

# PENNSYLVANIA BULLETIN

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Pages 3017—3142

**Agencies in this issue:**

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The Courts

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Department of Community and Economic  
Development

Department of Conservation and Natural  
Resources

Department of Education

Department of Environmental Protection

Department of General Services

Department of Health

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Executive Board

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Philadelphia Regional Port Authority

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State Board of Veterinary Medicine

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

**No. 307, June 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

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# THE GENERAL ASSEMBLY

## SENATE RESOLUTION

### No. 181

INTRODUCED BY WHITE AND MUSTO  
JUNE 2, 2000

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 2, 2000

*(Editor's Note: The Concurrent Resolution was reported as committed on June 6, 2000 and laid on the table on July 12, 2000.)*

#### A CONCURRENT RESOLUTION

Disapproving Environmental Quality Board regulation on Stream Redesignation (Trout Run, Westmoreland County).

*Whereas*, The Environmental Quality Board has proposed, at 28 Pa.B. 1635 (April 4, 1998), a regulation on Stream Redesignation (Trout Run, Westmoreland County) under the authority of sections 5(b)(1) and 402 of the act of June 22, 1937 (P. L. 1937, No. 394), known as The Clean Streams Law, and section 1920-A of the act of April 9, 1929 (P. L. 1929, No. 175), known as The Administrative Code of 1929; and

*Whereas*, The Senate Committee on Environmental Resources and Energy received a report from the Environmental Quality Board under section 7(b) of the act of June 25, 1982 (P. L. 1982, No. 181), known as the Regulatory Review Act, that the Independent Regulatory Review Commission disapproved the regulation and that the Environmental Quality Board desires to implement the regulation without revision or modification; and

*Whereas*, The committee has determined that the regulation should be disapproved by the General Assembly and notified the Environmental Quality Board of this determination; and

*Whereas*, The committee reports this resolution under section 7(d) of the Regulatory Review Act for action by the General Assembly within 30 calendar days or ten legislative days, whichever is longer, from the date of reporting this resolution; therefore be it

*Resolved* (the House of Representatives concurring), That the General Assembly disapprove the regulation, published at 28 Pa.B. 1635 (April 4, 1998), of the Environmental Quality Board on Stream Redesignation (Trout Run, Westmoreland County); and be it further

*Resolved*, That notice of the final disposition of this resolution be sent to the Environmental Quality Board and published in the Pennsylvania Bulletin.

MARY JO WHITE,  
*Senator, 21st District*  
RAPHAEL J. MUSTO,  
*Senator, 14th District*

[Pa.B. Doc. No. 00-1028. Filed for public inspection June 16, 2000, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL [231 PA. CODE CH. 1900]

[RECOMMENDATION 52]

#### Technical Amendments to Rule 1905 Relating to Protection From Abuse Actions; No. 335; Civil Procedural Rules Doc. No. 5

#### Order

*Per Curiam:*

*And Now*, this June 2, 2000, Pennsylvania Rule of Civil Procedure 1905 is amended as follows.

Whereas prior publication of proposed rulemaking would otherwise be required, it has been determined, pursuant to Rule of Judicial Administration 103(a)(3), that the amendments are of a perfunctory nature and that the immediate promulgation of this Order is required in the interests of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

#### Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

\* \* \* \* \*

(e) The Final Order of Court entered pursuant to the Act shall be substantially in the following form.

\* \* \* \* \*

2. Defendant is completely evicted and excluded from the residence at NON-CONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED or any other residence where Plaintiff may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises.

On [insert date and time], Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer when such retrieval is made and [insert any other conditions ] \_\_\_\_\_

\* \* \* \* \*

9. Defendant is directed to pay temporary support for: [insert the names of the persons for whom support is to be paid] as follows: [insert amount, frequency and other terms and conditions of the support order]. This order for support shall remain in effect until a final support order is entered by this Court. However, this

order shall lapse automatically if the Plaintiff does not file a complaint for support with the **Domestic Relations Section of the court** within [ **fifteen days** ] **two weeks** of the date of this order. The amount of this temporary order does not necessarily reflect Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

\* \* \* \* \*

#### Explanatory Comment—2000

**Paragraph 2 of the final order has been amended to enable courts to include additional conditions for the retrieval of personalty by the defendant in a section of the final order which permits arrest without a warrant if the conditions are violated. Paragraph 9 of the final order has been amended to require the filing of a support complaint within two weeks, rather than fifteen days, of the entry of a final order under the Protection From Abuse Act to prevent the automatic lapse of any temporary support provisions included in the order. This change is consistent with the statutory provisions at 23 Pa.C.S. § 6108(a)(5).**

[Pa.B. Doc. No. 00-1029. Filed for public inspection June 16, 2000, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### COLUMBIA AND MONTOUR COUNTIES

#### Amendments to Local Court Rules No. 5.12(a)(b); No. 1 MV 2000

#### Order of Court

*And Now*, this 1st day of June 2000, the following amendments to the Local Rules of the Court of Common Pleas of Columbia and Montour Counties, 26th Judicial District are hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239(d).

*By the Court*

SCOTT W. NAUS,  
*President Judge*

#### LOCAL RULE (L. R.) No. 512

#### Rule 5.12(a). Prosecution of Action.

1. In addition to the information required by Pa. R.C.P. 1915.15, every Complaint for Custody, Partial Custody or Visitation shall contain the following averments:

(a) "Plaintiff has been advised of the requirement to attend the seminar entitled 'Kids First' or such other parenting seminar as selected and approved by the Court.

(b) "Defendant has been advised of the requirement to attend the seminar entitled 'Kids First' or such other custody parenting seminar as selected and approved by the Court.

2. An Information sheet concerning the Court's parenting seminar shall be attached to the complaint which includes the dates of the seminar(s).

3. Both parents must attend seminar within [twenty (20) days of the initial filing.]

**Rule 5.12(b). Child Custody Seminar.**

1. The Court Administrator will provide the dates for the seminar at the time of the filing of the Custody and/or Divorce Complaint.

2. Brochures and registration forms will be available from both the Clerk of Courts and Court Administrator.

3. The moving party is responsible for ensuring that the opposing party receives the seminar brochure and registration form.

4. The parents must submit the registration form and payment for registration no later than three (3) days prior to the selected seminar date.

5. Parents residing outside of Columbia/Montour counties may contact the presenter for possible alternative programs if unable to attend the seminar.

6. The Court has authorized the seminar presenter to approve individual changes to the registration, only upon a showing of good cause.

7. Parents must attend the seminar. A parent's visitation or custody may be affected by their failure to comply.

8. Parents proceeding in forma pauperis or on public assistance must provide proof of such to the presenter.

9. Upon successful completion of the seminar, the presenter will issue a certification of completion to the parties, and provide the Clerk of Courts with a seal of completion which shall be affixed by the Clerk of Courts to the front inside cover of the file.

10. The presenter shall provide the Court Administrator with a list of non-attendees against whom the Court may issue contempt proceedings.

11. This seminar is in addition to the Special Master's conference and parents must comply with attendance before Special Master as governed in other local rules.

[Pa.B. Doc. No. 00-1030. Filed for public inspection June 16, 2000, 9:00 a.m.]

**GREENE COUNTY**

**Consolidated Rules of Court; C.A. No. 5 of 1992**

**Order**

*And Now*, this 30th day of May, 2000, it is Ordered:

1. The following amendment to the Greene County Rules of Procedure (G.Co.R.) is adopted as a Rule of this Court, effective July 1, 2000 or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later.

2. The Court Administrator of Greene County shall:

(a) File ten (10) certified copies of this Order and the following Rule with the Administrative Office of Pennsylvania Courts;

(b) Distribute two (2) certified copies of this Order and the following Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one (1) certified copy of this Order and the following Rule with the Pennsylvania Civil Procedure Rules Committee;

(d) File proof of compliance with this Order in the docket at the above number and term, which shall include a copy of each letter of transmittal; and

(e) Cause a copy of this Order and the following Rule to be published one (1) time in the *Greene Reports*.

It is further *Ordered* that on the effective date of the following local rule, all previous local rules shall remain in effect.

*By the Court*

H. TERRY GRIMES,  
*President Judge*

**RULE G1920.51: Master in Divorce.**

a. Filing fees for Divorce cases shall be increased by \$50.00. This fee shall be deposited into an account in the Office of the Prothonotary designated for the payment of Court Stenographer's fees with the Master to be responsible for seeking an Order from the Court for payment to the Court Stenographer. Upon receipt of the Order, the Prothonotary shall issue the check to the Court Stenographer.

b. The charge for each Count beyond the initial Count for Divorce shall be increased from \$5.00 to \$15.00 per Count, with the additional amount of \$10.00 per Count paid pursuant to this rule to be deposited into an account in the Office of the Prothonotary designated for the payment of Court Stenographer's fees. These fees shall be deposited and disbursed as set forth in Rule 1920.51(a) above.

c. An initial Master's fee deposit of \$400.00 shall be paid to the Prothonotary at the time the Request for Appointment of a Master is filed, with the payment of the deposit to be the responsibility of the moving party unless the Court shall direct otherwise.

d. Immediately after appointment, the Master shall schedule a Conciliation Conference to be attended by the parties and their respective counsel.

e. If hearings are required before the Master beyond the Conciliation Conference, an additional fee of \$1,000.00 per day shall be deposited in advance of the scheduled hearing. The Master is authorized to recommend how this fee shall be allocated between the parties.

f. The Master in Divorce shall be entitled to compensation of \$75.00 per hour for the first five (5) hours and \$60.00 per hour thereafter, upon approval by the Court of a reasonable number of hours.

g. Any unused portion of the funds deposited for the Master's fees shall be returned to the depositor upon direction of the Master of the Court.

[Pa.B. Doc. No. 00-1031. Filed for public inspection June 16, 2000, 9:00 a.m.]

**SNYDER AND UNION COUNTIES**

**Adoption of Local Rules; No. 27 Misc 2000**

**Order**

*And Now*, this 23rd day of February, 2000, effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin* the following local rules are adopted:

**17LR1901. Appearance by Attorney.**

The appearance of an attorney on behalf of a party to a proceeding filed pursuant to the Protection from Abuse Act, 23 Pa.C.S.A. § 6101, et seq. ("the Act"), shall terminate upon the entry of a final order or the discontinuance or withdrawal of the action, as that term is defined in Pa.R.C.P. No. 1901, whichever shall first occur.

**17LR1902.1. Discontinuance Prior to the Entry of Final Order.**

(a) In the event the Plaintiff wishes to discontinue an action after the entry of a temporary order, the Plaintiff shall file a praecipe in the following form:

PRAECIPE

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, I, \_\_\_\_\_, Plaintiff, being of the belief that I am no longer in danger from the Defendant, and that I am no longer in need of protection from him/her, do hereby request that the Temporary Order entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, be vacated, and that the Petition filed in this matter by me be marked as withdrawn.

