR TAKING—TRAPPING**

Minks and Muskrats—(Statewide)	Nov. 18	Jan. 14, 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	
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 when 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.

\*\*\*\*Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

[Pa.B. Doc. No. 00-787. Filed for public inspection May 12, 2000, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF REVENUE

[61 PA. CODE CH. 101]

### Termination Pay, Severance Pay and Early Retirement Incentive Programs

The Department of Revenue (Department), under authority contained in section 354 of the Tax Reform Code of 1971 (TRC) (72 P.S. § 7354), proposes to amend §§ 101.1 and 101.6 (relating to definitions; and compensation) to read as set forth in Annex A.

#### *Purpose of Proposed Amendments*

This regulatory change will clarify the taxation of termination pay, severance pay, early retirement incentive programs and programs offered by employers to provide benefits to employees in addition to those in qualifying retirement plans upon separation from service.

The proposed amendments also interprets section 301(d) of the (TRC 72 P.S. § 7301(d)) to mean that Federal insurance benefits paid under the Railroad Retirement Act and guaranteed payments to a partner of a partnership for services to the partnership are excluded from compensation.

#### *Explanation of Regulatory Requirements*

Section 101.1 is proposed to be amended by adding the definitions of "limited plan of termination," "qualified annuity" and "severance pay." Section 101.6(a) is proposed to be amended by updating the list of examples of compensation. Section 101.6(c)(3) is proposed to be amended to reflect the Department's interpretation of the Pennsylvania Income Tax law with regard to Federal insurance benefits paid under the Railroad Retirement Act. Text from § 101.6(a) has been deleted and moved to a new paragraph (9) in § 101.6(c). Paragraph (9) reflects the Department's interpretation of the Pennsylvania Income Tax law with regard to guaranteed payments to a partner of a partnership for services to the partnership. The numbering of this new paragraph will change upon the Department's adoption of Regulation 15-402, relating to payments for employee welfare benefit plans and cafeteria plans (see 28 Pa.B. 1946 (April 25, 1998)) and the promulgation of a proposal relating to supplemental unemployment benefit plans. The numbering of this new paragraph could also change upon adoption of Regulation 15-414 at 30 Pa.B. 2236 (May 6, 2000).

Finally, a new subsection (e) has been added to § 101.6 to explain superannuation requirements and the voluntary discontinuance of a plan. The lettering of this new subsection will change upon the Department's adoption of Regulation 15-402.

#### *Affected Parties*

This proposed rulemaking could affect employers with early-out incentive programs and employees receiving severance pay.

#### *Fiscal Impact*

The Department has determined that the proposed rulemaking will have no fiscal impact on the Commonwealth.

#### *Paperwork*

The proposed rulemaking will not require additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final publication. No sunset date has been assigned.

#### *Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed amendments to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 3, 2000, the Department submitted a copy of this proposed rulemaking to IRRC and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

ROBERT A. JUDGE, Sr.,  
*Secretary*

**Fiscal Note:** 15-413. No fiscal impact; (8) recommends adoption. This rulemaking clarifies the Department's current policies.

#### **Annex A**

#### **TITLE 61. REVENUE**

#### **PART I. DEPARTMENT OF REVENUE**

#### **Subpart B. GENERAL FUND REVENUES**

#### **ARTICLE V. PERSONAL INCOME TAX**

#### **CHAPTER 101. GENERAL PROVISIONS**

#### **§ 101.1. Definitions.**

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

\* \* \* \* \*

**Limited plan of termination**—A plan that has one or more of the following attributes:

(i) The plan, when begun, is scheduled to be complete on a certain date or upon the occurrence of one or more specified events.

(ii) The number, percentage or class of employes whose services are to be terminated are specified in advance.

(iii) The plan is otherwise temporary or limited.

\* \* \* \* \*

**Qualified annuity**—An arrangement under which the payee is entitled to equal, or substantially equal, periodic payments, paid not less frequently than annually, for:

(i) The life of the participant, or, if applicable, the joint lives of the recipient and recipient's designated beneficiary.

(ii) The life expectancy of the participant, or, if applicable, the joint life expectancies of the recipient and recipient's designated beneficiary.

(iii) A period of at least 10 years.

\* \* \* \* \*

**Severance pay**—A payment made upon separation from employment under:

(i) A plan which has both of the following attributes:

(A) Payments are not contingent solely upon an employe's retirement from service or being the same age as, or older than, the earliest retirement age under a qualifying retirement benefit plan or qualifying retirement income plan sponsored by the employer.

(B) Total payments cannot exceed twice the employe's annual compensation during the year preceding the employe's termination.

(ii) A plan under which all payments to any plan participant are completed within 120 months of the participant's termination.

(iii) A plan under which no benefit is payable to, or subject in any manner to anticipation, assignment or pledge by, an employe except upon voluntary separation from the employment of the employer before the participant reaches normal retirement age or service.

(iv) A plan, including a stock bonus or profit-sharing plan formed by a trust that meets the requirements for qualification described in section 401 of the IRC (26 U.S.C.A. § 401) or employe stock ownership plan, with one or more of the following attributes:

(A) The amount of earnings on contributions (or allocations of contributions or earnings) and amount of benefits are determined with regard to the current or accumulated profits or losses of the employer.

(B) The employer can contribute only in those years when it has current or accumulated profits.

(C) The employer's contributions can fluctuate depending on the level of its profits.

(D) The employer's contributions are made out of current or accumulated profits.

(E) Distributions are paid with respect to stock of a corporation which is held by an employe stock ownership plan.

(v) A plan under which the accrued benefit payable to each vested participant who does not die

before the payment starting date is neither paid nor payable in the form of a qualified annuity.

(vi) A limited plan of termination.

\* \* \* \* \*

§ 101.6. Compensation.

(a) Compensation includes items of remuneration received [ by an employe or casual employe ], directly or through an agent, in cash or in property, based on payroll periods or piecework, for services rendered as an employe or casual employe, agent or officer of an individual, partnership, [ but not guaranteed payments to a partner for services rendered to the partnership, ] business or nonprofit corporation, or government agency. These items include salaries, wages, commissions, bonuses, stock options, incentive payments, fees, tips, dismissal, termination or severance payments, early retirement incentive payments and other additional compensation contingent upon retirement, including payments in excess of the scheduled or customary salaries provided for those who are not terminating service, rewards, vacation and holiday pay, paid leaves of absence, payments for unused vacation or sick leave, tax assumed by the employer, or casual employe signing bonuses, amounts received under employe benefit plans and deferred compensation arrangements, and other remuneration received for services rendered.

\* \* \* \* \*

(c) Compensation does not mean or include any of the following:

\* \* \* \* \*

(3) [ Payments commonly recognized as ] Federal old age [ or retirement benefits paid to persons retired from service after reaching a specified age or after a stated period of employment ] insurance benefits payable under 42 U.S.C.A. § 401 et seq., Railroad Retirement Act benefits payable under 45 U.S.C.A. § 228 or § 231 et seq. or any retired or retainer pay of a member or former member of a uniformed service computed under 10 U.S.C.A. § 1401. [ Retirement pay includes a distribution of a lump sum upon retirement, but does not include a severance payment by an employer to an employe who terminates employment without retiring. A payment of the latter type shall be considered compensation, if paid upon termination of employment, rather than as a retirement income, to the extent that the payment exceeds the employe's contribution to any plan out of which the payment may be made. ]

\* \* \* \* \*

(10) Guaranteed payments to a partner for services rendered to the partnership.

\* \* \* \* \*

(e) For purposes of this section:

(1) A person who separated from service before satisfying superannuation requirements shall be deemed to be retired from service upon reaching

retirement age, regardless of whether the firm has permanently and wholly withdrawn from active working life or not.

(2) The voluntary discontinuance of a plan within 3 years after it has taken effect, for any reason other than business necessity, will be evidence that the plan was temporary and limited.

[Pa.B. Doc. No. 00-788. Filed for public inspection May 12, 2000, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 63, 65 AND 111]

### Baitfish; Special Fish Regulation; Special Boating Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapters 63, 65 and 111 (relating to general fishing regulations; special fishing regulations; and special regulations counties). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to fishing and boating.

#### A. Effective Date

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

#### B. Contact Person

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

#### C. Statutory Authority

The proposed amendment to Chapter 63 is published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendment to Chapter 65 is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes). The proposed amendment to Chapter 111 is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. Purpose and Background

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

#### E. Summary of Proposal

(1) *Section 63.44 (relating to illegal baitfish)*. Until 1980, when the code was recodified, it was illegal to use goldfish as a baitfish. However, during the recodification, this prohibition was inadvertently omitted. Recently, the Commission's Bureau of Fisheries took action to prohibit the sale of the four species of baitfish (specifically, Goldfish (*Carassius auratus*), Comets (*Carassius auratus*), Koi (*Cyprinus carpio*) and Common carp (*Cyprinus carpio*)) by individuals possessing a live bait

dealer's license. To be consistent with this current change and also correct the previous omission, the Commission proposes the new regulation to read as set forth in Annex A.

(2) *Section 65.24 (relating to miscellaneous special regulations)*. A recent review of the Commission's regulations revealed that there are two miscellaneous special regulations that state that the creel limit for trout is eight per day. When the Commission amended its Statewide trout regulations last year to reduce the creel limit from eight to five, these miscellaneous regulations should have been amended as well. Accordingly, the Commission proposes the amendment to read as set forth in Annex A.

On March 11, 2000, the Commission's Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), took immediate action to modify temporarily the miscellaneous special regulations to read as set forth in Annex A. This notice was published at 30 Pa. B. 1432 (March 11, 2000).

(3) *Section 111.67 (relating to York County)*. The Commission's regulations in § 111.67(c)(3) and (d)(3), require boaters under 9 years of age and nonswimmers to wear United States Coast Guard approved PFDs on Lake Redman and Lake Williams, respectively. The Commission promulgated these regulations prior to the Statewide regulation in § 97.1(h) (relating to personal flotation devices) requiring children 12 years of age and younger to wear an approved Type I, II, III or V PFD while underway on any boat 20 feet or less in length and all canoes and kayaks. In an effort to resolve this inconsistency, the Commission proposes to delete § 111.67(c)(3) and (d)(3).

#### F. Paperwork

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

#### G. Fiscal Impact

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

#### H. Public Comments

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

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

PETER A. COLANGELO,  
Executive Director

**Fiscal Note:** 48A-107. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.44. Illegal baitfish.

It is unlawful for a person to use or possess Goldfish (*Carassius auratus*), Comets (*Carassius auratus*), Koi (*Cyprinus carpio*) and Common carp (*Cyprinus carpio*) as baitfish while fishing.

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

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

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to confluence with the Juniata River).	Trout (all species)—no closed season. Creel limits: Regular inland season—[ <b>eight</b> ] 5. Day after Labor Day to opening day of next regular inland season—[ <b>three</b> ] 3 (combined species). Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number. Executive Director or a designee may issue permits for use of cast nets or throw nets for taking only gizzard shad and alewife on Lake Raystown. In addition to other permit conditions that the Executive Director may require, the permits shall be limited to cast nets or throw nets of no greater than 6 feet in radius (12 feet in diameter) with a mesh size of at least 3/8 inches.
	* * * * *	
Somerset, Fayette, Westmoreland and Allegheny	Youghiogheny River from Reservoir downstream to confluence with Casselman River	Closed season on trout: April 1 until 8 a.m., first Saturday after April 11. Daily limit—Opening day of trout season to Labor Day—[ <b>eight</b> ] 5 trout per day; day after Labor Day to midnight, March 31 of the following year: [ <b>three</b> ] 3 trout per day. Inland regulations apply to warmwater/coolwater species.
	* * * * *	

Subpart C. BOATING

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.67. York County.

\* \* \* \* \*

(c) *Lake Redman.*

\* \* \* \* \*

[ (3) Boaters under 9 years of age, and nonswimmers, shall wear United States Coast Guard approved lifesaving devices. ]

[ (4) ] (3) \* \* \*

\* \* \* \* \*

(d) *Lake Williams.*

\* \* \* \* \*

[ (3) Boaters under 9 years of age, and nonswimmers, shall wear United States Coast Guard approved personal flotation devices. ]

(4) ] (3) \* \* \*

\* \* \* \* \*

[ (5) ] (4) \* \* \*

[Pa.B. Doc. No. 00-789. Filed for public inspection May 12, 2000, 9:00 a.m.]

# GAME COMMISSION

[58 PA. CODE CH. 143]

## Application Period for Senior Licenses; Validity of License

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 4, 2000, meeting proposed the following amendments:

Add § 143.9 (relating to application period for senior licenses) to further define the qualification for a senior license, and amend § 143.54 (relating to validity of license) to designate when private land tags are valid for use.

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

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

These proposals were made public at the April 4, 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 June 16, 2000.

*Proposed Addition of § 143.9 (relating to application period for senior licenses)*

### 1. Introduction

To clarify eligibility for senior resident lifetime licenses, the Commission at its April 4, 2000, meeting proposed adding § 143.9. Section 2705 of the code (relating to classes of licenses) currently contains several subsections, (3), (6) and (7) which authorize residents "... who have reached or will reach their 65th birthday in the year of application for the license," to purchase senior resident licenses. It is unclear as to whether the "year of application" is the license year or calendar year. The change, which is proposed under sections 2707 and 2722(g) of the code (relating to license periods; and authorized license-issuing agents), will clarify eligibility.

### 2. Purpose and Authority

As was outlined in the introduction of this Preamble, the code allows residents who "... will reach their 65th birthday in the year of the application for the license," to obtain senior resident licenses. It is unclear, however, whether the "year of application" is the license year (July 1 to June 30) or the calendar year (January 1 to December 31). The proposed change establishes the year of application as the July 1 to June 30 year.

Section 2707 of the code, authorizes the Commission to fix license periods by regulation. Section 2722(g) of the code authorizes the Commission to adopt regulations for the administration and control of issuing licenses.

### 3. Regulatory Requirements

The proposed section will not add any regulatory requirements but merely clarifies existing law.

### 4. Persons Affected

Residents of this Commonwealth who turn age 65 could be affected by the proposed provision.

*Proposed Amendment of § 143.54 (relating to validity of license)*

### 1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its April 4, 2000,

meeting proposed to amend § 143.54 to limit the use of private land tag antlerless licenses. Limited access to private land has the effect of allowing excessive deer populations that cause damage to agricultural crops and forest regeneration. By restricting the sale of surplus antlerless licenses to use on private land only, the Commission hopes to increase the harvest of deer on these lands. Also, in an attempt to reduce the deer population on certain public lands under an approved deer management plan, the Commission is proposing to include these lands for use of private land tags. The proposal is being made under section 2102 of the code (relating to regulations).

### 2. Purpose and Authority

As was pointed out in the Introduction of this Preamble, deer populations in areas can go out of control because of large areas of private lands which can either be closed to hunting or only provide limited access to hunters. To try to deal with this problem, the Commission is proposing to designate antlerless licenses as private land tags which can only be used on private land or public land with an approved deer management plan. It is also hoped that this will spur efforts to get more private land open to hunting.

Section 2102 of the code directs the Commission to promulgate regulations it deems necessary and appropriate concerning game or wildlife and hunting. This section provides authority for the proposed change.

### 3. Regulatory Requirements

The proposed change would limit the use of designated antlerless licenses to private land and specific public land.

### 4. Persons Affected

Those wishing to harvest antlerless deer could be affected by the proposed change.

### 5. Cost and Paperwork Requirements

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

### 6. Effective Date

The change 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 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:** 48-121. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

### PART III. GAME COMMISSION

### CHAPTER 143. HUNTING AND FURTAKER LICENSES

### Subchapter A. GENERAL

### § 143.9. Application period for senior licenses.

For the purpose of issuing a senior license, the year of application shall be the period beginning July 1 and

ending June 30 of the year next following to coincide with the license year.

### Subchapter C. ANTLERLESS DEER LICENSES

#### § 143.54. Validity of license.

An antlerless deer license is valid for taking antlerless deer only in the county designated on the antlerless deer license. **Private land tags are valid only on private land or on public land with a deer management plan approved by the Commission.**

[Pa.B. Doc. No. 00-790. Filed for public inspection May 12, 2000, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 63]

[L-00990141]

### Generic Competitive Safeguards under 66 Pa.C.S. § 3005(b) and (g)(2)

By Order entered November 30, 1999, the Pennsylvania Public Utility Commission (Commission) adopted a proposed rulemaking establishing competitive safeguards in further of the provisions of Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3001—3009. The proposed rulemaking order required that comments be filed within 30 days of publication which occurred at 30 Pa.B. 539 (January 29, 2000). Comments were, therefore, originally due February 28, 2000.

On February 24, 2000, the Commission granted a 60-day extension for the filing of comments to April 28, 2000, in the above-captioned matter after receiving requests for a stay from the Pennsylvania Telephone Association (PTA) and ALLTEL Pennsylvania, Inc. (ALLTEL). In making this request, the PTA and ALLTEL argued that the proposed competitive safeguards, which are in the form of a Code of Conduct, are closely modeled after the Code of Conduct adopted for Bell Atlantic-Pennsylvania, Inc. (BA-PA) in the Global proceeding order entered September 30, 1999, at Docket Nos. P-00991648 and 00991649. They further alleged that the Global order, including the proposed Code of Conduct for BA-PA, however, is in a state of uncertainty given several outstanding appeals currently pending in State court. In granting the 60-day extension, the Commission agreed with the parties that it would be premature to ask for comments in the instant proceeding until there is greater finality in the Global appeals.

On April 20, 2000, ALLTEL again filed a letter with the Commission, copied to all parties, asking that we stay, until further notice, the comment period in the above-referenced matter because of the continuing uncertainty in the pending Global appeals and the relevance their resolution may bear on this rulemaking proceeding. Given the continuing uncertainty in the pending Global appeals, we agree with this request and, therefore, will grant a stay, until further notice, of the comment period.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-791. Filed for public inspection May 12, 2000, 9:00 a.m.]

## STATE BOARD OF ACCOUNTANCY

[49 PA. CODE CH. 11]

### Fees

The State Board of Accountancy (Board) proposes to amend § 11.4 (relating to fees) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 3(6) of The C.P.A. Law (act) (63 P. S. § 9.3(6)), authorizes the Board to establish fees for its operations. Section 6 of the act (63 P. S. § 9.6) requires the Board to establish fees by regulation and to ensure that revenues derived from fees are adequate to cover the Board's expenditures over a biennial period.

#### *Background and Purpose*

The Board's general operating expenditures are funded through fees for biennial renewal of licensees. Expenditures related to services that the Board provides to licensees and applicants are defrayed through user fees based on the actual costs of providing the services.

In a recent systems audit of the Board's operations conducted by the Revenue Office of the Bureau of Professional and Occupational Affairs, the fees for services provided to individual licensees and applicants were analyzed to determine if they accurately reflected the actual costs of providing the services. Actual cost calculations were based upon the following formula:

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

The audit revealed that the existing fees for certification and initial licensure of a certified public accountant, temporary practice permit, verification of certification, registration or licensure and certification of examination scores were less than the actual costs of providing the services. The Revenue Office recommended that the fees for those services be raised to reflect the Board's actual costs.

The Revenue Office also recommended that the Board establish a new fee to defray the actual costs associated with reinstating an inactive or expired license. Section 9.2(d)(2) of the act (63 P. S. § 9.9b(d)(2)), was amended in 1996 to require a fee.

The Board's proposal would implement the Revenue Office's recommendations regarding user fees for Board services. The Board would continue to apportion its general operating costs to the general population of licensees when the Board makes its statutorily required biennial reconciliation of revenue and expenditures.

#### *Description of Proposed Amendment*

The proposed amendment would revise the Board's schedule of users fees as set forth in Annex A.

In the interests of improving the organization of Board regulations, the proposed amendment also would relocate to § 11.4 the temporary practice fee, which currently appears in § 11.5 (relating to temporary practice in this Commonwealth), and the examination fees, which currently appear in § 11.17 (relating to submission of examination application and examination fees). The Board intends to amend §§ 11.5 and 11.17 in a separate rule-making initiative relating to general revisions (16A-559).

The proposed amendment also would make editorial changes to the descriptions of the fees. The \$45 fee currently labeled as "application for certification" applies to both the initial certification and licensure of a certified public accountant and the initial licensure of a public accounting firm. Because the actual costs associated with

the certification and initial licensure of a certified public accountant have increased by \$20 (thus necessitating an increase in the fee) but not those associated with the initial licensure of a public accounting firm, the proposed amendment would separate the current fee into two fees: a \$65 fee for certification and initial licensure of a certified public accountant and a \$45 fee for initial licensure of a public accounting firm.

*Fiscal Impact*

The Board projects that the revised schedule of fees would generate additional revenues totaling approximately \$36,875 during each fiscal biennium. The additional biennial revenues are broken down as follows:

<i>Service</i>	<i>Estimated Fee-Payers</i>		<i>Fee Increase</i>		<i>Additional Revenues</i>
Certification and Initial Licensure of Certified Public Accountant	1,000	x	\$20	=	\$20,000
Temporary Practice Permit	75	x	\$5	=	\$375
Reinstatement of Inactive or Expired License	200	x	\$35	=	\$7,000
Certification of Examination Scores	900	x	\$10	=	\$9,000
Verification of Certification, Registration or Licensure Status	100	x	\$5	=	\$500
					Total
					\$36,875

*Paperwork Requirements*

The proposed amendment would require the Board to change certain forms to reflect the revised schedule of fees. The proposed amendment would not create additional paperwork requirements for the regulated community.

*Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (relating to regulatory review and promulgation), the Board, in drafting and promulgating the proposed amendment, considered the least restricted alternative to regulatory costs for services requested by individual licensees and applicants.

*Regulatory Review*

On May 3, 2000, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.4(a)), the Board submitted copies of this notice of 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 regulatory analysis and fee report forms prepared in compliance with Executive Order 1996-1. Copies of these forms are available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to the proposed amendment, it will notify the Board 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 that permit IRRC, the General Assembly and the Governor to review objections prior to final adoption of the amendment.

*Public Comment*

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed amendment to Steven Wennberg, Counsel, 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-558. 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**

**§ 11.4. Fees.**

[ (a) ] Following is the schedule of fees charged by the Board:

<b>Complete CPA examination. (Four parts) .....</b>	<b>\$135</b>
<b>Three parts .....</b>	<b>\$112.50</b>
<b>Two parts .....</b>	<b>\$90</b>
<b>One part .....</b>	<b>\$67.50</b>
<b>AICPA examination administration to candidates of other state boards .....</b>	<b>\$100</b>
<b>[ Application for certification ] Certification and initial licensure of certified public accountant .....</b>	<b>\$ [ 45 ] 65</b>
<b>Initial licensure of public accounting firm .....</b>	<b>\$45</b>



**Temporary practice permit . . . . . \$25**

Biennial renewal [ for ] of license of certified public [ accountants ] accountant, public [ accountant, partnerships, professional corporations and professional associations ] accountant or public accounting firm . . . . . \$45

**Reinstatement of inactive or expired license . . . . . \$35**

Certification of examination scores . . . . . \$[ 15 ] 25

Verification of certification, registration or licensure . . . . . \$[ 10 ] 15

**[ (b) Upon implementation, these fees will have retroactive effect to February 1, 1990. ]**

[Pa.B. Doc. No. 00-792. Filed for public inspection May 12, 2000, 9:00 a.m.]

## STATE BOARD OF VETERINARY MEDICINE

### [49 PA. CODE CH. 31] Biennial Renewal Fees

The State Board of Veterinary Medicine (Board) proposes to amend § 31.41 (relating to schedule of fees) to read as set forth in Annex A. The proposed amendment would increase the biennial license renewal fee for veterinarians from \$105 to \$225 and for animal health technicians from \$30 to \$60.

*Effective Date*

The new fees would be effective on final publication in the *Pennsylvania Bulletin* and will apply to the biennial renewal period commencing December 1, 2000.

*Statutory Authority*

Section 13(a) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.13(a)), requires the Board to fix the fees required for renewal of licenses and certificates by regulation. In addition, section 13(b) of the act requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures.

*Background and Need for Amendment*

The Board's current biennial license renewal fees were established by regulation in 1995. The Board is required by law to support its operations from revenue it generates from fees, fines and civil penalties. The act mandates that the Board protect the public by adopting rules and regulations that govern the practice of veterinary medicine and administer and enforce the laws, rules and regulations that relate to the practice of veterinary medicine. In addition, the Board is generally mandated to promote public health, safety and welfare, which is accomplished through Board initiatives and coordination with other agencies and departments in this Commonwealth. The proposed fees are comparable to the renewal fees charged in surrounding states and should cause no competitive disadvantage to this Commonwealth.

The Board raises virtually all its revenue through fees. The biennial license renewal fee is the most substantial revenue generating fee of the fees charged by the Board. If the Board anticipates that its revenue will not meet its expenditures, the Board must increase its revenue.

At its July 15, 1999, Board meeting, the Offices of Revenue and Budget presented a summary of the Board's revenues and expenses for Fiscal Years 1997-1998 and 1998-1999. The summary, presented in the following table format, demonstrated that the Board must raise fees to meet or exceed projected expenditures to comply with section 13(b) of the act.

1997 beginning balance	(245.09)
FY97-98 revenue	22,392.00
FY97-98 expenses	179,789.44
1998 beginning balance	(157,642.53)
FY98-99 revenue	363,112.00
FY98-99 expenses	287,011.29
1999 beginning balance	(81,541.82)

As the foregoing indicates, at the close of FY 1998-1999, the Board's expenses exceeded its revenues by \$81,541.82. The Budget Office estimates that in FY 1999-2000, the deficit will increase to \$341,681.10 if fees are not increased. The Budget Office anticipates that the proposed new fees will enable the Board to recapture the current deficit and meet its estimated expenditures for the 2000-2002 biennial cycle.

The increases in the Board's biennial expenses occurred primarily in law enforcement costs and legal office costs. Law enforcement (the Bureau of Enforcement and Investigation) saw an increase from 898.75 hours expended in FY 1994-1995 to 1,184.8 hours expended in FY 1998-1999. Corresponding to this increase, law enforcement expenditures increased from approximately \$70,000 in FY 1994-1995 to just over \$95,000 in FY 1997-1998.

The legal office (division of the Bureau of Professional and Occupational Affairs) spent 1,485.9 hours in FY 1997-1998 on matters related to the Veterinary Board. No figure was available for FY 1994-1995. Legal office expenditures increased from approximately \$37,000 in FY 1994-1995 to just under \$61,000 in FY 1997-1998.

The legal office saw an increase in both number and complexity of cases closed in calendar years 1996 through 1998. In 1996, the Board issued four adjudications relating to continuing education violations and one in a reciprocal disciplinary action.

In 1997, the Board issued one adjudication in a reciprocal disciplinary action and issued two orders in a complicated malpractice case. In 1998, the Board issued one adjudication involving a civil prosecution and two involving unlicensed practice. In 1998, the Board issued six adjudications: one for performing surgery without a license, two for dispensing medication without a license, one for practicing on a lapsed license, one reciprocal disciplinary action and one for gross negligence/malpractice.

*Description of Proposed Amendment*

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend its fee schedule in § 31.41 to increase the fee for biennial renewal of licenses for veterinarians from \$105 to \$225 and increase the fee for animal health technicians from \$30 to \$60. By this increase, the Board will recoup the 1999 deficit and offset the projected deficit of \$341,681.10 in FY 1999-2000.

*Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposal the Board considered the proposal as both required by law and the least restrictive means of covering the costs of services required to be performed by the Board.

*Fiscal Impact*

The proposed amendment will increase the biennial renewal fee for veterinarians and animal health technicians. A veterinarian will pay an additional \$120 for biennial renewal. An animal health technician will pay an additional \$30 for biennial renewal. The proposed amendment should have no other fiscal impact on the private sector, the general public or political subdivisions.

*Paperwork Requirements*

The proposed amendment will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed amendment should not create additional paperwork for the private sector.

*Sunset Date*

The act requires that the Board monitor its revenue and cost on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 2, 2000, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and Senate Consumer Protection and Professional Licensure Committee for review and comment. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory

Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor of objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Robert Kline, Administrator, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

BRIAN V. HARPSTER, V.M.D.,  
*Chairperson*

**Fiscal Note:** 16A-579. 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 31. STATE BOARD OF VETERINARY MEDICINE**

**FEES**

**§ 31.41. Schedule of fees.**

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

*Veterinarians:*

	*	*	*	*	*	
Biennial renewal.....						<b>§ [ 105 ]225</b>
	*	*	*	*	*	

*Animal health technicians:*

	*	*	*	*	*	
Biennial renewal.....						<b>§ [ 30 ]60</b>
	*	*	*	*	*	

[Pa.B. Doc. No. 00-793. Filed for public inspection May 12, 2000, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

#### Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective May 1, 2000.

The following organization chart at 30 Pa.B. 2381 (May 13, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 00-794. Filed for public inspection May 12, 2000, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective April 25, 2000.

The organization chart at 30 Pa.B. 2382 (May 13, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 00-795. Filed for public inspection May 12, 2000, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

#### Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective May 1, 2000.

The following organization chart at 30 Pa. B. 2383 (May 13, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 00-796. Filed for public inspection May 12, 2000, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

#### Reorganization of the Department of Revenue

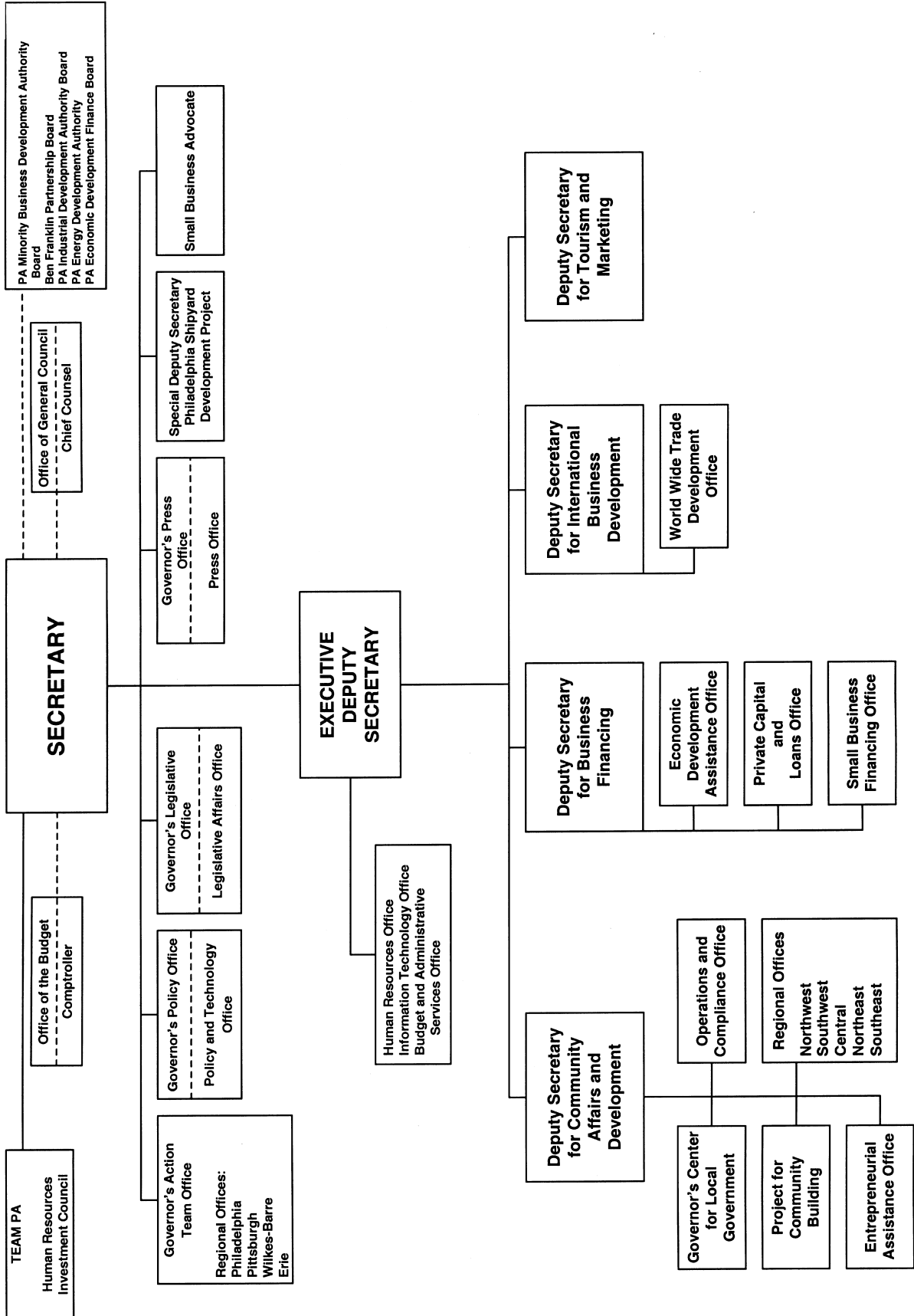
The Executive Board approved a reorganization of the Department of Revenue effective April 25, 2000.

The organization chart at 30 Pa.B. 2384 (May 13, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

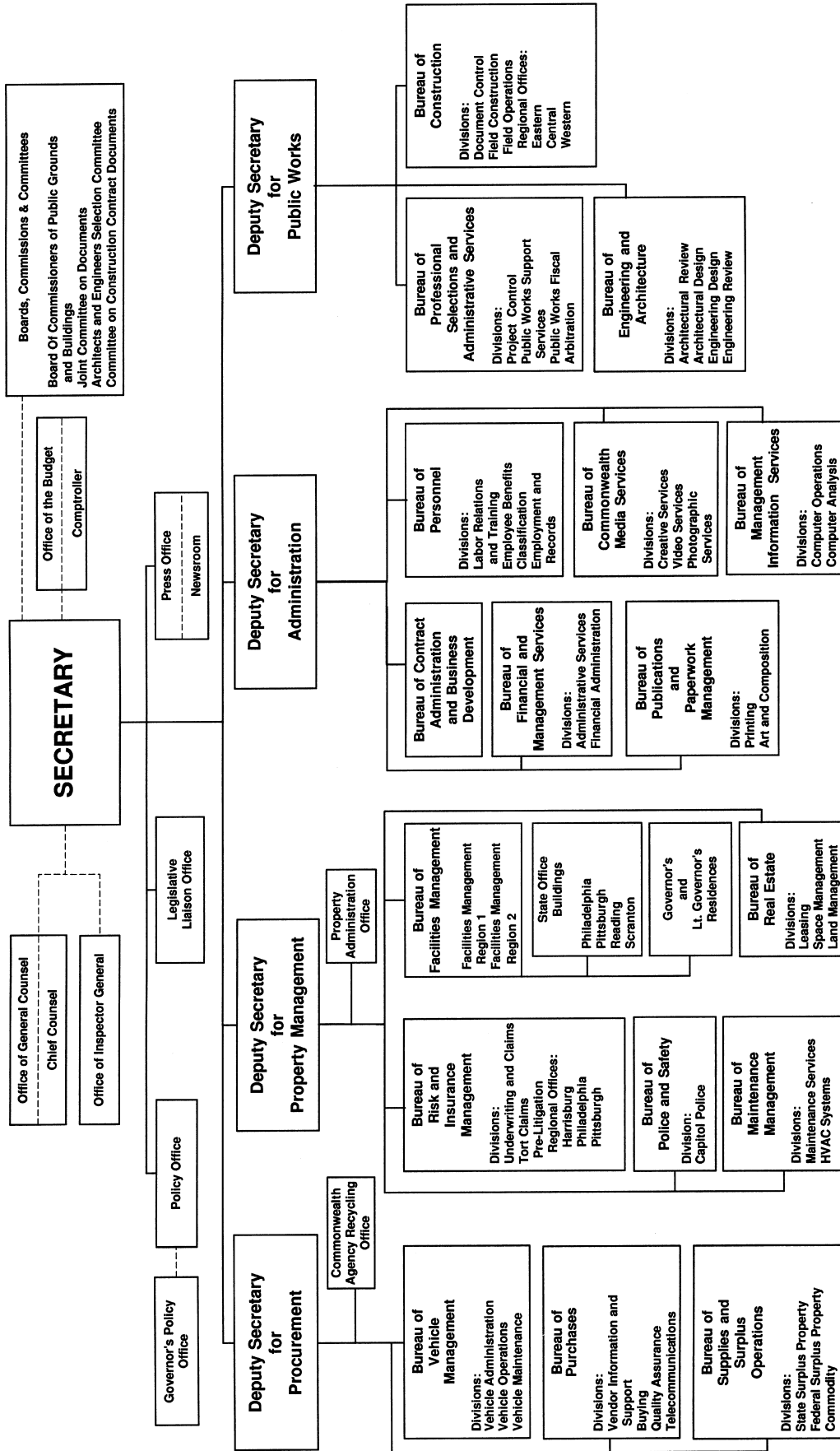
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 00-797. Filed for public inspection May 12, 2000, 9:00 a.m.]