\_\_\_\_\_  
Plaintiff

(b) Contemporaneously with the filing of the praecipe provided for in 17LR1902.1(a), the Plaintiff shall pay any and all applicable court costs. In the event that the Plaintiff asserts that the Plaintiff is unable to pay the said costs, Plaintiff shall submit the affidavit provided for in Pa.R.C.P. No. 240(h). The court will then review the said affidavit to determine if the court will waive the said court costs.

**17LR1910.2. Discontinuance After Entry of Final Order.**

(a) In the event the Plaintiff wishes to discontinue an action under the Act after the entry of a final order granting relief pursuant to the Act, the Plaintiff may, with the written concurrence of the Defendant, file a praecipe requesting said relief in the following form.

PRAECIPE

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, I, \_\_\_\_\_, Plaintiff, being of the belief that I am no longer in danger from the Defendant, and that I am no longer in need of protection from him/her, do hereby request that the final Order entered in this matter on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, be vacated and that the Petition filed in this matter by me be marked as withdrawn.

\_\_\_\_\_  
Plaintiff

I, \_\_\_\_\_, Defendant, do consent to the final Order entered in this matter on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, being vacated so that it is of no further force and effect.

\_\_\_\_\_  
Defendant

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

(b) The party responsible for the payment of costs, as provided for in the final order which the Plaintiff is requesting be vacated must pay those costs prior to the court entering an order vacating the final order.

**17LR1903.1. Modification of Final Order.**

A party filing a motion to modify a final order entered pursuant to the Act shall be responsible for paying the filing fee for the filing of such a motion. If the party moving for the modification is the party ordered in the final order to pay the initial court costs the initial court costs shall be paid prior to the filing of the motion seeking modification of the final order.

**17LR1903.2. Modification of Custody Provisions of Final Order.**

The modification of the custody provisions of a final order entered pursuant to the Act shall not be addressed in the underlying action. A party seeking the modification of the custody provisions of a final order entered pursuant to the Act shall initiate a new custody case by the filing of a custody complaint in the form mandated by Pa.R.C.P. No. 1915.15(a). If such a complaint is filed pro se it shall be referred directly to a judge of this court, and is not to be processed through the pro se custody conference mechanism utilized in other pro se custody cases.

The Court Administrator of the 17th Judicial District of Pennsylvania shall forward ten (10) certified copies of this Order to the Administrative Office of the Pennsylvania Courts for processing in accordance with Pa.R.J.A. No. 103(c)(2).

*By the Court*

HAROLD F. WOELFEL, Jr.,  
*President Judge*

[Pa.B. Doc. No. 00-1032. Filed for public inspection June 16, 2000, 9:00 a.m.]

**SNYDER AND UNION COUNTIES  
Adoption of Local Rules; Misc. No. 31-2000**

**Order**

*And Now*, this 22nd day of March, 2000, effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin* the following local rules are adopted:

1. Rule 6.1(a) shall be amended to read as follows:

6.1(a) As provided by Pa.R.C.P. No. 1018.1(c), the following offices are designated as the offices to be named in the Notice to Defend where legal help may be obtained:

For cases filed in Snyder County:  
Office of the Court Administrator  
Snyder County Courthouse  
P. O. Box 217  
Middleburg, PA 17842  
(570) 837-4359

For cases filed in Union County:  
Office of the Court Administrator  
Union County Courthouse  
103 South Second Street  
Lewisburg, PA 17837-1996  
(570) 524-8736

2. 17LR1308.1D is amended to read as follows:

D. In the event that a case shall be settled, withdrawn, or otherwise terminated by or between the parties at any time subsequent to the filing of a praecipe requesting the appointment of a Board of Arbitrators but prior to the naming of that board by the Court Administrator pursu-

ant to 17LR1302.1.C., the party filing the praecipe for the appointment of a Board of Arbitrators shall cause notice of settlement, withdrawal, or termination of the action to be served upon the Court Administrator. In the event that a case shall be settled, withdrawn, or otherwise terminated by or between the parties at any time subsequent to the notification to each arbitrator, as provided for in 17LR1302.1.C, but prior to the date scheduled for hearing, the party filing the praecipe for the appointment of a Board of Arbitrators shall be responsible for causing notice of the settlement, withdrawal, or termination to be served upon the Court Administrator and each of the arbitrators. In the event that the notice provided for in the preceding sentence is given in a timely manner, the board members shall not be entitled to any fees pursuant to 17LR1308.1. In the event that the notice is not given in a timely manner, and an arbitrator or the arbitrators appear for the scheduled hearing, the party who moved for appointment of the arbitrators shall be responsible for paying the fees provided for in 17LR1308.1.A. The foregoing notwithstanding, if the case is settled, withdrawn, or otherwise terminated by or between the parties on the date scheduled for the hearing, but prior to the scheduled starting time, the arbitrators shall be entitled to one-half (1/2) of the base fee as set forth in 17LR1308.1.A.

3. 17LR1308.1B is amended to read as follows:

B. Each arbitrator shall be entitled to receive additional compensation at the rate of \$25.00 per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3-1/2) hours. In the event the case is continued after the arbitrators have convened, either before or after testimony has begun, the time required of the arbitrators during the first scheduled hearing shall be aggregated with the time required during the second hearing. To the extent that such aggregated time is less than three and one-half (3-1/2) hours, the fee set forth in 17LR1308.1A shall be applicable. To the extent that such aggregated time exceeds three and one-half (3-1/2) hours, the hourly rate set forth herein shall be due for the hours in excess of three and one-half (3-1/2) hours.

The Court Administrator of the 17th Judicial District of Pennsylvania shall forward ten (10) certified copies of this Order to the Administrative Office of the Pennsylvania Courts for processing in accordance with Pa.R.J.A. No. 103(c)(2).

*By the Court*

HAROLD F. WOELFEL, Jr.,  
President Judge

[Pa.B. Doc. No. 00-1033. Filed for public inspection June 16, 2000, 9:00 a.m.]

## SOMERSET COUNTY

### Consolidated Rules of Court; Miscellaneous 1999

#### Adopting Order

*And Now*, this 1st day of June, 2000, it is hereby Ordered:

1. The following designated Somerset County Rules of Civil Procedure (SOM.R.C.P.) are amended to read in their entirety, as reflected in copies of rules as follows, effective thirty days after publication in *The Pennsylvania Bulletin*:

SOM.R.C.P. 1920. Divorce. General.

SOM.R.C.P. 1920.31. Procedure On Joinder Of Related Claims Of Alimony Pendente Lite And Child Support.

SOM.R.C.P. 1920.51. Appointment Of Master. Notice Of Hearing.

SOM.R.C.P. 1920.53. Master's Hearing And Report.

SOM.R.C.P. 1920.55. Exceptions To Report.

2. The following designated Somerset County Rules of Civil Procedure (SOM.R.C.P.), copy of which follows, are hereby adopted as rules of this Court, effective thirty days after publication in *Pennsylvania Bulletin*:

SOM.R.C.P. 1920.33. Procedure On Joinder Of Related Claim For Distribution Of Property.

SOM.R.C.P. 1915.8. Reports Of Physical And Mental Examinations.

3. The following designated Somerset County Rules of Civil Procedure (SOM.R.C.P.) are rescinded, effective thirty days after publication in the *Pennsylvania Bulletin*:

SOM.R.C.P. 1920.42. Notice Of Presentation Of Request For Divorce.

SOM.R.C.P. 1920.62. Indigents.

4. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the following rules with the Administrative Office of 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 and the rules with the Pennsylvania Civil Procedural Rules Committee and one (1) certified copy of this Order and the following rules with the Pennsylvania Domestic Relations Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these rules, which shall include a copy of each transmittal letter.

*By the Court*

EUGENE E. FIKE, II,  
President Judge

### Rules of Court

#### Divorce

##### Som.R.C.P. 1920. General.

A. Filing Fees and Required Advance Deposit of Costs.

1. In indigent cases, the sum of \$33.00 (Prothonotary—\$22.50; Sheriff—\$12.50) shall be paid to the Prothonotary upon filing the divorce complaint, unless such deposit is specifically excused by Court Order for inability to pay.

(Formerly R18-401A).

2. In non-indigent cases, in addition to the sums required for the initial filing and service, the following sums shall be deposited with the Prothonotary:

a. Before any motion for Divorce Master is presented to the court, the moving party shall deposit the sum of \$250.00 with the Prothonotary on account of the costs for adjudication of the divorce cause of action; and

b. Before any motion for Special Master is presented to the court, the moving party seeking adjudication of equitable property division or other economic issues shall deposit the additional sum of \$800.00 with the Prothonotary on account of the costs for adjudication of those

issues, unless authorization to proceed otherwise is first obtained by Order of Court for cause.

(Formerly R18-401A(1) and R18-401B.)

3. The Court or a Master may require an additional deposit to cover the cost of employing an appraiser or other professional to provide necessary expert evidence to assist the Master in making his findings and recommendations, provided that the Court or the Master shall first confer with counsel and unrepresented parties concerning such employment and the cost thereof. Any objection by any party to such employment or to the cost thereof may be brought promptly to the attention of the Motions Judge.

(Formerly R18-401D.)

4. If it appears during the proceedings before the Master that additional amounts should be advanced to pay anticipated costs, and the parties are unwilling to advance the amount deemed necessary by the Master, the Master shall, by motion, request the Court to order additional payment from the parties. The Master shall include in the motion a certification as to whether the parties consent or object to the motion. The Master shall provide a copy of the motion to Counsel and unrepresented parties.

5. Any balance of advance deposits remaining after payment of costs and compensation shall be held by the Prothonotary for disposition in accordance with the allocation of costs between the parties by final decree.

6. No copy of any divorce or annulment decree shall be issued by the Prothonotary to any person unless all record costs in the case are paid, or unless the person to whom the copy is issued has by court order been excused from payment (in whole or in part) which may be granted only for inability to pay.

(Formerly R18-402.)

#### B. Master

For purposes of these rules, Masters are classified as "Divorce Master" whose duties and authority are limited to determining cause for divorce or annulment, and "Special Master" whose duty and authority are limited to determining distribution of property and, in connection therewith, alimony, counsel fees, costs and expenses.

*NOTE:* Issues of alimony pendente lite and support shall be referred to the Domestic Relations Department, not to a Master, see: *Thomas v. Thomas*, 39 Somerset Legal Journal 157 (1981).

(Formerly R18-1B01.)

#### C. Compensation of Masters.

1. A Divorce Master shall be compensated as follows:

a. All non-indigent cases—minimum \$200, plus additional compensation at the rate of \$75 per hour for each hour, or fraction thereof, in excess of two hours.

b. In all indigent cases—\$125, plus additional compensation at the rate of \$30 per hour for each hour, or fraction thereof, in excess of two hours.

(Formerly R18-301.)

2. A Special Master shall be compensated, in all cases, at a minimum of \$225, plus additional compensation at the rate of \$75 per hour for each hour, or fraction thereof, in excess of two hours.

(Formerly R18-301.)

#### D. Compensation of Stenographers.

1. In uncontested divorces, where there is testimony by plaintiff only, or testimony by defendant only on a counterclaim, and no testimony by the adverse party, the stenographer employed by the Master shall be entitled to an appearance fee of \$50.

2. In all other cases, the stenographer employed by the Master shall be entitled to an appearance fee of \$50 for a hearing lasting three hours or less, and \$100 for a hearing lasting more than three hours.

3. In all cases (including uncontested cases), the stenographer shall be paid a fee of \$1.85 per page for each page of the original transcript. The parties shall pay a charge of \$.50 per page for each page of copy which they may request, which shall be paid by the party requesting the copy and may not be taxed as costs in this action.

4. In cases in which the testimony is voluminous or extraordinary services are required, the Master shall be permitted to increase the stenographer's appearance fee, after consultation with counsel and subject to court review.

5. When the stenographer reports to the Master that the transcript is ready, the Master shall notify each party of intent to direct the Prothonotary to issue payment to the stenographer. The parties shall have ten (10) days within which to file objections with the Motions Judge, who shall promptly decide the same. If no objections are filed within such ten day period, the Master shall direct the Prothonotary to issue payment from the costs deposited by the moving party, directly to the stenographer.

6. Except as specifically set forth above, the ultimate liability or responsibility among the parties for the payment of stenographer's costs shall abide the final decree in the case.

(Formerly R18-303.)

### **Som.R.C.P. 1920.31. Procedure on Joinder Of Related Claims Of Alimony Pendente Lite And Child Support.**

A. All claims for alimony pendente lite and child support shall be processed through the Domestic Relations Section.

B. To initiate proceedings in the Domestic Relations Section when a claim for alimony pendente lite or child support has been asserted in a complaint or petition in a divorce action, the party asserting the claim shall file in the Domestic Relations Section: (i) a certified copy of the complaint or petition filed in the divorce action, and (ii) a complaint on forms approved and provided by the Domestic Relations Section. Upon filing of the Domestic Relations Section complaint, the claim for alimony pendente lite or child support shall proceed in accordance with practice and procedure for support. Income and expense statements, tax returns and pay stubs required by Pa.R.C.P. 1920.31 shall be filed by the parties in the Domestic Relations Section in accordance with support procedure.

C. Unless specifically ordered otherwise, all payment of child support and alimony pendente lite shall be made to the Domestic Relations Section.

### **Som.R.C.P. 1920.51. Appointment of Master. Notice of Hearing.**

A. All cases for divorce or annulment, except cases under Divorce Code Section 3301(c) (consent affidavits) and Section 3301(d)(1)(i) (undenied two year separation), shall be referred to a Divorce Master, and all claims for property division, alimony, counsel fees and costs, requir-

ing resolution by litigation shall be referred to a Special Master, unless otherwise ordered by the court for cause.

(Formerly R18-1B02.)

B. An appointed Master who is unable to serve shall promptly notify counsel for the moving party.

(Formerly R18-1B03.)

C. If it becomes necessary for any reason to vacate the appointment of any Master, the party who obtained the appointment shall prepare and present a proper motion and appropriate order (including a new appointment order if needed).

D. Paragraph (7) of the prescribed form of motion for appointment of a master (Pa.R.C.P. 1920-74) shall state:

1. In all cases: the name(s) of other counsel who are or may be interested in the case, or a statement that no other counsel is known or believed to be interested; and

2. In property division cases: whether or not a divorce decree has been entered, and whether or not the costs deposit has been paid pursuant to Som.R.C.P. 1920.A.2.

(Formerly R18-1B05.)

3. In property distribution cases: whether each party has filed an inventory as required by Pa.R.C.P. 1920.33.

E. Notice of the date, time and place of presenting the motion for appointment of a Divorce Master or Special Master, and of the right to appear and be heard thereon, together with a copy of the motion, shall be given to all counsel of record and unrepresented parties at least ten (10) days prior to presentation.

(Formerly R18-1B06.)

F. An Order appointing a Special Master shall operate as a scheduling praecipe for scheduling of Master's hearing. A copy of the Appointment Order shall be provided to the Court Administrator for placement of the case on a trial list.

G. Cases in which hearing is to be scheduled before a Special Master will be placed on the appropriate trial list as a non-jury case for scheduling during the civil trial session. Counsel for the parties and the Special Master shall appear at the Call of the Civil Trial List pursuant to Som.R.J.A. 1022. Hearings before the Special Master will be placed on the civil trial schedule prepared pursuant to the provisions of Som.R.J.A. 1023. Once scheduled, the hearing may only be continued by Order of the Court.

H. The Master shall be sworn to the faithful performance of duties as Master prior to hearing.

(Formerly R18-201.)

I. The Master shall sit in an appropriate room of the courthouse or other County facility as assigned by the Court Administrator.

(Formerly R18-202.)

J. Subpoenas for the appearance of witnesses before the Master shall be issued by the Prothonotary upon application of the Master, a party's attorney, or an unrepresented party.

(Formerly R18-203.)

K. It is the duty of the Master to make every reasonable effort and inquiry to ascertain the whereabouts of a defendant and to give proper notice of hearing. In all cases, such inquiries and responses thereto shall be placed of record at the Master's hearing.

L. The notice of hearing shall state the date, time and place of hearing; that the parties may appear and be heard and present witnesses; and the name and mailing address of the Master.

Notice of hearing shall be given to Counsel and unrepresented parties in accordance with Pa.R.C.P. 1920.51.

(Formerly R18-1A01.)

M. Where defendant is incarcerated:

1. The notice of hearing shall also state:

a. If defendant wishes to attend the hearing, he has the right to request the court to grant permission to do so and to make arrangements for him to be brought to the hearing; and

b. If the defendant wishes the court to permit him to attend the hearing and to make arrangements for him to be brought to the hearing, defendant must within ten (10) days write to the Master requesting to be present; and

c. If defendant makes such request in writing, within ten (10) days to be present at the hearing, application to the court will be made for him; and

d. If defendant does not make a written request within said ten-day period to be present at the hearing, it will be presumed that he desires not to be present.

2. The hearing date shall be fixed sufficiently far in advance to allow time for the procedures above prescribed.

3. If defendant makes a timely request to be present at the hearing, the Master shall within ten (10) days thereafter:

a. Notify defendant's counsel of record thereof and that counsel shall make the necessary application to the court, or

b. Make the application to the court for the defendant if he has no counsel of record.

*Note:* See *Jones v. Jones*, 29 Somerset Legal Journal 152, 1 D. & C.3d 401 (1974). In general, notice of divorce hearing is governed by Pa.R.C.P. 1920.51.

(Formerly R18-1A01.)

N. A copy of the Master's notice of hearing shall be attached to the proof of notice required by Pa.R.C.P. 1920.51(e).

(Formerly R18-1A03.)

#### **Som.R.C.P. 1920.53. Master's Hearing And Report.**

A. Except as hereinafter provided, the Master's report shall be filed within the time limits provided by applicable Pennsylvania Rules of Civil Procedure.

B. A Special Master shall not submit a report concerning equitable property division and related matters unless: (i) a Decree in Divorce or Annulment has been entered; or (ii) the issue of divorce was presented to the Special Master and a recommendation regarding divorce is included in the report; or (iii) the Court permits submission of the report by special Order.

C. Upon receipt of an order appointing a Special Master or a substitute Special Master to hear matters pertaining to equitable distribution of marital property, alimony or counsel fees and expenses, the Prothonotary shall note in the docket or other appropriate record, a date 180 days after the date of the appointment. If the Master's report has not been filed on or before the expiration of the 180 day period, the Prothonotary shall,



on the next business day, forward to the Motions Judge a copy of the docket entries in the case. The Motions Judge shall promptly notify the Court Administrator that a status conference is to be scheduled. The Court Administrator shall issue a scheduling order for prompt scheduling of the status conference and shall provide a copy of the scheduling order to the Master, counsel for any party appearing in the action and any unrepresented party.

1. The Master, counsel, and unrepresented parties shall be present for the status conference unless excused by the hearing Judge for cause.

2. At the status conference, all participants shall be prepared to provide the hearing Judge with clear and concise explanations for the delay in filing the Master's report. If the delay has been caused by the failure of the Master to fulfill his or her duties, the Court may, upon motion of a party or on its own motion, discharge the Master and appoint a substitute Master to complete the case, or the Court may proceed under the terms of subparagraph 3 below. Any Master who has been discharged under the provisions of this Rule will forfeit any compensation to which he or she may otherwise be entitled.

3. Prior to imposing sanctions described in subparagraph 2 above, the court may elect to issue an order to the offending party or to the Master directing compliance within a stated period of time. If the offending party or Master fails to comply with the terms of such an order, the court may impose the sanctions specified in subparagraph 2 above.

D. In indigent cases, the party proceeding as an indigent shall, at the Master's hearing, prove all averments in the petition for leave to proceed as an indigent, and respecting the adverse party's whereabouts, financial ability and resources.

(Derived from former R18-208).

E. The Master's Report shall include:

1. The following material, organized in the following order:

a. Facing page, stating:

- (1) Case caption
- (2) Title (Master's Report)
- (3) Detail of costs payable to Master and stenographer, and
- (4) Index to remainder of Report.

b. Recommendation as to:

- (1) Collection of costs (see Som.R.C.P. 1920.62.D.); and
- (2) Relief granted or denied.

c. Transcript of proceedings before Master, which shall include a verbatim transcript of all proceedings before the Master, preceded by an introduction specifying:

- (1) Date(s), time(s) and place(s) of proceedings before the Master, and
- (2) The names and addresses of all persons present and their status in the case, and
- (3) A specific statement whether or not defendant was present or represented at the hearing.

d. Decree, in accordance with the recommendation, in the form prescribed by applicable Pennsylvania Rules of Civil Procedure, which shall also state liability for costs.

2. The information required by applicable Pennsylvania Rules Of Civil Procedure.

F. Upon completion of the Master's Report, the Master shall ascertain from the Prothonotary whether the balance of the costs deposit still held is sufficient to pay for the Master's compensation and any remaining stenographic and other costs, and:

1. If the balance of costs remaining is sufficient for payment of same, the Master shall file the report with the Prothonotary and proceed in accordance with Subsection F.3. of this Rule.