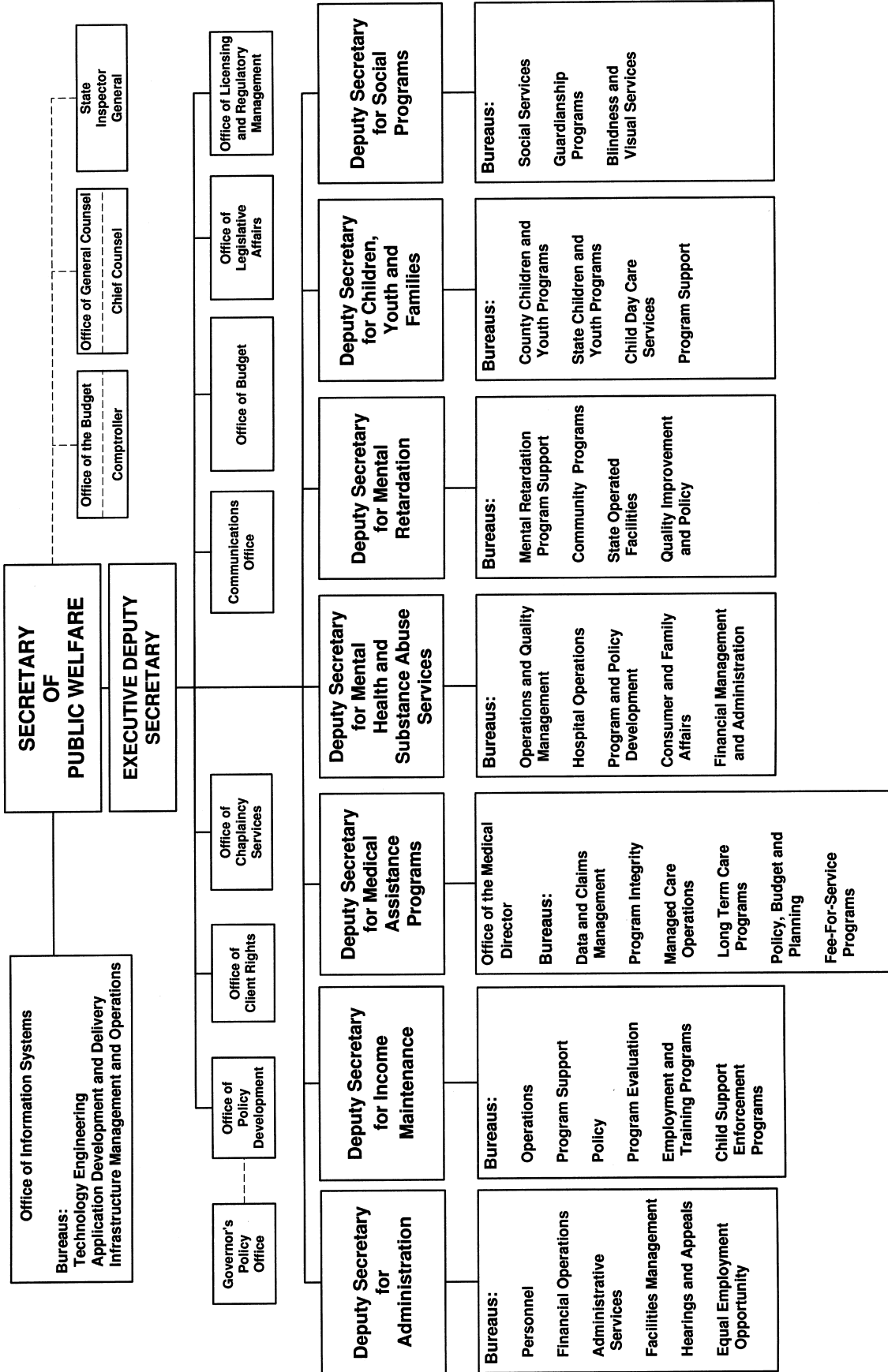
COMMUNITY AND ECONOMIC DEVELOPMENT



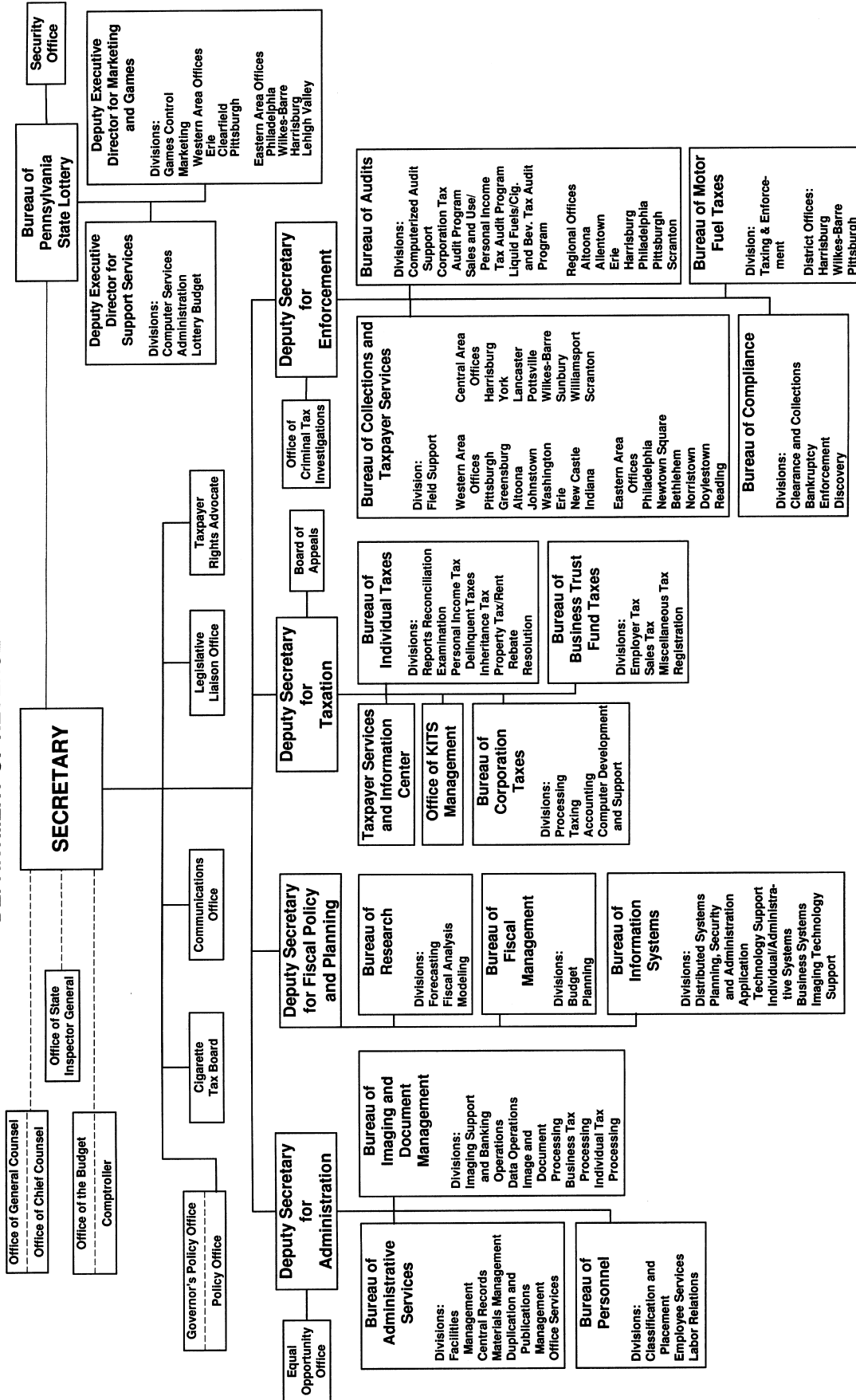
DEPARTMENT OF GENERAL SERVICES



**DEPARTMENT OF PUBLIC WELFARE**



DEPARTMENT OF REVENUE



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Agricultural Product Promotion Matching Grant Program; Application Period

Notice is hereby given of the commencement of an application period for grants under the Pennsylvania Agricultural Product Promotion Matching Grant Program (Program) administered by the Department of Agriculture. The statement of policy describing the Program is published at 7 Pa. Code, Chapter 105.

In summary, the Program provides matching funds to Pennsylvania nonprofit agricultural product promotion and marketing organizations for projects intended to

increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these products.

Applications for the Program will be accepted by the Department of Agriculture beginning June 1, 2000, for a 30-day period. Applications will not be accepted if received by the Department after June 30, 2000. Information and a grant application may be obtained from Michael Varner, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 311, Harrisburg, PA 17110-9408.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-798. Filed for public inspection May 12, 2000, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 2, 2000.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-28-00	Harleysville National Corporation, Harleysville, to acquire 100% of the voting shares of Citizens Bank and Trust Company, Palmerton	Harleysville	Effective

Under the acquisition, Citizens Bank and Trust Company, Palmerton, will be merged with and into Citizens National Bank, Lansford, a subsidiary of Harleysville National Corporation.

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-1-00	Farmers Building and Savings Bank, Rochester, and Cammar Building and Loan Association, Monaca Surviving Institution—Farmers Building and Savings Bank, Rochester	Rochester	Filed

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-26-00	The Peoples Bank of Oxford Oxford Chester County	Jenners Pond Retirement Community Allison Building 2000 Greenbriar Lane Penn Township Chester County (Limited Service Facility)	Opened
4-27-00	Parkvale Savings Bank Monroeville Allegheny County	600 Wal-Mart Drive Gibsonsia Allegheny County	Approved
4-28-00	Pennsylvania State Bank Camp Hill Cumberland County	715 Wertzville Road Enola East Pennsboro Twp. Cumberland County	Filed



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-1-00	The Legacy Bank of Harrisburg Harrisburg Dauphin County	Mobile Branch to be Operated Throughout the "Capitol Region" (Dauphin and Cumberland Counties)	Commenced Operations

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-27-00	Harris Savings Bank Harrisburg Dauphin County	<i>Into:</i> 449 Eisenhower Blvd. Swatara Township Dauphin County  <i>From:</i> 635 North 12th St. Lemoyne Cumberland County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 00-799. Filed for public inspection May 12, 2000, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Wednesday, May 24, 2000. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA

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

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

PAULETTE JOHNSON,  
*Chairperson*

[Pa.B. Doc. No. 00-800. Filed for public inspection May 12, 2000, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### 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 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.

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

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

**PA 0029530.** Sewage, **Palisades School District**, 9220 Old Easton Road, Kintnersville, PA 18930.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Palisades School District in Nockamixon Township, **Bucks County**. This is an existing discharge to an UNT to Gallows Run (Ferndale 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 0.0215 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solid	30	60
Ammonia (as N)		
(5-1 to 10-31)	13	26
(11-1 to 4-30)	20	40
Fecal Coliform	200 lb/100 ml	
pH	6—9 su	
Dissolved Oxygen	3.0 minimum	
Total Residual Chlorine		
(Yrs. 1 and 2)	monitor/report	monitor/report
(Yrs. 3—5)	0.5	1.2

The EPA waiver is in effect.

**PA 0057908.** Sewage, **Jericho National Golf Club, Inc.**, P. O. Box 519, Brownsburg Road, Washington Crossing, PA 18977.

This application is for issuance of an NPDES permit to discharge treated sewage from a sewage treatment plant in Upper Makefield Township, **Bucks County**. This is a new discharge to an unnamed tributary to Jericho Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 4,220 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Phosphorus (as P)	monitor/report	
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0055468.** Sewage, **Duane Weaver**, 594 Godshall Road, Telford, PA 18969-2209.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Pleasant Run Trailer Park in New Hanover Township, **Montgomery County**. This is an existing discharge to Deep Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 5,300 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Phosphorus (as P)		
(4-1 to 10-31)	2.0	4.0
Dissolved Oxygen	5.0 minimum	
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0047252.** Sewage, **Pantos Corporation**, 202 Black Matt Road, Douglassville, PA 19518.

This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Painter's Crossing Apartments in Chadds Ford Township, **Delaware County**. This is an existing discharge to Harvey Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.07 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solid	30	60
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Fecal Coliform	200 lb./100 ml	
pH	6—9 su	
Dissolved Oxygen	3.0 minimum	
Total Residual Chlorine		
(Yrs. 1 and 2)	monitor/report	monitor/report
(Yrs. 3—5)	0.18	0.42

The EPA waiver is in effect.

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*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.*

**PA-0035637.** Sewerage, **Pennsylvania Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary to the South Branch of Tunkhannock Creek in Greenfield Township, **Lackawanna County**.

The receiving stream is classified for the following uses: cold water fishery, 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 (PWS) considered during the evaluation is the Danville Borough Water Authority on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .0098 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N		

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(5-1 to 10-31)	5.0	10.0
(11-1 to 4-30)	15.0	30.0
Dissolved Oxygen	a minimum of 4.0 mg/l at all times	
Fecal Coliform	200/100 ml as a geometric mean	
(5-1 to 9-30)	2,000/100 ml as a geometric mean	
(10-1 to 4-30)	6.0 to 9.0 standard units at all times	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine	0.4	1.0

The EPA waiver is in effect.

**PA 001177.** Industrial waste, SIC: 3312, **Bethlehem Steel Corporation**, 1170 Eighth Avenue, Bethlehem, PA 18016.

This proposed action is for renewal of an NPDES permit to discharge treated wastewater from cleanup activity and noncontact cooling water from frequency converters into the Lehigh River in the City of Bethlehem, Northampton County. Bethlehem Steel Corporation no longer operates any steel production on this site.

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

The proposed effluent limits for Outfall 13 based on a design flow of 1.0 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids*	100		
Total Dissolved Solids*	monitor and report		
Oil and Grease	15		30
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 044 based on a design flow of 0.43 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15		30
pH	6.0 to 9.0 standard units at all times		
Total Suspended Solids*	100		
Total Dissolved Solids*	monitor and report		

**\*DRBC Requirement**

The EPA waiver is not in effect.

**PA 006340.** Sewerage, **Monteforte Enterprises**, R. R. 2, Box 34A, New Milford, PA 18834.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary to Nine Partners Creek in New Milford Township, **Susquehanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Supply on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .030 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.3	2.6
(11-1 to 4-30)	3.9	7.8
Nitrate-N	10	20
Total Residual Chlorine	1.2	2.8
Dissolved Oxygen	A minimum of 5 mg/l at all times	
Fecal Coliform	200/100 ml as a geometric mean	
(5-1 to 9-30)	2,000/100 ml as a geometric mean	
(10-1 to 4-30)	6.0 to 9.0 standard units at all times	
pH	6.0 to 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 0081957.** SIC: 3534, Industrial waste, **CBS Corporation**, 11 Stanwix Street, Pittsburgh, PA 15222-1384.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to Rock Creek, in Cumberland Township, **Adams 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 City of Frederick Water Supply on the Monocacy River located in Frederick, MD. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.023 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethene	XXX	2.6	XXX
1,2-Dichloroethane	XXX	0.38	XXX
Tetrachloroethylene	XXX	0.7	XXX
1,1,1-Trichloroethane	XXX	200	XXX
1,1-Dichloroethene	XXX	0.06	XXX
1,2-Dichloroethenes (Total)	XXX	100	XXX
1,1,2-Trichloroethane	XXX	0.6	XXX

The proposed effluent limits for Outfall 002 for a design flow of 0.086 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethene	XXX	2.6	XXX
1,2-Dichloroethane	XXX	0.38	XXX
Tetrachloroethylene	XXX	0.7	XXX
1,1,1-Trichloroethane	XXX	200	XXX
1,1-Dichloroethene	XXX	0.06	XXX
1,2-Dichloroethenes (Total)	XXX	100	XXX
1,1,2-Trichloroethane	XXX	0.6	XXX

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 0024074.** SIC: 4952, Sewage, **Shoemakersville Municipal Authority**, 242 Main Street, Shoemakersville, PA 19555.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Schuylkill River, in Shoemakersville Borough, **Berks County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.60 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
NH <sub>3</sub> -N	20	—	40
Color	200	—	500
Total Dissolved Solids	monitor and report	monitor and report	—
Total Residual Chlorine	1.5	—	2.5
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)		10,000/100 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.

*Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3666.*

**PA 0008796.** Industrial waste, SIC: 3673, **Litton Systems, Inc.**, 1035 Westminster Drive, Williamsport, PA 17701-3911.

This proposed action is for renewal of an NPDES permit for an existing discharge noncontact cooling water and reverse osmosis condensate to an unnamed tributary to West Branch Susquehanna River in Loyalsock Township, **Lycoming County**.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.003 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30.0	60.0
Oil and Grease	15.0	30.0
pH	6.0 to 9.0 at all times	

*Other Conditions:* None

The EPA waiver is in effect.

**PA 0027171.** Sewerage, SIC: 4952, **The Municipal Authority of the Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to the Susquehanna River in the Town of Bloomsburg, **Columbia County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001 based on a design flow of 4.29 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
TSS	30	45	60
Total Cl <sub>2</sub> Residual	0.78		4.0
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0 to 9.0 at all times		

The EPA waiver is not in effect.

**PA 0209139.** Sewerage, SIC: 4952, **Tri Lateral Investment Corporation**, 2042 Route 405, Muncy, PA 17756-8659.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Muncy Creek in Muncy Creek Township, **Lycoming County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.01125 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> (5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
TSS (5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Ammonia-N (5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Total Cl <sub>2</sub> Residual	0.29		0.56
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	200 col/100 ml as a geometric mean		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

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

**PA 0096881.** Sewage, **G & G Mobile Home Sales**, 23 Oakridge Heights Drive, Oakdale, PA 15071-3914.

This application is for renewal of an NPDES permit to discharge treated sewage from the Oakridge Heights Mobile Home Park No. 1 STP in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of North Branch Robinson 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 Municipal Water Authority on the Ohio River.

*Outfall 001:* existing discharge, design flow of 0.00588 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 0218421.** Sewage, **The Group at Spring Church**, 2867 Washington Road, McMurray, PA 15314.

This application is for issuance of an NPDES permit to discharge treated sewage from The Links at Spring Church Golf Course STP in Kiskiminetas Township, **Armstrong County**.

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

*Outfall 001:* new discharge, design flow of .004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.8			5.6
(11-1 to 4-30)	8.1			16.2
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			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled 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, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to

inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0081582	Possum Valley Municipal Authority P. O. Box 420 Bendersville, PA 17306	Adams County Menallen Township	Oposum Creek	TRC
PA0083330	Wayne Township 3055 Ferguson Valley Road McVeytown, PA 17051	Mifflin County Wayne Township	UNT Juniata River	TRC
PA0086941	Stardust Motel Dwayne Kocher R. D. 4, Box 4960 Duncannon, PA 17020	Perry County Watts Township	Susquehanna River	TRC
PA0086088	Wooded Acres Homeowners Assoc. 316 Schubert Road Bethel, PA 19507	Berks County Bethel Township	Little Swatara Creek	TRC
PA0053490	Robert M. Heist 500 Heist Lane Mohnton, PA 19540	Berks County Cumru Township	Angelica 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 proceedings should

contact the specified program. 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. 4600201.** Industrial waste. **Sunoco, Inc. (R & M)**, 1801 Market Street, Philadelphia, PA 19014. Applicant is requesting approval for the reinjection of the treated groundwater to serve the former Sunoco SS No. 0363-0746 located in Lower Merion Township, **Montgomery County**.

**WQM Permit No. 1500412.** Sewerage. **Wallace Township**, P. O. Box 96, Glen Moore, PA 19343. Applicant is requesting approval to change the type of disinfection system from a chlorine gas system to a sodium hypochlorite liquid feed system to serve Wallace Township WWTP located in Wallace Township, **Chester County**.

**WQM Permit No. 1500413.** Sewerage. **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335. Applicant is requesting approval to amend the existing permit to reflect the STP expansion located in East Brandywine Township, **Chester County**.

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

**A. 4500404.** Sewerage. **Meadow Run Builders, Inc.**, R. R. 5, Box 5499, East Stroudsburg, PA 18301. Applica-



tion for connection of a forced sewer system to the existing system, located in Stroud Township, **Monroe County**. Application received in the Regional Office April 3, 2000.

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

**WQM Permit 1600202.** Industrial waste. **Hawthorn Area Water Authority**, Municipal Building, Truittsburg Road, Hawthorn, PA 16230. This project is for modification to the existing water treatment plant in Hawthorn Borough, **Clarion County**.

**WQM Permit No. 1000403.** Sewage. **Russell P. Kelosky**, 113 Diary Lane, Ellwood City, PA 16117. This project is for the construction of a Single Residence Sewage Treatment Plant in Connoquenessing Township, **Butler County**.

#### INDIVIDUAL PERMITS (PAS)

##### NPDES Individual

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

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

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

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

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

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

**NPDES Permit No. PAS10-G417.** Stormwater. **Orleans Homebuilders**, One Greenwood Square, 3333 Street Road, Suite 101, Bensalem, PA 19020, has applied to discharge stormwater from a construction activity located in Willistown Township, **Chester County**, to Unnamed Tributary to Ridley Creek (HQ).

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

*Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q200.** Stormwater. **David Mushko, Scott Davis**, 544 Jubilee St., Emmaus, PA 18049, have applied to discharge stormwater from a construction activity located in Upper Milford Township, **Lehigh County**, to Little Lehigh Creek, HQ-CWF.

*Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

**NPDES Permit PAS10S087.** Stormwater. **Earth Core Inc. Compost and Mulch Facility**, 202 Fox Run Rd., Stroudsburg, PA 18360, has applied to discharge stormwater from a construction activity located in Jackson Township, **Monroe County**, to Reeders Run, HQ-CWF.

**NPDES Permit PAS10S028-R.** Stormwater. **Calvary Baptist Church of Stroudsburg West, Inc.**, Route 4, Box 4189, Stroudsburg, PA 18360, has applied to discharge stormwater from a construction activity located in Hamilton Township, **Monroe County**, to a tributary to Lake Creek, HQ-CWF.

*Northampton County Conservation District, District Manager, Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES Permit PAS10U132.** Stormwater. **James Dewire**, 1305 Macada Rd., Bethlehem, PA 18017, has applied to discharge stormwater from a construction activity located in Hanover Township, **Northampton County**, to Monocacy Creek, HQ-CWF.

## SAFE DRINKING WATER

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

*Bureau of Water Supply Management, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105, Contact: Godfrey C. Maduka, (717) 787-9037.*

**A. 9996488. Great Spring Waters of America, Inc.**, 4235 Leap Road, Hillard, OH 43026; Cito Salapare, Operations Manager. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name Deer Park Spring Water.

**A. 9996489. Spring Hill Farm Dairy, Inc.**, 136 Neck Road, Ward Hill, MA 01835; Marcia Rogers. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name Farmland Artesian Water.

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

**Permit No. 3600503.** Public water supply. **Pilgrim's Oak Golf Course, Inc.**, Drumore Township, **Lancaster County**. *Responsible Official:* Charlotte Trimble, Pilgrim's Oak Golf Course, Inc., 1107 Pilgrim's Pathway, Peach Bottom, PA 17563. *Type of Facility:* Installation of an anion exchange system for removal of high nitrates from the source water. *Consulting Engineer:* Thomas J. Whitehill, P. E., Whitehill Consulting Engineers, 763 Conowingo Road, Quarryville, PA 17566. Application received: February 25, 2000.

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

**A. 1400503.** The Department has received a permit application from the **Pennsylvania-American Water Company**, 800 Hersheypark Drive, Hershey, PA 17033, Philipsburg Borough, **Centre County**. The application is for interconnection of the Sandy Ridge and West Decatur water systems to the Moshannon Valley District of Pennsylvania-American. This project will include construction of pump stations, a storage tank and transmission mains.

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

**A. 4300503.** Public water supply. **Consumers Pennsylvania Water Company—Shenango Valley Division**, 665 South Dock Street, Sharon, PA 17146. This proposal involves the upgrade of two booster stations—Boyd Booster Station and Mitchell Road Booster Station in Hermitage and Shenango 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)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department 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.*

**Whitford Corporation**, East Whiteland Township, **Chester County**. Andrew W. Meadows, The Cardinal Group, Inc., P. O. Box 542, Boyertown, PA 19512, has submitted a Notice of Intent to Remediate site soil contaminated with dichlorobenzenes. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Local News* on January 6, 2000.

**Medders Residence**, Willistown Township, **Chester County**. Brian R. Evans, Hydrocon, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX, and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Local News* on February 25, 2000.

**411 Carmichael Drive Property**, Upper Gwynedd Township, **Montgomery County**. Michael Williams, 111 N. 2nd Street, North Wales, PA 19454, has submitted a Notice of Intent to Remediate site soil contaminated with 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 Bucks-Mont Courier* on March 5, 2000.

**Former Scott Technical Center**, Tinicum Township, **Delaware County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a revised Notice of Intent to Remediate site soil contaminated with solvents and polycyclic aromatic hydrocarbons and site groundwater contaminated with lead, heavy metals, solvents 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 Inquirer* on March 27, 2000.

**Doyle Dawson, Sr. Property**, Phoenixville Borough, **Chester County**. Jeremy W. Bolyn, Earth Data, Inc., 924 Springdale Drive, Exton, PA 19341, 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 Evening Phoenix* on March 31, 2000.

**M. R. Properties Associates, L.P.**, Ridley Township, **Delaware County**. Samuel J. Kucia, Environmental Consulting, Inc., 1232 Forty Foot Road, P. O. Box 1345, Kulpsville, PA 19443-1345, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Delaware County Daily Times* on April 7, 2000.

**Mack Oil Company, Inc.**, Easttown Township, **Chester County**. Michael S. Welsh, P.E., Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355 has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Local News* on April 10, 2000.

**Eastern Side, Former Philadelphia Naval Hospital**, City of Philadelphia, **Philadelphia County**. Jonathan E. Rinde, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on April 11, 2000.

**Eastern Side, Former Philadelphia Naval Hospital**, City of Philadelphia, **Philadelphia County**. Jonathan E. Rinde, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site groundwater contaminated with lead, heavy metals, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on April 11, 2000.

**Edelmans Sporting Goods**, Montgomery Township, **Montgomery County**. Eric S. Poulson, P.E., Oxford Engineering Company, 1515 West Chester Pike, Suite B-1, West Chester, PA 19382, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and 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 North Penn Life* on April 14, 2000.

**Gary's Plaza Shopping Center**, Lansdale Borough, **Montgomery County**. Mark J. Irani, P.G., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The North Penn Reporter* on April 18, 2000.

**Sunoco Inc.**, (R&M) Marcus Hook Refinery—Phillips Island, Marcus Hook Borough, **Delaware County**. Charles D. Barksdale, Jr., Sunoco, Inc., 1801 Market Street, Philadelphia, PA 19103, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Delaware County Times* on or about April 19, 2000.

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

**Paxar Corporation—Industrial Dry Well**, Sayre Borough, **Bradford County**. Toni Risboskin, Paxar Corporation, 1 Wilcox Street, Sayre, PA 18840 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with solvents, BTEX and PHCs. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Evening Times* on March 21, 2000.

**Sel-Lo Oil, Inc.—Muncy Creek Township Gas Tanker Spill**, Muncy Creek Township, **Lycoming County**. Blazosky Associates, Inc., on behalf of their client, Sel-Lo Oil, Inc., 3200 S. 10th Avenue, Altoona, PA 16603, has submitted a Notice of Intent to Remediate site soil, groundwater, surface water and sediment contaminated with BTEX. 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 *Williamsport Sun-Gazette* on March 31, 2000.

**Former Poloron Homes**, Middleburg Borough, **Snyder County**. HydroScience, Inc. on behalf of their client, Middlecreek Industrial Development Corporation, LLC, P. O. Box G, Hummels Wharf, PA 17831, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, BTEX and PAHs. The applicant proposes to meet the requirements of the Special Industrial Area designation. A summary of the Notice of Intent to Remediate was reported to have been published in the *Sunbury Daily Item* on April 12, 2000.

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Sandy Gohn residence**, Jennerstown Borough, **Somerset County**. Matthew E. Grubb, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 and Sandy Gohn, 106 Gohn Street, Jennerstown, PA 15547 has submitted a Notice of Intent to Remediate soil contaminated with BTEX and PAHs. The applicant pro-

poses 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 *Somerset Daily American* on February 26, 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.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

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

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

## OPERATING PERMITS

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

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

**54-308-019: Alcoa, Inc.** (53 Pottsville Street, P. O. Box 187, Cressona, PA 17929) for operation of a dross loading operation with its associated air cleaning device in Cressona Borough, **Schuylkill County**.

### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

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

**TVOP-23-00030: Swarthmore College** (500 College Avenue, Swarthmore, PA 19081-1397) in Swarthmore Borough, **Delaware County**. The facility's major emission points include 14 boilers and 10 emergency generators which emit major levels of Nitrogen Oxides (NOx).

**TVOP-09-00037: CMS Gilbreth** (3001 State Road, Croydon, PA 19021) in Bristol Township, **Bucks County**. The facility's major emission points include flexographic and rotogravure printing presses, electroplating operations and air pollution control devices that emit major levels of volatile organic compounds (VOCs).

**TVOP-46-00036: Ford Electronics & Refrigeration LLC** (2750 Morris Road, Lansdale, PA 19446) in Worcester Township, **Montgomery County**. The facility's major emission points include six wave soldering machines, five selective soldering machines, a coil soldering—Servo and an In-line Package Machine which emit major levels of volatile organic compounds (VOCs) and Nitrogen Oxides (NOx).

**TVOP-46-00041: Jefferson Smurfit Corp.** (U. S.) (1035 Longford Road, Phoenixville, PA 19460) in Upper Providence Township, **Montgomery County**. The facility's major emission points include six sheetfed, non-heatset, offset lithographic presses, two boilers, an emergency generator and a finishing department which emit major levels of VOCs.

**TVOP-46-00089: SPRA-FIN, Inc.** (177 Wissahickon Avenue, North Wales, PA 19454) in Upper Gwynedd Township, **Montgomery County**. The facility's major emission points include three spray booths which emit major levels of volatile organic compounds (VOCs).

**TVOP-46-00010: Montenay Montgomery, L.P.** (1155 Conshohocken Road, Conshohocken, PA 19428) in Plymouth Township, **Montgomery County**. The facility's major emission points include municipal waste combustors that emit major levels of Nitrogen Oxides (NO<sub>x</sub>) and Carbon Monoxide (CO).

**TVOP-23-00017: PECO Energy Co.** (One Industrial Highway, Eddystone, PA 19022-1585) in Eddystone Borough, **Delaware County**. The facility's major emission points include fossil fuel fired boilers and auxiliary electrical generating equipment that emit major levels of Nitrogen Oxides (NO<sub>x</sub>), carbon monoxide (CO), Particulate matter (PM), and Sulfur oxides (SO<sub>x</sub>).

**TVOP-46-00005: Merck & Co.** (770 Sumneytown Pike, West Point, PA 19486-0004) in Upper Gwynedd Township, **Montgomery County**. The facility is primarily used for the research, development and manufacturing of pharmaceutical preparations. The facility's major air emission points include boilers, incinerators, power generation equipment and support equipment for R & D, and manufacturing processes, which emit major levels of nitrogen oxides (NO<sub>x</sub>), Sulfur oxides (SO<sub>x</sub>), volatile organic compounds (VOCs) and particulate matter (PM-10).

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

**TVOP-17-00001: Sithe Pennsylvania Holdings LLC, Shawville Steam Electric Generating Station** (1001 Broad Street, Johnstown, PA 15907) for operation of a steam electric generating station in Bradford Township, **Clearfield County**. The facility's major sources include four coal or No. 2 fuel oil fired boilers [two 1,345 MMBtu/hr boilers and two 1,790 MMBtu/hr boilers] two No. 2 fuel oil fired emergency generators, three No. 2 fuel oil fired startup generators and the associated coal and ash handling and storage operations. The facility has the potential to emit major quantities of Nitrogen Oxides (NO<sub>x</sub>), Sulfur Oxides (SO<sub>x</sub>), Particulate Matter <10 micrometers (PM<sub>10</sub>), carbon monoxide (CO), Hazardous Air Pollutants (HAPs) and Volatile Organic Compounds (VOCs). As a result of these potential emissions, the facility is a major stationary source as defined in Title 1, Part D of the Clean Air Act Amendments. The facility is therefore subject to Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The facility is also subject to all applicable requirements of the Reasonably Available Control Technology (RACT) provisions.

**TVOP-14-00001: Corning Asahi Video Products Co.** (P. O. Box 9, State College, PA 16801-0009) for operation of a facility producing glass picture tubes for the television manufacturing industry in College Township, **Centre County**. The facility's major sources include three natural gas fired glass melting furnaces, three natural gas/No. 2 fuel oil fired boilers, eight annealing lehrs, two diesel fired emergency generators, three chrome plating tanks and fuel storage tanks. The facility has the potential to emit major quantities of Nitrogen Oxides (NO<sub>x</sub>) and carbon monoxide (CO). As a result of these potential emissions the facility is a major stationary source as defined in Title 1, Part D of the Clean Air Act Amendments. The facility is therefore subject to Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The facility is also subject to all applicable requirements of the Reasonably Available Control Technology (RACT). The facility also emits Particulate

late Matter <10 micrometers (PM<sub>10</sub>), Volatile Organic Compounds (VOCs), Sulfur Oxides (SO<sub>x</sub>) and Hazardous Air Pollutants (HAPs).

**TVOP-47-00001: PP&L—Montour** (2 North Ninth Street, Allentown, PA 18101-1179) for operation of a steam electric generating station in Derry Township, **Montour County**. The facility's major sources include two coal fired boilers (7100 MMBtu/hr each), two turbines, two oil fired startup boilers, three diesel generators, fuel storage tanks and coal and ash processing and storage operations. The facility has the potential to emit major quantities of Nitrogen Oxides (NO<sub>x</sub>), Sulfur Oxides (SO<sub>x</sub>), Particulate Matter <10 micrometers (PM<sub>10</sub>), carbon monoxide (CO), Hazardous Air Pollutants (HAPs) and Volatile Organic Compounds (VOCs). As a result of these potential emissions the facility is a major stationary source as defined in Title 1, Part D of the Clean Air Act Amendments. The facility is therefore subject to Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The facility is also subject to all applicable requirements of the Reasonably Available Control Technology (RACT).

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

**TVOP-04-00113: Darlington Brick and Clay Products** (602 Morris Street, P. O. Box 346, Darlington, PA 16115) for their face brick manufacturing plant in Darlington, **Beaver County**. As a result of the potential levels of hazardous air pollutants (HAPs) emitted from this facility it is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

**TVOP-63-00027: Jessop Steel Co.** (100 River Road, Brackenridge, PA 15014) for the Washington Plant in Washington, **Washington County**. The facility's major source of emission includes various heat treating furnaces and steel pickling processes which emit major source levels of NO<sub>x</sub> compounds.