2. If the balance of costs remaining is not sufficient for payment of same, the Master shall lodge the Master's Report with the Prothonotary, sealed, which shall be available for review by no one other than the Master and the court, and the Master shall immediately send notice to counsel, the parties and the Motions Judge, advising that: (i) the Report has been lodged with the Prothonotary, (ii) upon payment of costs, the Report will be filed officially with the Prothonotary, (iii) that the moving party has a period of twenty (20) days within which to file a motion requesting relief from payment of the balance of costs, and (iv) if the costs are not paid, or if a motion for relief from payment of costs is not filed within such twenty (20) day period, the court will enter an order directing the moving party to pay the balance of costs. A motion for relief from payment of costs shall be transmitted to the Motions Judge for decision, *sec reg.* The ultimate responsibility between the parties for the costs and Master's compensation shall abide the final Decree.

Upon payment of the balance of costs, or upon entry of an order determining payment of costs, under this subsection, the Report shall be considered filed and the Master shall proceed as specified in Subsection F.3. of this Rule.

3. When the Report is filed or considered filed under Subsection E.1. or 2. of this Rule, the Master shall: (i) give notice of filing as prescribed by Pa.R.C.P. 1920.53, and (ii) file an affidavit of service of said notice.

4. The notice of filing of the report shall state the fact of filing, that any party has the right to file within ten (10) days after mailing of the notice, exceptions (objections) pursuant to Pa.R.C.P. 1920.55, that if any exception is filed it will be heard by the court, and if no exception is filed the Report will be presented to the court for the granting of a final Decree in divorce (or annulment), and determining equitable distribution and other collateral economic issues, as applicable.

(Formerly R18-209).

G. In any case, where there are insufficient costs on deposit to compensate the Master and the stenographer, the court, upon motion filed by the Master, or on its own motion, may proceed to determine whether the moving party should be required to advance the balance of costs necessary to compensate the Master and stenographer and to pay any additional costs in the action.

#### **Som.R.C.P. 1920.55. Exceptions To Report.**

Any timely exception to a Master's Report shall be scheduled for disposition by the court pursuant to the scheduling procedures set forth in Somerset County Local Rules of Procedure and applicable Pennsylvania Rules of Civil Procedure.

If no exception is filed, the Prothonotary shall, after the expiration of the ten day period for filing exceptions, present the whole record to the Motions Judge for appropriate disposition. In such presentation, the Protho-

notary shall note in writing for the Motions Judge any irregularities or unusual aspects of the proceedings.

(Formerly R18-210.)

**Som.R.C.P. 1920.33. Procedure On Joinder Of Related Claim For Distribution Of Property.**

A. In a case involving a claim for distribution of property, a Motion for Appointment Of Special Master may be presented only if (i) ninety (90) days have elapsed from service of the pleading or petition containing the claim for distribution of property, and (ii) the moving party has filed an inventory in the form required by Pa.R.C.P. 1920.33(a).

*Note:* Pa.R.C.P. 1920.33(a) requires both parties to file an inventory within 90 days after service of a pleading or petition containing a claim for distribution of property.

B. If the responding party has failed to comply with the provisions of Pa.R.C.P. 1920.33(a) within thirty (30) days after appointment of the Special Master, the Special Master shall report the failure to the Motions Judge for imposition of sanctions pursuant to Pa.R.C.P. 1920.33(c).

C. Within thirty (30) days after the appointment of the Special Master, each party shall file and serve upon the other party, a pretrial statement pursuant to the provi-

sions of Pa.R.C.P. 1920.33(b). If a party fails to file and serve a pretrial statement within the thirty day time period required by this Rule, the Special Master shall so report to the Court for imposition of sanctions pursuant to the provisions of Pa.R.C.P. 1920.33(c) and (d)(1).

D. No hearing shall be scheduled before the Special Master until both parties have complied with the provisions of Pa.R.C.P. 1920.33(a) and (b) or an Order has been entered by the Court pursuant to the Special Master's report of failure of a party to comply.

**Som.R.C.P. 1915.8. Reports Of Physical And Mental Examinations.**

Reports of examinations of persons pursuant to Pa.R.C.P. 1915.8 are confidential. Copies of reports shall be provided only to counsel for the parties and unrepresented parties. No further copies shall be made unless authorized by the Court. Counsel and parties shall not disclose the contents of such a report to any other person unless authorized by the Court. Disclosure to an unauthorized person, including the child who is the subject of the action, shall result in sanctions.

[Pa.B. Doc. No. 00-1034. Filed for public inspection June 16, 2000, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY  
AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 33]

### Commercial Motion Picture Sales Tax Exemption Certificate Form

The Department of Community and Economic Development (Department), under the authority of section 204(54) of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7204(54)), adopts Chapter 33 (relating to commercial motion picture sales tax exemption certificate). The purpose of the final-form regulation is to prescribe a Pennsylvania Exemption Certificate (FORM REV-1220) as the form to be used by producers of commercial motion pictures, who are qualified to take advantage of the Pennsylvania Sales and Use Tax exemption provided by section 204(54) of the TRC.

#### Introduction

Section 204(54) of the TRC exempts from the tax imposed by section 202 of the TRC (72 P. S. § 7202) (Pennsylvania Sales and Use Tax) the "sale at retail to or use by a producer of commercial motion pictures of any tangible personal property directly used in the production of a feature-length commercial motion picture distributed to a national audience: Provided, however, that the production of any motion picture for which the property will be used does not violate any Federal or State law; and, Provided further, that the purchaser shall furnish to the vendor a certificate substantially in the form as the Department of Community and Economic Development may, by regulation, prescribe, stating that the sale is exempt from tax pursuant to this clause." Before qualified producers of commercial motion pictures can take advantage of the tax exemption, they must know what form of certificate to use. Under section 204(54) of the TRC, only the Department may prescribe the type of certificate to be used.

The Department received only one comment to the proposed regulation. The comment came from the Independent Regulatory Review Commission (IRRC) and dealt with the Department's inconsistent use of the terms "exemption" and "exclusion." Because the use of these terms affects the burden of proof, IRRC recommended that only one term be used and recommended the sole use of the word "exemption," because use of that term places the burden of proof on the taxpayer claiming the exemption, rather than the Commonwealth. The Department welcomed the comment and has implemented it in the final regulation.

#### Analysis

Section 33.1 (relating to form required) prescribes the type of certificate to be furnished by a qualified producer of commercial motion pictures to a vendor to comply with the statutory exemption from the Pennsylvania Sales and Use Tax.

#### Fiscal Impact

The final-form regulation has no fiscal impact on the Commonwealth, political subdivisions or the public.

#### Paperwork

Because the certificate to be used by qualified producers of commercial motion pictures is a Pennsylvania Exemption Certificate (FORM REV-1220) which is already in use, the final-form regulation imposes no new or different paperwork requirements.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 1530 (March 18, 1998) to IRRC, the Chairpersons of the House Commerce and Economic Development Committee and the Senate Community and Economic Development Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing this final-form regulation, the Department has considered the comments received from IRRC, the Committees 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 House and Senate Committees on May 1, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 11, 2000, and approved the final-form regulation.

#### Effective Date/Sunset Date

This final-form regulation will become effective upon final publication in the *Pennsylvania Bulletin* and shall apply retroactively to May 7, 1997. This final-form regulation will expire when section 204(54) of the TRC no longer requires the Department to prescribe the type of certificate to be used under this section.

#### Contact Person

For an explanation of this final-form regulation, contact Jill Busch, Deputy Chief Counsel, Department of Community and Economic Development, 524 Forum Building, Harrisburg, PA 17120, (717) 720-7314.

#### Findings

The Department finds that:

(1) Public notice of intention to adopt this regulation 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).

(2) That the regulation is necessary and appropriate.

#### Order

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

(a) The regulations of the Department, 12 Pa. Code, are amended by adding § 33.1 to read as set forth in Annex A.

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

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to May 7, 1997.

SAMUEL MCCULLOUGH,  
*Secretary*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 2688 (May 27, 2000).)

**Fiscal Note:** Fiscal Note 4-67 remains valid for the final adoption of the subject regulation.

#### Annex A

### TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

#### PART I. GENERAL ADMINISTRATION

#### Subpart E. COMMERCIAL MOTION PICTURE SALES TAX EXEMPTION CERTIFICATE

#### CHAPTER 33. COMMERCIAL MOTION PICTURE SALES TAX EXEMPTION CERTIFICATE

Sec.  
33.1. Form required.

#### § 33.1. Form required.

Producers of motion pictures, who are qualified to take advantage of the Pennsylvania Sales and Use Tax exemption provided by section 204(54) of the Tax Reform Code of 1971 (72 P.S. § 7204(54)), shall use a Pennsylvania Exemption Certificate (FORM REV-1220).

[Pa.B. Doc. No. 00-1035. Filed for public inspection June 16, 2000, 9:00 a.m.]

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

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

#### Stream Redesignations, Buck Hill Creek, et al.

The Environmental Quality Board (Board) by this order amends §§ 93.9c, 93.9f, 93.9l, 93.9p and 93.9t to read as set forth in Annex A.

This order was adopted by the Board at its meeting of April 18, 2000.

#### A. Effective Date

These amendments are effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. Contact Persons

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, 10th Floor, Rachel Carson State Office Building, P. O. Box 8555, 400 Market Street, Harrisburg, PA 17105-8555, (717) 787-9637 or William J. Gerlach, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Depart-

ment of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

#### C. Statutory and Regulatory Authority

This final-form rulemaking is being made under the authority of the following acts: sections 5(b)(1) and 402 of The Clean Streams Law (act) (35 P.S. §§ 691.5(b)(1) and 691.402); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which grant to the Board the authority to develop and adopt rules and regulations to implement the act. In addition, the Federal regulation in 40 CFR 131.32 sets forth certain requirements for portions of the Commonwealth's antidegradation program.

#### D. Background of the Amendments

This Commonwealth's water quality standards, which are set forth in Chapter 93 (relating to water quality standards), implement the provisions of sections 5 and 402 of the act and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters designation in its ongoing review of water quality standards. In general, HQ and EV waters shall be maintained at their existing quality, and wastewater treatment requirements shall ensure the attainment of designated and existing uses. The Department may identify candidates during routine waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (Commission). In addition, organizations, businesses or individuals may submit a rulemaking petition to the Board.

These streams were evaluated in response to a petition, as well as requests from the Commission and Department staff as follows:

*Petition:* Buck Hill Creek (Buck Hill Conservation Foundation).

*Commission:* Sinnemahoning Portage Creek and Cowley Run; South Branch Oswayo Creek; and Swamp Creek.

*Department:* Owl Creek and Roaring Run.

Aquatic surveys were conducted by the Department's Bureau of Watershed Conservation. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. Based upon the data collected in these surveys, the Board has made the designations set forth in Annex A.

Copies of the Department's stream evaluation reports for these waterbodies are available from Edward R. Brezina whose address and telephone number are listed in Section B of this Preamble.

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

The Board approved the proposed rulemaking on January 20, 1998, and it was published at 28 Pa.B 1635 (April 4, 1998) with provision for a 60-day public comment period that closed on June 3, 1998. Comments were received from a total of 34 commentators and the Independent Regulatory Review Commission (IRRC).