#### PLAN APPROVALS

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

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

**PA-15-0014C: Norwood Industries, Inc.** (57 Morehall Road, Malvern, PA 19355) for installation of an air cleaning control device in East Whiteland Township, **Chester County**.

**PA-46-0059: Handelok Bag Co.** (701A West Fifth Street, Lansdale, PA 19446) for construction of a flexographic printing press in Lansdale Borough, **Montgomery County**.

**PA-46-0078A: BKL, Inc.** (421 Feheley Drive, King of Prussia, PA 19406) for installation of a Sakurai Screen Printing Press in Upper Merion Township, **Montgomery County**.

**PA-09-0028C: Fibermark, Inc.** (45 North Fourth Street, Quakertown, PA 18951) for installation of Surface Coater 11 in Quakertown Borough, **Bucks County**.

**PA-09-0019A: Miller & Son Paving, Inc.** (887 Mill Creek Road, Rushland, PA 18956) for operation of a Batch Asphalt Plant in Wrightstown Township, **Bucks County**.

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

**35-313-007B: Tredegar Film Products** (P. O. Box 499, Carbondale, PA 18407) for installation of two air cleaning devices on Lines 3 and 4 at the 254 Pike Street facility in Carbondale, **Lackawanna County**.

**64-303-007: Honesdale Materials, Inc.** (Division of Reading Materials Inc., P. O. Box 79, Skippack, PA 19474) for construction of a Batch Asphalt Plant in Lebanon Township, **Wayne County**.

**40-320-012: International Paper Co.** (3 Maplewood Drive, Hazleton, PA 18201) for construction of three color flexographic presses utilizing water based inks in Hazle Township, **Luzerne County**.

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

**06-01007V: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) for modification of the electric arc melt shop controlled by a fabric collector in Reading, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart AAA—Standards of Performance for New Stationary Sources.

**67-05016C: R. H. Sheppard Co., Inc.** (P. O. Box 877, Hanover, PA 17331-0877) for construction of a tundish pouring ladle controlled by an existing fabric collector at Plant No. 9 in Hanover Borough, **York County**.

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

**08-310-001D: Dalrymple Gravel & Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871-9799) for construction of a stone crusher, two screens, seven conveyors, a 65 horsepower diesel engine and associated air cleaning device (a water spray dust suppression system) at the Chemung Plant in Athens Township, **Bradford County**. The crusher, screens and conveyors are subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

**TVOP-08-00004A: Rynone Manufacturing Corp.** (P. O. Box 128, Sayre, PA 18840-0128) to modify a simulated marble vanity top production facility by increasing the facility's allowable emissions of volatile organic compounds by 10.76 tons per year and hazardous air pollutants (largely styrene) by 9.88 tons per year in Sayre Borough, **Bradford County**.

### Public Hearing

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.45 that the Department of Environmental Protection (Department) intends to issue an Air Quality Plan Approval (**PA-65-918A**) to **Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) for construction of the Harrison City Turbine Station located 1 1/2 miles northeast of Harrison City, on the southeast side of Gumbach Road, in Penn Township, **Westmoreland County**.

Notice is also hereby given in accordance with 25 Pa. Code § 127.48 that the Department will hold a public hearing on June 6, 2000, at 7 p.m. in the Harrison Room, Harrison City Volunteer Fire Department, 1010 Mill Street, Harrison City. Hearing is to accept testimony concerning the proposed Plan Approval.

The facility is subject to the applicable requirements of 25 Pa. Code Chapter 127 (related to construction, modification, reactivation and operation of sources), 40 CFR

Part 60, Subparts GG and Kb (related to standards of performance for turbines and storage tanks), 40 CFR Parts 72, 73, 75 and 77 (related to acid rain), and 25 Pa. Code §§ 123.102—123.120 (related to the NO<sub>x</sub> budget program). The Department believes that the facility will meet these requirements subject to the following plan approval conditions related to allowable emission limitations, testing, monitoring, recordkeeping and reporting requirements that have been proposed based on these requirements.

It is proposed that the following conditions be placed in the plan approval:

1. The facility is to be constructed in accordance with the plans submitted with the application (as approved herein).

2. Upon completion of the construction of the facility, an operating permit must be obtained. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit.

3. This Plan Approval authorizes Allegheny Energy Supply Company LLC to construct the Harrison City Station Combustion Turbine Project, located in Penn Township, Westmoreland County.

4. Sources at this facility will include two simple cycle combustion turbines, General Electric Model LM 6000 PC, rated at 424.6 mmbtu/hr max and 44 MW each. Each is to be equipped with a mechanical draft cooling tower, a water injection system for the control of NO<sub>x</sub> emissions, and a 60-foot exhaust stack.

5. Supporting equipment at this site will include electric gas compressors, a 500,000 gallon low-sulfur diesel fuel storage tank, and approximately 23 small (less than 10,000 gallon) storage tanks for various low-vapor pressure liquids such as turbine oils, insulating oils, refrigerants, used oil and demineralized water.

6. All equipment at this facility shall be equipped with manufacturer-designed silencers and/or mufflers. The turbines, generators and gas compressors shall be enclosed in structures designed by the manufacturer to minimize sound levels.

7. Total consumption of natural gas by the turbines per 12 consecutive month period shall not exceed 1,795,000,000 cubic feet when fired in conjunction with diesel fuel, and shall not exceed 1,820,000,000 cubic feet when fired solely on natural gas. Total unit-operating hours per 12 consecutive month period shall not exceed 4,000 hours of natural gas combustion when fired in conjunction with diesel fuel, and shall not exceed 4,050 hours of natural gas combustion when fired solely on natural gas.

8. Total consumption of low-sulfur diesel fuel by the turbines together shall not exceed 1,470,000 gallons per 12 consecutive month period. Total unit-operating hours shall not exceed 450 hours of diesel fuel combustion per 12 consecutive month period.

9. The sulfur content of the low-sulfur diesel fuel shall not exceed 0.05 weight percent.

10. NO<sub>x</sub> emissions from the turbines shall be limited to 25 ppm while firing natural gas and 42 ppm while firing low-sulfur diesel fuel.

11. Pollutant emissions from the turbines shall not exceed the following while combusting natural gas for 4,000 hours per consecutive 12 month period:

NO <sub>x</sub> <sup>(a)</sup>	41.0 lb/unit hr	82.0 tons/yr
CO <sup>(a)</sup>	56.0 lb/unit hr	112.0 tons/yr
SO <sub>2</sub> <sup>(b)</sup>	2.5 lb/unit hr	5.0 tons/yr
VOCs <sup>(c)</sup>	5.0 lb/unit hr	10.0 tons/yr
PM <sub>10</sub> <sup>(c)</sup>	3.0 lb/unit hr	6.0 tons/yr

12. Pollutant emissions from the turbines shall not exceed the following while combusting natural gas alone for 4,050 hours per consecutive 12 month period:

NO <sub>x</sub> <sup>(a)</sup>	41.0 lb/unit hr	83.0 tons/yr
CO <sup>(a)</sup>	56.0 lb/unit hr	113.4 tons/yr
SO <sub>2</sub> <sup>(b)</sup>	2.5 lb/unit hr	5.1 tons/yr
VOCs <sup>(c)</sup>	5.0 lb/unit hr	10.1 tons/yr
PM <sub>10</sub> <sup>(c)</sup>	3.0 lb/unit hr	6.1 tons/yr

13. Pollutant emissions from the turbines shall not exceed the following while combusting diesel fuel for 450 hours per consecutive 12 month period:

NO <sub>x</sub> <sup>(a)</sup>	71.0 lb/unit hr	16.0 tons/yr
CO <sup>(a)</sup>	6.0 lb/unit hr	1.4 tons/yr
SO <sub>2</sub> <sup>(d)</sup>	23.0 lb/unit hr	5.2 tons/yr
VOCs <sup>(c)</sup>	1.0 lb/unit hr	0.2 tons/yr
PM <sub>10</sub> <sup>(e)</sup>	13.0 lb/unit hr	2.9 tons/yr

14. Pollutant emissions from the total facility shall not exceed the following:

NO <sub>x</sub> <sup>(a)</sup>	98.0 tons/yr
CO <sup>(a)</sup>	113.4 tons/yr
SO <sub>2</sub> <sup>(b), (d)</sup>	10.2 tons/yr
VOCs <sup>(c)</sup>	10.2 tons/yr
PM <sub>10</sub> <sup>(e)</sup>	11.6 tons/yr

(a) Based on vendor information assuming 20 F ambient temperature and 1,100 feet elevation.

(b) Based on 2.0 grains sulfur/100 cubic feet natural gas and 435,000 standard cubic feet per hour maximum fuel usage.

(c) Based on vendor information assuming 19 F ambient temperature.

(d) Based on a maximum capacity of 424 MMBtu/hr and a fuel oil sulfur content of 0.05%.

(e) This value also includes 2.6 tons per year particulate matter from the cooling tower.

15. The turbines are subject to the applicable requirements of the 40 CFR Part 60, Subpart GG, Standards of Performance for Stationary Gas Turbines.

16. The 500,000-gallon low-sulfur diesel fuel storage tank is subject to the applicable requirements of 40 CFR Part 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels.

17. In accordance with 40 CFR 60.334(a), permittee shall install and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water to fuel being fired in the turbine. This system shall be accurate to within  $\pm 5\%$  and must be approved by the Department.

18. In accordance with 40 CFR 60.344(a), permittee shall monitor the sulfur content and nitrogen content of the fuel being fired in each turbine. Certification by the fuel supplier shall be used for this condition.

19. Permittee shall install, certify, maintain and operate a Department-approved continuous emission monitoring system (CEMS) in accordance with 25 Pa. Code Chapter 139, the Department's *Continuous Source Monitoring Manual*, 40 CFR Part 60 and 40 CFR Part 75. At a minimum the system shall measure and record the

following for each turbine: Nitrogen Oxide emissions (as NO<sub>2</sub>), % Oxygen (or CO<sub>2</sub>), exhaust gas flow.

20. Permittee shall record hours of operation of each of the turbines, and the amount and type of fuel consumed, on a daily basis.

21. Permittee shall comply with the applicable reporting requirements of 40 CFR 60.7, 60.116b(d) and 60.334(c).

22. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both the Environmental Protection Agency and the Department of Environmental Protection at the addresses shown, unless otherwise noted:

Director, Air, Toxics, and Radiation, Environmental Protection Agency, Region III, 841 Chestnut Street, Philadelphia, PA 19107,

Department of Environmental Protection, Regional Air Quality Manager, Office of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

23. In accordance with 40 CFR 60.334(c), permittee shall record daily, and shall report quarterly, in accordance with 40 CFR 60.7(c), any 1-hour period during which the average water-to-fuel ratio, as measured by the continuous water and fuel measuring system, falls below the ratio that was determined during the stack test to demonstrate compliance with NO<sub>x</sub> emission limitations. Permittee shall also report any period during which the actual fuel-bound nitrogen content exceeds the fuel-bound nitrogen content determined during the stack test to demonstrate compliance with the NO<sub>x</sub> emission limitations. Permittee shall also report any period during which the actual fuel-bound sulfur content exceeds 0.05%.

24. Compliance with the turbine emission limitations for NO<sub>x</sub> and CO while using both low-sulfur diesel fuel and natural gas shall be demonstrated through performance stack testing on each turbine.

A. In accordance with 40 CFR 60.335(c)(2), the monitoring device required by 40 CFR 60.334 shall be used to determine the fuel consumption and to establish the water-to-fuel ratio necessary to comply with turbine NO<sub>x</sub> emission limitations at 30, 50, 75 and 100 percent of peak load, or at four points in the normal operating range of the gas turbine, including the minimum point in the range and peak load. All loads shall be corrected to ISO conditions using the appropriate equations as supplied by the turbine manufacturer.

B. All stack testing shall be performed in accordance with 40 CFR 60.8 and 60.335, 25 Pa. Code Chapter 139 regulations and the most recent version of the Department's *Source Testing Manual*.

C. Two copies of the stack test protocol shall be submitted to the Department at least 60 days in advance of the stack test date. Stack testing shall not take place until permittee has received written approval of the stack test protocol.

D. Company shall notify the Department of the date and the time of the stack test at least 2 weeks prior to the tests so that an observer may be present.

E. Two copies of the stack test results shall be submitted to the Department within 60 days of completion of the test.

F. Stack testing shall be performed within 60 days of achieving maximum firing rate but no later than 180 days after the initial startup.

G. Permittee shall record all pertinent operating data during the stack test and include this data with the stack test results.

25. The combustion turbines are subject to the Title IV Acid Rain Program of the 1990 Clean Air Act Amendments, and shall comply with all applicable provisions of that Title, including the following:

40 CFR Part 72	Permits Regulations
40 CFR Part 73	Sulfur Dioxide Allowance System
40 CFR Part 75	Continuous Emissions Monitoring
40 CFR Part 77	Excess Emissions

26. The combustion turbines are subject to the applicable requirements of the NOx Budget Program established at 25 Pa. Code §§ 123.102—123.120.

27. Per 25 Pa. Code § 127.13, if construction is not commenced within 18 months of issuance of this Plan Approval, or if there is more than an 18-month lapse in construction, a new Plan Approval application shall be submitted.

28. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided that the following conditions are met.

A. The Department must receive written notice from the permittee of the anticipated date that sources will commence operation.

B. Operation is authorized only to facilitate the startup and shakedown of the sources, to permit operation of the sources pending the issuance of an Operating Permit, or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

C. This condition authorizes temporary operation of the sources for a period of 180 days from the commencement of operation, provided that the Department receives notice from the permittee under Subpart (A).

D. Permittee may request an extension of this Plan Approval if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons that compliance has not been established.

E. The notice submitted by the permittee under Subpart (A), prior to the expiration date of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the startup.

F. Permittee shall submit a Title V Operating Permit Application within 120 days of startup.

Any person wishing to either object to issuance of plan approval or a proposed condition thereof or to provide the Department with additional information which they believe should be considered prior to the issuance of a plan approval, may submit the information to the Department. Comments may be presented at the public hearing, or may be mailed to the Department at the address shown. Comments must be received within 30 days of the date of the public hearing. Persons wishing to protest must provide a written copy of their comments. Comments shall include the name, address and telephone number of the person filing the comment; identification of the proposed plan approval issuance being opposed and concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

Persons needing additional information, or those who wish to provide comments at the hearing should pre-register by June 5, 2000, by contacting Betsy Mallison at Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4182. Written comments should be mailed to Joseph Pezze, Regional Air Quality Program Manager, at the same address.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Betsy Mallison at (412) 442-4182 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## **REASONABLY AVAILABLE CONTROL TECHNOLOGY**

### **(RACT)**

#### **Westmoreland County**

Notice is hereby given that the Department of Environmental Protection (Department) will hold a public hearing at 10 a.m. in their offices at 400 Waterfront Drive, Pittsburgh, PA on June 30, 2000, to receive comments on the proposed approval of Reasonably Available Control Technology (RACT) Proposal and Application for Emission Reduction Credits (ERCs) (65-000-851) submitted by Newcomer Products, Inc. (NPI) for their plant in Latrobe Borough, Westmoreland County.

NPI has proposed to change the solvent used in the process of making cemented carbide products. NPI has also installed a spray dryer that will be controlled by a new cyclone and baghouse. Other equipment in the facility has also been modified to support the new process.

Those wishing to present testimony during the hearing should contact Community Relations Coordinator, Betsy Mallison, at (412) 442-4182 by June 29, 2000, to register.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Betsy Mallison or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those who are unable to attend the hearing, but wish to comment, should provide written comments to Francis D. Condrick, Air Pollution Control Engineer, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

Copies of the RACT Proposal, ERC application and the proposed operating permit are available for review from 8 a.m. to 4 p.m. in the Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made by calling (412) 442-4000.

## **MINING**

### **APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in



response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition, 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 mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

*Coal Applications Received:*

**56813104, Permit Revision, Finzel Coal** (12152 National Pike, Grantsville, MD 21536), for the premining land use of forestland to be restored to pastureland post-mining on a portion of the Jean C. Shaffer property in Brothersvalley Township, **Somerset County**, affecting 344.7 acres, receiving stream to unnamed tributaries to Tubs Run and to Tubs Run, application received April 21, 2000.

**56900105, Permit Renewal, Cooney Brothers Coal Company** (Box 246, Cresson, PA 16630), for continued operation of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 295.0 acres, receiving stream unnamed tributaries to/and Shade Creek, application received April 25, 2000.

**05880801, Permit Revision, Rickie L. Wright** (R. D. 1, Box 301, Imler, PA 16655), for a change in reclamation to equipment and hay storage in Kimmel Township, **Bedford County**, affecting 1.5 acres, receiving stream Mud Run, application received April 20, 2000.

**56733134, Permit Renewal, Soberdash Coal & Coke Company** (1107 University Drive, Dunbar, PA 15431-9802) for continued operation of a bituminous surface mine in Black Township, **Somerset County**, affecting 455.5 acres, receiving stream to Weimer Run; to Casselman River; and to Wilson Creek, application received April 26, 2000.

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

**10000103, Seneca Landfill, Inc.** (P. O. Box 1080, Mars, PA 16046). Commencement, operation and restoration of a bituminous surface strip operation in Jackson and Lancaster Townships, **Butler County**, affecting 276.98 acres. Receiving streams: unnamed tributary to Connoquenessing Creek. Application to include a landuse change from forestland and unmanaged wildlife habitat to light manufacturing and industrial on land of Vogel Disposal Services, Inc. Application received April 19, 2000.

**6433-10000103-E-1, Seneca Landfill, Inc.** (P. O. Box 1080, Mars, PA 16046). Application for a stream encroachment to mine through six unnamed tributaries to the Connoquenessing Creek in Jackson and Lancaster Townships, **Butler County**. Receiving stream: An unnamed tributary to Connoquenessing Creek. Application received April 19, 2000.

**24703004, Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830-5419). Renewal of an existing bituminous surface strip and auger operation in Fox Township, **Elk County** affecting 107.0 acres. Receiving streams: Beaver Run to Daguscahonda Run. Application for reclamation only. Application received April 21, 2000.

**24940101, Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830-5419). Renewal of an existing bituminous surface strip and auger operation in Horton Township, **Elk County**, affecting 133.0 acres. Receiving streams: Unnamed tributary to Mead Run. Application received April 24, 2000.

**10000104, Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Slippery Rock and Cherry Townships, **Butler County** affecting 33.6 acres. Receiving streams: Two unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek. Application received April 21, 2000.

**10950102, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip operation in Lancaster and Franklin Townships, **Butler and Beaver Counties** affecting 110.0 acres. Receiving streams: Three unnamed tributaries of Doe Run to Doe Run. Application for reclamation only. Application received April 28, 2000.

**43793003, Rusnak Coal Company** (Box 44, Grove City, PA 16127). Renewal of an existing bituminous surface strip and auger operation in Wolf Creek Town-

ship, **Mercer County**, affecting 125.0 acres. Receiving streams: Unnamed tributary to Black Run. Application for reclamation only. Application received April 28, 2000.

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

**63921301. UMCO Energy, Inc.** (981 Route 917, Bentleyville, PA 15314), to revise the permit for the New Century Mine in Fallowfield Township, **Washington County**, revision to add 130 acres to underground permit, no additional discharges. Application received April 6, 2000.

**11890701. RUS Services, Inc.** (7 Riverside Plaza, P. O. Box 38, Blossburg, PA 16912), to renew the permit for the No. 20 Refuse Site in East Carroll Township, **Cambria County** to renew, no additional discharges. Application received April 14, 2000.

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

**33900307. Robert J. Cole** (P. O. Box 678, Falls Creek, PA 15840). Renewal of an existing clay and shale operation in Washington Township, **Jefferson County**, affecting 41.5 acres. Receiving streams: Beaver Dam Run and one unnamed tributary to Beaver Dam Run. Renewal of NPDES Permit No. PA0207969. Application received April 21, 2000.

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

**8074SM3C7. M & M Stone Company** (P. O. Box 130, Telford, PA 18969-0130), correction to an existing quarry operation in Lower Salford Township, **Montgomery County** affecting 39.1 acres, receiving stream—East Branch Perkiomen Creek. Application received April 19, 2000.

**7273SM8C4. Lehigh Asphalt Paving & Construction Co., Inc.** (P. O. Box 549, Tamaqua, PA 18252), correction to an existing quarry operation in West Penn Township, **Schuylkill County** affecting 237.0 acres, receiving stream—Lizard Creek. Application received April 19, 2000.

**7775SM12C. Highway Materials, Inc.** (1750 Walton Road, P. O. Box 1650, Blue Bell, PA 19422-0465), renewal of NPDES Permit No. PA0223573 in Alsace Township, **Berks County**, receiving stream—unnamed tributary to Laurel Run. Application received April 20, 2000.

**7475SM5C2. Essroc Cement Corp.** (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES Permit No. PA0223522 in Nazareth Borough, **Northampton County**, receiving stream—unnamed tributary to Shoeneck Creek. Application received April 26, 2000.

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

*Large Industrial Minerals Applications Received*

**14920301. Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823), amendment to an existing industrial minerals permit to add 9.3 acres of support area that will be utilized for the storage of screened limestone products. Included is a request for permission to allow for the mining and sale of Centre Hall limestone of the Nealmont Formation, which is currently removed as part of the existing mining operations. The permit is located in Haines Township, **Centre County** and with this application will affect 96.7 total permit acres. Receiving streams: Elk Creek and Pine Creek. Application received April 20, 2000.

## 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 (Department). Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 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.

### Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

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

**E51-185. Encroachment. Penn's Landing Corporation and Simon Property Group**, 121 North Columbus Blvd., Philadelphia, PA 19106. To install and maintain approximately 120 concrete-filled piles through the existing platform and into the riverbed of the Delaware River (WWF, MF) to support the new structures at the proposed Penn's Landing Entertainment Center located 2,000 feet downstream of the Benjamin Franklin Bridge on the west bank of the Delaware River (Philadelphia, PA-NJ Quadrangle N: 13.3 inches; W: 2.1 inches) in the City of Philadelphia, **Philadelphia County**.

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

**E35-319. Encroachment. Clarks Summit Borough**, 304 South State Street, Clarks Summit, PA 18411-1543. To construct and maintain 914 feet of pre-cast concrete U-channel having a width of 6-feet and a depth of 3-feet in tributary A1, locally known as Lansdowne Creek (CWF); to construct and maintain 1006 feet of pre-cast concrete U-channels having a width of 10-feet and a depth of 3-feet along tributary A, locally known as Lackawanna Trail tributary (CWF); to construct and maintain a 6-foot by 3-foot concrete box culvert to be used as a pedestrian crossing of Tributary A1; to construct and maintain a concrete punch pool at the confluence of tributary A1 and tributary A; to construct and maintain concrete headwalls at the Lansdowne Avenue culvert and tributary A; to construct and maintain various storm-

water outfall structures associated with the construction of a concrete-U-channels of both tributaries. The project purpose is to prevent further erosion and flooding damage in both tributaries. The project is located at a beginning point at the confluence of tributaries A and A1, both extending upstream about 1,000 feet (Scranton, PA Quadrangle N: 20.7 inches; W: 9.5 inches), Clarks Summit Borough, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

**EA39-004NE.** Encroachment. **Dorney Park and Wild Water Kingdom**, Attn: John R. Albino, Vice President and General Manager, 3830 Dorney Park Road, Allentown, PA 18104. To remove the existing support posts and appurtenances from the channel of Cedar Creek (HQ-CWF). The project is associated with the removal of the former water scooter boat ride and is located at Dorney Park and Wild Water Kingdom, approximately 0.3 mile north of the intersection of S. R. 0309 and S. R. 0222 (Hamilton Boulevard) (Allentown West, PA Quadrangle N: 14.0 inches; W: 5.5 inches), South Whitehall Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

**E39-360.** Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101. To excavate accumulated silts and sediments within a section of the Lehigh Canal (CWF), from an area approximately 230 feet x 88 feet to depths ranging from 2.1 feet to 4.1 feet, to restore the canal to its historical dimension. The project is located on the east side of Adams Island approximately 0.5 mile downstream of the Tilghman Street Bridge (Allentown East, PA Quadrangle N: 21.0 inches; W: 11.0 inches), City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

**E40-549.** Encroachment. **Earth Conservatory**, 101 Main Street, Ashley, PA 18706-1506. To construct and maintain two stream enclosures in Sugar Run Creek (CWF) as follows: (1) a dual 54-inch diameter CMP having a length of 105 feet; and (2) a dual 72-inch diameter CMP having a length of 110 feet with associated rock outfall aprons. The project is associated with the proposed Luzerne County Recreation west of the intersection of S. R. 0081 and S. R. 0029 (Wilkes-Barre West, PA Quadrangle N: 13.0 inches; W: 5.5 inches), Hanover Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E45-390.** Encroachment. **Aventis Pasteur, Inc.**, Discovery Drive, Swiftwater, PA 18370-0187. To remove an existing utility line crossing and pedestrian bridge across Swiftwater Creek (HQ-CWF) and to construct and maintain the following: (1) A new pedestrian bridge having a span of 55 feet and underclearance of approximately 7.6 feet incorporating a utility duct attached to the superstructure; (2) A 48-inch diameter stormwater outfall structure and energy dissipater along Swiftwater Creek; (3) Three minor road crossings of a Tributary to Swiftwater Creek and adjacent wetlands having a total wetland impact of 0.15 acre; and (4) Numerous utility lines stream crossings of said Tributary and wetlands at each of the three road crossings. The project is located at the existing pharmaceutical manufacturing facility, approximately 0.25 mile downstream of S. R. 0611. (Mount Pocono, PA Quadrangle N: 16.0 inches; W: 9.5 inches), Pocono Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E48-291.** Encroachment. **City Line Building and Development, Inc.**, 2045 City Line Road, Bethlehem, PA 18017. To construct and maintain a private bridge having

a single-span of approximately 60 feet and underclearance of approximately 4.3 feet across Saucon Creek (CWF). The project is located 300 feet south of Township Road T-371 (Old Mill Road) and 0.4 mile east of T-564 (Bingen Road) (Hellertown, PA Quadrangle N: 20.8 inches; W: 14.7 inches), Lower Saucon Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E06-474-R.** Encroachment. **Berks County**, 633 Court Street, Reading, PA 19601. To remove an existing structure and to construct and maintain a bridge having an underclearance of 6.5 feet and a clear span of 47.7 feet across the channel of Allegheny Creek (CWF) at a point at Hartz Store Road (T-322) (Morgantown, PA Quadrangle N: 20.0 inches; W: 8.2 inches) in Brecknock Township, **Berks County**. The permittee is required to provide 0.12 acre of replacement wetlands.

**E06-538.** Encroachment. **GPU Energy**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640. To install a fiber optic cable on an existing electric distribution line across the Schuylkill River (WWF) at a point approximately 3,000 feet upstream of Warren Street (Reading, PA Quadrangle N: 21.2 inches; W: 10.6 inches) in Muhlenberg and Bern Townships, **Berks County**.

**E06-539.** Encroachment. **CPN Berks LLC**, William Siderewicz, The Pilot House, 2nd Fl., Boston, MA 02110. To construct and maintain a 6-inch outfall pipe and riprap apron along the Schuylkill River (WWF) at a point approximately 2,200 feet upstream of West Huller Lane (Temple, PA Quadrangle N: 7.7 inches; W: 10.0 inches) in Ontelaunee Township, **Berks County**.

**E21-304.** Encroachment. **Cooke Township**, 1700 Centerville Road, Newville, PA 17241. To remove an existing structure and to construct and maintain a replacement pre-cast concrete arch having a 28.99-foot span on a 75 degree skew and a 6.33-foot underclearance over Mountain Creek (HQ-CWF). The structure services Bendersville Road (T-340) (Dickinson, PA Quadrangle N: 8.2 inches; W: 5.6 inches) in Cooke Township, **Cumberland County**.

**E21-310.** Encroachment. **Shippensburg Borough**, 60 W. Burd Street, Shippensburg, PA 17257. To construct and maintain a footbridge across Middle Spring Creek and to fill in 0.75 acre of wetland to construct ball fields for the Shippensburg Little League Association and associated improvements within the 100-year floodplain of an unnamed tributary to Middle Spring Creek located about 1,100 feet southeast of the Fayette and Garfield Streets intersection (Shippensburg, PA Quadrangle N: 8.15 inches; W: 2.7 inches) in Shippensburg Borough and Shippensburg Township, **Cumberland County**. The applicant is required to provide 0.75 acre of replacement wetland.

**E28-272.** Encroachment. **Waynesboro Moose Lodge**, 908 West Main Street, Waynesboro, PA 17268. To shape up the left bank's 100-year floodway of the West Branch Antietam Creek to extend the parking lot of the Waynesboro Moose Lodge located just downstream of the West Main Street (PA 16 Bridge) (Waynesboro, PA Quadrangle N: 2.2 inches; W: 14.6 inches) in Waynesboro Borough, **Franklin County**.

**E28-274.** Encroachment. **Franklin County Commissioners**, 157 Lincoln Way East, Chambersburg, PA

17201. To remove the existing structure and to construct and maintain County Bridge No. 46, consisting of reinforced concrete having a clear span of 22.1 feet on a 76 degree with a minimum underclearance of 5.7 feet across Wilson Run (TSF) on Community Center Road (T-474). The channel bed and banks will be lined with 50 lineal feet of rock filled gabion mattress beginning at the downstream side of the bridge (St. Thomas, PA Quadrangle N: 13.6 inches; W: 7.5 inches) in St. Thomas Township, **Franklin County**.

**E28-276.** Encroachment. **Mark Burkhead**, PA Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To widen and maintain an existing dual bridge across Mountain Run and to rehabilitate three other existing bridges over Phillaman Run, Furnace Run and Mains Run to improve the traffic condition along I-81. Mountain and Phillaman Run are located near Interchange 8 (Scotland, PA Quadrangle N: 17.8 inches; W: 10.3 inches) in Greene Township, **Franklin County**. Furnace Run and Mains Run are located near Interchange 9 (Shippensburg, PA Quadrangle N: 3.7 inches; W: 3.3 inches; and N: 5.2 inches; W: 1.1 inches respectively) in Southampton Township, Franklin County. Mains Run is also the County Line of Franklin and Cumberland Counties.

**EE36-687.** Encroachment. **Manor Township**, 26 Millersville Road, Lancaster, PA 17603. To remove the existing structure and to construct and maintain a reinforced precast concrete spread box beam bridge having a 29-foot clear span on a 70 degree skew with an 8.25-foot underclearance over the West Branch Little Conestoga Creek (TSF) on Charlestown Road (T-595) (Columbia East, PA Quadrangle N: 2.6 inches; W: 4.4 inches) in Manor Township, **Lancaster County**.

**E36-391.** Encroachment. **Farmers First Bank**, P. O. Box 1000, Lititz, PA 17543. To construct and maintain a paved parking area of 26 spaces within the 100-year floodway of Lititz Run for expansion onto the existing Farmers First Bank parking lot located on the east side of North Cedar Street (Lititz, PA Quadrangle N: 5.9 inches; W: 7.4 inches) in Lititz Borough, **Lancaster County**.

**E44-099.** Encroachment. **George Khoury**, PA Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. To construct and maintain two bridges over an unnamed tributary to Kishacoquillas Creek structure 8A, a twin span bridge having clear spans of 114.0 feet and 63.0 feet with an underclearance of 23.0 feet; structure 10A, a three span bridge having clear spans of 190.0 feet, 157.25 feet and 102.25 feet with an underclearance of 46.0 feet; place fill in about 0.34 acre of the 100-year floodplain of Kishacoquillas Creek and in about 0.79 acre of associated wetlands as part of the construction of the Lewistown Bypass. SR 0022, Sections A02 and C02, which will be located about 4.0 miles west from Electric Avenue in Lewistown to Centre Union Church in Granville Township (Lewistown and Belleville PA Quadrangles N: 20.6 inches; W: 10.0 inches; and N: 12.4 inches; W: 2.55 respectively), in Lewistown Borough, Derry and Granville Townships, **Mifflin County**.

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

**E02-1304.** Encroachment. **The Public Auditorium Authority of Pittsburgh and Allegheny County**, Regional Resource Center, Suite 1410, 425 Sixth Avenue, Pittsburgh, PA 15219. To construct and maintain an

expansion to the David L. Lawrence Convention Center within the flood plain of the Allegheny River (WWF) and to construct and maintain two separate staircases on the left bank of the Allegheny River within the floodway. The project area is bounded by Eleventh Street to the east, Tenth Street to the west, Penn Avenue to the south and Fort Duquesne Boulevard to the North (Pittsburgh East, PA Quadrangle N: 12.8 inches; W: 16.8 inches) in the City of Pittsburgh, **Allegheny County**.

**E11-282.** Encroachment. **Pennsylvania Department of Transportation**, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove a 20-meter deteriorated section of an existing 4.3-meter × 1.6-meter box culvert and to construct and maintain a 33.0-meter long, 4.3-meter × 1.6-meter concrete box culvert in Cherry Run (WWF) for the purpose of improving transportation safety. The project is located on SR 3011, Section 02B, Segment 50, Offset 0900 (Johnstown, PA Quadrangle N: 9.6 inches; W: 6.6 inches) in the City of Johnstown, **Cambria County**.

**E02-1254.** Encroachment. **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street, Pittsburgh, PA 15219. To amend Permit E02-1254 which authorized the placement and maintenance of fill in the floodplain along the left bank side of the Monongahela River, for a distance of approximately 3,150 feet for the purpose of developing a 115 acre site for proposed residential, retail, entertainment, office, research development facilities. The site is located on the northeast side of Carson Street between 25th Street and 34th Street, near river mile 3.5 (Pittsburgh, East Quadrangle N: 8.4 inches; W: 11.4 inches) in the City of Pittsburgh, **Allegheny County**. This amendment authorizes the removal of part of an existing brick arch storm sewer and the construction and maintenance of a new 48 inch diameter pipe stormwater outfall to the Monongahela River.

**E65-756.** Encroachment. **William Rusiewicz**, 3124 Leechburg Road, New Kensington, PA 15068-2709. To place and maintain fill in approximately 0.12 acre of wetland (PEM/PSS) and to relocate approximately 130 linear feet of an intermittent, unnamed watercourse within the Little Pucketa Creek basin (TSF) for the purpose of expanding a parking lot. The site is located approximately 420 feet southwest of the intersection between Leechburg Road and Alder Street (New Kensington, PA Quadrangle N: 15.6 inches; W: 12.5 inches) within the City of Lower Burrell, **Westmoreland County**.

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

**E61-236.** Encroachment. **PA Electric Company dba GPU Energy**, 2800 Pottsville Pike, Reading, PA 19640-0001. To install and maintain a fiber optic cable within a conduit attached to the upstream side of the existing 8th Street Bridge (SR 322) across the Allegheny River (Franklin, PA Quadrangle N: 2.6 inches; W: 9.5 inches) in Franklin City, Sugar creek Borough and Sandycreek Township, **Venango County**.

#### WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631-640) relating to the acquisition of rights to divert waters of this Commonwealth.**

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

**WA65-111E.** Water Allocation. **Municipal Authority of Westmoreland County**, S. W. Corner, U. S. Route 30 and South Greengate Road, P. O. Box 730, Greensburg, PA 15601. The applicant is requesting a service area expansion to various areas within the following municipalities: Conemaugh Township, Indiana County; and Derry Township, Murrysville and South Huntingdon Township in **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.

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

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

##### Permits Issued

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

**WQM Permit No. 4699426.** Sewerage. **New Hanover Township**, 2943 North Charlotte Street, Gilbertsville, PA 19525-9718. Applicant is granted approval for the construction and operation of the New Hanover Township WWTP located in New Hanover Township, **Montgomery County**.