Thirty-one of the public comments were in support of the proposed redesignation of the upper portion of Buck Hill Creek. These comments were provided by the general public, the Brodhead Watershed Association, the Buck Hill Falls Company, the Monroe County Conservation District and Concerned Citizens of Barrett Township.

IRRC commented that the Department relies on the selection criteria in the "Special Protection Waters Implementation Handbook" to arrive at stream reclassifications and that the handbook is only a guidance document. They stated that the proposed redesignations should more appropriately cite statutes and regulations. The Pennsylvania Coal Association, the Pennsylvania Builders Association and IRRC indicated that the proposed redesignations were premature because the Department's antidegradation regulation was undergoing revision. Those revisions have been completed, with Board approval on May 19, 1999, and publication at 29 Pa.B. 3720 (July 17, 1999). The "biological test" used as the basis for the recommended redesignation of some streams in this package has been incorporated into the antidegradation regulation in § 93.4b(a)(2) and (b)(1)(v) (relating to qualifying as high quality or exceptional value waters).

The Pennsylvania Builders Association and IRRC noted that two stations on Buck Hill Creek did not achieve the score necessary to qualify for EV and questioned the recommendation that the entire segment be redesignated as EV. The Department's recommendations for Buck Hill Creek were revised; segments with stations not scoring 92% or greater in comparison to the EV reference were not recommended for redesignation as EV. Because of the uniqueness of the resource, and the absence of an appropriate reference for a Glaciated Pocono Plateau stream emanating from wetlands, the Board found the segment except for the headwaters from the source of Buck Hill Creek to the Barrett/Coolbaugh Township Border to be worthy of EV protection as a "surface water of exceptional ecological significance" under the regulatory criteria in § 93.4b(b)(2).

The Builders Association also commented that the Buck Hill Creek report described the results from grab water samples as generally better than criteria. The proposed redesignation was not based on water chemistry. It was based on a biological test comparing its community to that in an EV reference stream. The indigenous benthic macroinvertebrates are a good indicator of long-term water quality because these organisms have limited mobility and many have relatively long aquatic life stages. Water samples for chemical analysis were collected to provide a "snapshot" of water quality conditions, but the data are not intended to be a basis for the recommended redesignation.

The Pennsylvania Coal Association expressed concern that the "Exceptional Value" designation is being misused as a weapon to delay or halt economic development. The Department evaluates candidate streams using the same protocols regardless of the reason for a redesignation request. Streams must meet the regulatory criteria to be proposed for redesignation to HQ or EV.

Other comments were received regarding Sinnemahoning Portage Creek and Dunbar Creek. Two commentators expressed concern with the reference streams used. Dunbar Creek has been removed from the regulatory package in response to the comment. Another comment questioned how Sinnemahoning Portage Creek can be EV with elevated levels of copper and aluminum at one station. In response, chemical data are not used as the

basis for redesignation. Moreover, not all of the metals were in a bioavailable form. Finally, one time chemical grab samples do not represent long-term stream conditions. The macroinvertebrate biology used as basis for redesignation to EV does reflect the long-term condition of the stream.

#### F. *Summary of Changes to the Proposed Rulemaking*

There have been three revisions since the proposed rulemaking was approved by the Board in January 1998. First, the proposed redesignation of Trout Run (Westmoreland County) has been removed from this package and will be considered as a separate final-form rulemaking. Second, the proposed redesignation of portions of Dunbar Creek (Fayette County) has been removed to allow for reevaluation. One of the reference stations used in the Dunbar Creek study was not designated EV.

The third change consists of revisions to the recommended redesignation of the upper portion of Buck Hill Creek. At proposed rulemaking, the Buck Hill Creek basin from the source to Margaret's Falls (River Mile 1.73) was recommended for redesignation as EV even though two stations in that reach did not score at least 92% in comparison to the EV reference. The Board has classified the uppermost reaches as an EV stream based on its "surface water of exceptional ecological significance" and not on the biological (92%) reference criteria; the stream segments from UNT 05028 to UNT 05026, and Giscom Creek to mouth, retain their HQ-CWF designation. The Buck Hill Creek redesignation now includes a combination of HQ and EV segments.

#### G. *Benefits, Costs and Compliance*

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

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use of the stream.

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on, or create additional compliance costs for the Commonwealth or its political subdivisions. The streams are already protected at their existing use; therefore, the designated use changes will have no impact on treatment requirements. No costs will be imposed directly upon local governments by this recommendation. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in cost as noted in the following discussion of impacts on the private sector.

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams must comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. The stream redesignation involves no economic impacts; any potential

economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are upgraded.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act and the act. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The amendments will be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting program since the stream use designation is a major basis for determining allowable stream discharge effluent limitations. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and designated water uses.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus, an individual permit and its associated additional paperwork would be required. Additionally, paperwork associated with demonstrating social and economic justification (SEJ), and the nonfeasibility of nondischarge alternatives, may be required for new or expanded discharges to certain HQ Waters.

#### H. *Pollution Prevention*

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged and required, when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

#### I. *Sunset Review*

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

#### J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 23, 1998, the Department

submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 1635, to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing these final-form regulations, the Department has considered all comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the House and Senate Committees on May 22, 2000. IRRC met on May 25, 2000, and approved the amendments in accordance with section 5.1(e) of the Regulatory Review Act.

#### K. *Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law, and all comments were considered.
- (3) These final-form regulations do not enlarge the purpose of the proposal published at 28 Pa.B. 1635.
- (4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.
- (5) These regulatory amendments do not contain any standards or requirements that exceed requirements of the companion Federal regulations.

#### L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9c, 93.9f, 93.9i, 93.9p and 93.9t to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

JAMES M. SEIF,  
*Chairperson*

*(Editor's Note: The proposal to amend § 93.9v, included in the proposed rulemaking at 28 Pa.B. 1635, has been withdrawn by the Board. For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2965 (June 10, 2000). For the*

text of a Senate Resolution relating to the proposal to redesignate Trout Run, see 30 Pa.B. 3026 (June 17, 2000).)

**Fiscal Note:** 7-333A. No fiscal impact; (8) recommends adoption. This final-form rulemaking was previously published as 7-333. This has now been split into 7-333A, which designates water uses and water quality criteria in various streams in Monroe, Lebanon, Berks, Montgomery, Cameron and Somerset Counties; and 7-333B which designates water uses and water quality criteria for Trout Run in Westmoreland County. This fiscal note applies to 7-333A.

**Annex A**  
**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE II. WATER RESOURCES**  
**CHAPTER 93. WATER QUALITY STANDARDS**  
**§ 93.9c. Drainage List C.**

**Delaware River Basin in Pennsylvania**

***Delaware River***

| <i>Stream</i>                                | <i>Zone</i>  | <i>County</i> | <i>Water Uses Protected</i> | <i>Exceptions To Specific Criteria</i> |
|--|--|---------------|-----------------------------|--|
|  |  | * * * * *     |                             |  |
| 3-Buck Hill Creek                            | Basin, Source to Unnamed Tributary (UNT) 05028 (RM 2.16) | Monroe        | EV                          | None                                   |
| 4-Unnamed Tributary 05028 to Buck Hill Creek | Basin  | Monroe        | HQ-CWF                      | None                                   |
| 3-Buck Hill Creek                            | Basin, UNT 05028 to UNT 05026 (RM 1.88)                  | Monroe        | HQ-CWF                      | None                                   |
| 4-Unnamed Tributary 05026 to Buck Hill Creek | Basin  | Monroe        | HQ-CWF                      | None                                   |
| 3-Buck Hill Creek                            | Basin, UNT 05026 to Griscom Creek                        | Monroe        | EV                          | None                                   |
| 4-Griscom Creek                              | Basin  | Monroe        | HQ-CWF                      | None                                   |
| 3-Buck Hill Creek                            | Basin, Griscom Creek to Mouth                            | Monroe        | HQ-CWF                      | None                                   |
|  |  | * * * * *     |                             |  |

**§ 93.9f. Drainage List F.**

**Delaware River Basin in Pennsylvania**

***Schuylkill River***

| <i>Stream</i>                              | <i>Zone</i>   | <i>County</i> | <i>Water Uses Protected</i> | <i>Exceptions To Specific Criteria</i> |
|--|---|---------------|-----------------------------|--|
|  |   | * * * * *     |                             |  |
| 4-Unnamed Tributaries to Tulpehockon Creek | Basins, T 560 to Tailwaters of Blue Marsh Reservoir | Berks         | TSF                         | None                                   |
| 4-Owl Creek                                | Basin   | Lebanon       | WWF                         | None                                   |
|  |   | * * * * *     |                             |  |
| 4-Swamp Creek                              | Basin, Source to Dam in Bechtelsville (RM 15.5)     | Berks         | HQ-CWF, MF                  | None                                   |
| 4-Swamp Creek                              | Basin, Dam in Bechtelsville to Route 100 Bridge     | Berks         | CWF, MF                     | None                                   |
| 4-Swamp Creek                              | Basin, Route 100 Bridge to Mouth                    | Montgomery    | TSF, MF                     | None                                   |
|  |   | * * * * *     |                             |  |

§ 93.9l. Drainage List L.

**Susquehanna River Basin in Pennsylvania**  
***West Branch Susquehanna River***

| <i>Stream</i>                 | <i>Zone</i>                 | <i>County</i> | <i>Water Uses Protected</i> | <i>Exceptions To Specific Criteria</i> |
|-------------------------------|-----------------------------|---------------|-----------------------------|--|
|                               |                             | * * * * *     |                             |  |
| 5-Sinnemahoning Portage Creek | Basin, Source to Cowley Run | Cameron       | EV                          | None                                   |
| 6-Cowley Run                  | Basin                       | Cameron       | EV                          | None                                   |
| 5-Sinnemahoning Portage Creek | Basin, Cowley Run to Mouth  | Cameron       | CWF                         | None                                   |
|                               |                             | * * * * *     |                             |  |

§ 93.9p. Drainage List P.

**Ohio River Basin in Pennsylvania**  
***Allegheny River***

| <i>Stream</i>               | <i>Zone</i> | <i>County</i> | <i>Water Uses Protected</i> | <i>Exceptions To Specific Criteria</i> |
|-----------------------------|-------------|---------------|-----------------------------|--|
|                             |             | * * * * *     |                             |  |
| 4-South Branch Oswayo Creek | Basin       | Potter        | EV                          | None                                   |
|                             |             | * * * * *     |                             |  |

§ 93.9t. Drainage List T.