**WQM Permit No. 1500201.** Industrial waste. **Herr Foods, Inc.**, P. O. Box 300, Nottingham, PA 19362. Applicant is granted approval for the construction and operation of a new disinfection facility for the existing industrial wastewater treatment plant serving Herr Foods industry located in West Nottingham Township, **Chester County**.

**WQM Permit No. 4699416.** Sewerage. **Upper Merion Township**, 175 West Valley Forge Road, King of Prussia,

PA 19406. Applicant is granted approval for the construction and operation of a sewage collection system, pump station and forcemain to serve the proposed Glenn Rose subdivision located in Upper Merion Township, **Montgomery County**.

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

**Permit No. 3500401.** Sewerage. **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519. Permit to construct a new chemical feed system at the existing Throop Wastewater Treatment Plant, located in the Borough of Throop, **Lackawanna County**.

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

**Permit No. PA0080845.** Industrial waste. **Sithe Pennsylvania Holdings LLC** (Williamsburg Ash Disposal Site), 450 Lexington Avenue, 37th Fl., New York, NY 10017 is authorized to discharge from a facility located in Catharine Township, **Blair County** to the receiving waters named Frankstown Branch Juniata River.

**Permit No. PA0021237.** Sewerage. **Newport Borough Municipal Authority**, 231 Market Street, Newport, PA 17074 is authorized to discharge from a facility located in Newport Borough, **Perry County**, to the receiving waters named Juniata River.

**Permit No. PAG043633.** Sewerage. **Curvin J. Gochenour, Jr.**, P. O. Box 177, Roxbury, PA 17251-0177 is authorized to discharge from a facility located in Letterkenny Township, **Franklin County** to the receiving waters named Conodoguinet Creek.

**Permit No. 2800401.** Sewerage. **Hamilton Township Municipal Authority**, 1270 Crottlestown Road, Chambersburg, PA 17201. This permit approves the construction of Pump Station in Hamilton Township, **Franklin County**.

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

**NPDES Permit PA0008591.** Industrial waste. **NGC Industries Inc.**, P. O. Box 338, Milton, PA 17847. Renewal granted to discharge wastewater from their industrial wastewater treatment plant located at White Deer Township, **Union County**.

**NPDES Permit PA0037966, Amendment 4.** Sewerage. **Moshannon Valley Joint Sewer Authority**, P. O. Box 581, Phillipsburg, PA 16866-0581. The Department on the Management initiated this amendment and Control of Combined Sewer Overflow (CSO) on the collection system was eliminated on March 17, 2000. Facility located at Rush Township, **Centre County**.

**NPDES Permit PA0113956.** Sewerage. **Locust Township**, 1223A Numidia Drive, Catawissa, PA 17820. Renewal granted to discharge treated effluent from facility located at Locust Township, **Columbia County**.

**NPDES PA0009318.** Industrial waste, Amendment. **Alcan Cable**, 409 Reighart Avenue, Williamsport, PA 17701-4195. Approval to amend permit for discharge of treated wastewater to recycle noncontact cooling water from its Rod Mill to its Wire Mill. The revised permit includes monitoring of Outfall 001 during storm events. Facility located at Williamsport, **Lycoming County**.

**WQM Permit No. 1795408-a39.** Sewerage. **Bradford Township/Jovich**, P. O. Box 79, Woodland, PA 16881. Township submitted an amendment to install a treatment system to serve the new home to be built. The design is for a small flow single residence system to be utilized in Bradford Township's SRSTP management program. The facility is located at Bradford Township, **Clearfield County**.

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

**NPDES Permit No. PA0033871.** Sewerage. **Frank T. Perano**, GSP Management Company, Box 278, King of Prussia, PA 19406 is authorized to discharge from a facility located at Northview Estates MHP STP, White Township, **Indiana County** to receiving waters named Unnamed Tributary of McKee Run.

**NPDES Permit No. PA0218316.** Sewerage. **Dunbar Township Municipal Authority**, P. O. Box 815, Conneville, PA 15425 is authorized to discharge from a facility located at Dunbar Township Municipal Authority STP, Dunbar Township, **Fayette County** to receiving waters named Youghiogheny River.

**Permit No. 0200403.** Industrial waste. **U. S. Steel, Division of USX Corporation**, P. O. Box 878, MS 160, Dravosburg, PA 15034. Construction of steel manufacturing facility located in West Mifflin Borough, **Allegheny County** to serve Irvin Works STP.

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

**NPDES Permit No. PA0005304.** Industrial waste. **United Refining Company**, P. O. Box 780, Warren, PA 16365-0780 is authorized to discharge from a facility located in the City of Warren, **Warren County** to the Allegheny River and Glade Run.

**NPDES Permit No. PA0026832.** Sewerage. **Ellwood City Borough**, 525 Lawrence Avenue, Ellwood City, PA 16117 is authorized to discharge from a facility located in Ellwood City, **Lawrence County** to Connoquenessing Creek.

**NPDES Permit No. PA0028398.** Sewerage. **Whitehall Village Subdivision**, P. O. Box 927, Fairview, PA 16415 is authorized to discharge from a facility located in

Fairview Township, **Erie County** to an unnamed tributary to Trout Run.

**NPDES Permit No. PA0101478.** Sewerage. **SNJP Recreation Center**, 270 Martin Road, Enon Valley, PA 16120 is authorized to discharge from a facility located in North Beaver Township, **Lawrence County** to an unnamed tributary to Sugar Creek.

**NPDES Permit No. PA0103543.** Sewerage. **Pithole Museum**, R. D. 1, Pleasantville, PA 16341 is authorized to discharge from a facility located in Cornplanter Township, **Venango County** to Pithole Creek.

**NPDES Permit No. PA0103519.** Sewerage. **Whitehall Camp**, R. D. 1, Box 31, Emlenton, PA 16373 is authorized to discharge from a facility located in Richland Township, **Venango County** to an unnamed tributary to Richey Run.

**WQM Permit No. 2500404.** Sewerage, **William A. Jr. and Sandra M. Thornton, SRSTP**, 14200 State Route 226, Albion, PA 16401. Construction of William A. Jr. and Sandra M. Thornton SRSTP located in Conneaut Township, **Erie County**.

**WQM Permit No. 1000401.** Sewerage, **Paul G. Belschner, SRSTP**, 103 Braden Court, Pittsburgh, PA 15229. Construction of Paul G. Belschner SRSTP located in Cherry Township, **Butler County**.

**WQM Permit No. 2000405.** Sewerage. **Malcolm P. and Susan E. Christhilf, SRSTP**, 11059 Shadeland Road, Springboro, PA 16435. Construction of Malcolm P. and Susan E. Christhilf SRSTP located in Spring Township, **Crawford County**.

**WQM Permit No. 4300402.** Sewerage, **James Stevenson, SRSTP**, 149 Columbia Avenue, Greenville, PA 16125. Construction of James Stevenson SRSTP located in Salem Township, **Mercer County**.

#### INDIVIDUAL PERMITS

##### (PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G382	Southdown Properties, Inc. 55 Country Club Drive, Suite 200 Downingtown, PA 19335	Uwchlan Township Chester County	Unnamed Tributary to Shamona Creek (HQ-TSF- MF)
PAS10-G388	Mr. and Mrs. Wilmer Hostetter 481 Limestone Road Oxford, PA 19363	East Nottingham Township Chester County	East and West Branch Big Elk Creek (HW)
PAS10-G395	Green Point Farm, Inc. 402 Bayard Road, Suite 100 Kennett Square, PA 19348	Londonderry Township Chester County	East Branch Big Elk Creek (HQ)
PAS10-G404	Sts. Peter and Paul Parish 1325 Boot Road West Chester, PA 19380	East Goshen Township Chester County	Unnamed Tributary to Ridley Creek (HQW)

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-J047	MAR-J-Builders, Inc. 114 Yearsley Mill Road Media, PA 19063	Middletown Township Chester County	Unnamed Tributary to Ridley Creek (HQ)

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS105506	Matthew Lowe, Chairperson Coudersport Area Muni. Authority P. O. Box 820 Coudersport, PA 16915	Potter County	Allegheny River, Trout Run, Lyman Creek, Mill Creek Unnamed Tribs.

### INDIVIDUAL PERMITS

(PAR)

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

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The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

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

#### *List of General Permit Types*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit for Discharges Resulting from Hydrostatic Testing of Tanks and Pipelines

*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>
Nockamixon Township Bucks County	PAR10-D425	Daniel Rufe P. O. Box 57 Ottsville, PA 18942	Haycock Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Plumstead Township Bucks County	PAR10-D477	Worth and Company, Inc. 180 Harvey Avenue Doylestown, PA	Tributary to Cabin Run Creek (CWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Warrington Township Bucks County	PAR10-D480	The Home Depot 3096 Hamilton Blvd. South Plainfield, NJ	Little Neshaminy Creek (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Hilltown Township Bucks County	PAR10-D482	Leonard Kunkin Associates P. O. Box 47 Line Lexington, PA	Unnamed Tributary to Deep Run (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Warwick Township Bucks County	PAR10-D483	The Cutler Group, Inc. 5 Sentry Parkway West Suite 100 Blue Bell, PA	Unnamed Tributary to Neshaminy Creek	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Warwick Township Bucks County	PAR10-D488	The Cutler Group, Inc. 5 Sentry Parkway West Suite 100 Blue Bell, PA 19422	Neshaminy Creek (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Buckingham Township Bucks County	PAR10-D497	Green Acres Health Systems 816 2nd Street Pike Richboro, PA	Tributary to Mill Creek (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Falls Township Bucks County	PAR10-D518	Kenneth Koritsky 1082 Temperance Lane Richboro, PA	Rock Run Creek (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lehigh County S. Whitehall Township	PAR10Q120	PREIT—Rubin, Inc. John Smallwood 200 S. Broad St., 3rd Floor Philadelphia, PA 19102	Jordan Creek	Lehigh CD (610) 391-9583



<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Centre County College Township	PAR01F113	Oak Grove Subdivision Branch Road Village Assoc. 1275 Pennsylvania Ave. State College, PA 16801	Slab Cabin Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Northumberland County Milton Borough	PAR104934	John Fogarty Devel. Corp. 750 US Rt. 15 South Lewisburg, PA 17837	Unt. Muddy Run	Northumberland County CD R. R. 3, Box 238C Sunbury, PA 17801 (570) 988-4224
Union County East Buffalo Township	PAR106840	The Countryside Phase 3 Michael Fisher P. O. Box 68 Watsontown, PA 17777	Turtle Creek	Union County CD 60 Bull Run Crossing Lewisburg, PA 17837 (570) 523-8782
Penn Township Berks County	PAR-10-C315	Penn-Bernville Elementary School Dr. Augie Grant Tulpehocken Area School District 430 New Schaefferstown Road Bernville, PA 19506	Northkill Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Shippensburg Township Cumberland County	PAR-10-H226	Jeff Lundeen Industrial Harness P. O. Box 89 Lemoyne, PA 17043	Burd Run	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Antrim Township Franklin County	PAR-10-M203	Poulmark Inc. 9934 Browns Mill Road Greencastle, PA 17225	Conococheague Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
East Manchester Township York County	PAR-10-Y463	Obsinski Phase I Bob Kinsley Kinsley Equities II 2700 Water Street P. O. Box 2886 York, PA 17405	Unt. to Little Conewago Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Windsor Township York County	PAR-10-Y454	Keystone Custom Homes Jeff Rutt 214A Willow Valley Lakes Drive Willow Street, PA 17584	Unt. to Fishing Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Dillsburg Borough York County	PAR-10-Y465	Pheasant Ridge Phase II and III Homer Forbes 410 Harrisburg Street East Berlin, PA 17316	Stoney Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Dillsburg Borough York County	PAR-10-Y470	Pheasant Ridge Phase I Philip Garland Garland Construction Inc. 336 West King Street Lancaster, PA 17608	Stoney Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
York City York County	PAR-10-Y468	Copper Beech Tree LP Tim Kinsley Kinsley Equities II R. D. 1, Box 131AA Seven Valleys, PA 17360	UNT to Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

## NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Clarion County Clarion Borough	PAR101526	Clarion University McEntire Building Clarion, PA 16214-1232	Clarion River (CWF)	Northwest Region Water Mgt. Program Manager 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bucks County Falls Township	PAR140017	U. S. Components, Inc. No. 1 M-Y Lane Morrisville, PA 19067	PA Canal to the Delaware River	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Bucks County Middletown Township	PAR150008	AKZO Nobel Inks, Corporation 2200 Cabot Boulevard West Langhorne, PA 19047	Queen Ann Creek	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Bradford County Wilmont Township	PAR604813	Vernon Ambrosius Ambrosius Auto Parts R. R. 1, Box 145 New Albany, PA 18833	UNT to Stony Fork Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield County Bradford Township	PAR804842	CNF Transportation Inc. R. R. 2, Box 554A Woodland, PA 16881	Valley Fork Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clinton County Castanea Township	PAR234802	Cognis Corporation West Brown and Fleming Ave. Castanea, PA 17726-0008	Bald Eagle Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming County Williamsport Township	PAR204821	Williamsport Foundry Co., Inc. 164 Maynard St. Williamsport, PA 17701	West Branch Susquehanna	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield County Lawrence Township	PAR804855	Sapp Bos PA P. O. Box 1290 Clearfield, PA 16830	West Br. Susquehanna River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Bradford County Athens Township	PAR224842	Mills Pride PA 100 Lamoka Rd. Sayre, PA 18840	UNT of Chemung River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Greene Township Mercer County	PAR808350	Borough of Greenville— Greenville Municipal Airport 125 Main Street Greenville, PA 16125	Shenango River	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAR808352	Erie Municipal Airport Authority—Erie Municipal Airport 4411 West 12th Street Erie, PA 16505-3091	Wilkins Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<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>
Piney Township Clarion County	PAR308303	C & K Coal Company P. O. Box 69 Clarion, PA 16214	Unnamed Tributary to Anderson Run (Licking Creek) and Unnamed Tributary to Piney Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sligo Borough Clarion County	PAR308302	RFI Energy, Inc.—Sligo Parts Shop 555 Philadelphia Street Indiana, PA 15701	Licking Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<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 Elizabeth Township	PAG043528	Donal Markey 475 Snavelly Rd. Lititz, PA 17543	Mill Race to Hammer Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Broad Top Township	PAG043647	Broad Top Township (Judith Floor) 187 Municipal Road Defiance, PA 16633-0057	Six Mile Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County West St. Clair Township	PAG043514	Jane Yoder 1220 Gordon Hall Road Osterburg, PA 16667	UNT to Georges Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Hopewell Township	PAG043501	Daniel G. Detwiler 125 Foor Road Hopewell, PA 16650	UNT to Pipers Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Kimmel Township	PAG043646	Amy Treese R. R. 1 Claysburg, PA 16625	UNT to Beaverdam Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Napier Township	PAG043641	William Hillegass 510 Harrison Road Schellsburg, PA 15559	UNT to Shawnee Lake	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Fannett Township	PAG043524	Alice McFeely Meloy 22448 Path Valley Road Doylesburg, PA 17219	Burns Creek Branch	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Liberty Township	PAG043645	Roy W. Crum, Jr. 164 Crum Road Fairfield, PA 17320	Flat Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Clearfield County Bradford Township	PAG045090	Mark P. Jovich 650 Bigler Avenue Clearfield, PA 16830	UNT to Bear Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Bradford County Monroe Township	PAG044810	Arthur Dean Beers Jr. R. R. 1, Box 279E Monroeton, PA 18832	UNT to French Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Waterford Township Erie County	PAG048334	Warren W. Roberts 13667 Union Road Waterford, PA 16441	Unnamed Tributary of Wheeler Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048344	Richard A. Benedict 10491 Fry Road Edinboro, PA 16412	Unnamed Tributary to Lamson Road	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conneaut Township Erie County	PAG048660	William A. Jr. and Sandra M. Thornton 14200 State Route 226 Albion, PA 16401	Unnamed Tributary to Ashtabula Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cherry Township Butler County	PAG048663	Paul G. Belschner 103 Braden Court Pittsburgh, PA 15229	Unnamed Tributary to South Branch Slippery Rock Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Penn Township Butler County	PAG048339	James L. Zacherl, Sr. 118 Beacon Road Renfrew, PA 16053	Unnamed Tributary to Connoquenessing Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Salem Township Mercer County	PAG048662	James Stevenson 149 Columbia Avenue Greenville, PA 16125	Tributary to Little Shenango River	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Spring Township Crawford County	PAG048661	Malcolm P. and Susan E. Christhilf 11059 Shadeland Road Springboro, PA 16435	Unnamed Tributary to Carr Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048338	Marguerite A. Kuhn 882 Hull Road Waterford, PA 16441	Tributary to French Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<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>
Washington Township Erie County	PAG048347	Philip A. Kowalczyk 5247 Florek Road Edinboro, PA 16412	Torry Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Crawford County	PAG048341	William Jr. and Teresa R. Petronio 7533 Agnew Road Linesville, PA 16424	Unnamed Tributary to Conneaut Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Porter Township Clarion County	PAG048357	John L. Crawford, Jr. 2117 Route 66 New Bethlehem, PA 16242	Unnamed Tributary to Leisure Run	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>
Schuylkill County Mahanoy Township	PAG082211	Mahanoy City Sewer Auth. 1400 W. South St. Mahanoy City, PA	Mahanoy City WWTP 1400 W. South St. Mahanoy City, PA	Northeast Reg. Office 2 Public Sq. Wilkes-Barre PA 18711-0790 (570) 826-2511
Millcreek/Marion Township Berks County/Lebanon 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 P. O. Box 70 59 South 3rd Street Oxford, PA 19363	Amy Bennetch Farm Marion and Millcreek Townships Berks and Lebanon Counties	Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Woodbury Township Blair County	PAG-08-3511 PAG-08-3512	Altoona City Authority 3172 Route 764 Duncansville, PA 16635-7800	Sallenberger Farm Woodbury Township Blair County	Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-9*

<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>
Broadtop Township Bedford County	PAG-09-3529	Broad Top Township 187 Municipal Road Defiance, PA 16633-0057	N/A	Southcentral Regional Office 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>
Armstrong County Sugar Creek Township	PAG096105	Timothy Gerstbrein A & A Services R. D. 1 Cowansville, PA 16218	Gerstbrein Farm	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-10*

<i>Facility Location 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 Reading City	PAG103503	Carlos R. Leffler, Inc. Fisher Tank Company 3131 West Fourth Street Chester, PA 19013	Laurel Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

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

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

*Location: City of Hermitage, Mercer County.* Gary E. Hinkson, Manager, City of Hermitage, 800 North Hermitage Road, Hermitage, PA 16148. This approved project proposes a three-phased project.

Phase I consists of projects to provide conveyance capacity for existing and future flows as well as improvements to the headworks to the Bobby Run Sewage Treatment Plant. Specifics include replacing the "SLR" pump station at PA Route 18 and Lamor Road with a gravity sewer to relieve wet weather surcharging; constructing a new interceptor in the Hogback Run watershed and a new pump station along Hogback Run near Sample Road. Phase I also includes a sewage management plan for the portions of the city that rely on septic systems and single residence sewage treatment facilities.

Phase II includes rehabilitation of the Bobby Run Interceptor, expansion of the Pipe Hollow Pump Station and Extension of a collector sewer to replace malfunctioning systems on Daniel Drive.

Phase III is the expansion of the Bobby Run Sewage Treatment Plant from 5.0 mgd to 7.5 mgd.

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drink-  
ing Water Act (35 P. S. § 721.1—721.17).**

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

**Permit No. 6592501.** Public water supply. **Ligonier Municipal Authority**, Town Hall, 120 East Main Street, Ligonier, PA 15658. *Type of Facility:* Wells 1, 1A and 3, 0.5 MG Tank, Water Filtration Plant. *Permit issued for Operation:* April 19, 2000.

**Permit No. 0488503-A2.** Public water supply. **Forest Brook Mobile Home Park**, 320 Sunset Drive, Baden, PA 15005. *Type of Facility:* 30,000 Gallon Finished Water Storage Tank. *Permit issued for Operation:* April 24, 2000.

**HAZARDOUS SITES CLEANUP**

**Under the Act of October 18, 1988**

**Availability of Brownfields Inventory Grants under  
the Hazardous Sites Cleanup Act (HSCA)**

The Department of Environmental Protection (Department) hereby announces the availability of Brownfields Inventory Grants under the Hazardous Sites Cleanup Act (HSCA). Under the Brownfields Inventory Grant program the Department will provide grants to municipalities and economic development agencies to inventory the brownfield properties in their areas. If these brownfield properties are available for redevelopment, the Grantee will gather information about infrastructure, suspected or confirmed environmental contamination and other related information. The Grantee will then list the site on the Pennsylvania Brownfields Directory.

This is the third round of grants under the Department Brownfields Inventory Grant program. Under this third round of grants the Department will consider grants to inventory brownfields sites in any county that was not covered by a grant under the first or second rounds. The following counties were not addressed under the first two rounds of grants and will be considered under this third round: Armstrong, Bradford, Carbon, Centre, Clarion, Clinton, Delaware, Elk, Fayette, Forest, Franklin, Juniata, Lycoming, Mifflin, Monroe, Montour, Northumberland, Pike, Snyder, Sullivan, Tioga, Union, Venango, Warren, Wayne and Wyoming.

Municipalities and economic development agencies may apply to the Department for these grants by submitting an application. A copy of the application package can be obtained by calling the Department Land Recycling and Cleanup Program (717) 783-7816 or the application pack-

age can be downloaded from the Department Internet web site at: [www.dep.state.pa.us](http://www.dep.state.pa.us). Grant applications for this round of grants must be received by the Department on or before June 30, 2000.

If the grant is approved, the Grantee will be paid \$1,000 for each brownfield site that is identified and entered into the Department Brownfields Directory. Grants are limited to \$50,000.

The Brownfields Inventory Grants will be issued under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304). The Hazardous Sites Cleanup Act authorizes the Department to investigate and assess potential releases of hazardous substances. This includes collecting information concerning sites that are potentially contaminated with hazardous substances and that may need assessment or cleanup. Funds for the Brownfields Inventory Grants will be provided out of the Hazardous Sites Cleanup Fund.

The term "brownfields" shall mean properties that are underutilized and where redevelopment of the property is impeded by liabilities associated with known or suspected environmental contamination from hazardous substances.

The term "municipality" shall include any county, city, borough or township government in this Commonwealth.

The term "economic development agency" shall include:

(1) Any redevelopment authority created under the act of May 24, 1945 (P. L. 991, No. 385), known as the Urban Redevelopment Law.

(2) Any industrial development agency as that term is defined in the act of May 17, 1956 (1955 P. L. 1609, No. 537), known as the Pennsylvania Industrial Development Authority Act.

(3) Any industrial and commercial development authority created under the act of August 23, 1967 (P. L. 251, No. 102) known as the Economic Development Financing Law.

(4) Any area loan organization as that term is defined in the act of July 2, 1984 (P. L. 545, No. 109), known as the Capital Loan Fund Act.

(5) Any other Commonwealth or municipal authority which acquires title or an interest in property.

(6) Municipalities or municipal industrial development or community development departments organized by ordinance under a home rule charter which buy and sell land for community development purposes.

(7) Tourist promotion agencies or their local community-based nonprofit sponsor which engage in the acquisition of former industrial sites as part of an "Industrial Heritage" or similar program.

(8) Conservancies engaged in the renewal or reclamation of an industrial site.

#### **Notice of Settlement under the Hazardous Sites Cleanup Act**

The Department of Environmental Protection (Department), under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C.A. §§ 9607—9675 and the Hazardous Sites Cleanup Act (HSCA), 35 P. S. §§ 6020.101—6020.1305, hereby gives notice that it has entered into proposed Consent Decrees with Mitchell Lightman, Lightman Drum, Inc., Patrick Kelly Drums, Inc., and James T. Warring Sons, Inc. (collectively, Settlers), relating to the cleanup of the Quality Container Corporation Site located at the intersection of East Ontario Street and Collins

Street, Philadelphia, Philadelphia County, PA. The proposed Consent Decrees have been lodged with the United States District Court for the Eastern District of Pennsylvania pending completion of the public notice requirements set forth by statute.

The Quality Container Corporation Site was the location of a former steel drum reconditioning facility, and was contaminated with a variety of hazardous substances including solvents and metals. Under its authority of section 501(a) of HSCA (35 P. S. § 6020.501(a)), the Department has implemented and completed an Interim Response from March 20, 1995 to February 8, 1996 to remove the hazardous substances at the site. Under the proposed Consent Decrees, the Settlers have agreed to reimburse the Department for approximately \$180,000 of the response costs incurred.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). The Department will provide for a 60-day public comment period on the proposed Consent Order and Agreement from the date of publication of this Notice. The proposed Consent Order and Agreement may be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting April Flipse at (610) 832-5937 or Paul Rettinger at (610) 832-6300 during normal business hours. Persons may submit written comments to April Flipse at the noted address. The Department will provide a response to all significant written comments received during the public comment period, and the proposed Consent Decrees authorize the Department to withhold or withdraw its consent in the event that the Department determines, based on comments received during the public comment period, that the Consent Order and Agreement is inappropriate, improper or not in the public interest.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appro-

ropriate 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.*

**Doyle Dawson, Sr., Property**, Phoenixville Borough, **Chester County**. Jeremy W. Boly, Earth Data, Inc., 924 Springdale Drive, Exton, PA 19341, 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.

**Medders Residence**, Willistown Township, **Chester County**. Brian R. Evans, Hydrocon, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

**Whitford Corp.**, East Whiteland Township, **Chester County**. Andrew W. Meadows, The Cardinal Group, Inc., P. O. Box 542, Boyertown, PA 19512, has submitted a Final Report concerning remediation of site soil contaminated with dichlorobenzenes. The report is intended to document remediation of the site to meet the Statewide health standard.

**Yocum Residence**, Westtown Township, **Chester County**. Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report was submitted within 90 days of the contaminant release and is intended to document remediation of the site to meet the Statewide health standard.

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Sandy Gohn residence**, Jennerstown Borough, **Somerset County**. Matthew E. Grubb, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 and Sandy Gohn, 106 Gohn Street, Jennerstown, PA 15547 have submitted a Final Report concerning remediation of site soil contaminated with BTEX and PAHs. 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.*

**CDR Pigments**, 75 Front St., Ridgway, PA, **County of Elk**, Ridgway Borough, has submitted a Remedial Investigation Report concerning remediation of the site soil, groundwater and surface water contaminated with lead, heavy metals, solvents and BTEX. The report is intended to document remediation of the site to meet the site specific standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the 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 content of the plans and reports, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan and report appears. If information concerning the plan and 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 plans and reports.

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

**Sovereign Oil**, City of Philadelphia, **Philadelphia County**. A Baseline Environmental Report concerning remediation of site soil contaminated with lead, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and groundwater contaminated with lead, heavy metals and petroleum hydrocarbons was submitted to the Department. The report was approved by the Department on November 18, 1997 and the Special Industrial Area Consent Order and Agreement was executed on June 16, 1998.

**Artco Corporation**, Hatfield Township, **Montgomery County**. A Final Report concerning remediation of site



soil contaminated with lead was submitted to the Department. The report demonstrated attainment of the Statewide health standard was approved by the Department on November 18, 1997.

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

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 42446S49389 (Elk Avenue),** City of Pottsville, **Schuylkill 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 October 2, 1997.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 67186N35887 (Carlton Road),** Paradise Township, **Monroe 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 October 2, 1997.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 62171S44721 (Macungie Avenue and Donald Drive),** Emmaus Borough, **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 October 2, 1997.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 62101S46421 (Reading Road),** 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 October 2, 1997.

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 64481S47671 (Sherman and Allen 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 October 2, 1997.

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

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 25009S34460,** Penbrook Borough, **Dauphin County.** A Final Report has been submitted 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 by the Department on November 20, 1997.

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

**Pennsylvania Power & Light Company (PP&L)—Distribution Pole No. 34718N21269,** East Cameron Township, **Northumberland County.** A Final Report has been submitted addressing soil contaminated with PCBs (polychlorinated biphenyls). The report documented remediation to meet the Statewide health standard. The report was approved by the Department on November 11, 1997.

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Pittsburgh Tube Company,** Monaca Borough, **Beaver County.** Timothy M. Rea, Mt. Research, Inc., 825 25th Street, Altoona, PA 16601, has submitted a Final Report concerning remediation of site soil contaminated with heavy metals. The Final Report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on November 5, 1997.

**Equitrans, L.P. (Pratt Compressor Station No. 47),** Franklin Township, **Greene County.** Holly Hudson, Equitrans, L.P., 3500 Park Lane, Pittsburgh, PA 15275, has submitted a Remedial Investigation Report, Baseline Risk Assessment Report, Cleanup Plan and Final Report concerning remediation of site soil and groundwater contaminated with benzene, toluene, ethylbenzene and xylene. The Remedial Investigation Report, Baseline Risk Assessment Report, Cleanup Plan and Final Report demonstrated attainment of the site-specific standard and was approved by the Department on November 5, 1997.

**Aliquippa Industrial Park,** City of Aliquippa, **Beaver County.** James Palmer, Beaver County Corporation for Economic Development, 798 Turnpike Street, Beaver, PA 15009, has submitted a Final Report concerning remediation of site soil contaminated with PCBs (polychlorinated biphenyls) and heavy metals. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on November 7, 1997.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

**License issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**T. W. Scott Enterprises, Inc.,** P. O. Box 705, Belle Vernon, PA 15012; License No. **PA-AH 0657**; license issued April 24, 2000.

**Renewal licenses issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**American Waste Oil Corporation,** 44141 Yost Road; Belleville, MI 48111; License No. **PA-AH 0534**; renewal license issued April 5, 2000.

**C. R. Warner, Inc.**, 6050 W. Passyunk Avenue, Philadelphia, PA 19153; License No. **PA-AH 0460**; renewal license issued April 11, 2000.

**Fisher Industrial Services, Inc.**, P. O. Box 5410, Glencoe, AL 35905; License No. **PA-AH 0595**; renewal license issued April 18, 2000.

**Glensimore Trucking, Inc.**, P. O. Box 5210, Pleasant Gap, PA 16823; License No. **PA-AH 0048**; renewal license issued April 17, 2000.

**Industrial Marine Service, Incorporated**, P. O. Box 1779, Norfolk, VA 23501; License No. **PA-AH 0593**; renewal license issued April 13, 2000.

**Ken's Marine Service, Inc.**, P. O. Box 4001, Bayonne, NJ 07002; License No. **PA-AH S154**; renewal license issued April 5, 2000.

**Mid-State Trading Co.**, P. O. Box 3275, Williamsport, PA 17701; License No. **PA-AH 0148**; renewal license issued April 10, 2000.

**OP-Tech Environmental Services, Inc.**, 6392 Deere Road, Syracuse, NY 13206; License No. **PA-AH 0599**; renewal license issued April 11, 2000.

**Safety-Kleen Canada, Inc.**, 300 Woolwich Road, Breslau, ON N0B 1M0; License No. **PA-AH 0517**; renewal license issued April 12, 2000.

**Safety-Kleen Services (Quebec) LTD.**, 7305 Marie-Victorin Boulevard, Suite 200, Brossard, PQ J4W 1A6; License No. **PA-AH 0403**; renewal license issued April 12, 2000.

**Stat, Inc.**, P. O. Box 1443, Lenoir, NC 28645; License No. **PA-AH 0532**; renewal license issued April 4, 2000.

**Van Waters & Rogers, Inc.**, 6100 Carillon PT, Kirkland, WA 98033; License No. **PA-AH 0334**; renewal license issued April 25, 2000.

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**Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**ADCOM Express, Inc.**, 2462-C South Santa Fe Avenue, Vista, CA 92084-8002; License No. **PA-AH S158** amended license issued April 27, 2000.

**DGD Environmental Services, Inc.**, 500 Cobham Park Road, Warren, PA 16365; License No. **PA-AH 0603** amended license issued April 10, 2000.

**Specialty Transportation Services, Inc.**, 5965 McCasland Avenue, Portage, IN 46368; License No. **PA-AH 0582** amended license issued April 13, 2000.

**RESIDUAL WASTE PROCESSING FACILITIES**

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**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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*Southeast Regional Office: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.*

**Permit No. 301220. Soil Remediation of Philadelphia, Inc.**, 3201 South 61st Street, Philadelphia, PA 19153. Permit issued for the 10-year renewal of this residual waste processing facility located in the **City of Philadelphia**. This action also approves operational and structural modifications to the facility. Permit issued by the Southeast Regional Office on April 24, 2000.

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

**Permit ID No. 300615. Orion Power Midwest, L.P.**, 2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275. Operation of the Fern Valley Disposal Site located in Jefferson Borough, **Allegheny County**. Permit modification changing the permittee from Duquesne Light Company to Orion Power Midwest, L.P. was issued in the Regional Office on April 27, 2000.

**Permit ID No. 300720. Orion Power Midwest, L. P.**, 2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275. Operation of the Cheswick Ash Disposal Site located in Indiana Township, **Allegheny County**. Permit modification changing the permittee from Duquesne Light Company to Orion Power Midwest, L. P. issued in the Regional Office on April 27, 2000.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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

**Permit ID No. 100172. Arden Landfill, Inc.**, Westpointe Corporate Center 1, Suite 200, 1550 Coraopolis Heights Road, Moon Township, PA 15108. Operation of a municipal waste landfill in Chartiers Township, **Washington County**. Permit renewal approving additional waste operations at the site until July 26, 2000, issued in the Regional Office on April 11, 2000.

**Permit ID No. 100281. Republic Services Group of Pennsylvania IV, LLC**, P. O. Box 717, Scottsdale, PA 15683. Operation of a municipal landfill in East Huntingdon Township, **Westmoreland County**. Permit Major Modification approving American Video Glass industrial wastewater treatment plant sludge was issued in the Regional Office on April 19, 2000.

**Permit ID No. 101421. Shade Landfill, Inc.**, R. D. 1, Box 305, Cairnbrook, PA 15924. Operation of Shade Landfill in Shade Township, **Somerset County**. Major Permit Modification for a revised closure schedule and use of an intermediate cover tarp was issued in the Regional Office on April 25, 2000.

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

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

**Permit ID No. 100280. USA Valley Facility, Inc.**, R. D. 2, Box 282A, Irwin, PA 15642. Operation of a municipal waste landfill in Penn Township, **Westmore-**

**land County.** Permit modification revising design, construction and operational requirements and acceptance of processed infectious and chemotherapeutic waste issued in the Regional Office on April 24, 2000.

**PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE  
INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**A-1 Medical Waste Removal, Inc.,** 209 Latimer Avenue, Staten Island, NY 10314; License No. **PA-HC 0173**; renewal license issued April 14, 2000.

**Bio-Oxidation Services, Inc.,** 3011 Smallman Street, Pittsburgh, PA 15201; License No. **PA-HC 0185**; renewal license issued April 13, 2000.

**AIR QUALITY  
OPERATING PERMITS**

**General Plan Approval and Operating Permit usage authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**GP1-22-03039: Harrisburg School District** (1201 North 6th Street, Harrisburg, PA 17102) authorized use of a general permit for operation of one natural gas boiler at the WM Penn School (2915 N. 3rd Street) in Harrisburg City, **Dauphin County.**

**GP4-67-03057: Redco Corp.** (207 Redco Avenue, P. O. Box 110, Red Lion, PA 17356) authorized use of a general permit for installation of a natural gas fired burn off oven in Red Lion Borough, **York County.**

**GP4-67-03088: Tekgard, Inc.** (1760 Toronita Street, York, PA 17402) authorized use of a general permit for installation/operation of one natural gas fired burnoff oven in Manchester Township, **York 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.*

**OP-46-0012: Philadelphia Newspaper, Inc.** (800 River Road, Conshohocken, PA 19428) on March 15, 2000, for operation of a backup generator and fuel pump in Upper Merion Township, **Montgomery County.**

**OP-15-0074: R. A. Ferris & Co., Inc.** (899 Fern Hill Road, West Chester, PA 19380) on April 27, 2000, for operation of a crematory incinerator in West Goshen Township, **Chester County.**

**OP-09-0063: New Hope Crushed Stone** (6970 Phillips Mill Road, New Hope, PA 18938) on April 28, 2000, for operation of two diesel generators in Solebury Township, **Bucks County.**

**OP-09-0046: RJM Manufacturing, Inc.** (250 Canal Road, Fairless Hills, PA 19030) on April 28, 2000, for operation of a flexographic press in Falls Township, **Bucks County.**

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

**06-01003C: Lucent Technologies, Inc.** (P. O. Box 13396, Reading, PA 19612-3396) on April 28, 2000, for operation of a microelectronics manufacturing facility with various controls at the Reading Plant in Muhlenberg Township, **Berks County.**

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

**TVOP-32-00065: Specialty Tire of America, Inc.** (1600 Washington Street, P. O. Box 749, Indiana, PA 15701) on April 27, 2000, for miscellaneous tire building operations at the Indiana Plant in Indiana Borough, **Indiana County.**

**OP-32-000-059: Conemaugh Owners Group** (1001 Broad Street, Johnstown, PA 15907) on April 28, 2000, to incorporate RACT and a change of ownership at the Conemaugh Station in West Wheatfield Township, **Indiana County.**

**OP-03-000-027: Keystone Owners Group** (1001 Broad Street, Johnstown, PA 15907) on April 28, 2000, to incorporate RACT and a change of ownership at the Keystone Station in Plumcreek Township, **Armstrong County.**

**OP-32-306-010A: Conemaugh Owners Group** (10101 Broad Street, Johnstown, PA 15907) on April 28, 2000, for scrubber operation and a change of ownership at the Conemaugh Station in West Wheatfield Township, **Indiana County.**

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

**V95-079: University of Pennsylvania** (3451 Walnut Street, Philadelphia, PA 19104) on March 20, 2000, for operation of seven <10 MMBtu/hr heaters and furnaces and 44 emergency generators (Title V) in the City of Philadelphia, **Philadelphia County.**

**V95-013: Arbill Industries, Inc.** (2207 West Glenwood Avenue, Philadelphia, PA 19132) on April 25, 2000, for operation of an industrial laundry and petroleum based dry-cleaning facility. The facility's air emission sources include two 5.5 MMBtu/hr boilers, two heavy-duty petroleum solvent dry cleaning washers, 10 textile dryers with built-in condensers, three vacuum stills for petroleum solvent recovery and 26 hampers used to convey textiles (Title V) in the City of Philadelphia, **Philadelphia County.**

**Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**OP-46-0015: Occidental Chemical** (Armand Hammer Boulevard, Pottstown, PA 19464) on March 29, 2000, for Facility VOCs/NOx in Lower Pottsgrove Township, **Montgomery County**.

**OP-09-0022: Cleveland Steel Container Corp.** (350 Mill Street, Quakertown, PA 18951) on March 31, 2000, for fountain solution in Quakertown Borough, **Bucks County**.

**OP-09-0001A: Avery Dennison Corp.** (35 Penn Am Drive, Quakertown, PA 18951) on April 13, 2000, for Facility VOC/NOx RACT in Richland Township, **Bucks County**.

**OP-09-0013: Wheelabrator Falls, Inc.** (1201 New Ford Mill Road, Morrisville, PA 19067) on April 13, 2000, for Facility VOC in Falls Township, **Bucks County**.

**OP-09-0021: MRI Flexible Packaging** (122 Penns Trail, Newtown, PA 18940) on April 17, 2000, for Facility VOCs/NOx RACT in Newtown Township, **Bucks County**.

**OP-46-0024: McNeil Consumer Healthcare** (7050 Camp Hill Road, Fort Washington, PA 19428) on April 21, 2000, for Facility VOCs/NOx RACT in Whitemarsh Township, **Montgomery County**.

**OP-09-0022: Cleveland Steel Container Corp.** (350 Mill Street, Quakertown, PA 18951) on March 24, 2000, for fountain solution in Quakertown Borough, **Bucks County**.

**OP-46-0035: SmithKline Beecham Pharmaceuticals** (709 Swedeland Road, King of Prussia, PA 19406) on March 24, 2000, for two emergency generators in Upper Merion Township, **Montgomery County**.

**OP-46-0050: Rohm & Haas DVI** (727 Norristown Road, Spring House, PA 19477) on February 23, 2000, for Synthetic Minor NOx Facility in Lower Gwynedd Township, **Montgomery County**.

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

**AR-32-059: Conemaugh Owners Group** (1001 Broad Street, Johnstown, PA 15907) reissued on March 20, 2000, to incorporate a change of owner/operator for a Phase II Acid Rain Permit at the Conemaugh Station in West Wheatfield Township, **Indiana County**.

**AR-63-014: Orion Power MidWest, L.P.** (P. O. Box 87, Pittsburgh, PA 15219) reissued on April 21, 2000, to incorporate a change of ownership from Duquesne Light to Orion by administrative amendment at the Elrama Station in Union Township, **Washington County**.

**AR-03-027: Keystone Owners Group** (1001 Broad Street, Johnstown, PA 15907) reissued on March 20, 2000, to incorporate a change of owner/operator for a Phase II Acid Rain Permit at the Keystone Station in Plumcreek Township, **Armstrong County**.

**OP-63-000-014: Orion Power MidWest, L.P.** (P. O. Box 87, Pittsburgh, PA 15219) reissued on April 24, 2000, to incorporate a change of ownership from Duquesne Light to Orion by administrative amendment of a RACT Operating Permit for the Elrama Station in Union Township, **Washington County**.

## PLAN APPROVALS

**Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**08-318-027A: Mill's Pride—Pennsylvania** (P. O. Box 158, Sayre, PA 18840) on April 25, 2000, to correct an error made by the Department of Environmental Protection in an April 13, 2000, plan approval issuance with respect to a facility-wide volatile organic compound emission limitation in Athens Township, **Bradford County**. The incorrect 29.79 ton per 12 consecutive month limitation has been amended to 32.9 tons per 12 consecutive month period.

**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-15-0055: Highway Materials, Inc.** (850 Quarry Road, Downingtown, PA 19335) on March 6, 2000, for operation of a baghouse in East Caln Township, **Chester County**.

**PA-09-0063A: New Hope Crushed Stone Co.** (6970 Phillips Mill Road, New Hope, PA 18938) on March 10, 2000, for operation of a stone crushing plant in Solebury Township, **Bucks County**.

**PA-23-0001N: Sunoco, Inc. (R&M)** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on March 15, 2000, for operation of Boiler 9 in Marcus Hook Borough, **Delaware County**.

**PA-23-0006C: Foamex L.P.** (1500 East Second Street, Eddystone, PA 19022) on March 15, 2000, for operation of a thermal reticulation unit in Eddystone Borough, **Delaware County**.

**PA-46-0081B: Markel Corp.** (416 School Lane, Norristown, PA 19404) on March 15, 2000, for operation of two horizontal extruders in Plymouth Township, **Montgomery County**.

**PA-46-0041: Jefferson Smurfit Corp. (US)** (1035 Longford Road, Phoenixville, PA 19460) on March 15, 2000, for operation of a nonheatset lithographic press in Upper Providence Township, **Montgomery County**.

**PA-15-0101: Kendal-Crosslands Communities** (4109 East Baltimore Pike, Kennett Square, PA 19348) on March 15, 2000, for operation of a diesel generator in Kennett Township, **Chester County**.

**PA-15-0100: Kendal-Crosslands Communities** (1660 East Street Road, Kennett Square, PA 19348) on March 15, 2000, for operation of a diesel generator in Pennsbury Township, **Chester County**.

**PA-46-0015A: Occidental Chemical Corp.** (375 Armand Hammer Boulevard, Pottstown, PA 19464) on March 29, 2000, for operation of Process Line 6 in Lower Pottsgrove Township, **Montgomery County**.

**PA-09-0087A: Air Products & Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on March 29, 2000, for operation of an ammonia scrubber in Falls Township, **Bucks County**.

**PA-46-0123: Wesco Industrial Products, Inc.** (1250 Welsh Road, Lansdale, PA 19446) on March 29, 2000, for operation of spray paint booths in Montgomery Township, **Montgomery County**.

**PA-23-0001L: Sunoco Inc.** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on April 5, 2000, for operation of two racing fuel storage tanks in Marcus Hook Borough, **Delaware County**.

**PA-23-0001M: Sunoco, Inc.** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on April 7, 2000, for operation of a CO Boiler in Marcus Hook Borough, **Delaware County**.

**PA-15-0029B: Dopaco, Inc.** (241 Woodbine Road, Downingtown, PA 19335) on April 12, 2000, for operation of a packaging rotogravure printing press in Downingtown Borough, **Chester County**.

**PA-09-0112A: Superior Woodcraft, Inc.** (160 North Hamilton Street, Doylestown, PA 18901) on April 12, 2000, for operation of floor type spray booths in Doylestown Borough, **Bucks County**.

**PA-46-0036B: Ford Electronics & Refrigeration, LLC** (2750 Morris Road, Lansdale, PA 19446) on April 14, 2000, for operation of a selective soldering machine in Worcester Township, **Montgomery County**.

**PA-09-0105A: Naceville Materials** (Springfield Street and Route 209, Coopersburg, PA 19474) on April 19, 2000, for operation of an asphalt batch plant in Springfield Township, **Bucks County**.

**PA-09-0037C: CMS Gilbreth Packaging Systems** (3001 State Road, Croydon, PA 19021) on April 27, 2000, for operation of five graphic art presses in Bristol Township, **Bucks County**.

**PA-15-0095: Longwood Gardens, Inc.** (401 East Street Road, Kennett Square, PA 19348) on April 27, 2000, for operation of two 800 KW diesel generators in East Marlborough Township, **Chester County**.

**PA-09-0090: Messer Griesheim Industries, Inc.** (One Steel Road East, Morrisville, PA 19067) on May 1, 2000, for operation of residual cylinder gases in Bristol Township, **Bucks County**.

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

**67-317-033C: Starbucks Coffee Co.** (3000 Espresso Way, York, PA 17402) on March 30, 2000, for installation of a coffee roaster controlled by a cyclone and catalytic afterburner in East Manchester Township, **York County**.

**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**PA-46-0020: Superior Tube Co.** (3900 Germantown Pike, Collegeville, PA 19426) on March 7, 2000, for operation of three fabric filters and one rotocloner in Lower Providence Township, **Montgomery County**.

**46-327-018: Superior Tube Co.** (3900 Germantown Pike, Collegeville, PA 19426) on March 7, 2000, for operation of a new vapor degreaser in Lower Providence Township, **Montgomery County**.

**PA-46-0176: A. Talone, Inc.** (318 West Lancaster Avenue, Ardmore, PA 19003) on March 10, 2000, for operation of a solvent recovery dryer in Lower Merion Township, **Montgomery County**.

**PA-23-0067: Alloy Surfaces Co., Inc.** (121 North Commerce Drive, Aston, PA 19014) on March 10, 2000, for operation of a caustic metal treatment process in Chester Township, **Delaware County**.

**PA-09-0024A: Waste Management of PA, Inc.** (200 Bordentown Road, Tullytown, PA 19007) on March 10, 2000, for operation of a permitted landfill in Tullytown Borough, **Bucks County**.

**09-313-074B: Air Products & Chemicals, Inc.** (351 Philadelphia Ave., Morrisville, PA 19067) on March 15, 2000, for operation of a specialty gas plant in Falls Township, **Bucks County**.

**PA-15-0015A: Sartomer Co., Inc.** (610 South Bolmar Street, West Chester, PA 19382) on March 16, 2000, for operation of an emergency generator in West Chester Borough, **Chester County**.

**09-399-032: Liquid Transporters, Inc.** (2910 River Road, Croydon, PA 19021) on March 17, 2000, for operation of a cargo tank washing process in Bristol Township, **Bucks County**.

**PA-09-0057: Ametek Inc., U. S. Gauge Division** (900 Clymer Avenue, Sellersville, PA 18960) on March 21, 2000, for operation of a degreaser in Sellersville Borough, **Bucks County**.

**PA-09-0019: Miller & Son Paving** (887 Mill Creek Road, Rushland, PA 18956) on March 21, 2000, for operation of a batch asphalt plant in Wrightstown Township, **Bucks County**.

**PA-09-0046A: RJM Manufacturing, Inc.** (250 Canal Road, Fairless Hills, PA 19030) on March 23, 2000, for operation of Surface Coater Line 3 in Falls Township, **Bucks County**.

**PA-09-0046: RJM Manufacturing, Inc.** (250 Canal Road, Fairless Hills, PA 19030) on March 27, 2000, for operation of a rotogravure and flexographic operations in Falls Township, **Bucks County**.

**PA-15-0016B: Worthington Steel Co.** (45 N. Morehall Road, Malvern, PA 19355) on March 31, 2000, for operation of a coil coating line in East Whiteland Township, **Chester County**.

**23-312-172C: Epsilon Products Co.** (Post Road and Blueball Avenue, Marcus Hook, PA 19061) on April 5, 2000, for operation of storage bin vents in Marcus Hook Borough, **Delaware County**.

**PA-15-0021: Glasgow, Inc.** (660 Morehall Road, Frazer, PA 19335) on April 5, 2000, for operation of an asphalt plant and quarry in East Whiteland Township, **Chester County**.

**PA-46-0043: Glasgow, Inc.** (Conshohocken Road, Conshohocken, PA 19428) on April 5, 2000, for operation of an asphalt plant and quarry in Plymouth Township, **Montgomery County**.

**09-320-049: Fres-Co Systems USA, Inc.** (3005 State Road, Telford, PA 18969) on April 13, 2000, for operation of a flexographic press in West Rockhill Township, **Bucks County**.

**09-313-074B: Air Products & Chemicals, Inc.** (351 Philadelphia Ave., Morrisville, PA 19067) on April 27, 2000, for operation of a specialty gas plant in Falls Township, **Bucks County**.

**PA-46-0025E: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on April 27, 2000, for operation of additional process equipment in Upper Merion Township, **Montgomery County**.

**PA-09-0013: Wheelabrator Falls, Inc.** (1201 New Ford Mill Road, Morrisville, PA 19067) on April 27, 2000, for operation of a municipal waste incinerator in Falls Township, **Bucks County**.

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

**22-03028: Linda Corson** (785 Route 22-322, Dauphin, PA 17018) on January 27, 2000, to authorize temporary operation of a cremator controlled by an afterburner, covered under this Plan Approval until May 26, 2000, in Middle Paxton Township, **Dauphin County**.

**67-05070A: Graham Packaging Co., L.P.** (420-B Emig Road, York, PA 17402) on April 29, 2000, to authorize temporary operation of a barrier bottle production line, covered under this Plan Approval until August 27, 2000, in Manchester Township, **York County**.

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

**18-313-019E: Croda, Inc.** (P. O. Box 178, Mill Hall, PA 17751-0178) on April 24, 2000, to extend authorization to operate process equipment (super refined oils process) on a temporary basis until August 22, 2000, in Bald Eagle Township, **Clinton County** as well as to extend the deadline for the performance of stack testing on a portion of the process equipment until June 30, 2000.

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

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

**PA-63-014B: Orion Power MidWest, LPO** (P. O. Box 87, Pittsburgh, PA 15219) on April 28, 2000, to transfer the plan approval from Duquesne Light Co. to Orion by administrative amendment at the Elrama Station in Union Township, **Washington County**.

**PA-04-699A: N.G.C. Industries, Inc., Shippingport Plant** (2001 Rexford Road, Charlotte, NC 28211) on April 24, 2000, to transfer the plan approval from National Gypsum Corp. to N.G.C. for a wallboard plant in Shippingport Borough, **Beaver 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).

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

#### *Coal Permits Issued*

**54663010R3. Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite mine operation in Mahanoy Township, **Schuylkill County** affecting 173.0 acres, receiving stream—none. Renewal issued April 26, 2000.

**54783702R3. Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing/disposal operation in Norwegian and New Castle Township, **Schuylkill County** affecting 512.0 acres, receiving stream—West Branch Schuylkill River. Renewal issued April 26, 2000.

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

**63831302. Eighty Four Mining Co.** (R. D. 4, Box 425, Moundsville, WV 26041) to revise the permit for the Mine 84 in Somerset Township, **Washington County** to add 100 permit and subsidence control plan acres in South Strabane Township, no additional discharges. Permit issued April 19, 2000.

**56961303. Svonavec, Inc.** (140 West Union St., Somerset, PA 15501), to operate the Milford Mine in Milford Township, **Somerset County**, new mine, South Glade Creek. Permit issued April 20, 2000.

**03870701. T.J.S. Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to revise the permit for the T.J.S. Coal Refuse Disposal in Plumcreek Township, **Armstrong County** to revise an existing coal refuse disposal permit to add coal ash disposal, no additional discharges. Permit issued April 25, 2000.

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

**16900104. Aspen Minerals, Inc.** (P. O. Box 269, Shippenville, PA 16254). Renewal of an existing bituminous strip and tippel refuse disposal operation in Redbank Township, **Clarion County** affecting 57.0 acres. This renewal is issued for reclamation only. Receiving streams: Leisure Run and unnamed tributaries to Town Run. Application received: February 4, 2000. Permit Issued: April 21, 2000.

**10813005. Lucas Coal Company, Inc.** (c/o Beazer East, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219). Renewal of an existing bituminous strip and tippel refuse disposal operation in Washington Township, **Butler County** affecting 222.5 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries to Slippery Rock Creek. Application received: January 31, 2000. Permit issued: April 25, 2000.

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

**17840107. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Greenwood and Ferguson Townships, **Clearfield County** affecting 579 acres. Receiving streams: West Branch Susquehanna River; and unnamed tributaries of Watts Creek to Watts Creek; Watts Creek; Watts Creek to Little Clearfield Creek; Little Clearfield Creek to Clearfield Creek; Clearfield Creek to West

Branch Susquehanna River. Application received January 20, 2000. Permit issued April 26, 2000.

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

**02880102R. William J. Kisow** (87 South Petrie Road, Coraopolis, PA 15108). Renewal issued for continued operation and reclamation of a bituminous surface mine located in Kennedy and Robinson Townships, **Allegheny County**, affecting 116.1 acres. Receiving streams: unnamed tributary to Chartiers Creek to Chartiers Creek to Ohio River. Application received: December 16, 1999. Renewal issued: April 24, 2000.

**03783046R. C. H. Snyder Company** (P. O. Box 1022, Kittanning, PA 16201). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in Washington Township, **Armstrong County**, affecting 1,214 acres. Receiving streams: Huling Run, Glade Run and Limestone Run to the Allegheny River. Application received: January 13, 2000. Renewal issued: April 25, 2000.

**26703078R. Purco Coal, Inc.** (P. O. Box 22, VanVoorhis Lane, Monongahela, PA 15063). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in Saltlick Township, **Fayette County**, affecting 198 acres. Receiving streams: unnamed tributary to Newmeyer Run. Application received: December 30, 1999. Renewal issued: April 25, 2000.

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

**11950201, Permit Renewal for reclamation, only, Ridge Energy Company** (R. D. 2, Box 429, Clymer, PA 15728), for continued restoration of a bituminous surface mine in West Carroll Township, **Cambria County**, affecting 18.0 acres, receiving stream unnamed tributary to West Branch Susquehanna River and West Branch Susquehanna River, application received April 18, 2000, issued April 24, 2000.

**56970101, Permit Revision, Marquise Mining Corporation** (3889 Menoher Boulevard, Johnstown, PA 15905), a road variance within 100' of the right-of-way of Township Road T-527 in Somerset Township, **Somerset County**, affecting 88.0 acres, receiving stream unnamed tributaries to the East Branch Coxes Creek, application received October 12, 1999, issued April 26, 2000.

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

*Small Industrial Minerals Applications Issued:*

**29000801. John L. Hendershot** (844 Oakleaf Road, McConnellsburg, PA 17233), in Ayr Township, **Fulton County**, affecting 1 acre, receiving stream Kendall Run, application received March 27, 2000, issued April 28, 2000.

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

*Small Noncoal (Industrial Mineral) Permits Issued*

**64002801. Wayco, Inc.** (P. O. Box Y, Waymart, PA 18472), commencement, operation and restoration of a quarry operation in South Canaan Township, **Wayne County** affecting 5.0 acres, receiving stream—none. Permit issued April 25, 2000.

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

*Coal Applications Withdrawn:*

**11793025, Permit Revision, E. P. Bender Coal Company** (Main and Lehmer Streets, P. O. Box 594, Carrolltown, PA 15722), to apply biosolids (stabilized sewage sludge) to enhance vegetation on a bituminous strip mine in Dean Township, **Cambria County**, affecting 400.0 acres, receiving stream unnamed tributary to Brubaker Run, application received October 20, 1999, application withdrawn April 24, 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 rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) 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.*

**E09-776.** Encroachment Permit. **Peter Bennett**, 2425 Knecht's Bridge Road, Riegelsville, PA 18077. To operate and maintain a 7-foot by 18-foot pedestrian bridge across an unnamed tributary to Cooks Creek (EV). This site is

located approximately 7,000 feet south of the intersection of Main Street (Route 212) and Harrow Road (Route 412) at the Bennett residence (Hellertown, PA Quadrangle N: 6.6 inches; W: 2.8 inches) in Springfield Township, **Bucks County**.

**E46-838.** Encroachment Permit. **Lapio Partners**, 104 Mill Road, Sellersville, PA 18960.

To perform the following activities associated with the proposed Abrams Mill Road extension and the proposed Glenn Rose Residential Subdivision.

1. To construct, operate and maintain a road crossing of an unnamed tributary of the Schuylkill River (WWF-MF) and 0.47 acre of adjacent wetlands (PFO). The structure includes 120 linear feet of 43-inch by 68-inch HERCP stream enclosure with concrete endwalls, riprap energy dissipater at the downstream end and placement of fill in the roadway approaches to the culvert.

2. To excavate within the 100-year floodway of an unnamed tributary of the Schuylkill River.

The proposed work is located 1,000 feet north of the junction of Beidler Road (S. R. 3029) and Saratoga Road (Valley Forge, PA Quadrangle N: 20.5 inches; W: 1.9 inches) in Upper Merion Township, **Montgomery County**. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

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

**EA48-002NE.** Encroachment. **Wind Gap Borough**, 29 Mechanic Street, Wind Gap, PA 18091-1320. To remove the following water obstructions and encroachments from tributaries to Little Bushkill Creek (HQ-CWF) which are associated with the Wind Gap Borough Storm Drainage Improvement and Stream Restoration project: (1) the remains of a bridge and fill material that were once part of the extension of Second Street (Wind Gap, PA Quadrangle N: 16.6 inches; W: 6.8 inches); (2) a building, bridge and a 115 L.F. section of structurally unstable 4-foot × 8-foot concrete box culvert (Wind Gap, PA Quadrangle N: 17.1 inches; W: 6.0 inches); and (3) approximately 340 L.F. of 18-inch diameter C.I.P. (Wind Gap, PA Quadrangle N: 16.2 inches; W: 5.7 inches) in Wind Gap Borough, **Northampton County** (Philadelphia District, 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.*

**E50-199.** Encroachment. **Henry Holman**, 3E Suzanna Drive, Duncannon, PA 17020. To construct and maintain a 6-foot × 12-foot box culvert in the channel of Cove Creek (CWF) at a point approximately 8,000 feet upstream of its mouth for the purpose of constructing a driveway (Wertsville, PA Quadrangle N: 19.9 inches; W: 6.25 inches) in Penn Township, **Perry County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E18-295.** Encroachment. **Rosalind Rebarchak**, 120 Hill Street, Lock Haven, PA 17745. Construct and maintain a 20 foot by 40 foot open sided, roofed picnic pavilion in addition to a 20 foot by 40 foot concrete floor located along the West Branch of the Susquehanna River (Lock Haven, PA Quadrangle N: 4.25 inches; W: 11.9 inches) in Woodward Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

**E49-225.** Encroachment. **Daniel and Nannie Stoltzfus**, 239 Gearhart Road, Turbotville, PA 17772-9524. To 1) remove an existing twin culvert crossing, 2) to construct and maintain a corrugated pipe arch having a 16-foot span and a 7-foot rise with associated slotted concrete footings and R-4 riprap in the County Line Branch of Chillisquaque Creek located 1,700 feet south of the intersection of SR 4008 and SR 1010 for business/residential purposes (Hughesville, PA Quadrangle N: 1.26 inches; W: 15.1 inches) in Lewis Township, **Northumberland County** and Anthony Township, **Montour County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-387.** Encroachment. **Tioga County Human Services Agency**, P. O. Box 766, Wellsboro, PA 16901. To construct and maintain a 6-foot wide pedestrian bridge that has a maximum underclearance of 7 feet and a 55-foot clear span across an unnamed tributary to Charleston Creek located (Antrim, PA Quadrangle N: 20.7 inches; W: 2.8 inches) in Charleston Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E10-186.** Encroachment. **Washington Homes, Inc.**, 2500 Baldwick Road, Suite 285, Pittsburgh, PA 15205. To place and maintain fill along a total of 650 lineal feet of a tributary to Brush Creek to provide a 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**.

## STORAGE TANKS

### SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permit under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and 25 Pa. Code Chapter 245, Subchapter C has been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.



<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
00-02-009	Charles Kurtz American Port Services 90 Moonachie Avenue Tereboro, NJ 07608	Allegheny County Moon Township	4 ASTs storing Jet A Fuel 40,000 gallons each 1 AST storing Aviation Gasoline 12,000 gallons 1 AST storing Motor Gasoline 2,000 gallons 1 AST storing Diesel Fuel 2,000 gallons

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### SPECIAL NOTICES

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#### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2000 the Department of Environmental Protection (Department) under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Stephen Asbath, Jr.	2260 Black River Road Bethlehem, PA 18015	Mitigation
Miriam Bagel	1850 Hamstead Road Huntingdon Valley, PA 19006	Testing
Thomas d'Arcy Radon Testing Systems	P. O. Box 243 Newtown, PA 18940	Testing
E. David DeMar D.A.R.T. Mitigation Systems DeMar Associates Testing Services	611 Ridge Road Sellersville, PA 18960	Mitigation Testing
Randon Ferguson	15952 Route 322, Suite 3 Clarion, PA 16214	Testing Mitigation
Richard Finn	6 Glendale Drive Mountain Top, PA 18707	Testing
Ronald Graves AmeriSpec—Wayne	303 West Lancaster Avenue, Suite 247 Wayne, PA 19087	Testing
Leonard Kelsey Radon Specialists, Inc.	800 Sunset Lane Stroudsburg, PA 18360	Mitigation
Eric Levine	5485 Music Center Drive East Stroudsburg, PA 18301	Mitigation
G. Richard Lininger, Jr.	122 Madison Avenue Waynesboro, PA 17268	Mitigation
Deborah Mancini-Wilson Safeguard Home Insp. Svcs., Inc.	2527 Brandt School Road Wexford, PA 15090	Testing
Leonard Mathison RadonMaster, LLC	110 Fulton Drive Valencia, PA 16059	Mitigation
Cristopher Murphy World Inspection Network	4101 Benden Circle Murrysville, PA 15668	Testing
Robert Pollock Radon Environ. Monitoring, Inc.	3334 Commercial Avenue Northbrook, IL 60062	Laboratory
Lisa Roddis AmeriSpec Home Insp. Service	4571 Kirkwood Highway, Suite 217 Wilmington, DE 19808	Testing
Larry Schooley	524 Concord Church Road Beaver Falls, PA 15010	Testing
Bradford Whitely	516 Broad Street Montoursville, PA 17754	Testing
Calvin Zehring, Jr.	1700 Riverside Drive South Williamsport, PA 17702	Testing

[Pa.B. Doc. No. 00-801. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Biosolids Technical Workgroup; Cancellation of Meeting

Due to lack of agenda items, the Biosolids Technical Workgroup's May 11, 2000, meeting has been cancelled. The workgroup's next scheduled meeting will be held on July 20, 2000, at 9:30 a.m. in Susquehanna Conference Room B of the Department of Environmental Protection's Southcentral Regional Office in Harrisburg.

For further information, contact Jay Africa at (717) 787-8184.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-802. Filed for public inspection May 12, 2000, 9:00 a.m.]

### State Water Plan Watersheds Projected for Assessment in 2000

In 1997, the Department of Environmental Protection (Department) initiated a new water quality monitoring program known as the Unassessed Waters (UW) Program. The UW program was developed to: 1) conduct a systematic and complete Statewide assessment of this Commonwealth's surface waters; 2) delineate stream segments that are impaired; and 3) locate, identify and evaluate the extent and impacts from point and nonpoint source discharges.

This Commonwealth has approximately 83,161 stream miles within its boundaries distributed among 104 State Water Plan management units. Water quality assessments of the management units are based on biological stream surveys conducted by biologists from the Department, Fish and Boat Commission, Susquehanna River Basin Commission and Interstate Commission on the Potomac River Basin. Water quality status reports (305(b) Report and 303(d) List of Impaired Waters) summarizing the data are periodically submitted to Environmental Protection Agency (EPA).

Since its inception, the UW program has generated significant interest among other State and Federal agencies, commercial and industrial sectors and public interest groups. After 3 years, assessments in 59 watersheds totaling 35,576 stream miles (43%) have been completed. Maps showing watersheds where surveys have been completed, partially completed, and proposed for assessment during the 2000 season are now available. Maps and a list of watersheds to be assessed in 2000 may be obtained by contacting Mary Houghton at (717) 787-9637. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Any questions about the UW Program or proposed 2000 assessments may be sent to Tony Shaw, Division of Water Quality Assessment & Standards, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555 or by calling (717) 787-9637. Information about the UW Program and proposed 2000 assessments is also available electronically through the Department's website (<http://www.dep.state.pa.us>) (Then

select "Subjects"; "Water Management"; Water Quality Assessment and Standards").

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-803. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Stream Redesignation Evaluations; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to public notice of receipt of evaluation or assessment of waters for High Quality (HQ) or Exceptional Value (EV) Waters redesignation) the Department of Environmental Protection (Department) hereby gives notice that evaluations of all or portions of the streams listed are being conducted. Persons who have technical data concerning the water quality, instream habitat or biological condition of these waters are encouraged to make it available to the Department for consideration in the assessments. These assessments may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Robert F. Frey, Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, E-mail [frey.robert@dep.state.pa.us](mailto:frey.robert@dep.state.pa.us). Data should be submitted no later than June 13, 2000. Questions concerning these evaluations can be directed to Robert Frey at (717) 787-9637.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Frya Run (locally Frys Run)	Northampton	Delaware River
Pine Creek	Warren, Venango, Crawford, Forest	Oil Creek

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Robert Frey directly at (717) 787-9637 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. 00-804. Filed for public inspection May 12, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Children's Hospital of Philadelphia has requested an exception to the following sections of the Department's ambulatory surgical facility regulations: §§ 553.1—553.4 (relating to governing body), §§ 555.1—555.3 (relating to medical staff), §§ 557.1—557.4 (relating to quality assurance and improvement) and §§ 563.1—563.13 (relating to medical records).

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

Those persons who wish to comment on this exception request may do so by sending a letter by mail, E-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact the Director, Division of Acute and Ambulatory Care at (717) 783-3890 V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-805. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Application of NorthernLitho, Incorporated Lithotripsy Service for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that NorthernLitho, Incorporated Lithotripsy Service has requested an exception to the requirements of § 51.24 which requires that lithotripsy services shall be provided only in a hospital or ambulatory surgical facility authorized to provide anesthesia services under its license.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: mvia@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and the previous address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or

the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-806. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Division of Emergency Medical Services Systems; Approved Drugs, Medications and Solutions

Under 28 Pa. Code §§ 1005.11(b) and 1007.7(c) (relating to medication, use, control and security; licensure requirements), the following drugs, medications and solutions are approved for use by advanced life support (ALS) ambulance services and may be administered by EMT-paramedics, prehospital registered nurses and health professional physicians under medical command or Department of Health (Department) approved medical treatment protocols:

1. Adenosine
2. Albuterol
3. Amiodarone
4. Aminophylline
5. Aspirin
6. Atropine Sulfate
7. Benzocaine or Benzocaine/Tetracaine (for topical use only)
8. Bretylium
9. Calcium Chloride
10. Dexamethasone Sodium Phosphate
11. Diazepam
12. Diltiazem
13. Diphenhydramine HCL
14. Dobutamine
15. Dopamine
16. Epinephrine HCL
17. Furosemide
18. Glucagon
19. Heparin Intravenous (Drip) (for interfacility transports, only)
20. Heparin Lock Flush
21. Hydrocortisone Sodium Succinate
22. IIB/IIIA Inhibitors (for interfacility transports only)
  - (a) Abciximab (Reopro)
  - (b) Eptifibatide (Integrelin)
  - (c) Tirofiban (Aggristat)
23. Intravenous Electrolyte Solutions
  - (a) Dextrose
  - (b) Lactated Ringer's
  - (c) Sodium Chloride
  - (d) Normosol
24. Isoproterenol HCL
25. Lidocaine HCL
26. Magnesium Sulfate
27. Meperidine
28. Metaproterenol
29. Midazolam
30. Morphine Sulfate
31. Naloxone HCL
32. Nitroglycerin Intravenous (Drip) (for interfacility transports, only)
33. Nitroglycerin Ointment
34. Nitroglycerin Spray
35. Nitroglycerin Sublingual Tablets
36. Nitrous Oxide
37. Oxytocin

- 38. Procainamide
- 39. Sodium Bicarbonate
- 40. Sterile Water for Injection
- 41. Terbutaline
- 42. Verapamil

An air ALS ambulance service may use drugs, medications and solutions in addition to those identified in the list upon securing the written approval of the Department in accordance with § 1001.4 (relating to exceptions).

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, braille) should contact Caroline L. Bowes, R.N., at the Department of Health, Emergency Medical Services Office, Room 912, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740 or telephone V/TT: (717) 783-6154 for speech or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-807. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established by section 8 of the Act of December 1, 1994 (P. L. 655, No. 102), will hold a public meeting on June 7, 2000 from 10 a.m. to 2 p.m. The meeting will be held in Room 812 of the Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information contact William J. Neil, Manager, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention or Angela H. Anderson, Clerk Typist II, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, 1000 Health and Welfare Building, Harrisburg, PA, at (717) 787-5900.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact William J. Neil or Angela H. Anderson at (717) 787-5900. Call 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, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-808. Filed for public inspection May 12, 2000, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding

#### Montgomery County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to widen 14.2 kilometers (8.8 miles) of existing US Route 202 between Johnson Highway and PA 309 in E. Norriton, Whitpain, Lower Gwynedd, Upper Gwynedd and Montgomery Townships, Montgomery County. The capacity and operational efficiency of major intersections along US 202 will also be improved. As a Congestion Management Systems (CMS) commitment, a 1.5m (5.0 ft) bike lane in each direction adjacent to the curb is included as well as a 1.5 m (5.0 ft) sidewalk. This project will require the acquisition of right-of-way from the land of contributing elements to the Grand View Heights Historic District, the Washington Square Historic District, the Center Square Historic District, and the Gwynedd Corners Historic District. Right-of-way will also be required from land of the Conard House and the Bigler House which are also historic resources. The effect of this project on these resources will be mitigated by the mitigation measures outlined in the Record of Decision and the Final Environmental Impact Statement/ Section 4(f) Evaluation Report that were prepared for this project.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the construction of this project.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-809. Filed for public inspection May 12, 2000, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Joseph Daniels v. DEP; EHB Doc. No. 99-238-MG

The Department of Environmental Protection (Department) and Joseph Daniels have agreed to settle the above-referenced matter. Joseph Daniels owns a parcel of land located at the intersection of Newport Lancaster Pike (PA Route 41) and Limestone Road (PA Route 10), West Fallowfield Township, Chester County (site). The site is the location of a former retail gasoline station and auto service center. The site includes an underground storage tank facility (facility). The facility consists of three 4,000 gallon and one 8,000 gallon gasoline underground storage tanks (USTs) which had been out of service from 1978 until they were removed in July 1990.