**Ohio River Basin in Pennsylvania**  
***Kiskiminetas River***

| <i>Stream</i> | <i>Zone</i>                                      | <i>County</i> | <i>Water Uses Protected</i> | <i>Exceptions To Specific Criteria</i> |
|---------------|--|---------------|-----------------------------|--|
|               |  | * * * * *     |                             |  |
| 7-Roaring Run | Basin, Source to Boswell Municipal Authority Dam | Somerset      | EV                          | None                                   |
|               |  | * * * * *     |                             |  |

[Pa.B. Doc. No. 00-1036. Filed for public inspection June 16, 2000, 9:00 a.m.]

# Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

## STATE BOARD OF NURSING [49 PA. CODE CH. 21]

### Fees

The State Board of Nursing (Board) amends §§ 21.5, 21.147 and 21.253 (relating to fees) to read as set forth in Annex A, by revising those fees which are not related to license renewals but rather to applications and specific services to accurately reflect the cost of processing applications and providing services.

#### A. Effective Date

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

#### B. Statutory Authority

Section 11.2(a) and (d) of The Professional Nursing Law (63 P.S. § 221.2(a) and (d)), and section 17.5(a) of the Practical Nurse Law (63 P.S. § 667.5(a)), require the Board to set fees by regulation. The same provisions require the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures.

#### C. Background and Purpose

General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to processing individual applications or providing certain services directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee. The fee is charged to the person requesting the service.

A recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Af-



fairs (Bureau) determined that the current fees did not reflect the actual cost of processing applications and performing the services. The amendments update the fees to accurately reflect the cost of processing the applications and providing the services. A detailed explanation of the background of these fees as well as a description of the fees was published at 29 Pa.B. 2299 (May 1, 1999).

#### *D. Summary of Comments and Responses on Proposed Rulemaking*

Notice of proposed rulemaking was published at 29 Pa.B. 2299. Publication was followed by a 30-day public comment period. The Board did not receive 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 following is the Board's response to those comments.

##### *1. Certification Fee*

The HPLC questioned under what circumstances the Board certifies an examination score. Both the HPLC and IRRC requested an explanation of the difference between the administrative overhead costs for certification of scores and the administrative overhead costs for other services.

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 a license 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 license is the only source of the score of the licensee, as testing agencies do not maintain this information. The licensing laws of many states include provisions that licensure by reciprocity or endorsement based on a license 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 Board and other licensing boards certify the examination score the applicant achieved on the licensure examination.

The difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. States request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The 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 the applicant 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 from 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.

##### *2. Administrative Overhead*

IRRC requested that the Bureau and the Board thoroughly examine their cost allocation methodology for administrative overhead and itemize the overhead cost to be recouped by the fees. IRRC commented that although the Bureau's method was reasonable, there is no indication that the fees will recover the actual overhead cost because there is no relationship to the service covered by the fees and because the costs are based upon past expenditures rather than projected expenditures. IRRC expressed the view that there is no certainty that the projected revenues of the new fees will meet or exceed projected expenditures as required under the Board's enabling statutes. The HPLC requested an explanation regarding why the proposed fees are rounded up and are not the actual cost of services as estimated by the board.

In computing overhead charges, the Board 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 one-half 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 Board 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 a licensing board's 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 licensing boards noted 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 five biennial cycles, the experience of both the licensing boards and the Bureau has been that using established and verifiable data, which can be substantiated by collective bargaining agreements, pay scales and cost benefit factors, provides 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 Board has not made changes in the method by which they allocate administrative expenditures and the resulting fees will remain as proposed.

### 3. *Other Comments*

The HPLC requested an explanation as to what Board costs are reflected in the fees in which a component of the fee is apportioned for Board meeting time to review or vote on the applications, or both. The application fees for services which require the attention of the Board, and for which the cost is excluded from the general operating expenses of the Board, include this apportioned cost. For example, before a new nursing education program is approved, the program is thoroughly reviewed by the Board, and representatives of the program appear before the Board to answer the Board's questions. The cost for the Board to review new nursing education programs is apportioned only to those who apply for program approval and benefit from the service. This cost is not borne by the general licensee population because they are not using the service and do not benefit. The cost apportioned as Board review equals the cost for the Board to review the application for the specified amount of time.

The HPLC noted that the aggregate biennial increase in cost to the licensees and the corresponding increase in biennial revenue to the Board would be \$1,204,345. The HPLC requested justification for the increase. The aggregate increase reflects both the increase in Board costs to provide each of the services and the estimated number of licensees who use will the services. The current fees are outdated and no longer cover the costs of providing the specified services. Some fees have not been increased for 13 years, and most have not been increased for 9 years. In the last 6 years, the number of licensees has increased by 26,200. As noted in proposed rulemaking, the fees for

license applications by endorsement, CRNP certification and certification of scores have not been revised since 1987. Fees for out-of-State graduate license applications, temporary practice permits, new nursing program approval applications, and challenge of the RN and PN examinations have not been revised since 1991, and the fee for reactivating a license after 5 years of inactivity was last revised in 1993. The new fees for license restoration after a sanction, applications for extending a temporary practice permit, certification of scores and certification of license history reflect the actual cost of providing these services. Details of the Board's analysis of the cost of each fee are attached to the Regulatory Review Analyses Form, which is available upon request.

The application fees are charged only to those who the request the specified service. The fees charged reflect the costs to the Board. The Board estimates that 15,686 individuals will use the specified services annually. The average increase in cost to each individual who requests a service will be \$38.39. If those requesting services were not charged with the cost of providing the services, then the cost to provide these services to individuals would be borne by the entire licensee population to raise the fees to meet expenditures as required by statute; however, the general licensee population would receive no benefit from services provided to those individuals. In FY 98-99, there were 257,986 nurses licensed by the Board. If the general licensee population subsidized the application fees, an increase in the biennial renewal fees of \$4.67 would result. The aggregate increase represents not only an increase in the cost to the Board to provide the service, but also includes the estimated number of individuals who will request the services. For example, if no one used the Board's services, the increased cost to the Board would be \$0.00, the increased cost to the licensees would be \$0.00, and the aggregate increase in revenue to the Board would be \$0.00. If twice the number of people used the services as projected, the increased costs and corresponding revenue would also double, but the average increase to each individual would remain the same. The estimated 15,686 individuals who ask for and benefit from the requested services will pay the fees, not the general licensee population.

The Board believes that this rulemaking will not put the Commonwealth at a competitive disadvantage with other states. Other states (New York, New Jersey, Maryland, Ohio and Delaware) seem to anticipate and include the costs of many of these services in their license renewal fees. As a result, their renewal fees range from \$35 to \$100 and are significantly higher than the Commonwealth's which range from \$16 to \$24. Details of the Board's analysis are in the Regulatory Analysis Form, which is available upon request.

### E. *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 regulations address a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

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

These final-form regulations 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 amendments will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

G. *Sunset Date*

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

H. *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 29 Pa.B. 2299, to IRRC and to the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of comments received, as well as other documentation. In preparing these final-form regulations, the Board has considered all comments received from the Committees, IRRC and the public.

These final-form regulations were approved by the HPLC on April 18, 2000, and deemed approved by the SCP/PLC on April 27, 2000. IRRC met on May 11, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

I. *Contact Person*

Further information may be obtained by contacting Ann Steffanic, Administrative Assistant, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200.

J. *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 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 29 Pa.B. 2299.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Part B of this preamble.

K. *Order*

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

(1) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by amending §§ 21.5, 21.147 and 21.253 to read as set forth in Annex A.

(2) 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.

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

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

SUSANNE M. KELLY, BSN, RN,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2688 (May 27, 2000).)*

**Fiscal Note:** Fiscal Note 16A-5112 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 21. STATE BOARD OF NURSING**

**Subchapter A. REGISTERED NURSES**

**FEES**

**§ 21.5. Fees.**

(a) The following fees are charged by the Board:

|   |       |
|---|-------|
| Examination and licensure .....                       | \$35  |
| Reexamination .....                                   | \$30  |
| Licensure by endorsement .....                        | \$100 |
| Temporary permit .....                                | \$35  |
| Extension of temporary permit .....                   | \$60  |
| Application for approval of new nursing program .     | \$475 |
| Fee for review and challenge of RN exams .....        | \$170 |
| Application fee for out-of-State graduates .....      | \$100 |
| Biennial renewal of license .....                     | \$21  |
| Verification of licensure .....                       | \$15  |
| Reactivation of license (after 5 years or longer) ... | \$50  |
| Restoration after suspension or revocation .....      | \$50  |
| Certification of scores .....                         | \$25  |
| Certification of license history .....                | \$40  |

(b) In addition to the examination and licensure fee of \$35 prescribed in subsection (a), which is payable directly to the Board, a candidate for the registered nurse licensing examination shall also pay a fee of \$40 to the National Council of the State Boards of Nursing to cover costs associated with the preparation and administration of the registered nurse licensing examination. Effective April 1994, or upon implementation of the computer adaptive examination, the fee paid directly to the National Council of the State Boards of Nursing or its designated agent is \$88.

**Subchapter B. PRACTICAL NURSES**

**FEES**

**§ 21.147. Fees.**

(a) The following fees are charged by the Board:

|   |       |
|---|-------|
| Examination and licensure .....                   | \$35  |
| Reexamination .....                               | \$30  |
| Licensure by endorsement .....                    | \$100 |
| Temporary permit .....                            | \$35  |
| Extension of temporary permit .....               | \$60  |
| Application for approval of new nursing program . | \$475 |
| Fee for review and challenge of PN exams .....    | \$170 |
| Application fee for out-of-State graduates .....  | \$100 |
| Biennial renewal of license .....                 | \$16  |

|   |      |
|---|------|
| Verification of licensure .....                       | \$15 |
| Reactivation of license (after 5 years or longer) ... | \$50 |
| Restoration after suspension or revocation .....      | \$50 |
| Certification of scores .....                         | \$25 |
| Certification of license history .....                | \$40 |

(b) In addition to the examination and licensure fee of \$35 prescribed in subsection (a), which is payable directly to the Board, a candidate for the practical nurse licensing examination shall also pay a fee of \$40 to the National Council of the State Boards of Nursing to cover costs associated with the preparation and administration of the practical nurse licensing examination. Effective April 1994, or upon implementation of the computer adapted examination, the fee paid directly to the National Council of the State Boards of Nursing or its designated agent is \$88.

**Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS**

**FEES**

**§ 21.253. Fees.**

The following fees are charged by the Board:

|   |       |
|---|-------|
| Certification .....                     | \$100 |
| Biennial renewal of certification ..... | \$26  |
| Verification of certification .....     | \$15  |

[Pa.B. Doc. No. 00-1037. Filed for public inspection June 16, 2000, 9:00 a.m.]

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

The State Board of Veterinary Medicine (Board) amends § 31.41 (relating to schedule of fees), pertaining to fees for verification and certification of licensure records to read as set forth in Annex A.

**A. Effective Date**

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

**B. Statutory Authority**

The Board is authorized to set fees by regulation under section 13(a) of the Veterinary Medicine Practice Act (63 P. S. § 485.13(a)).