On October 28, 1999, the Department issued an order and civil penalty assessment which required that Joseph Daniels undertake the following activities at the site:

- (1) Conduct a complete site characterization.
- (2) Prepare and submit to the Department a remedial action plan.
- (3) Implement the remedial action plan according to the schedule contained therein.
- (4) Provide monthly status reports to the Department for activities at or associated with the facility.
- (5) Submit to the Department a copy of the closure report for the four gasoline underground storage tanks closed at the Facility on July 20, 1990.

(6) Submit to the Department information regarding contaminated soils removed from the underground storage tank excavations.

(7) Pay a civil penalty of \$58,000 to the Storage Tank Fund.

On or about November 24, 1999, Joseph Daniels filed the previously-referenced appeal to the Department's order and civil penalty assessment with the Environmental Hearing Board (Board).

On December 28, 1999, Joseph Daniels submitted to the Department a partial site characterization.

The parties have agreed to a settlement of the previously-referenced matter by way of a consent order and agreement, the major provisions of which require that Joseph Daniels do the following:

(1) Withdraw his appeal to the Department's order and civil penalty assessment.

(2) Submit to the Department a work plan identifying and describing the additional site characterization activities to be conducted.

(3) Conduct additional site characterization.

(4) Submit to the Department a supplemental site characterization report.

(5) Prepare, submit to the Department and implement a remedial action plan, if necessary.

(6) Submit to the Department a remedial action completion report or submit to the Department a report which documents the attainment of soil and groundwater with Act 2 cleanup standards.

(7) Continue to provide a status report for the activities conducted at the site on a monthly basis.

(8) Pay a civil penalty of \$28,072 to the Storage Tank Fund.

Copies of the full agreement are in the hands of: Mark L. Freed, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, Southeast Region, Lee Park, 555 North Lane, Suite 6015, Conshohocken, PA 19428, (610) 832-6300; Susan P. LeGros, LeGros Law Partners, Suite 275, 1000 Westlakes Drive, Berwyn, PA 19312, (610) 640-7350; and at the Board's office and may be reviewed by an interested party during normal business hours.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 00-810. Filed for public inspection May 12, 2000, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Cancellation of Meeting

The May 16, 2000, Environmental Quality Board (Board) meeting has been canceled. The next meeting of the Board is scheduled for June 20, 2000, at 10 a.m. in

Room 105 of the Rachel Carson State Office Building (RCSOB), Harrisburg.

JAMES M. SEIF,  
*Chairperson*

[Pa.B. Doc. No. 00-811. Filed for public inspection May 12, 2000, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, April 27, 2000, and took the following actions:

#### *Regulations Approved:*

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors #16A-693: Verification Fee (amends 49 Pa. Code § 47.4).

State Registration Board for Professional Engineers, Land Surveyors and Geologists #16A-477: Verification/Certification Fees (amends 49 Pa. Code § 37.17).

State Board of Veterinary Medicine #16A-578: Fees (amends 49 Pa. Code § 31.41).

State Board of Occupational Therapy, Education and Licensure #16A-672: Fees (amends 49 Pa. Code § 42.17).

State Board of Dentistry #16A-469: Verification/Certification Fees (amends 49 Pa. Code § 33.3).

Environmental Quality Board #7-339: Surface Coating Processes (RBI #4) (amends 25 Pa. Code Chapters 121, 129 and 139).

State Real Estate Commission #16A-566: Application Fees (amends 49 Pa. Code § 35.203).

State Board of Psychology #16A-633: Sexual Intimacies (49 Pa. Code Chapter 41).

*Commissioners Voting:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
April 27, 2000

*State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—Verification Fee; Regulation No. 16A-693*

### Order

On March 29, 1999, the Commission received this proposed regulation from the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors. This rulemaking amends 49 Pa. Code § 47.4. The authority for this regulation is section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. § 1918(c)). The proposed regulation was published in the April 10, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 27, 2000.

This regulation represents a cost allocation adjustment for two types of fees. It increases the fee for verification of licensure from \$10 to \$15. It creates a new fee of \$25 for certification of license, scores or hours.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-693 from the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, as submitted to the Commission on March 27, 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:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
April 27, 2000

*State Registration Board for Professional Engineers, Land Surveyors and Geologists—Verification/Certification Fees; Regulation No. 16A-477*

#### Order

On March 29, 1999, the Commission received this proposed regulation from the State Registration Board for Professional Engineers, Land Surveyors and Geologists. This rulemaking amends 49 Pa. Code § 37.17. The authority for this regulation is section 9(a) of the Engineer, Land Surveyor and Geologist Law (63 P. S. § 156(a)). The proposed regulation was published in the April 10, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 27, 2000.

This regulation creates two new fees. The fee for verification of license, registration or permit will be \$15. The fee for certification of license, registration, permit or scores will be \$25.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-477 from the State Registration Board for Professional Engineers, Land Surveyors and Geologists, as submitted to the Commission on March 27, 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:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
April 27, 2000

*State Board of Veterinary Medicine—Fees; Regulation No. 16A-578*

#### Order

On March 29, 1999, the Commission received this proposed regulation from the State Board of Veterinary Medicine. This rulemaking amends 49 Pa. Code § 31.41. The authority for this regulation is section 13 of the Veterinary Medicine Practice Act (63 P. S. § 485.13). The proposed regulation was published in the April 10, 1999

*Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 27, 2000.

This regulation represents a cost allocation adjustment for two types of fees. It increases the fee for verification of veterinarian licensure or animal health technician certification from \$10 to \$15. It creates a new fee of \$25 for certification of scores or hours for veterinarians and animal health technicians.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-578 from the State Board of Veterinary Medicine, as submitted to the Commission on March 27, 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:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
April 27, 2000

*State Board of Occupational Therapy, Education and Licensure—Fees; Regulation No. 16A-672*

#### Order

On March 29, 1999, the Commission received this proposed regulation from the State Board of Occupational Therapy, Education and Licensure. This rulemaking amends 49 Pa. Code § 42.17. The authority for this regulation is section 17(a) of the Occupational Therapy Practice Act (63 P. S. § 1517(a)). The proposed regulation was published in the April 10, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 27, 2000.

This regulation creates two new fees. The fee for verification of licensure will be \$15. The fee for certification of license, scores or hours will be \$25. These two fees apply to both occupational therapists and occupational therapy assistants.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-672 from the State Board of Occupational Therapy, Education and Licensure, as submitted to the Commission on March 27, 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:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
April 27, 2000

*State Board of Dentistry—Verification/Certification Fees; Regulation No. 16A-469*

#### Order

On March 29, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry. This rule-

making amends 49 Pa. Code § 33.3. The authority for this regulation is section 4(b) of the Dental Law (63 P. S. § 123(b)). The proposed regulation was published in the April 10, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 27, 2000.

This regulation represents a cost allocation adjustment for two types of fees. It increases the fee for verification of license, permit or registration from \$10 to \$15 for dentists, dental hygienists and expanded function dental assistants, respectively. The fee for certification of scores, permit or registration will be increased from \$15 to \$25.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-469 from the State Board of Dentistry, as submitted to the Commission on March 27, 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:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
April 27, 2000

*Environmental Quality Board—Surface Coating Processes (RBI #4); Regulation No. 7-339*

#### Order

On February 17, 1999, the Commission received this proposed regulation from the Environmental Quality Board. This rulemaking amends 25 Pa. Code Chapters 121, 129 and 139. The authority for this regulation is found in the Air Pollution Control Act (35 P. S. §§ 4001—4015). 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, but was subsequently withdrawn on February 8, 2000. It was revised and resubmitted on March 28, 2000.

This rulemaking amends existing procedures for determining compliance with volatile organic compound (VOC) emission limits for various surface-coating processes. It also establishes new presumptive reasonably available control technology requirements for wood furniture manufacturing facilities with actual or potential emissions of 25 tons or more of VOCs per year.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-339 from the Environmental Quality Board, as resubmitted to the Commission on March 28, 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:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
April 27, 2000

*State Real Estate Commission—Application Fees; Regulation No. 16A-566*

#### Order

On July 28, 1999, the Commission received this proposed regulation from the State Real Estate Commission (Commission). This rulemaking amends 49 Pa. Code § 35.203. The authority for this regulation is section 407(a) of the Real Estate Licensing and Registration Act (63 P. S. § 455.407(a)). The proposed regulation was published in the August 7, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 6, 2000.

The regulation revises 19 existing fees and adds two new fees. The Board estimates that 11,380 persons will avail themselves of one or more of the enumerated services over the next 2-year period. Total additional costs to the regulated community during that time span will be approximately \$397,255. Only those requesting the enumerated services will be affected.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-566 from the State Real Estate Commission, as submitted to the Commission on April 6, 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:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
April 27, 2000

*State Board of Psychology—Sexual Intimacies; Regulation No. 16A-633*

#### Order

On March 10, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Psychology. This rulemaking amends 49 Pa. Code Chapter 41. The authority for this regulation is section 3.2(2) of the Professional Psychologists Practice Act (63 P. S. § 1203.2(2)). The proposed regulation was published in the March 21, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 6, 2000.

This regulation defines sexual intimacies and establishes limits upon sexual intimacy between a psychologist and a former or current client/patient or their immediate family. The regulation also prohibits a psychologist from accepting any former sexual partner as a client/patient.

This regulation meets the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-633 from the State Board of Psychology, as submitted to the Commission on April 6, 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. 00-812. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

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-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-333A	Environmental Quality Board Stream Redesignations, Buck Hill Creek, et al.	5/2/00
7-333B	Environmental Quality Board Stream Redesignations, Trout Run, Westmoreland County	5/2/00
16A-548	State Board of Pharmacy Application Fees	5/3/00
16A-7010	State Board of Certified Real Es- tate Appraisers Qualifications of Certification	5/3/00

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-813. Filed for public inspection May 12, 2000, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Acquisition of Domestic Insurer; United National Insurance Company

The Insurance Department (Department) will hold a public informational hearing regarding the proposed acquisition of United National Insurance Company, a Pennsylvania domiciled stock casualty insurance company, by American Re Corporation. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). All interested persons are invited to attend and participate in the hearing.

1. *Location.* The hearing will be held in the Grand Ballroom of The Warwick Hotels & Towers, 1701 Locust Street, Philadelphia, PA 19103.

2. *Date and time.* The hearing will commence at 10 a.m. on Thursday, June 29, 2000. It is anticipated that the hearing will continue until 4 p.m. on June 29, 2000. If necessary, the hearing will also continue from 9 a.m. until 3 p.m. on Friday, June 30, 2000.

3. *Nature of Hearing.* The public informational hearing will provide an opportunity for interested persons to

present oral comments relevant to the proposed acquisition. The proceeding will be recorded and a transcript may be purchased directly from the court reporter.

4. *Legal Authority.* The public informational hearing will be held under section 1402(f)(2) of the Insurance Holding Companies Act (40 P. S. § 991.1402(f)(2)).

5. *ADA Notice.* If, due to a disability, persons require the assistance of auxiliary aids or services to participate in or attend this public informational hearing, call Tracey Pontius, Director of the Bureau of Administration, (717) 787-4298. Individuals with a hearing impairment should call the Department's TTD phone number (717) 783-3898.

6. *Written Comments.* Persons unable to attend the public informational hearing or who would prefer to submit written comments concerning the proposed acquisition, may do so by mailing or delivering a copy of the comment to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; Fax (717) 787-8557, or by using the Internet address of rbrackbi@ins.state.pa.us. Please be advised that all comments received will be part of the public record regarding this filing.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-814. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Agency Contract Termination of U. S. Casualty Corporation under Act 143; Travelers Property and Casualty; Doc. No. AT00-04-03819

A review is for review June 15, 2000 at 10 a.m., in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. A pre-review/settlement conference shall be conducted on June 1, 2000 at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

If an attorney or representative for a party attending the conference does not have complete settlement authority relative to this matter, the party or person(s) with full settlement authority shall be available by telephone during the conference. At the pre-review conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. No pre-review memoranda or other written submissions are required for the prehearing/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party.



Motion preliminary to those at pre-review/review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 26, 2000 with the Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Answer to petitions to intervene, if any shall be filed on or before May 26, 2000.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-815. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Capital Blue Cross; Basic Blue Cross Community-Rated Groups Rate Increase; Filing No. 00-B

By Filing No. 00-B, Capital Blue Cross has filed for review and approval adjusted rates for its Basic Blue Cross community-rated program. The requested increase for community-rated group subscribers is 11.2%. The increase is expected to produce additional annual income of \$9 million and will affect approximately 40,800 policyholders. An effective date of October 1, 2000 has been requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-816. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Capital Blue Cross; Community-Rated Group Prescription Drug Program; Filing No. 00-1

By Filing No. 00-1, Capital Blue Cross requests approval to adjust the rates for the Community-Rated Group Prescription Drug Program. The proposed average rate increase across all coverage options is 22%. This rate change will produce an estimated additional annual income of \$1.644 million and will affect approximately 14,800 subscribers. An effective date of October 1, 2000, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA

17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-817. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Delta Dental of Pennsylvania; Modified Usual, Customary and Reasonable (UCR) Fee Level; Increase for Mega Program

Delta Dental of Pennsylvania has filed for approval of an update to its usual, customary and reasonable fee levels for its mega program.

The fee level increase for the UCRs is 4%. The proposed updates will have an immediate impact of 4% in Delta's liability.

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

Interested parties are invited to submit written comments suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-818. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Pennsylvania Professional Liability Joint Underwriting Association

On May 1, 2000, the Insurance Department received from the Pennsylvania Professional Liability Joint Underwriting Association (JUA) a filing proposing the following:

- Increase base rates 16.4% for all health care providers, including base rates for individuals, hospitals and other facilities.
- Decrease the relativity for Non-Surgical Podiatrists by 14.1% to offset the 16.4% base rate increase.
- Increase rates for individuals, hospitals and other facilities by 8% (in addition to the 16.4% increase requested for base rates) to reflect increased claim limits which become effective January 1, 2001.
- Adjust rates for eight medical specialties.
- Utilize a rate discount for new Podiatrists.

Unless formal administrative action is taken prior to June 30, 2000, the subject filing may be deemed into use upon the requested effective date, January 1, 2001, by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Pennsylvania Insurance Department, Bureau of

Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, or by E-mail at [cromberg@ins.state.pa.us](mailto:cromberg@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. 00-819. Filed for public inspection May 12, 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). This administrative hearing 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 the Second Floor Hearing Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Michelle Zelko; file no. 00-181-02036; Allstate Insurance Company; doc. no. P00-04-039; May 31, 2000, at 2:30 p.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. 00-820. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. This administrative hearing will be held in the Insurance Department's Regional Office 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 Second Floor Hearing Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Dolores Brown; file no. 00-215-00589; Allstate Insurance Company; doc. no. PH00-04-041; May 31, 2000, at 10:30 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-821. Filed for public inspection May 12, 2000, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Letter-Petition of BlueStar Networks, Inc. for Waiver of Certain Tariff Requirements Pertaining to Voice-Grade Service; Doc. No.: A-310862, A-310862F0002, A-310862F0003, A-310862F0004**

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held  
March 30, 2000

## Interim Order

*By the Commission:*

Before the Pennsylvania Public Utility Commission (Commission) for disposition is a Letter-Petition of BlueStar Networks, Inc. (BlueStar), filed on June 15, 1999, for waiver of certain tariff requirements to become certified as a Competitive Local Exchange Carrier (CLEC) in this Commonwealth. BlueStar's Letter-Petition was filed in conjunction with the filing of an application seeking authority to provide telecommunication services as a Reseller of Toll Services, Facilities-based Interexchange Carrier (IXC), and as a Competitive Access Provider (CAP) to residential and business customers in this Commonwealth. The Letter-Petition pertains only to the applicant's request for CLEC authority at Docket No. A-310862F0002.

BlueStar seeks waiver of the following requirements of the Commission for furnishing CLEC local telecommunication services in this Commonwealth:

(1) *Lifeline Services Plan & Link-up America:* Requires carriers to provide Lifeline Services by offering reduced end-user charges for low-income customers for basic local telephone services. The Link-up America program provides 50% off the regular one-time charge to connect a phone line. See Universal Services Investigation Order at Docket No. I-00940035 entered January 31, 1997.

(2) *Pennsylvania Telephone Relay Service:* Requires carriers to provide relay telecommunications services for persons with hearing and/or speech disabilities in this Commonwealth. This service permits telephone communications between persons with hearing and/or speech disabilities who must use a Text Telephone and individuals with normal hearing and speech as provided in the tariff filed by AT&T Communications of Pennsylvania, Inc. Carriers are required to collect a surcharge based on the number of access lines. See Pennsylvania Telecommunications Relay Service Order at Docket No. M-00900239 entered May 29, 1990.

(3) *911—Emergency Services:* Requires carriers to provide a toll-free 9-1-1 number for any individual within this Commonwealth to gain rapid, direct access to emergency aid in accordance with the Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021).

(4) *Caller ID & Caller ID Deluxe Blocking Services:* Requires carriers to provide Caller ID Blocking Service to customers for their safety and privacy. Caller ID Blocking service on a per call basis is to be offered free of charge, and on a per line basis provided free of charge for the first instance, and subsequent request for change by the customer may be charged a fee on a nonrecurring basis.

The Company must adhere to the requirements of 66 Pa.C.S. § 2906(f). See also Bell Atlantic Order at Docket No. R-00943025 entered June 16, 1994.

(5) *IntraLATA Presubscription Plan:* Requires carriers to provide its subscribers the ability to presubscribe to the carrier of their choice for both interLATA and intraLATA services, in accordance with Commission Order for approval of IntraLATA Presubscription Plans at Docket No. I-00940034 entered October 3, 1997.

(6) *Call Blocking 900/976 and Toll Denial Services* for new customers and for the usage in the first instance should be offered free of charge. The customers are to be informed of this provision at the time of their initial sign up. See 52 Pa. Code § 64.191.

In its petition, BlueStar states that it is seeking to provide only data services to the residential and business market at this time and does not intend to offer voice services. In the event BlueStar would desire to provide other services in the future as part of its competitive local exchange offering, it will file appropriate additions to its tariff to include all the requirements of the Commission for CLEC authority in relation to voice services. In particular, BlueStar will include E-911 services at that time.

Applicant will provide Internet-protocol based telecommunications services using digital subscriber line (DSL) technology, which will allow for high-speed Internet access and other high-bandwidth data transfer applications not available through current integrated services digital network (ISDN) cable modems, or T-carrier one signal (T1) technology. DSL proposes to give a customer up to 8 million bits per second one way, downstream to the customer and somewhat fewer bits per second upstream to carry multiple forms of data, digital, audio and video to be carried over twisted-pair copper wire on the local loop between a network service provider's central office and the customer site. DSL services can be supported on ordinary copper telephone lines.

At the customer site, the user will be provided by BlueStar with the following: (1) An asymmetric digital subscriber line (ADSL) modem (a comparable unit is located at BlueStar' point of presence in the Central Office), and (2) A plain old telephone service (POTS) splitter to separate voice and data transmissions. To provide service, BlueStar plans to position the digital subscriber line access multiplexer (DSLAM) co-located in the ILEC Central Office to terminate and aggregate incoming ADSL lines and redirect voice traffic to the public switch telephone network (PSTN) and data to a high-speed digital line (DS3, OC-3, or OC-12) that connects back to the BlueStar Data center.

BlueStar further states that DSL service is different than traditional Internet Service Provider (ISP) service. BlueStar states that it wishes to provide enhanced services beyond the typical structure of a local ISP and to do this it requires access to unbundled network elements (UNE) extending to the customer site. BlueStar will aggregate those elements in the DSLAM unit and siphon off the data traffic that is synchronized with the DSLAM and send any voice traffic to the PSTN. Once the BlueStar customer turns on its computer, it immediately accesses the BlueStar network by the UNE, as compared to a traditional ISP that provides dial-up services to access their internal network.

BlueStar states it cannot provide voice-grade services because it is not locating a voice switch at the central office or providing equipment to the customer to provide

voice-grade telephone service through BlueStar. A BlueStar customer will need to subscribe to a separate local exchange carrier to obtain voice-grade service. BlueStar's network is completely based on Internet protocol technology (IP) and has no imbedded hardware for providing traditional voice switched services. All voice traffic is transparent to the BlueStar network and is routed to the Main Distributor Frame in the Central Office to the customer's chosen local carrier.

The Commission has pending several CLEC applications seeking to provide data-only service within this Commonwealth. Several of these applicants have requested that the Commission grant their applications without requiring them to meet certain tariff requirements pertaining to voice-grade telecommunications services. The applicants argue that because they are providing data-only service, they do not have the facilities or capability to provide the services required as a voice-grade service provider. In their opinion, it is too burdensome to meet these requirements for services that they cannot or will not be providing. The Commission has reviewed the applicants' position and concludes that BlueStar's Petition for waiver should be held in abeyance and comments should be solicited from the industry on the effect of waiving voice related requirements in CLEC applications.

Based upon the foregoing, the Commission is issuing this Interim Order holding BlueStar's Petition for waiver of certain voice related tariff requirements in abeyance. The Commission will solicit comments on the questions in Appendix A pertaining to issues surrounding the requested waiver. The Interim Order shall be published in the *Pennsylvania Bulletin* with comments due in 20 days and reply comments due within 10 days after the comment due date. After the staff reviews the comments, the Commission will issue a Final Order.

*Therefore, It Is Ordered That:*

1. The Petition for Waiver of the voice related tariff requirements for CLECs, filed by BlueStar Networks, Inc, on June 15, 1999, at Docket No. A-310862F0002 is hereby held in abeyance, consistent with this order.

2. The Commission hereby solicits comments on the petition for waiver.

3. The Secretary shall duly certify this order and Appendix A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for the purpose of collecting more public information through the solicitation of comments concerning the issue of data only CLECs.

4. Within 20 days of this order's publication in the *Pennsylvania Bulletin*, an original and 10 copies of any comments concerning this order and Appendix A should be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A separate copy of any comments should be served upon each Commissioner's office.

5. Reply comments shall be due 10 days after the comment due date.

6. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulator Coordinator, Law Bureau, (717) 772-4597.

7. A copy of this Interim Order and Appendix A shall be served upon The Pennsylvania Telephone Association, the Association for Local Telecommunications Services, all jurisdictional local exchange carriers, Office of Consumer

Advocate, Office of Small Business Advocate, Office of Attorney General, Office of Trial Staff, Office of Special Assistants and the Pennsylvania Emergency Management Agency.

8. The Commission will issue a Final Order after review of the parties comments.

9. The contact person is Leonard R. Peyton, Bureau of Fixed Utility Services, (717) 787-3665.

JAMES J. MCNULTY,  
*Secretary*

### Appendix A

BlueStar Networks, Inc. filed a Petition for Waiver of certain voice related tariff requirements for CLECs on June 15, 1999 at Docket No. A-31-862F0002. The Company's request has raised numerous issues which must be addressed before the Commission can act on the Petition. Therefore, the Commission is soliciting comments on the following issues prior to determining if the waiver should be granted.

Provide responses to questions 17 through 28 based on our previous determination in our April 2, 1999 Opinion and Order at Docket Nos. A-310621 and A-310621F0002 (Applications by Vanguard Telecom Corp. d.b.a. CellularOne to provide CLEC and CAP Services), in which we defined a Competitive Access Provider (CAP).

1. Should such applicants be exempt from contributing to universal service?

2. Would such a waiver be consistent with TA-96 mandate (Section 254f) that every telcom carrier that provides intrastate telecom service contribute to the preservation and advancement of universal service in that state?

3. Is the applicant required to contribute to the federal universal service fund? Should the PA USF be consistent with federal USF with regard to assessment?

4. With increasing amounts of telecom traffic shifting from voice to data, circuit switching to packet switching and from analog to digital, why should the applicant be excluded from supporting universal service using advanced technology and thereby increasing the funding burden on CLECs carrying voice traffic?

5. How should any USF assessment be determined?

6. What threshold level justifies an exemption?

7. Who would ensure that a CLEC is and continues to be exempt? How would this be enforced or monitored?

8. Will a new applicant be capable of sending voice communications in a packetized digital format if the exemption is granted? If not, why not? If so, how is it different from a CLEC?

9. Will the applicants' DSL feature an "always on" capability common to DSL offerings? If not, why not? If so, how is it different from a CLEC or ILEC that offers basic DSL?

10. Will an applicant have to use a customer's twisted-copper system, currently provided by an ILEC or CLEC, to provide this service in instances where a customer has only one access line to their residence or business? If not, why not? If so, how is an applicant that needs the state equivalent of "line sharing" or unbundled Network Elements (UNEs) different from an ILEC or CLEC?

11. Will an applicant need to provide a DSLAM and/or splitter at the customer's premises and/or in the premises of an ILEC, CLEC or IXC to provide this service? If not,

why not? If so, how is the applicant providing splitter and/or DSLM functions different from a CLEC or ILEC that offers basic DSL?

12. Will an applicant be able to access the central office facilities of a CLEC or IXC as part of its analog/digital services, and secure there the NXXs needed for analog and digital communications, using the ILEC or CLEC's twisted copper lines from the customers premises? If no, why not? If so, how is the applicant different from a CLEC or ILEC that offers basic DSL?

13. Describe in detail, sufficient for staff to analysis, the time and expenses devoted to preparing tariff proposals for E-911, TRS, and other state policy programs that will be avoided if this exemption is granted?

14. Explain why the applicant should be exempt from state policy programs, such as E-911, TRS, and other programs that currently support, or could ultimately support, Pennsylvania's communications system as determined by the Pennsylvania legislature?

15. Identify those provisions of the TA-96 that prohibit a state from supplementing federal efforts in support of E-911, TRS, and other state programs sufficient to justify the exemption as a matter of federal law?

16. Explain why the Pennsylvania Commission should differentiate a telecommunications provider's obligations involving the delivery of telecommunications in the Commonwealth on the basis of the technology used to deliver those telecommunications?

17. Will the new entrant's proposed DSL service require that subscribers to the service have access to dial tone?

18. If the new entrant's DSL subscribers will have access to dial tone, explain how that dial tone will be provided.

19. If the new entrant's DSL subscribers will have access to dial tone, will the dial tone provide access to the public switched network or be routed to an independent network?

20. If the new entrant's proposed DSL service will be used over the public switched network, explain how voice transmissions will be separated from data transmissions through the passive splitter. Provide diagrams and documentation that explains the type of any hardware and software that the applicant will use to accomplish splitting the voice and data traffic. Is the passive splitter available today?

21. Will the new entrant's proposed DSL service require the assignment of a telephone number to the DSL subscriber?

22. If the new entrant's proposed DSL service will require the assignment of a telephone number to the DSL subscriber, explain how it will be assigned to the DSL subscriber for purposes of using this service (e.g., are there different procedures required in obtaining that telephone number as compared to a traditional voice telephone number?). Also please provide any customer notification that will be sent to subscribers, particularly residential subscribers, informing them about the differences with the DSL telephone number as compared to a traditional voice telephone number.

23. If a telephone number is assigned, will any type of voice service (regardless of the manner in which it will be transmitted—i.e., traditional public switched network, packet-switched, cable, etc. or a combination of these) be provided to the end-user?

24. If a telephone number is assigned and any type of non-traditional voice service will be provided, explain the steps that the new entrant would take to provide 911 service and the Pennsylvania Telecommunications Relay Service.

25. Will the high-speed telecommunications data services that the new entrant proposes to offer go over the public switched network?

26. Does the applicant need to access to the PSTN to deliver the propose services?

27. Will the high-speed telecommunications data services that the new entrant proposes to offer be solely within an independent network owned by the new entrant or transmitted outside of its network.

28. Can its DSL service be used as a substitute for traditional voice services? If yes, does the new entrant believe that customers that use its DSL service as a substitute for traditional voice service should have access to 911 Service and Telecommunications Relay Services? Please provide a detailed explanation.

29. How should we treat a new entrant that wants to be called a CLEC yet appears to function like a CAP or a CLEC—CAP hybrid?

30. If a new entrant seeks CLEC authority but also requests a waiver of otherwise applicable voice-related/dialtone-related obligations, should the PUC grant such authority all other things being equal? Should the PUC grant the waiver?

31. Is there any reason to grant the application, but deny the waiver request and require the carrier to file the necessary tariffs?

32. Should the PUC grant CLEC authority conditional upon a company's capability to provide voice or to not provide voice service?

33. Is there a difference between a CLEC having no voice capability and a CAP? If yes, what is the difference?

34. Do contributions to 911, TRS etc. hinge on voice v. data or PSTN v. private line or analog v. digital?

35. Would the new entrant make contributions to 911, TRS, universal service fund (state or federal fund?), etc. even if the PUC granted the petition for waiver of voice/dialtone obligations?

36. Would the new entrant be allowed access to unbundled local loops at TELRIC rates as a CAP or does it need to be a CLEC to obtain loops at TELRIC rates?

37. What assurance does the PUC have that the new entrant would not be accessing NXX line assignments from a third party and thereby rendering dialtone service?

38. What are the ramifications to the PSTN if a customer of the new entrant use its line to send voice over the Internet bypassing the switch?

39. What are the grounds to approve (or reject) the new applicant's application for CLEC authority?

40. Would the PUC promote (or harm) competition by granting the new applicant's application for CLEC authority with a waiver? Please provide a detailed explanation.

41. Could the new applicant accomplish its business objectives with CAP authority independent of the CLEC authority necessary to assessing network elements and access at TELRIC rates?

42. How have other CAP resellers obtained access to the ILEC's facilities?

43. How have other states handled similar request for CLEC authority and waiver of certain voice-grade (or dial tone) obligations?

44. Should applicants seeking CLEC authority be required to file maps of their service territory? Or should they be allowed to reference the service territory of Bell, GTE North, etc.?

45. Identify any other technical concerns not addressed by the preceding questions.

46. Identify any other legal issues not addressed.

47. Identify any other policy concerns not addressed.

48. Other comments or considerations relevant to the requested waiver.

[Pa.B. Doc. No. 00-822. Filed for public inspection May 12, 2000, 9:00 a.m.]

### Ratification and Adoption of Amendments to Part 192 of Title 49 of the Code of Federal Regulations; Doc. No. M-00001355

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom; Nora Mead Brownell; Aaron Wilson; Terrance Fitzpatrick

Public Meeting held  
April 27, 2000

#### Order

*By the Commission:*

At 52 Pa. Code § 59.33(b) the Pennsylvania Public Utility Commission (Commission) has adopted, excepted as otherwise indicated, the Federal safety standards for gas transmission and distribution facilities. The Federal standards are established by the United States Department of Transportation (DOT) at 49 U.S.C.A. §§ 60101, et seq., and are set forth in Parts 191, 192, 193 and 199 of Title 49 of the *Code of Federal Regulations*. Section 59.33(b) provides, in pertinent part, that amendments to Title 49 will become effective in this Commonwealth upon the date of entry of a Commission ratification order where that order is served upon all jurisdictional gas companies or, alternatively, upon the date of the order's publication in the *Pennsylvania Bulletin*.

A. On March 1, 2000 at 65 Fed. Reg. 10950, Amendment 193-17 was adopted and codified by the Federal Department of Transportation at 49 CFR 193.2003, 193.2005, 193.2007, 193.2051, 193.2055, 193.2057, 193.2059, 193.2061, 193.2067, 193.2069, 193.2071, 193.2073, 193.2101, 193.2103, 193.2105, 193.2107, 193.2109, 193.2111, 193.2113, 193.2115, 193.2117, 193.2121, 193.2123, 193.2125, 193.2127, 193.2129, 193.2131, 193.2133, 193.2135, 193.2137, 193.2139, 193.2141, 193.2143, 193.2145, 193.2147, 193.2149, 193.2151, 193.2153, 193.2155, 193.2157, 193.2159, 193.2161, 193.2163, 193.2165, 193.2167, 193.2169, 193.2171, 193.2173, 193.2175, 193.2177, 193.2179, 193.2181, 193.2183, 193.2185, 193.2187, 193.2189, 193.2191, 193.2193, 193.2195, 193.2197, 193.2199,

193.2201, 193.2203, 193.2205, 193.2207, 193.2209, 193.2211, 193.2213, 193.2215, 193.2217, 193.2219, 193.2221, 193.2223, 193.2227, 193.2229, 193.2231, 193.2233, 193.2301, 193.2305, 193.2307, 193.2309, 193.2311, 193.2313, 193.2315, 193.2317, 193.2319, 193.2321, 193.2323, 193.2325, 193.2327, 193.2329, 193.2401, 193.2403, 193.2405, 193.2407, 193.2409, 193.2411, 193.2413, 193.2415, 193.2417, 193.2419, 193.2421, 193.2423, 193.2427, 193.2429, 193.2431, 193.2433, 193.2435, 193.2437, 193.2439, 193.2443, 193.2521, 193.2619, 193.2639, 193.2801, 193.2803, 193.2805, 193.2807, 193.2809, 193.2811, 193.2813, 193.2815, 193.2817, 193.2819, 193.2821 and Appendix A to Part 193. The purpose of this amendment is to incorporate by reference an industry consensus standard for liquefied natural gas (LNG) facilities subject to the pipeline safety regulations.

Copies of the aforementioned *Federal Register* publications follow hereto and are hereby made part of this order.

Keeping in mind the safety of the public, we have reviewed the previously referenced amendments in accordance with the provisions of 52 Pa. Code § 59.33. Based upon this review, we find the Department of Transportation amendments to be in the public interest and adopt them as our own. The effective date of our adoption of the aforementioned amendments shall be the date upon which this order is entered.

*Therefore, It Is Ordered That:*

1. The following amendments adopted by the United States Department of Transportation are hereby ratified and adopted in accordance with the provisions of 52 Pa. Code § 59.33(b):

(a) On March 1, 2000 at 65 Fed. Reg. 10951, Amendment 193-17 to 49 CFR 193.2003, 193.2005, 193.2007, 193.2051, 193.2053, 193.2055, 193.2057, 193.2059, 193.2061, 193.2067, 193.2069, 193.2071, 193.2073, 193.2101, 193.2103, 193.2105, 193.2107, 193.2109, 193.2111, 193.2113, 193.2115, 193.2117, 193.2121, 193.2123, 193.2125, 193.2127, 193.2129, 193.2131, 193.2133, 193.2135, 193.2137, 193.2139, 193.2141, 193.2143, 193.2145, 193.2147, 193.2149, 193.2151, 193.2153, 193.2155, 193.2157, 193.2159, 193.2161, 193.2163, 193.2165, 193.2167, 193.2169, 193.2171, 193.2173, 193.2175, 193.2177, 193.2179, 193.2181, 193.2183, 193.2185, 193.2187, 193.2189, 193.2191, 193.2193, 193.2195, 193.2197, 193.2199, 193.2201, 193.2203, 193.2205, 193.2207, 193.2209, 193.2211, 193.2213, 193.2215, 193.2217, 193.2219, 193.2221, 193.2223, 193.2227, 193.2229, 193.2231, 193.2233, 193.2301, 193.2305, 193.2307, 193.2309, 193.2311, 193.2313, 193.2315, 193.2317, 193.2319, 193.2321, 193.2323, 193.2325, 193.2327, 193.2329, 193.2401, 193.2403, 193.2405, 193.2407, 193.2409, 193.2411, 193.2413, 193.2415, 193.2417, 193.2419, 193.2421, 193.2423, 193.2427, 193.2429, 193.2431, 193.2433, 193.2435, 193.2437, 193.2439, 193.2443, 193.2521, 193.2619, 193.2639, 193.2801, 193.2803, 193.2805, 193.2807, 193.2809, 193.2811, 193.2813, 193.2815, 193.2817, 193.2819, 193.2821 and Appendix A to Part 193.

2. The Secretary shall serve copies of this order together with its attachments upon all jurisdictional gas utilities. Accordingly, the effective date shall be the entry

date of this order. Concurrently, the Secretary shall cause this order, without attachments, to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 00-823. Filed for public inspection May 12, 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 June 6, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00116801. Prestige Management Service Corporation, t/d/b/a Prestige Wheelchair Coach** (P. O. Box 269, Rochester, Beaver County, PA 15074), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the county of Beaver, and from points in said county, to points in Pennsylvania, and vice versa. *Attorney:* Timothy B. Anderson, 200 One Keystone Plaza, North Front and Market Streets, P. O. Box 1181, Harrisburg, PA 17108-1181.

**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-00111191, Folder 1, Am-B. Hansens Errand Service, Inc.** (340 East 25th Street, Erie, Erie County, PA 16503), a corporation of the Commonwealth of Pennsylvania, inter alia—persons in paratransit service, between points in the counties of Erie, Crawford, Venango, Lawrence, Warren, McKean, Jefferson and Potter, and from points in said counties, to points in Pennsylvania, and return: *So as to permit* the transportation of persons in paratransit service between points in the counties of Erie, Crawford, Jefferson, Venango, Lawrence, Warren, McKean, Potter, Forest, Elk, Cameron, Clinton, Lycoming, Tioga, Butler, Clearfield, Clarion, Armstrong, Indiana, Cambria and Union, and from points in said counties, to points in Pennsylvania, and return.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00108826, Folder 5. System of Services, Inc., t/d/b/a Fantasy Limo Leasing** (28 Georgetown Lane, Beaver, Beaver County, PA 15009), a corporation of the Commonwealth of Pennsylvania—additional right—

persons in limousine service, between points in the county of Beaver, and from points in said county, to points in Pennsylvania, and vice versa.

**A-00112321, Folder 3. Louis J. Debarito** (129 Jaycee Drive, Johnstown, Cambria County, PA 15904)—persons upon call or demand in the counties of Bedford and Somerset.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.**

**A-00116791. James R. Lafferty, Jr. Trucking Company** (1211 Ridgewood Road, Bryn Mawr, Montgomery County, PA 19010), a corporation of the Commonwealth of Pennsylvania—(1) household goods in use, between points in the city and county of Philadelphia and within an airline radius of 5 statute miles of the Philadelphia City Hall in the county of Montgomery; (2) household goods in use between points in the city and county of Philadelphia and within an airline radius of 5 statute miles of the Philadelphia City Hall in the county of Montgomery, to other points in Pennsylvania within an airline radius of 50 statute miles of the Philadelphia City Hall and vice versa; (3) household goods in use, between points in the city and county of Philadelphia; (4) household goods in use, from points in the city and county of Philadelphia, to points in Pennsylvania, and vice versa; (5) household goods in use, between points in the city of Chester, Delaware County, and within 5 statute miles of the usually traveled highways of the limits of said city; (6) household goods in use, between points in the county of Delaware and from points in said county to other points in Pennsylvania, and vice versa; (7) household goods in use, between points in the city of West Chester, Chester County, and within an airline distance of 10 statute miles of the limits of said city, and from said area, to points in Pennsylvania, and vice versa; and (8) property, excluding household goods in use, between points in Pennsylvania, which is to be a transfer of the rights authorized under the certificate issued at A-00097314 to Firpo & Sons, Inc., t/d/b/a Firpo's Moving & Storage, subject to the same limitations and conditions. *Attorney:* Alfred Rauch, III, Suite 1575, 1617 J. F. K. Boulevard, Philadelphia, PA 19103.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.**

**A-00094076, Folder 1, Am-C. Glose Moving & Storage, Inc.** (7566 Morris Court, Suite 350, Allentown, Lehigh County, PA 18106), a corporation of the Commonwealth of Pennsylvania—household goods in use, from points in the territory bounded by, but excluding, Ashley, Nanticoke, Shickshinny, Luzerne County, Berwick, Mainville, (a village in Main Township), Columbia County, Ringtown, Shenandoah, Mahanoy City, Tamaqua, Schuylkill County, Summit Hill, Jim Thorpe (formerly Mauch Chunk), and Lehigh Tannery (a village in Kidder Township), Carbon County, to points in Pennsylvania, and vice versa: *So as to permit* the transportation of household goods in use, between points within an airline distance of 12 statute miles of the limits of the town of Bloomsburg, Columbia County, including the boroughs of Berwick, Benton and Nescopeck, and from points in the said territory to points in Pennsylvania, and vice versa; which is to be a transfer of all of the rights authorized

under the certificate issued at A-00107045 to Donald L. Gray Moving & Storage, Inc., subject to the same limitations and conditions.

**Applications of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle for the transportation of persons as described under each application.**

**A-00096018, Folder 2, Am-E. George Ku, Inc.** (915 Mt. Jackson Road, New Castle, Lawrence County, PA 16102), a corporation of the Commonwealth of Pennsylvania—*partial discontinuance* of service—persons as follows: (1) from the townships of North Beaver, Little Beaver, Big Beaver, Mahoning, Union, Pulaski and Taylor, and the borough of Bessemer, Enon Valley and Wampum, Lawrence County, to points in Pennsylvania; (2) from points in the city of New Castle and the townships of Neshannock and Shenango, Lawrence County, to points in Pennsylvania; (3) from the village of Hillsville, Mahoning Township, Lawrence County, to points in Pennsylvania; (4) employees of The Pittsburgh and Lake Erie Railroad Company from the city of New Castle, Lawrence County, to points on highway routes adjacent to the right-of-way of said railroad company as are situated between said city of New Castle, Lawrence County, and College Station, city of Beaver Falls, Beaver County, and vice versa; (5) between points in the county of Lawrence, and from points in said county, to points in Pennsylvania; with Right No. 5 subject to the following conditions: (a) that no right, power or privilege is granted to provide service from the borough of New Wilmington and the township of Wilmington; and (b) that no right, power or privilege is granted to provide service for Westminster College or for any student or faculty group from Westminster College; and (c) that no right, power or privilege is granted to provide charter service from the borough of Ellwood City; and (6) between points in the boroughs of New Wilmington, Ellwood City and S.N.P.J. and the township of Wilmington, Lawrence County, and from points in said boroughs and township to points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

**A-00096018, Folder 3, Am-A. George Ku, Inc.** (915 Mt. Jackson Road, New Castle, Lawrence County, PA 16102), a corporation of the Commonwealth of Pennsylvania—*partial discontinuance* of service—persons on schedule *Attorney:* William A. Gray, 1210 Grant Building, Pittsburgh, PA 15219-2383.

**A-00107066, Folder 2, Am-A. Willard A. Wilkinson, IV, t/d/b/a Wilkinson Bus Lines** (140 Industrial Drive, P. O. Box 95, Cresson, Cambria County, PA 16630)—*discontinuance of service*—(1) shirt factory workers from the borough of Lilly, Cambria County, to the borough of Gallitzin, Cambria County, and vice versa; (2) persons on schedule, between the borough of Portage, Cambria County, and the village of Bens Creek, Cambria County, via the village of Sonman, which is an extension of the service from the borough of Lilly, Cambria County, to the borough of Gallitzin, Cambria County, and vice versa; and (3) employees of Consolidated Rail Corporation, Samuel Ray Shops, located in the borough of Hollidaysburg, Blair County, from the boroughs of Lilly, Cresson, Gallitzin and Tunnelhill, Cambria County, to the said Samuel Ray Shops in Hollidaysburg, Blair County, and vice versa; with the right to pickup and discharge said employees at

intermediate points on Pennsylvania Highway Route 53 and U.S. Highway Route 22, between said boroughs and the said Samuel Ray Shops.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-824. Filed for public inspection May 12, 2000, 9:00 a.m.]

## Telecommunications

**A-310482. United Telephone Company of Pennsylvania d/b/a Sprint and Cellular Rentals, Inc. d/b/a PA Telecom.** Joint Petition of United Telephone Company of Pennsylvania d/b/a Sprint and Cellular Rentals, Inc. d/b/a PA Telecom for approval of a replacement master resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Cellular Rentals, Inc. d/b/a PA Telecom, by its counsel, filed on April 25, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of a replacement master resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Cellular Rentals, Inc. d/b/a PA Telecom Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-825. Filed for public inspection May 12, 2000, 9:00 a.m.]

## Telecommunications

**A-310804. United Telephone Company of Pennsylvania d/b/a Sprint and dPi-Teleconnect, L.L.C.** Joint Application of the United Telephone Company of Pennsylvania d/b/a Sprint and dPi-Teleconnect, L.L.C. for approval of a master resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and dPi-Teleconnect, L.L.C., by its counsel, filed on April 27, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of a master resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint



and dPi-Teleconnect, L.L.C. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-826. Filed for public inspection May 12, 2000, 9:00 a.m.]

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### Telecommunications

**A-310692F0002. United Telephone Company of Pennsylvania d/b/a Sprint and NorthPoint Communications, Inc.** Joint Application of the United Telephone Company of Pennsylvania d/b/a Sprint and NorthPoint Communications, Inc. for approval of a master interconnection and resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and NorthPoint Communications, Inc., by its counsel, filed on May 1, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of a master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and NorthPoint Communications, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-827. Filed for public inspection May 12, 2000, 9:00 a.m.]

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### Telecommunications

**A-310403F0002. United Telephone Company of Pennsylvania d/b/a Sprint and Preferred Carrier Services, Inc.** Joint Application of the United Telephone Company of Pennsylvania d/b/a Sprint and Preferred Carrier Services, Inc. for approval of a master resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and Preferred Carrier Services, Inc., by its counsel, filed on April 25, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of a master resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

United Telephone Company of Pennsylvania d/b/a Sprint and Preferred Carrier Services, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-828. Filed for public inspection May 12, 2000, 9:00 a.m.]

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### Telecommunications

**A-310698F0002. United Telephone Company of Pennsylvania d/b/a Sprint and Rhythms Links, Inc.** Joint Application of the United Telephone Company of Pennsylvania d/b/a Sprint and Rhythms Links, Inc. for approval of a master interconnection and resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and Rhythms Links, Inc., by its counsel, filed on April 26, 2000, at the Pennsylvania Public Utility Commission, a joint petition for approval of a master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Rhythms Links, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-829. Filed for public inspection May 12, 2000, 9:00 a.m.]

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### Water Service Without Hearing

**A-211070 F0010. Citizens Utilities Water Company.** Application of Citizens Utilities Water Company of Pennsylvania for Approval to Offer, Render, Furnish or Supply Water Service to the Public in Additional Territory in a Portion of Ruscombmanor Township, Berks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 30, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Citizens Utilities Water Company of PA.

*Through and By Counsel:* John H. Isom, Morgan, Lewis and Bockius, LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-830. Filed for public inspection May 12, 2000, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Invitation for Bid

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, May 25, 2000 for Project # 0010.6 (Sprinkler Repairs at Packer Avenue Marine Terminal).

The bid documents can be obtained from the Director of Procurement, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available May 5, 2000. The PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

A mandatory prebid meeting will be held Thursday, May 18, 2000, 10 a.m. at the Packer Avenue Marine Terminal, Delaware and Packer Avenues, Philadelphia, PA 19148. The PRPA will consider only those bids received from parties who attended the prebid meeting.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 00-831. Filed for public inspection May 12, 2000, 9:00 a.m.]

## STATE BOARD OF CHIROPRACTIC

### Commonwealth of Pennsylvania v. Ronald Gene Polcawich, D.C.

*Notice to Ronald Gene Polcawich, D.C.*

On June 23, 1998, the Commonwealth of Pennsylvania, State Board of Chiropractic instituted a formal administrative action against you, alleging that you have violated certain provisions of the Chiropractic Practice Act. Under 1 Pa. Code § 33.31 and Pa.R.C.P. Rule 430 providing for service of process upon you by publication:

If you wish to defend against the allegations in the order to show cause, or to present evidence on your behalf in mitigation of any penalties which may be imposed

upon you or your license, certification, registration, permit or other authorization to practice your profession, the procedures for doing so are set forth in the order to show cause. You have the right to be represented by an attorney in this matter. Although you may represent yourself, you are advised to seek the advice of an attorney. All proceedings are conducted in accordance with the administrative agency law and the general rules of administrative practice and procedure.

You are directed to respond by filing an answer in writing within 30 days of the date of this notice. An original and two copies must be submitted. Also, you must send a separate copy of the answer, and any other pleadings or documents, to the prosecuting attorney named in this document. If you do not file an answer, disciplinary action may be taken against you without a hearing.

Answers and any other pleadings should be filed with Deanna S. Walton, Prothonotary, Bureau of Professional and Occupational Affairs, 124 Pine Street, Suite 200, Harrisburg, PA 17101.

DONALD J. MAHER, D.C.,  
*Chairperson*

[Pa.B. Doc. No. 00-832. Filed for public inspection May 12, 2000, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

May 17, 2000      John N. Burkhart      1 p.m.  
(Calculation of Final Average Salary)

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 4 Pa. Code § 250.01, (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.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 00-833. Filed for public inspection May 12, 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*

**Commodities**

**7314440** Holders, black plastic wine bottle inserts. For a copy of bid package fax request to (717) 787-0725.

**Department:** Liquor Control Board  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**8252240** Loader, belt, self-propelled tapered modboard. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1502219** 2000 Model wheelchair converted van type passenger vehicle. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1559119** Flexible rapier terry loom. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Graterford, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**8252250** Widener, pavement, 10' w/broom. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1565119** Video surveillance equipment. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**8252170** Truck, anti-ice/de-ice. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8151510** Precast reinforced concrete box culvert. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Warren, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1376819** Automated web application—testing software tool package. For a copy of bid package fax request to (717) 787-0725.

**Department:** State Police  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1555119** Video transmitters and receivers. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Coal Township, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**1425219** 22 feet Van body truck. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**8252270** Kettle, bituminous, 400 gallon, double boiler w/conveyor. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1007210** Rental of boilers. For a copy of bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Norristown, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**8252230** Roller, 3 ton vibratory. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8252020** Truck, dump, type II. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8252210** Grader, 30K, lb. gvwr min, 6x4. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8252260** Bituminous kettle, 200 gallon. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8141510** Bituminous wearing course, ID-2. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Tionesta, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**7314450** Bag, paper, kraft. For a copy of bid package fax request to (717) 787-0725.

**Department:** Liquor Control Board  
**Location:** Various  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**SU 12206-1/12200-51** Scientific Sequencer System and related items. Shippensburg University of the State System of Higher Education invites vendors to request bid documents for these items. Prospective bidders may obtain bid packages by contacting Zora Frank at the University Purchasing Office at telephone (717) 477-1386 or fax (717) 477-1350. Bids due: May 24, 2000 by 4 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA 17257  
**Duration:** Indeterminate 1999-2000  
**Contact:** Zora Frank, (717) 477-1386

**1528119** 2000 or newer 45' box trailer, furnished. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Camp Hill, PA  
**Duration:** FY 99-00  
**Contact:** Vendor Services, (717) 787-2199

**SU 12206-2** Scientific Microplate Reader and Scientific Incubator Shaker. Shippensburg University of the State System of Higher Education invites vendors to request bid documents for these items. Prospective bidders may obtain bid packages by contacting Zora Frank at the University Purchasing Office at telephone (717) 477-1386 or fax (717) 477-1350. Bids due: May 24, 2000 by 4 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA 17257  
**Duration:** Indeterminate 1999-2000  
**Contact:** Zora Frank, (717) 477-1386

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## SERVICES

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### Advertising—01

**FL-260071** 800 gross of teal colored (PMS315) pencils with gold foil hot stamp imprint.

**Department:** Liquor Control Board  
**Location:** Harrisburg, PA  
**Duration:** Indeterminate 1999-2000  
**Contact:** Sue Dietrich, (717) 787-6323

**PDA451** The Department of Agriculture, State Farm Products Show Commission, is requesting a vendor to provide labor, materials and expertise for the development of the 2001 Souvenir Program Book and the Premium List Book for the Annual Farm Show. The service will include the project development as well as selling the Souvenir Program Books and selling advertising for these books. The State Farm Products Show Commission shall receive a percentage commission from the book and advertising sales. (Additional details available upon request).

**Department:** Agriculture  
**Location:** State Farm Products Show Commission, Farm Show Complex, Cameron and Maclay Streets, Harrisburg, PA 17110-9408  
**Duration:** July 1, 2000-June 30, 2001 (Additional four 1-year renewal options)  
**Contact:** William L. Piper, (717) 787-5373

### Agricultural Services—02

**1/0** Provide fish food used in a statewide fish culture program during the period July 1-September 30, 2000. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

**Department:** Fish and Boat Commission  
**Location:** Statewide to various fish culture stations as requested  
**Duration:** July 1-September 30, 2000  
**Contact:** James E. Harvey, (814) 359-5141

**6500-101** Institution requests services of a pig farmer to remove approximately one ton of food waste from the State Correctional Institution at Retreat on a daily basis.

**Department:** Corrections  
**Location:** State Corrections Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621  
**Duration:** July 1, 2000-June 20, 2001  
**Contact:** Barbara Swiatek, (570) 735-8754, Ext. 260

### Computer-Related Services—08

**SAS-285** Academic pricing for AutoCAD 2000 software.

**Department:** Corrections  
**Location:** SCI Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** Indeterminate 1999-2000  
**Contact:** Nancy A. Lasko, (570) 644-7890

### Construction—09

**ESU 405-745** ESU is accepting bids on ESU 405-745 Demolition of Residential Structures at 172, 176 and 178 Ransberry Avenue and 200 Smith Street. EST General Prime \$150K, Elect \$5K. Bid pack at \$35 nonrefundable pat to Quad Three Group, 37 N. Washington Street, Wilkes-Barre, PA 18701, call (570) 829-4200. All responsible firms are invited to bid including MBE/WBE firms. For special accommodations contact Ann Zaffuto at (570) 422-3595. Prebid: May 17, 2000. Bid Opens: June 7, 2000.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** 120 days ANP  
**Contact:** Quad Three Group, (570) 829-4200

**3864299001** Construction Materials—standard construction lumber, pressure treated lumber, exterior sheathing, roofing and exterior wood siding for Lackawanna State Park. Documents containing all pertinent information must be obtained from the park office—Lackawanna State Park, R. R. 1, Box 230, Dalton, PA 18414, (570) 945-3239.

**Department:** Conservation and Natural Resources  
**Location:** Lackawanna State Park, R. R. 1, Box 230, Dalton, PA 18414  
**Duration:** Indeterminate 1999–2000  
**Contact:** Jeffrey F. Anna, Park Manager, (570) 945-3239

**FDC-414-790** Bituminous Paving in the Beechwood Camping Area at Promised Land State Park in Pike County (Binder Course—250 tons; Wearing Course—1,500 tons and 450 tons of 2RC Aggregate). Note: Bid documents will be available on or after May 15, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Greene Township  
**Duration:** Complete all work by November 10, 2000  
**Contact:** Construction Management Section, (717) 787-5055

**DGSA515-66** Project Title: Roof Repairs—Building No. 12. Brief Description: Remove existing valley flashing and damaged and deteriorated slate roofing and replace with new. Remove existing damaged gutters and downspouts on North Side of building and replace with new. Replace small metal roof on South Side of building with thermoplastic membrane. Estimated Range: Under \$100,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, May 31, 2000 at 1 p.m.

**Department:** General Services  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA  
**Duration:** 120 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**0003** Pavilions and Shelters—"Smoking Shelters"—Specifications Width: 6'1" x 10'5" 38" out-swing door assembly Door Closer Standard electric, one—light Industrial Fan Assembly 7" exhaust fans for two smoking shelters, within the above smoking shelters.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Mechanical Storeroom, Bldg. No. 55, Cameron and Maclay Streets, P. O. Box 61260, Harrisburg, PA 17106-1260  
**Duration:** July 1, 2000—August 31, 2000  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**DGSA948-50PHASE2(11)ONLY REBID** Project Title: Renovation to the Arsenal Building. Brief Description: Renovate portions of Arsenal Building interior and Bunker Building. Include new HVAC, electrical, plumbing and finishes. Estimated Range: \$500,000 to \$1,000,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, May 24, 2000 at 2 p.m.

**Department:** General Services  
**Location:** Public Works Complex, Harrisburg, Dauphin County, PA  
**Duration:** 240 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA589-50** Project Title: Upgrade Sewer System. Brief Description: Reconstruct facility's comminutor system and replace a portion of the sanitary sewer. Additionally replace a stream culvert and rebuild its earth berm. Estimated Range: \$75,000 to \$200,000. Plumbing Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, May 24, 2000 at 11 a.m.

**Department:** General Services  
**Location:** Youth Development Center, New Castle, Shenango Township, Lawrence County, PA  
**Duration:** 120 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding, (717) 787-6556

**DGSA251-504(REBID)** Project Title: Window Replacement. Brief Description: Replace windows in the garage and parts, battery, foreman and restroom with insulated windows. There is lead paint on existing windows and asbestos in the caulking and glazing putty. Estimated Range: Under \$100,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, May 31, 2000 at 1 p.m.

**Department:** General Services  
**Location:** PennDot Maintenance Building, West Chester, Chester County, PA  
**Duration:** 90 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA583-73** Project Title: Replace Existing Doors with Automatic Sliding Doors in Buildings No. 1, 2, 3, 4 and 6. Brief Description: Remove existing swinging door systems including hardware, sidelites and transoms, etc. Install new automatic sliding door systems including transoms, sidelites and all components and accessories. Installation shall meet ADA standards. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, May 24, 2000 at 11 a.m.

**Department:** General Services  
**Location:** Ebensburg Center, Ebensburg, Cambria County, PA  
**Duration:** 100 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA17-33** Project Title: Construction of a Multipurpose Activities Center and Rehabilitation and Renovation of the Existing Gymnasium for a Trade Technology Laboratory. Brief Description: The work consists of an addition and renovation to the Stauffer Gymnasium. A new Multipurpose Activity Center of approximately 48,000 square feet and renovations totaling 12,750 square feet. Estimated Range: \$5,000,000 to \$10,000,000. General, HVAC, Plumbing and Electrical Construction. Plans Deposit: \$400 per set payable to: Reese, Lower, Patrick & Scott, Ltd. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$25 per set or provide an express mail account number to the office listed below. Mail requests to: Reese, Lower, Patrick & Scott, Ltd., 1910 Harrington Drive, Lancaster, PA 17601-3973. Tel: (717) 560-9501. Bid Date: Wednesday, June 7, 2000 at 2 p.m.

**Department:** General Services  
**Location:** Thaddeus Stevens College of Technology, Lancaster, Lancaster County, PA  
**Duration:** 370 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA970-149** Project Title: Heating System Renovations. Brief Description: Replace oil-fired boiler and four oil-fired unit heaters with natural gas-fired boiler and four unit heaters and perform associated electrical work. Remove 1,000 gallon capacity underground heating oil storage tank and install new natural gas service to building and gas piping inside the building. Estimated Range: Under \$100,000. Heating Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, May 24, 2000 at 11 a.m.

**Department:** General Services  
**Location:** Pennsylvania National Guard Armory, Butler, Butler County, PA  
**Duration:** 120 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGSA251-523** Project Title: Replace Building Roofs. Brief Description: Remove existing roofing, flashing, insulation and terra-cotta coping. Install new membrane roofing, flashings, rigid insulation, aluminum coping and fascia. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, May 24, 2000 at 1 p.m.

**Department:** General Services  
**Location:** PennDot Maintenance Building, Allentown, Lehigh County, PA  
**Duration:** 120 Calendar Days from Date of Initial Job Conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**1850-REBID** Fabrication of roof trusses, for the new building being constructed. The time frame for vendor to assist hospital personnel with proper placement of trusses is approximately 4 hours. The permit fee shall be included in the bid, as well as the crane fee and escort fee (if escort is required). The hospital requires a site visit before vendor returns bid.

**Department:** Public Welfare  
**Location:** Harrisburg Hospital, Cameron and Maclay Streets, P. O. Box 61260, Harrisburg, PA 17106-1260  
**Duration:** August 1, 2000—September 1, 2000  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

## Demolition—11

**Contracting for Demolition and/or Removal of Structures.** Notice is hereby given by the Department of Transportation, that it is seeking Bids for the Demolition and/or Removal of Certain Residential and Commercial structures in conjunction with the construction of S.R. 222, Sections 001/002 in the County of Berks, Townships of Brecknock, Cumru and Spring. There is asbestos in some or all of the structures.

**Department:** Transportation  
**Location:** Presnell Associates, Inc., 8 Morgan Drive, Sinking Springs, PA 19608  
**Duration:** As specified in contract  
**Contact:** William C. Skrapits, (610) 603-0201

## Engineering Services—14

**08430AG2553** Two Open-End Contracts to provide supplementary construction inspection staffing, under the Department's Inspector-in-Charge, to perform construction inspection services on various projects in Engineering District 8-0, that is, Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 60 Months  
**Contact:** N/A

**08430AG2551** Open-End Contract for engineering and/or environmental services on various projects in Engineering District 8-0, that is, Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 60 Months  
**Contact:** N/A

**08430AG2545** To provide supplementary construction staff of approximately 13 inspectors, under the Department's Inspector(s)-in-Charge, for construction inspection and documentation services on S. R. 0022, Section 495 (Gas Center), the reconstruction of Route 22 from the Route 403 intersection to the Indiana and Cambria County Lines in East Wheatfield Township, Indiana County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 10-0  
**Duration:** 30 days after construction completion  
**Contact:** N/A

**08430AG2552** To perform final design and provide services during construction for S. R. 0056, Sections 008, 010 and 012 in Bedford County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 9-0  
**Duration:** 40 Months  
**Contact:** N/A

**08430AG2548** A multiphase, specific project agreement to provide corridor safety/intersection studies, environmental studies, preliminary engineering, final design and services during construction for S. R. 0022, Section 010, Dauphin County and S. R. 0022, Section 004, Lebanon County. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 30 days after construction completion  
**Contact:** N/A

**08430AG2549** Open-End Contract for engineering services on various projects in Engineering District 8-0, that is, Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 60 Months  
**Contact:** N/A

**08430AG2550** Open-End Contract for engineering services on various projects in Engineering District 8-0, that is, Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** 60 Months  
**Contact:** N/A

**08430AG2546** To perform preliminary engineering, environmental documentation, final design and provide services during construction for S. R. 1058, Section HAT, in Bucks and Montgomery Counties. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** 30 days after construction completion  
**Contact:** N/A

**08430AG2547** Four Open-End Contracts for Photogrammetric Services on various projects located throughout the Commonwealth. Details concerning this project will be available within the next 2 weeks in the *Pennsylvania Bulletin* or at [www.statecontracts.com](http://www.statecontracts.com) under Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Bureau of Design  
**Duration:** 60 Months  
**Contact:** N/A

## Food—19

**05007** Liquid coffee, frozen.

**Department:** Military Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Jeanette Gualtieri, (814) 878-4930

**MILK 2500-00** Milk, 2% pasteurized and homogenized and milk, skim, plain. Packaged in 5 gallon plastic containers and 1/2 pint paper containers. Estimated annual usage: 2%—80,040 gallons and 145,596 1/2 pints; Skim—3,600 gallons and 51,996 1/2 pints. Award will be for 1 year. Deliveries on Tuesday and Friday. Successful vendor to agree with monthly prices and discounts controlled by the Pennsylvania Milk Marketing Board. To include any other related item that may be required during this period.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** July 2000—June 2001  
**Contact:** Robert G. Berkey, (570) 675-1101, Ext. 325

**20016** Bread and Rolls—White, wheat, steak sandwich rolls, hamburger and hot dog rolls, dinner rolls (individuals).

**Department:** Corrections  
**Location:** 500 East 4th Street, Chester, PA 19013  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Jackie Newson, P.A., (610) 490-4370

**E-2500-00** Eggs, Shell, White, Grade A—Medium, Class 2. Weekly deliveries (Wednesday), quarterly bids. Grading certificate required with each delivery. Quantities and delivery dates to be established by the Institution.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** July 2000—June 2001  
**Contact:** Robert G. Berkey, (570) 675-1101, Ext. 325

**POUL 2500-00** Poultry products, frozen. Turkey products as follows: roll, breakfast sausage, bologna, ham, salami, franks and kielbasi; chicken patties and any other poultry product that may be required for this period. Quarterly bids. Monthly deliveries, quantities and delivery dates will be established by Institution.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** July 2000—June 2001  
**Contact:** Robert G. Berkey, (570) 675-1101, Ext. 325

**PROD 2500-00** Produce—Vegetables, per PA Spec. V-14; Fruits, per PA Spec. F-46. Quantities and delivery dates will be established by the Institution. Monthly bids/weekly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** July 2000—June 2001  
**Contact:** Robert G. Berkey, (570) 675-1101, Ext. 325

**DAIRY 2500-00** Dairy Products. To include ice cream novelties, American cheese, oleomargarine and any other dairy products that may be required during this period. Quarterly bids. Weekly and monthly deliveries, quantities and delivery dates will be established by the Institution.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** July 2000—June 2001  
**Contact:** Robert G. Berkey, (570) 675-1101, Ext. 325

**FRY 2500-00** Chicken fryers, frozen; 3 pound average, split, ready to cook. To include any other related item required during this period. Quarterly bids. Monthly deliveries, quantities and delivery dates to be established by the Institution.

**Department:** Corrections  
**Location:** State Correctional Institution, 1000 Follies Road, Dallas, PA 18612  
**Duration:** July 2000—June 2001  
**Contact:** Robert G. Berkey, (570) 675-1101, Ext. 325

**7758** Perishable foods: meats, poultry, seafood/fish, miscellaneous, juice, prepared salads, prepared produce, fresh fruits/vegetables, bread/rolls, ice cream, dairy products, frozen fruits/vegetables, fresh eggs, cheese, fresh pies/cakes and fresh pastry.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** July 1, 2000—September 30, 2000  
**Contact:** Pamela Bauman, (570) 271-4578

**9035** Meat and meat products.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** July—September 2000  
**Contact:** Arletta K. Ney, Purch. Agt., (570) 372-5070

**08820005** Coffee Concentrate, Decaffeinated—97% Caffeine free, 100% Arabica Coffee Beans. Caffeine Content .01% to .03%. Product shall contain at least 23% Coffee solids per volume of concentrate. pH shall be within a range of 4.95—5.15. Product shall be prepared, processed and packaged under modern sanitary conditions. Shelf life shall be at least 120 days at room temperature. Product shall be packed in sealed disposable containers. Equipment: Successful bidder to furnish, install and maintain at no additional cost to the buyer, all dispensing equipment as specified in bid. Seven cases of coffee concentrate to be delivered monthly.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** July 1, 2000—June 30, 2000  
**Contact:** Sherry Wenger, Purchasing Dept., (717) 749-4031 (9—5)

**9036** Miscellaneous frozen foods.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** July—September 2000  
**Contact:** Arletta K. Ney, Purch. Agt., (570) 372-5070

## Hazardous Material Services—21

**120D72** Qualified Waste Management Firms to provide services to dispose of hazardous and nonhazardous wastes located at various county sites and within roadway right-of-ways within the counties of Fayette, Greene, Washington and Westmoreland. Services include sampling, testing, identifying, providing overpacks when necessary, transporting and disposal per contract specifications. Bids must be submitted on the Commonwealth's Service Purchase Proposal/Contract form with required attachments, which can be obtained from PaDot Engineering District 1200, phone (724) 439-7236. This will be a 1-year contract, with an annual renewal option up to 4 consecutive years. The tentative bid opening date is June 2, 2000.

**Department:** Transportation  
**Location:** Various sites within Fayette, Greene, Washington and Westmoreland Counties  
**Duration:** August 1, 2000—July 31, 2001  
**Contact:** Lonnie J. Mangus, (724) 439-7236

## HVAC—22

**0940905** Furnish equipment, personnel, and materials necessary to complete electrical repairs, maintenance and service as required at the Fulton County rest area sites B and 3, along I-70 in Bethel and Brush Creek Townships.

**Department:** Transportation  
**Location:** Along I-70 in Fulton County rest area sites B and 3  
**Duration:** Two year initial contract with possible renewals  
**Contact:** Roger L. DeShong, (717) 485-3515

**SP No. 00670017** Contractor shall provide all labor, equipment, tools, and parts required to maintain and repair all types of refrigeration and air conditioning systems at the Embreeville Complex, Coatesville, PA 19320. To receive specification, submit fax to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526, at (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Complex, 1822 W. Strasburg Road, Coatesville, PA 19320  
**Duration:** Anticipated Dates: January 1, 2001—December 31, 2003  
**Contact:** Beverly O. Epting, PA, (610) 562-6031

**SP No. 00670018** Contractor shall provide all labor, equipment and parts required to inspect, service, and repair Diesel-powered emergency generators at the Embreeville Complex, Coatesville, PA 19320. To receive specifications, fax request to Beverly O. Epting, PA, Hamburg Center, Hamburg, PA 19526, (610) 562-6025.

**Department:** Public Welfare  
**Location:** Embreeville Complex, 1822 W. Strasburg Road, Coatesville, PA 19320  
**Duration:** Anticipated Dates: January 1, 2001—December 31, 2003  
**Contact:** Beverly O. Epting, PA, (610) 562-6031

**63-0130** West Chester University is soliciting sealed bids for Project 63-0130—Sturzebecker HSC Pool Pump Replacement. The project will consist of two separate primes—Plumbing and Electrical. The plumbing will consist of the removal and replacement of two pool circulation pumps (800gpm/15hp) including lead/lag controller, water level controls including a pressure boost pump (15 gpm/1.5 hp) package, chemical feed system including tanks, metering pumps and controls, and replacement of existing 6", 8" and 10" pipe between pool, surge tank, filter tank and pumps. Existing concrete pump pads will be removed and replaced. The electrical contract will include disconnecting existing pool pumps, booster pump, chemical feed pumping and control system. Remove existing pumps starters from existing Motor Control Center, install new three section Motor Control Center with starters for new pumps. Connect power to new Pool circulation pumps, pressure booster pump and new chemical feed system. Prevailing wages apply. The pool will be closed from July 24, 2000 to August 25, 2000. Access to the site is available prior to July 24 as long as the operation of the pool is not effected.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** Work must be completed by August 25, 2000  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

## Janitorial Services—23

**DES020** The Department of Transportation is soliciting bids for janitorial services three times per week at the Mercer Driver Exam Site, 519B Greenville Road, Mercer, PA 16137. All requests for bid packages can be obtained by faxing request for bid package to Susan Sobotor at (717) 783-7971 or calling (717) 783-3931.

**Department:** Transportation  
**Location:** Department of Transportation, Mercer Driver Exam Site, 519B Greenville Road, Mercer, PA 16137  
**Duration:** 5 years  
**Contact:** Susan Sobotor, (717) 783-3931



**0510-0001** Janitorial services to include: Cleaning of two offices and four bathrooms two times per week and one conference room one time per week. Items of cleaning to include vacuuming rugs, mopping tile floors, dusting table tops, computers, sills and dividers, cleaning toilets, urinals, wash basins, locker doors and shower stalls. In addition, clean windows four times per year, wax tile floors one time per month, shampoo rug as directed, wash venetian blinds one time per year, clean walls one time per month. Work to be done between the hours of 4 p.m. and 6 a.m. Can inspect areas to clean prior to bidding by calling for an appointment.