**C. Purpose**

The statutory provisions require that the Board increase fees to meet or exceed projected expenditures. Biennial renewal fees support general administrative and enforcement costs. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested.

The fees in this rulemaking represent the cost of providing an official sealed document of Board records. By this amendment, the cost of providing the service will be apportioned to users.

This rulemaking results from a recent systems audit of the existing fees for services of the State boards within the Bureau of Professional and Occupational Affairs (Bureau). The audit determined that the current service fees for the State boards subject to this rulemaking were

adequate to cover their cost, with the exception of fees charged for verification and certification of license records.

**D. Summary of Comments and Responses to Proposed Rulemaking**

Notice of proposed rulemaking was published at 29 Pa.B. 1897 (April 10, 1999). No public comments were received. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). No public comments were received. The following is the Board's response to those comments.

**Certification and Verification Fee**

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.

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 Board and other State boards of the Commonwealth 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. States request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The 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 the licensee 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 from the Bureau's central computer records and sent to the State boards' 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 of training in another state. A certification document contains information specific to the individual requestor. It may include dates or location 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 State 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 State boards' enabling statutes.

In computing overhead charges the State 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 State board. Once determined, the Bureau's total administrative charge is apportioned to each State board based upon that board's share of the total active licensee population. In turn, the State boards' 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 State 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 one-half as much overhead charge as an application requiring one hour of processing time. The Bureau concurs with IRRC that by adopting this methodology, the Bureau and the State 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 of charge obtained by applying IRRC suggested time factor versus the current method. This review of a State Board's 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 State 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 State boards noted 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 five 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, help provide a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the State 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 State boards have not made changes in the method by which they allocate administrative expenditures and the resulting fees will remain as proposed. Additionally, the HPLC requested further information on fees of other states which are comparable in response to Regulatory Analysis Item 25. This has been added to the analysis and is available to the public on request.

The HPLC also requested with respect to Bureau fees generally that additional information be provided on the Regulatory Analysis Form filed with the Committees and IRRC. This information concerned comparable fees of other states (Item 25). Additional information has been provided and a copy of the Regulatory Analysis Form is available to the public upon request.

#### *E. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 29, 1999, the Board submitted a copy of this proposed rulemaking, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provide additional documentation. In preparing the final-form regulation, the Board considered the comments from the Committees and IRRC.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on April 17, 2000, this final-form rulemaking was deemed approved by the House and Senate Committee. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 27, 2000, and approved the final-form regulation under section 5(e) of the Regulatory Review Act.

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

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the final-form regulation the Board considered the least restrictive alternative to regulate costs for services for certification or verification of licensure.

G. *Fiscal Impact and Paperwork Requirements*

The rulemaking will have no 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 request certification or verification services from the Board. The amendment will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

H. *Sunset Date*

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

I. *Contact Persons*

Interested persons may receive more information by writing the State Board of Veterinary Medicine, Robert Kline, Board Administrator, P. O. Box 2649, Harrisburg, PA 17105-2649.

*Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given as required by sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202).
- (2) A public comment period was provided as required by law.
- (3) The amendment does not enlarge the scope of proposed rulemaking at 29 Pa.B. 1897.
- (4) The amendment is necessary and appropriate to administer and enforce the Board's enabling statute.

*Order*

The Board, acting under the authority of its enabling statute, orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 31.41 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 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 on publication in the *Pennsylvania Bulletin*.

*(Editor's Note: An amendment affecting § 31.41, which is being amended in this document, appeared at 30 Pa.B. 2583 (May 27, 2000) and will be codified in MTS 309, August 2000.)*

BRIAN V. 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. 2430 (May 13, 2000).)*

**Fiscal Note:** Fiscal Note 16A-578 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**

**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:*

|  |       |
|--|-------|
| Application to original, reactivated, reissued or reciprocal license ..... | \$35  |
| North American Veterinary Licensing Examination .....                      | \$325 |
| Application for continuing education program approval .....                | \$35  |
| Verification of licensure .....  | \$15  |
| Certification of scores or hours .....                                     | \$25  |
| Temporary permit .....   | \$55  |
| Biennial renewal .....   | \$105 |
| Late renewal fee per month or part of month....                            | \$5   |

*Animal health technicians:*

|   |       |
|---|-------|
| Application for certification.....  | \$35  |
| Veterinary Technical National Examination (VTNE) (Effective January 1996) ..... | \$125 |
| Application for continuing education program approval .....                     | \$35  |
| Verification of certification.....  | \$15  |
| Certification of scores or hours .....  | \$25  |
| Biennial renewal .....  | \$30  |
| Late renewal fee per month or part of month....                                 | \$5   |

[Pa.B. Doc. No. 00-1038. Filed for public inspection June 16, 2000, 9:00 a.m.]

**STATE BOARD OF DENTISTRY**

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

**Verification/Certification Fees**

The State Board of Dentistry amends § 33.3 (relating to fees), pertaining to fees for verification and certification of licensure records to read as set forth in Annex A.

*A. Effective Date*

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

*B. Statutory Authority*

The Board is authorized to set fees by regulation under section 4(b) of the Dental Law (63 P. S. § 123(b)).

*C. Purpose*

The statutory provisions require that the Board increase fees to meet or exceed projected expenditures. Biennial renewal fees support general administrative and enforcement costs. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested.

The fees in this rulemaking represent the cost of providing an official sealed document of Board records. By this amendment, the cost of providing the service will be apportioned to users.

This rulemaking results from a recent systems audit of the existing fees for services of the State boards within the Bureau of Professional and Occupational Affairs (Bureau). The audit determined that the current service fees for the State boards subject to this rulemaking were adequate to cover their cost, with the exception of fees charged for verification and certification of license records.

#### *D. Summary of Comments and Responses to Proposed Rulemaking*

Notice of proposed rulemaking was published at 29 Pa.B. 1895 (April 10, 1999). No public comments were received. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). No public comments were received. The following is the Board's response to those comments.

##### *Certification and Verification Fee*

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.

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 Board and other State boards of the Commonwealth 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. States request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The 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 the licensee 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 from the Bureau's central computer records and sent to the State boards' 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 of training in another state. A certification document contains information specific to the individual requestor. It may include dates or location 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 State 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 State boards' enabling statutes.

In computing overhead charges, the State 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 State board. Once determined, the Bureau's total administrative charge is apportioned to each State board based upon that board's share of the total active licensee population. In turn, the State boards' 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 State 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 one-half as much overhead charge as an application requiring one hour of processing time. The Bureau concurs with IRRC that by adopting this methodology, the Bureau and the State 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 of charge

obtained by applying IRRC suggested time factor versus the current method. This review of a State Board's 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 State 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 State boards noted 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 five 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, help provide a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the State 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 State boards have not made changes in the method by which they allocate administrative expenditures and the resulting fees will remain as proposed. Additionally, the HPLC requested further information on fees of other states which are comparable in response to Regulatory Analysis Item 25. This has been added to the analysis and is available to the public on request.

The HPLC also requested with respect to Bureau fees generally that additional information be provided on the Regulatory Analysis Form filed with the Committees and IRRC. This information concerned comparable fees of other states (Item 25). Additional information has been provided and a copy of the Regulatory Analysis Form is available to the public upon request.

#### E. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 29, 1999, the Board submitted a copy of the proposed rulemaking, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provide additional documentation. In preparing the final-form regulation, the Board considered the comments from the Committees and IRRC.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on April 17, 2000, this final-form rulemaking was deemed approved by the House and Senate Committee. Under section 5.1(e) of the Regulatory

Review Act, IRRC met on April 27, 2000, and deemed approved this final-form rulemaking under section 5(e) of the Regulatory Review Act.

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

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the final-form regulation, Board considered the least restrictive alternative to regulate costs for services for certification or verification of licensure.

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

The rulemaking will have no 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 request certification or verification services from the Board. The amendment will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

#### H. *Sunset Date*

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

#### I. *Contact Persons*

Interested persons may receive more information by writing the State Board of Dentistry, June Barner, Board Administrator, P. O. Box 2649, Harrisburg, PA 17105-2649.

#### *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given as required by sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202).

(2) A public comment period was provided as required by law.

(3) The amendment does not enlarge the scope of proposed rulemaking at 29 Pa.B. 1895.

(4) The amendment is necessary and appropriate to administer and enforce the Board's enabling statute.

#### *Order*

The Board, acting under the authority of its enabling statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending § 33.3 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 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 on 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. 2430 (May 13, 2000).)*

**Fiscal Note:** Fiscal Note 16A-469 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 33. STATE BOARD OF DENTISTRY**

**Subchapter A. General Provisions**

**§ 33.3. Fees.**

Following is the schedule of fees charged by the Board:

|  |       |
|--|-------|
| Application fee—dentists, dental hygienists and expanded function dental assistants.....                                     | \$20  |
| Criteria approval application fee—dentists, dental hygienists and expanded function dental assistants.....                   | \$35  |
| Fictitious name registration fee.....  | \$35  |
| Verification of license, permit or registration fee—dentists, dental hygienists and expanded function dental assistants..... | \$15  |
| Certification of scores, permit or registration fee—dentists, dental hygienists and expanded function dental assistants..... | \$25  |
| Biennial renewal fee—dentists.....   | \$100 |
| Biennial renewal fee—dental hygienists.....  | \$40  |
| Biennial renewal fee—expanded function dental assistants.....  | \$25  |
| Biennial renewal fee—unrestricted or restricted anesthesia permit.....   | \$25  |
| Temporary permit—expanded dental assistants.....   | \$15  |

[Pa.B. Doc. No. 00-1039. Filed for public inspection June 16, 2000, 9:00 a.m.]

**STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

**[49 PA. CODE CH. 47]**

**Verification and Certification Fees**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) amends § 47.4 (relating to licensure fees) pertaining to fees for verification and certification of licensure records to read as set forth in Annex A.

*A. Effective Date*

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

*B. Statutory Authority*

The Board is authorized to set fees by regulation under section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. § 1918(c)).

*C. Purpose*

The statutory provisions require that the Board increase fees to meet or exceed projected expenditures. Biennial renewal fees support general administrative and enforcement costs. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested.

The fees in this rulemaking represent the cost of providing an official sealed document of Board records. By this amendment, the cost of providing the service will be apportioned to users.

This rulemaking results from a recent systems audit of the existing fees for services of the State boards within the Bureau of Professional and Occupational Affairs (Bureau). The audit determined that the current service fees for the State boards subject to this rulemaking were adequate to cover their cost, with the exception of fees charged for verification and certification of license records.

*D. Summary of Comments and Responses to Proposed Rulemaking*

Notice of proposed rulemaking was published at 29 Pa.B. 1897 (April 10, 1999). No public comments were received. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). No public comments were received. The following is the Board's response to those comments.

*Certification and Verification Fee*

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.