**Department:** Transportation  
**Location:** Berks County Maintenance Office, 4680 Fifth Street Highway, Temple, PA 19560  
**Duration:** One year from the effective date with renewable options  
**Contact:** Chet Szczepkowski, (610) 929-0766

**0290-00001** Contractor shall provide physicals and the following medical testing to an estimated 16 employees with possible high lead exposure: blood lead, hemoglobin, hematocrit, zinc protoporphyrin, blood urea nitrogen, serum creatinine, chromium, toluene, urinalysis, pulmonary function tests, PA and lateral chest x-rays, complete blood count and liver function studies. All services must be provided at a facility located within 40 miles of either maintenance office in Lewistown or Mifflintown. Blood lead tests must be sent to labs that are OSHA approved.

**Department:** Transportation  
**Location:** SR 0022, 1200 West 4th Street, Lewistown, PA SR 3002, 1 mile east of Mifflintown, PA  
**Duration:** 4 years  
**Contact:** Roger Burchfield, (717) 436-2187

### Laboratory Services—24

**SP 00776024** To provide technical laboratory support by fabricating crowns of bridge restoration required to properly restore definition and oral functions to patients of this facility. Copies of the bid proposal can be obtained by contacting the Allentown State Hospital, (610) 740-3425, or fax (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498  
**Duration:** July 1, 2000—June 30, 2004  
**Contact:** R. Mitchell, (610) 740-3425

### Property Maintenance—33

**SP 00781011** Acid etching work in two buildings.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422 West, Wernersville, Berks County, PA 19565  
**Duration:** Anticipated Start Date: August 1, 2000  
**Contact:** Nancy Deininger, Purchasing Agent, (610) 670-4129

### Lodging/Meeting Facilities—27

**SP3500010072** Provide lodging, meeting rooms and meals for various meetings/training conducted by the Department of Environmental Protection, Bureau of Personnel, as follows: 2 weeks in January, 2001—approximately 35 attendees per week; nonconsecutive weeks 2 weeks in March, 2001—approximately 40 attendees per week; nonconsecutive weeks 1 week in October, 2001—approximately 90 attendees per week; 1 week in November, 2001—approximately 100 attendees; 1 week in December, 2001—approximately 15 attendees.

**Department:** Environmental Protection  
**Location:** Within a 10-mile radius of downtown Lancaster, PA  
**Duration:** January 1, 2001—December 31, 2001  
**Contact:** Sharon Peterson, (717) 783-5894

### Real Estate Services—35

**120007** Title Search and Settlement Services provided by a Bonded Title Company or attorney on a unit cost per claim basis by County located primarily in District 12 (Fayette, Greene, Washington and Westmoreland). Services to be performed as required and in accordance with Department of Transportation's Right of Way Manual on Department Forms and Templates. Contract to include such services as: Title Abstract back 60 years with narrative, Bring Downs to closing date, copies of all recorded instruments submitted using CD Medium, Secure Releases, Coordinate Settlements/Distribution Funds at various locations, recording of necessary documents and other related closing activities.

**Department:** Transportation  
**Location:** Pennsylvania Department of Transportation, Engineering District 12-0, 825 North Gallitin Ave., Uniontown, PA 15401  
**Duration:** 1 year contract with two 1-year renewals  
**Contact:** Daniel K. Bucan, Chief of Acquisition, (724) 439-7146

### Medical Services—29

**1000-12651** LifePak 500 automated external defibrillator; Lithium battery pak; Complete Carrying Case; LifePak AED Trainer; Biolog 3000i Single Lead ECG Monitor/Recorder; LifePak 500 AED-to-PC cable; Data Transfer 500.

**Department:** Corrections  
**Location:** Department of Corrections, Bureau of Health Care, 1110 Fernwood Ave., Camp Hill, PA 17011  
**Duration:** 6 months  
**Contact:** Tonya Donn, (717) 975-4992

### Sanitation—36

**SBC3001810003** Trash and garbage removal for the Brandywine Battlefield Park located along U. S. 1, Chadds Ford, PA

**Department:** Historical and Museum Commission  
**Location:** Brandywine Battlefield Park, U. S. Route 1, Chadds Ford, PA 19317  
**Duration:** Begins July 1, 2000; Terminates June 30, 2003  
**Contact:** Helen Mahnke, (610) 459-3342

**0940904** To provide refuse and trash removal service from rest areas along I-70 in Fulton County. Site B located in Bethel Township and Site 3 located in Brush Creek Township. Vendor to provide two 3 cubic yard containers at each location.

**Department:** Transportation  
**Location:** Along I-70 in Fulton County rest area sites B and 3.  
**Duration:** 2 year initial contract with possible renewals  
**Contact:** Roger L. DeShong, (717) 485-3515

**Security Services—37**

**10067001** Provide security guard services for the York County Assistance Office. One security guard will be needed with the tours of duty from 7:30 a.m. to 5 p.m., Monday through Friday, except on specified State holidays. Complete details and specifications may be obtained by contacting the Procurement Office/faxing request along with your name, address and bid number.

**Department:** Public Welfare  
**Location:** Department of Public Welfare, York County Assistance Office, 130 North Duke Street, P. O. Box 15041, York, PA 17405-7041  
**Duration:** This is a 5 five contract—July 1, 2001—June 30, 2006  
**Contact:** Rose Wadlinger, (717) 783-3767

**Miscellaneous—39**

**001** Pallet Racking and Medium Duty Bulk Shelving. To receive a bid package, please fax request to (570) 387-4254.

**Department:** Transportation  
**Location:** Bloomsburg, PA  
**Duration:** One time purchase  
**Contact:** D. A. Permar, Equip. Mgr., (570) 387-4266

**6121-99-01** Supply new Santana partitions with hardware, pilasters, curtains, headrails, accessories, sinks with faucets, shower panels, shower seats, handrails and all hardware as specified. Must meet ADA accessibility guidelines. For delivery and use in women's bathhouse at Reed's Gap State Park, 1405 New Lancaster Valley Road, Milroy, PA 17063, Mifflin County.

**Department:** Conservation and Natural Resources  
**Location:** Reed's Gap State Park, 1405 New Lancaster Valley Road, Milroy, PA 17063  
**Duration:** May 1, 2000—June 30, 2000. Sealed Bids will be opened at the Northcentral Engineering Office of Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Friday May 19, 2000 at 1 p.m.  
**Contact:** Gair C. Terrette, Asst. Regional Engineer, (814) 486-5637

**9618** Academic AutoCad 2000.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 180, Muncy, PA 17756  
**Duration:** 60 to 90 days  
**Contact:** Cindy Lyons, (570) 546-3171

**9617** Various electrical supplies, example, conduit, cable and pvc.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 180, Muncy, PA 17756  
**Duration:** 60 to 90 days  
**Contact:** Cindy Lyons, (570) 546-3171

**PG-006** The State Correctional Institution at Pine Grove is soliciting bids for a beverage dispensing system (equipment and supplies) for the Food Service Department. Contract will be for a 3 year period from July 1, 2000—June 30, 2003. Anticipated deliveries will be required on a bi-weekly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Pine Grove, 189 Fyock Road, Indiana, PA 15701  
**Duration:** July 1, 2000—June 30, 2003  
**Contact:** Sherre Benninghoff, Purchasing Agent, (724) 357-2585

**9293** Provide restoration, sanding, scraping and painting of exterior building and windows.

**Department:** Corrections  
**Location:** State Correctional Institution, P. O. Box 180, Muncy, PA 17756  
**Duration:** Approximately 4 to 5 months  
**Contact:** Cindy Lyons, (570) 546-3171

[Pa.B. Doc. No. 00-834. Filed for public inspection May 12, 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*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
5610-49	05/01/00	Allegheny Concrete LLC	40,000.00	5610-49	05/01/00	Schiffer Excavating/ dba Franklin Concrete Products	40,000.00
5610-49	05/01/00	Beaver Con- crete & Gravel Co.	40,000.00	5610-49	05/01/00	Glenn Sand & Gravel d/b/a Glenn Redi Mix/ Clarion	40,000.00
5610-49	05/01/00	Berks Prod- ucts Corp.	40,000.00	5610-49	05/01/00	Glenn Sand&Gravel d/b/a Glenn Redi Mix/ Corsica	40,000.00
5610-49	05/01/00	Boger John H. & Sons, Inc.	40,000.00	5610-49	05/01/00	Grannas Bros. Stone & Asphalt Co., Inc.	40,000.00
5610-49	05/01/00	Carbondale Concrete Co., Inc.	40,000.00	5610-49	05/01/00	Trenton Group/dba Hanover Con- crete Co.	40,000.00
5610-49	05/01/00	Castle Build- ers Supply, Inc.	40,000.00	5610-49	05/01/00	Hempt Broth- ers, Inc.	40,000.00
5610-49	05/01/00	Central Builders Sup- ply Co.	40,000.00	5610-49	05/01/00	Hoy's Con- struction Co., Inc.	40,000.00
5610-49	05/01/00	Centre Con- crete Co/State College	40,000.00	5610-49	05/01/00	Independence Construction Materials	40,000.00
5610-49	05/01/00	Centre Con- crete Co/Lock Haven	40,000.00	5610-49	05/01/00	JJ Kennedy, Inc.	40,000.00
5610-49	05/01/00	Centre Con- crete Co/ Mountoursville	40,000.00	5610-49	05/01/00	J & F Ready Mixed Con- crete	40,000.00
5610-49	05/01/00	Consolidated Concrete Ser- vices, Inc.	40,000.00	5610-49	05/01/00	JDM Materi- als Co.	40,000.00
5610-49	05/01/00	Cumberland Concrete Cor- poration	40,000.00	5610-49	05/01/00	James W. Quandel & Sons	40,000.00
5610-49	05/01/00	Depaul Con- crete Co.	40,000.00	5610-49	05/01/00	Judson Wiley & Sons, Inc.	40,000.00
5610-49	05/01/00	E. W. Bisett & Son, Inc.	40,000.00	5610-49	05/01/00	Juniata Con- crete OC	40,000.00
5610-49	05/01/00	Earl M. Brown, Inc.	40,000.00	5610-49	05/01/00	LER Concrete Products	40,000.00
5610-49	05/01/00	Eastern In- dustries, Inc. West	40,000.00	5610-49	05/01/00	Marion Cen- ter Supply, Inc.	40,000.00
5610-49	05/01/00	Fi-Hoff Con- crete, Inc.	40,000.00	5610-49	05/01/00	Masters RMC, Inc.	40,000.00
5610-49	05/01/00	Frank Casilio & Sons, Inc.	40,000.00	5610-49	05/01/00	Meadville Redi Mix Concrete Co.	40,000.00

## STATE CONTRACTS INFORMATION

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
5610-49	05/01/00	Mellott H. B. Estates, Inc.	40,000.00	5610-49	05/01/00	Walter W. Zeigler Sons, Inc.	40,000.00
5610-49	05/01/00	New Enter- prise Stone & Lime Co., Inc.	40,000.00	5610-49	05/01/00	Wayne Con- crete Prod- ucts	40,000.00
5610-49	05/01/00	New Holland Concrete	40,000.00	5610-49	05/01/00	Wayne County Redy Mix Concrete Co.	40,000.00
5610-49	05/01/00	Pennsy Sup- ply, Inc.	40,000.00	7530-08	05/01/00	School Spe- cialty, Inc.	311,622.88
5610-49	05/01/00	Pike County Concrete, Inc.	40,000.00	9985-13	05/01/00	National In- stitute of Governmental Purchasing	100,000.00
5610-49	05/01/00	Pocono Transcrete, Inc.	40,000.00	1218139-01	05/02/00	Rohrer Bus Sales	66,934.00
5610-49	05/01/00	Porters Con- crete Service, Inc.	40,000.00	1325219-01	05/02/00	Allegheny City Electric, Inc.	54,900.00
5610-49	05/01/00	Prospect Con- crete, Inc.	40,000.00	1333389-01	05/02/00	Foster F. Wineland, Inc.	152,846.00
5610-49	05/01/00	Ready Mix Concrete/ Lancaster	40,000.00	1357119-01	05/02/00	D&H Distrib- uting	146,447.96
5610-49	05/01/00	Rock Hil Ma- terials Co.	40,000.00	1364119-01	05/02/00	Galey & Lord	198,000.00
5610-49	05/01/00	R. W. Sidley, Inc.	40,000.00	1396119-01	05/02/00	Cumberland Truck Equip- ment Co.	36,213.00
5610-49	05/01/00	Scranton Craftsmen, Inc.	40,000.00	1415229-01	05/02/00	Beacon Light Marina	33,600.00
5610-49	05/01/00	Serv-All Con- crete, Inc.	40,000.00	1427119-01	05/02/00	Bob Barker Company, Inc.	54,900.00
5610-49	05/01/00	Sheeley Sup- ply Co.	40,000.00	1451229-01	05/02/00	Water Man- agement Technologies, Inc.	51,000.00
5610-49	05/01/00	State Aggre- gates, Inc.	40,000.00	8141830-01	05/02/00	IA Construc- tion Corp.	406,665.65
5610-49	05/01/00	Stone & Co.	40,000.00	8250540-01	05/02/00	Furnival Ma- chinery Co.	13,830.75
5610-49	05/01/00	Susquehanna Supply, Inc.	40,000.00	8250720-01	05/02/00	E. M. Kutz, Inc.	27,125.00
5610-49	05/01/00	T. C. Redi Mix	40,000.00				
5610-49	05/01/00	Tresco Con- crete Prod- ucts	40,000.00				
5610-49	05/01/00	Union Quar- ries, Inc.	40,000.00				
5610-49	05/01/00	Valley Quar- ries, Inc.	40,000.00				
5610-49	05/01/00	Wades Coal & Concrete, Inc.	40,000.00				

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-835. Filed for public inspection May 12, 2000, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Revisions to Schedule of Prices and Charges for State Recreation Areas

#### *Summary*

In accordance with the Conservation and Natural Resources Act (71 P.S. § 1340.313) the Department of Conservation and Natural Resources (Department) revised its prices for State Park activities, uses and privileges. In accordance with 17 Pa. Code § 11.164 (relating to fees) the Department establishes the price schedule as contained in section E.

#### *Contact Persons*

For further information, the contact persons are Roger Fickes, Director, Bureau of State Parks, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### *Effective Date*

This revised price schedule is effective May 1, 2000.

JOHN C. OLIVER, III,  
*Secretary*

#### *E. Price Schedule*

<i>Price Title</i>	<i>Unit</i>	<i>Resident</i>	<i>Non-Resident</i>	<i>Effective Year</i>
<i>Regular Season</i>				
Cabin - A - Sleep 6 - Week	Per Week	298.11	359.43	
Cabin - A - Sleep 6 - Friday - Saturday	Per Night	74.52	89.62	
Cabin - A - Sleep 6 - Sunday - Thursday	Per Night	44.34	53.77	
Cabin - A - Sleep 7/9 - Week	Per Week	371.69	445.28	
Cabin - A - Sleep 7/9 - Friday - Saturday	Per Night	93.39	111.32	
Cabin - A - Sleep 7/9 - Sunday - Thursday	Per Night	55.66	66.98	
Cabin - A - Sleep 10/12 - Week	Per Week	390.57	464.15	
Cabin - A - Sleep 10/12 - Friday - Saturday	Per Night	98.11	116.04	
Cabin - A - Sleep 10/12 - Sunday - Thursday	Per Night	58.49	69.81	
Cabin - C - Sleep 2/3 - Week	Per Week	119.81	143.39	
Cabin - C - Sleep 2/3 - Friday - Saturday	Per Night	30.18	35.84	
Cabin - C - Sleep 2/3 - Sunday - Thursday	Per Night	17.92	21.69	
Cabin - C - Sleep 4/5 - Week	Per Week	162.26	192.45	
Cabin - C - Sleep 4/5 - Friday - Saturday	Per Night	40.56	48.11	
Cabin - C - Sleep 4/5 - Sunday - Thursday	Per Night	24.52	29.24	
Cabin - C - Sleep 6/7 - Week	Per Week	200.94	239.62	
Cabin - C - Sleep 6/7 - Friday - Saturday	Per Night	50.00	60.37	
Cabin - C - Sleep 6/7 - Sunday - Thursday	Per Night	30.18	35.84	
Cabin - C - Sleep 8/9 - Week	Per Week	239.62	290.65	
Cabin - C - Sleep 8/9 - Friday - Saturday	Per Night	60.37	72.64	
Cabin - C - Sleep 8/9 - Sunday - Thursday	Per Night	35.84	43.39	
Cabin - C - Sleep 10/11 - Week	Per Week	282.08	340.65	
Cabin - C - Sleep 10/11 - Friday - Saturday	Per Night	70.75	84.90	
Cabin - C - Sleep 10/11 - Sunday - Thursday	Per Night	42.45	50.94	
Cabin-C Sleep 4/5 S.B.Elliott - Week	Per Week	86.79	105.66	
Cabin-C Sleep 4/5 S.B.Elliott - Fri. - Sat.	Per Night	21.69	26.41	
Cabin-C Sleep 4/5 S.B.Elliott - Sun. - Thur.	Per Night	13.20	16.04	
Cabin-C Sleep 6/7 S.B.Elliott - Week	Per Week	113.20	135.85	
Cabin-C Sleep 6/7 S.B.Elliott - Fri. - Sat.	Per Night	28.30	33.96	
Cabin-C Sleep 6/7 S.B.Elliott - Sun. - Thur.	Per Night	16.98	20.75	
Cabin-C Sleep 8/9 S.B.Elliott - Week	Per Week	139.62	169.81	

<i>Price Title</i>	<i>Unit</i>	<i>Resident</i>	<i>Non-Resident</i>	<i>Effective Year</i>
<i>Regular Season</i>	<i>6% Hotel Tax NOT included</i>			
Cabin-C Sleep 8/9 S.B.Elliott - Fri. - Sat.	Per Night	34.90	42.45	
Cabin-C Sleep 8/9 S.B.Elliott - Sun. - Thur.	Per Night	20.75	25.47	
<i>Summer Season</i>				
Cabin - A - Sleep 6 - Week	Per Week Summer	328.30	395.28	May 1, 2001
Cabin - A - Sleep 6 - Friday - Saturday	Per Night Summer	83.02	96.23	May 1, 2001
Cabin - A - Sleep 6 - Sunday - Thursday	Per Night Summer	50.00	59.43	May 1, 2001
Cabin - A - Sleep 7/9 - Week	Per Week Summer	409.43	490.57	May 1, 2001
Cabin - A - Sleeps 7/9 - Friday-Saturday	Per Night Summer	102.83	122.64	May 1, 2001
Cabin - A - Sleep 7/9 - Sunday - Thursday	Per Night Summer	61.32	74.53	May 1, 2001
Cabin - A - Sleep10/12- Week	Per Week Summer	430.19	511.32	May 1, 2001
Cabin - A - Sleep10/12- Friday - Saturday	Per Night Summer	107.55	128.30	May 1, 2001
Cabin - A - Sleep10/12- Sunday - Thursday	Per Night Summer	65.09	77.36	May 1, 2001
Cabin - C - Sleep 2/3 - Week	Per Week Summer	132.08	158.49	May 1, 2001
Cabin - C - Sleep 2/3 - Friday - Saturday	Per Night Summer	33.02	39.62	May 1, 2001
Cabin - C - Sleep 2/3 - Sunday - Thursday	Per Night Summer	19.81	24.53	May 1, 2001
Cabin - C - Sleep 4/5 - Week	Per Week Summer	180.19	212.26	May 1, 2001
Cabin - C - Sleep 4/5 - Friday - Saturday	Per Night Summer	45.28	60.38	May 1, 2001
Cabin - C - Sleep 4/5 - Sunday - Thursday	Per Night Summer	27.36	30.19	May 1, 2001
Cabin - C - Sleep 6/7 - Week	Per Week Summer	221.70	264.15	May 1, 2001
Cabin - C - Sleep 6/7 - Friday - Saturday	Per Night Summer	55.66	66.04	May 1, 2001
Cabin - C - Sleep 6/7 - Sunday - Thursday	Per Night Summer	33.96	39.62	May 1, 2001
Cabin - C - Sleep 8/9 - Week	Per Week Summer	264.15	319.81	May 1, 2001
Cabin - C - Sleep 8/9 - Friday - Saturday	Per Night Summer	66.04	80.19	May 1, 2001
Cabin - C - Sleep 8/9 - Sunday - Thursday	Per Night Summer	39.62	48.11	May 1, 2001
Cabin - C - Sleep 10/11 - Week	Per Week Summer	310.38	375.47	May 1, 2001
Cabin - C - Sleep 10/11 - Friday - Saturday	Per Night Summer	78.30	94.34	May 1, 2001
Cabin - C - Sleep 10/11 - Sunday - Thursday	Per Night Summer	47.17	56.60	May 1, 2001
Cabin-C Sleep 4/5 S.B.Elliott - Week	Per Week Summer	95.28	116.98	May 1, 2001
Cabin-C Sleep 4/5 S.B.Elliott - Fri. - Sat.	Per Night Summer	23.58	30.19	May 1, 2001
Cabin-C Sleep 4/5 S.B.Elliott - Sun. - Thur.	Per Night Summer	15.09	17.92	May 1, 2001
Cabin-C Sleep 6/7 S.B.Elliott - Week	Per Week Summer	124.53	150.00	May 1, 2001
Cabin-C Sleep 6/7 S.B.Elliott - Fri. - Sat.	Per Night Summer	31.13	37.74	May 1, 2001
Cabin-C Sleep 6/7 S.B.Elliott - Sun. - Thur.	Per Night Summer	18.87	22.64	May 1, 2001
Cabin-C Sleep 8/9 S.B.Elliott - Week	Per Week Summer	153.77	186.79	May 1, 2001
Cabin-C Sleep 8/9 S.B.Elliott - Fri. - Sat.	Per Night Summer	38.68	47.17	May 1, 2001
Cabin-C Sleep 8/9 S.B.Elliott - Sun. - Thur.	Per Night Summer	24.53	28.30	May 1, 2001
Camping Backpack Laurel Ridge and Oil Creek	Per Site Per Night Per Person	3.00	4.00	
Camping Backpack Laurel Ridge and Oil Creek	Maximum Per Night Per Group	15.00	20.00	May 1, 2001
Camping Class A - Without Electricity	Per Week	77.00	89.00	May 1, 2001
Camping Class A-Fri.- Sat.	Per Night	15.00	17.00	May 1, 2001
Camping Class A - Sun.- Thur.	Per Night	12.00	14.00	May 1, 2001
Camping Class A - With Electricity	Per Week	90.00	102.00	May 1, 2001
Camping Class A - Fri.-Sat.	Per Night	17.00	19.00	May 1, 2001
Camping Class A - Sun.-Thur.	Per Night	14.00	16.00	May 1, 2001
Camping Class B Without Electricity	Per Week	63.00	75.00	May 1, 2001
Camping Class B - Friday-Saturday	Per Night	12.00	14.00	May 1, 2001
Camping Class B - Sunday - Thursday	Per Night	10.00	12.00	May 1, 2001
Camping Class B - With Electricity	Per Week	76.00	88.00	May 1, 2001
Camping Class B - Friday-Saturday	Per Night	14.00	16.00	May 1, 2001
Camping Class B - Sunday - Thursday	Per Night	12.00	14.00	May 1, 2001

## NOTICES

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<i>Price Title</i> <i>Regular Season</i>	<i>Unit</i> <i>6% Hotel Tax NOT included</i>	<i>Resident</i>	<i>Non-Resident</i>	<i>Effective</i> <i>Year</i>
Camping Cottages Sleeps 5	Per Week	173.00	199.00	May 1, 2001
Camping Cottages Sleeps 5 - Friday-Saturday	Per Night	33.00	36.00	May 1, 2001
Camping Cottages Sleeps 5 - Sunday-Thursday	Per Night	27.00	32.00	May 1, 2001
Camping Class C Sleep 2 Hut	Per Week	121.00	139.00	May 1, 2001
Camping Class C Sleep 2 Hut-Fri. - Sat.	Per Night	21.00	24.00	May 1, 2001
Camping Class C Sleep 2 Hut-Sun - Thurs	Per Night	20.00	23.00	May 1, 2001
Camping Class C Sleep 4 Hut	Per Week	131.00	157.00	May 1, 2001
Camping Class C Sleep 4 Hut- Fri. - Sat.	Per Night	24.00	27.00	May 1, 2001
Camping Class C Sleep 4 Hut- Sun. - Thur.	Per Night	21.00	26.00	May 1, 2001
Camping Class C Walled Tent >200 sq.ft.	Per Week	173.00	199.00	May 1, 2001
Camping Class C Walled Tent- Fri.-Sat	Per Night	33.00	36.00	May 1, 2001
Camping Class C Walled Tent-Sun-Thur.	Per Night	27.00	32.00	May 1, 2001
Camping Class C Walled Tent <200 sq.ft.	Per Week	157.00	183.00	May 1, 2001
Camping Class C Walled Tent-Fri.-Sat.	Per Night	29.00	32.00	May 1, 2001
Camping Class C Walled Tent-Sunday-Thursday	Per Night	25.00	30.00	May 1, 2001
Camping Class C Yurt Sleeps 4	Per Week	178.00	212.00	May 1, 2001
Camping Class C Yurt- Fri.-Sat.	Per Night	45.00	60.00	May 1, 2001
Camping Class C Yurt-Sun.-Thur.	Per Night	27.00	32.00	May 1, 2001
Camping Class C Yurt Sleeps 6	Per Week	221.00	263.00	May 1, 2001
Camping Class C Yurt Sleeps 6 - Friday-Saturday	Per Night	55.00	66.00	May 1, 2001
Camping Class C Yurt Sleeps 6 - Sunday-Thursday	Per Night	33.00	40.00	May 1, 2001
Adirondak Shelter - Poe Paddy	Per Week	68.00	80.00	May 1, 2000
Adirondak Shelter - Poe Paddy - Fri.-Sat.	Per Night	14.00	15.00	May 1, 2000
Adirondak Shelter - Poe Paddy - Sun.-Thur.	Per Night	12.00	13.00	May 1, 2000
Camping Extra Vehicle	Per Night	3.00	3.00	
Camping Reduction	Per Week	18.00	18.00	
For Senior Citizen and/or Persons With Disabilities	Per Night	3.00	3.00	
Camping Unit Storage	Per Week	9.00	10.00	May 1, 2000
Camping Unit Storage	Per Night	3.00	3.00	May 1, 2000
Camping Equestrian	Per Night	16.00	20.00	May 1, 2000
Camper Dump Station	Per Non Registered Use	8.00	9.00	
Marina Costs Neshaminy				
Cost Per Foot of Boat	Per Season	50.00	100.00	
Cost Per Foot of Boat	Per Day	0.50	1.00	
Marina Costs Presque Isle				
Cost Per Foot of Slip	Per Season Without Utilities	33.00	66.00	
Cost Per Foot of Slip	Per Season With Utilities	37.00	74.00	
Cost For Bascomb Holder	Per Season	315.00	630.00	
Cost For Summer Cradle Storage	Per Season	35.00	70.00	
Cost For Travel Lift	Per Lift Per Foot Of Boat	4.00	8.00	
Winter Boat Storage Included Lift Out and In	Per Day Per Foot Of Boat	14.00	28.00	
Transient Dockage Per Foot Of Boat	Per Day Without Utilities	0.45	0.90	
Transient Dockage Per Foot Of Boat	Per Day With Utilities	0.55	1.10	
Marina Costs M.K. Goddard				
"A" Docks	Per Foot Of Boat Per Season	17.00	25.00	
"B" Docks	Per Foot Of Boat Per Season	15.00	23.00	
"C" Docks	Per Foot Of Boat Per Season	10.00	18.00	



## NOTICES

<i>Price Title</i> <i>Regular Season</i>	<i>Unit</i> <i>6% Hotel Tax NOT included</i>	<i>Resident</i>	<i>Non-Resident</i>	<i>Effective</i> <i>Year</i>
<b>Marina Costs Moraine</b>				
Fingerless Dock	Per Foot of Boat Per Season	21.00	28.00	
Regular Finger Dock	Per Foot of Boat Per Season	23.00	30.00	
Large Finger Dock	Per Foot of Boat Per Season	26.00	33.00	
Off Shore Mooring	Per Foot of Boat Per Season	16.00	23.00	
Dry Mooring	Per Season	130.00	150.00	
Rack Spaces	Per Season	58.00	70.00	
Regular Winter Storage	Per Season	130.00	150.00	
Rack Winter Storage	Per Season	58.00	70.00	
Dock Space	Per Foot of Boat Per Day	0.45	0.65	
Offshore Mooring	Per Foot of Boat Per Day	0.20	0.40	
<b>All Other State Park Marinas</b>				
Cost Per Foot	Per Season	19.00	30.00	
Daily Transient	Per Foot Per Day \$5.00 Minimum	0.30	0.50	
Daily Transient Nockamixon 16 Feet and Greater	Per Foot Per Day \$5.00 Minimum	0.45	0.75	
Daily Transient Dry Storage	Per Day \$5.00 Minimum	2.00	3.00	
Daily Transient Winter Storage	Per Day \$5.00 Minimum	2.00	3.00	
Mooring Offshore Pymatuning	Per Season	65.00	65.00	
<b>Other Boating</b>				
Cost To Be On Marina Waiting/Transfer List	Per Application Per List	15.00	15.00	May 1, 2000
<b>Mooring &lt;=7' Shoreline</b>				
	Per Season	\$35.00-	\$40.00-	
		\$85.00	\$105.00	
<b>Mooring &lt;=7' Shoreline</b>				
	Per Day \$5.00 Minimum	2.00	3.00	
<b>Mooring &gt;7' Shoreline</b>				
	Per Season	\$70.00-	\$80.00-	
		\$155.00	\$205.00	
<b>Mooring &gt;7' Shoreline</b>				
	Per Day \$5.00 Minimum	4.00	5.00	
<b>Boat Docks - Private</b>				
	Per Season	40.00	50.00	
<b>Boat Launching Permit</b>				
	Per Season	10.00	15.00	
<b>Boat Launching Permit</b>				
	Per Two Seasons	18.00	28.00	
<b>Boat Launching Permit</b>				
	One to Seven Days (\$5.00 Minimum)	5.00	5.00	May 1, 2000
<b>Boat Winter Storage</b>				
	Per Season	110.00	120.00	
<b>Boating Canoe Racks</b>				
	Per Season	50.00	55.00	
<b>Boating Dry Storage</b>				
	Per Season	110.00	115.00	
<b>Boating Whitewater</b>				
	Per Reservation	2.50	2.50	
<b>Boating Whitewater</b>				
	Season Pass	20.00	20.00	May 1, 2001
<b>Miscellaneous</b>				
<b>Non-Sufficient Check Charge</b>				
		20.00	20.00	May 1, 2000
<b>Abandoned Property</b>				
	Base Charge	40.00	40.00	May 1, 2000
<b>Abandoned Property</b>				
	Per Day Above Base	6.00	6.00	May 1, 2000
<b>Firewood Permit</b>				
	Per Cord	10.00	10.00	
<b>Non Overnight Shower Unmetered</b>				
	Per Person	2.00	2.00	
<b>Non Overnight Shower Metered</b>				
	Per Person	0.50	0.50	
<b>Meeting Room/Classroom</b>				
	Per Day	\$51.00-	\$56.00-	
		\$179.00	\$205.00	
<b>Class A Group Tent Area</b>				
	Capacity ≤ 20 per night	26.00	36.00	May 1, 2001
	Capacity 21 to 40 per night	37.00	47.00	May 1, 2001
	Capacity 41 to 60 per night	48.00	58.00	May 1, 2001
	Capacity 61 to 100 per night	59.00	69.00	May 1, 2001
	Capacity 101 and Over Per Night	105.00	125.00	May 1, 2001
	Trailer In Group Area Per Night	6.00	6.00	May 1, 2001
<b>Class B Group Tent Area</b>				
	Capacity ≤ 20 Per Night	21.00	31.00	May 1, 2001
	Capacity 21 to 40 Per Night	32.00	42.00	May 1, 2001
	Capacity 41 to 60 Per Night	43.00	53.00	May 1, 2001
	Capacity 61 to 100 Per Night	54.00	64.00	May 1, 2001

NOTICES

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<i>Price Title Regular Season</i>	<i>Unit 6% Hotel Tax NOT included</i>	<i>Resident</i>	<i>Non-Resident</i>	<i>Effective Year</i>
	Capacity 100 and Over Per Night	95.00	105.00	May 1, 2001
	Trailer in Group Area Per Night	6.00	6.00	May 1, 2001
Org. Group Camps Capacity ≤ 30 persons	Per Night WITH Utilities	67.00	102.00	May 1, 2001
Org. Group Camps Capacity 31-50 persons	Per Night Minimum WITH-OUT Utilities	67.00	102.00	May 1, 2001
Org. Group Camps Capacity 51 to 125 person	Per Night Minimum Without Utilities	82.00	123.00	May 1, 2001
Org. Group Camps Capacity 126 person and greater	Per Night Minimum Without Utilities	97.00	143.00	May 1, 2001
Hickory Run Utilities Org. Group Camp	Per Night add:	38.00	38.00	May 1, 2000
Meeting Room	Per Day Per Group	77.00	87.00	May 1, 2001
Classroom	Per Day Per Group	51.00	56.00	May 1, 2001
Raccoon Creek	Rec. Hall Per Day With Utili-ties	130.00	140.00	May 1, 2001
Ridley Creek	Classroom Per Day	175.00	200.00	
Non Overnight Shower Unmetered	Per Person	2.00	2.00	
Non Overnight Shower Metered	Per Person	0.50	0.50	
Pavilion-A With Electric Up to 500 Sq. Ft.	Per Day	\$41.00- 61.00	\$62.00- 82.00	May 1, 2001
Each Additional 500 Sq. Ft.	Per Day	12.00	12.00	May 1, 2001
Pavilion-B No Electric Up to 500 Sq. Ft.	Per Day	\$36.00- 56.00	\$52.00- 72.00	May 1, 2001
\$20 discount for pavilion rentals for Monday through Fridays - summer holidays excepted				
Picnic Groves	Min. + \$15. for Every 10 Tables Above the Initial 10 Tables	36.00	51.00	
State Operated Swimming Pools				
Swimming Pools Park Operated	User Per Day	\$1.75- \$4.25	\$2.00- \$6.00	May 1, 2000
Swimming Pools Park Operated	Senior Citizen	\$1.50- \$3.25	\$1.50- \$4.00	May 1, 2000
Swimming Pools Park Operated	After 4 PM Daily	\$1.00- \$2.75	\$1.00- \$4.00	May 1, 2000
Swimming Pools Park Operated	Children Under 38" Free	0.00	0.00	
Swimming Pools Park Operated	Book Of 20 Tickets	\$25.00- \$40.00	\$25.00-\$50.00	May 1, 2000
Swimming Pools Park Operated	Season Pass Adult	\$40.00- \$55.00	\$45.00-\$65.00	May 1, 2000
Swimming Pools Park Operated	Season Pass Under 12 Years Old	\$20.00- \$35.00	\$25.00-\$45.00	May 1, 2000
Swimming Pools Park Operated	Season Pass Senior Citizen	\$30.00- \$40.00	\$30.00-\$55.00	May 1, 2000
Swimming Pools Park Operated	Yearly Family Pass	\$120.00- \$140.00	\$135.00- \$160.00	May 1, 2000
Swimming Pools Park Operated	Group 15 Or More People	\$1.50- \$2.50	\$1.50- \$4.00	May 1, 2000
Swimming Pools Park Operated	Park Camper Or Cabin Occu-pant W/Receipt	\$1.00- \$3.00	\$1.00- \$4.00	May 1, 2000
Swimming Pools Park Operated	Non-Swimming Adult Free	0.00	0.00	

[Pa.B. Doc. No. 00-836. Filed for public inspection May 12, 2000, 9:00 a.m.]