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 qualification 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 Board and other State boards of this Commonwealth 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. States request different information when making a determination as to whether to grant licensure based on reciprocity or endorsement from another state. The 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 the licensee 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 from the Bureau's central computer records and sent to the State boards' staff responsible for handling the licensees 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 of training in another state. A certification document contains information specific to the individual requestor. It may include dates or location 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 State 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 State boards' enabling statutes.

In computing overhead charges the State 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 State board. Once determined, the Bureau's total administrative charge is apportioned to each State board based upon that board's share of the total active licensee population. In turn, the State boards 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 State 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 one-half as much overhead charge as an application requiring one hour of processing time. The Bureau concurs with IRRC that by adopting this methodology, the Bureau and the State 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 of charge

obtained by applying IRRC suggested time factor versus the current method. This review of a State board's 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 State 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 State boards noted 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 five 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, help provide a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the State 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 State boards have not made changes in the method by which they allocate administrative expenditures and the resulting fees will remain as proposed. Additionally, the HPLC requested further information on fees of other states which are comparable in response to Regulatory Analysis Item 25. This has been added to the analysis and is available to the public on request.

The HPLC also requested with respect to Bureau fees generally that additional information be provided on the Regulatory Analysis Form filed with the Committees and IRRC. This information concerned comparable fees of other states (Item 25). Additional information has been provided and a copy of the Regulatory Analysis Form is available to the public upon request.

#### *E. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 29, 1999, the Board submitted a copy of this proposed rulemaking, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provide additional documentation. In preparing the final-form regulation, the Board considered the comments from the Committees and IRRC.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on April 17, 2000, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regula-

tory Review Act, IRRC met on April 27, 2000, and deemed approved the final-form regulation under section 5(e) of the Regulatory Review Act.

*F. Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the final-form regulations, the Board considered the least restrictive alternative to regulate costs for services for certification or verification of licensure.

*G. Fiscal Impact and Paperwork Requirements*

The rulemaking will have no 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 request certification or verification services from the Board. The amendment will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

*H. Sunset Date*

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

*I. Contact Persons*

Interested persons may receive more information by writing the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Clara Flinchum, Board Administrator, P. O. Box 2649, Harrisburg, PA 17105-2649.

*Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given as required by sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202).
- (2) A public comment period was provided as required by law.
- (3) The amendment does not enlarge the scope of proposed rulemaking at 29 Pa.B. 1897.
- (4) The amendment is necessary and appropriate to administer and enforce the Board's enabling statutes.

*Order*

The Board, acting under the authority of its enabling statute, orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 47, are amended by amending § 47.4 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 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 on publication in the *Pennsylvania Bulletin*.

MANUEL J. MANOLIOS,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2430 (May 13, 2000).)

**Fiscal Note:** Fiscal Note 16A-693 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 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

**GENERAL PROVISIONS**

**§ 47.4. Licensure fees.**

(a) The fee schedule for licensure as a licensed social worker or for a provisional license shall be as follows:

- (1) Application fee for licensure and original license issuance as a licensed social worker . . . . . \$15
- (2) Biennial renewal for a licensed social worker . . . . . \$45
- (3) One-time assessment fee for a licensed social worker licensed during the 1988 to 1991 licensure cycle . . . . . \$30
- (4) Application fee for provisional license and provisional license issuance . . . . . \$25
- (5) Verification of licensure . . . . . \$15
- (6) Certification of license, scores or hours . . . \$25

(b) Applicants who were issued licenses prior to June 24, 1989, and who have not paid the appropriate fee in subsection (a) are required to remit the fee within 30 days of receipt of notice from the Board to maintain active licensure status. Failure to remit the required fee within that time will result in the license being placed on inactive status. A licensee holding oneself out as a "licensed social worker" while the license is on an inactive status may be subject to disciplinary proceedings before the Board.

[Pa.B. Doc. No. 00-1040. Filed for public inspection June 16, 2000, 9:00 a.m.]

**Title 67—TRANSPORTATION**

**DEPARTMENT OF TRANSPORTATION**

**[67 PA. CODE CH. 179]**

**Notice of Waiver of 67 Pa. Code § 179.11(a)(1)**

This notice pertains to the use of antisway devices on certain modular housing undercarriages or mobile homes under 67 Pa. Code § 179.11(a)(1). On November 23, 1999, the Pennsylvania Manufactured Housing Association (PMHA) filed an administrative action with the Department of Transportation (Department) under 1 Pa. Code § 35.18 requesting waiver or repeal of certain portions of 67 Pa. Code § 179.11. The matter was captioned as "In re: Pennsylvania Manufactured Housing Association, Request for Waiver or Repeal of Certain Portions of 67 Pa. Code § 179.11" and was docketed at No. 038 A.D. 1999 in the Department's administrative docket. In its action, PMHA asserted that the regulation, which requires that in certain circumstances the towing hitch mechanism of a modular housing undercarriage or mobile home be equipped with antisway devices, was not in conformity with the Vehicle Code and an unreasonable burden upon vehicle operators, without offering any ap-

preciable safety value. At the scheduled hearing, the Department entered into a stipulation of agreement, which is being published under the Order dated May 30, 2000, by the Department of Transportation Hearing Officer, and filed on June 2, 2000.

In the instant action, PMHA has filed an administrative action under 1 Pa. Code § 35.18 requesting waiver or repeal of certain portions of 67 Pa. Code § 179.11. The applicable regulation, in relevant part states:

**§ 179.11. Special vehicle—load restrictions.**

(a) *Movement of mobile homes, modular housing units and undercarriages.* A mobile home, modular housing unit or modular housing undercarriage that does not exceed 80 feet in body length, 14 feet in width—except as authorized in paragraph (3)—and 14 feet, 6 inches, in height may be transported upon the highway subject to the following requirements:

(1) The towing hitch mechanism of a modular housing undercarriage or mobile home shall be equipped with two antisway devices whenever the total width exceeds 13 feet, unless operating on a highway section having a posted speed below 40 miles per hour. A modular housing undercarriage or mobile home which has at least four tandem axles with brakes on each wheel may operate on any highway without antisway devices.

\* \* \* \* \*

PMHA has explained to the Department that due to the present configuration and weight of most power units, the

regulation places an unreasonable burden upon vehicle operators, without offering any appreciable safety value. The Department has considered the petition and although it does not agree that the burden is unreasonable, it concurs that the intent of the regulation can be met without the requirement of antisway devices, provided that the power units meet certain standards.

Accordingly, under its regulatory authority, the Department waives the requirements of 67 Pa. Code § 179.11(a)(1) in those instances when a modular housing undercarriage or mobile home is towed by a power unit, which employs a hitching device, which when used in a combination of vehicles, is designed, constructed and installed in a manner that the towed modular housing undercarriage or mobile home does not shift or swerve more than 6 inches to either side of the path of the power unit while the power unit is moving in a straight line on a level, smoothed paved surface.

Questions, suggestions or comments may be directed to Barbara A. Darkes, Assistant Counsel in Charge, Motor Vehicle Section, Office of Chief Counsel, Department of Transportation, 3rd Floor, Riverfront Office Center, Harrisburg, PA 17104-2516, (717) 787-2830, Telefax: (717) 705-1122.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-1041. Filed for public inspection June 16, 2000, 9:00 a.m.]

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# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 88 AND 90]

### Coal Refuse Disposal

The Environmental Quality Board (Board) proposes to amend Chapters 88 and 90 (relating to anthracite coal; and coal refuse disposal). The amendments address permitting and performance standards for coal refuse disposal operations.

This proposal was adopted by the Board at its meeting of April 18, 2000.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information contact Evan T. Shuster, Chief, Division of Permits, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103, or Joseph Pizarchik, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-984 (TDD users) or (800) 654-5988 voice (users). This proposed rulemaking is available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

The amendments are proposed under the authority of section 4.2 of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. § 1396.4b(a)); section 3.2 of the Coal Refuse Disposal Control Act (CRDCA) (52 P. S. § 30.53b); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

#### D. *Background and Purpose*

The proposed rulemaking is necessary to update Chapters 88 and 90 to bring them into conformance with the CRDCA as amended by the act of December 7, 1994 (P. L. 808, No. 114) (Act 114). Act 114 was signed into law on December 7, 1994, and became effective on February 5, 1995.

Subsequent to Act 114 becoming law, the Department developed a supporting technical guidance document, titled "Coal Refuse Disposal—Site Selection." The technical guidance document clarifies the Act 114 site selection process and outlines information needed to apply for, and receive, a stream barrier variance under section 6.1 of the CRDCA (52 P. S. § 30.56a). The technical guidance document was circulated for comment to the regulated community, Fish and Boat Commission, Game Commission, the Federal Office of Surface Mining (OSM), United States Environmental Protection Agency (EPA), United States Fish and Wildlife Service and the United States Army Corps of Engineers. On April 22, 1998, the OSM published a conditional approval of the Act 114 amendments in 63 FR No. 77 (April 22, 1998). The published approval also recognized that the Department's technical guidance document had satisfied the concerns of the

United States Fish and Wildlife Service regarding compliance with section 7 of the Endangered Species Act. On May 2, 1998, the Department submitted a letter to the OSM outlining its approach to addressing the required conditions through rulemaking. The proposed amendments include those clarifications.

This proposal relates to permitting and performance standards for coal refuse disposal operations. It contains new provisions for a mandatory preapplication site selection process; criteria for design and performance of groundwater and surface water protection systems; criteria relating to the design and performance of systems that prevent precipitation from contacting coal refuse; criteria relating to stream buffer zone variances; and requirements relating to experimental practices.

Additionally, it provides the regulatory language needed to implement section 6.2 of the CRDCA (52 P. S. § 30.56b). The CRDCA postponed implementation of the section 6.2 provisions pending the promulgation of regulations governing the use of sites with preexisting pollutional discharges. This proposed language is intended to promote the use and reclamation of sites that were previously impacted by mining.

This proposal amends § 90.12 (relating to geology) to request geologic information that is needed to review a permit application for coal refuse disposal activities. The proposal adds language to § 90.13 (relating to groundwater information) regarding groundwater flow as it relates to groundwater and surface water protection, and language describing requirements relating to preventing precipitation from contacting the coal refuse during temporary cessation.

In addition to the Act 114 provisions, § 90.116a (relating to hydrologic balance: water rights and replacements) includes a cross reference to the water supply replacement provisions of the current surface mining regulations in Chapter 87 (relating to surface mining of coal). The proposed amendment clarifies that coal refuse disposal site operators are required to replace water supplies that are impacted by their operations.

These proposed regulatory changes were reviewed and discussed with the Mining and Reclamation Advisory Board (MRAB). The MRAB is the Department's advisory body for regulations pertaining to surface coal mining, including coal refuse disposal. A draft of the proposed rulemaking was reviewed and discussed with the MRAB's Regulation, Legislation and Technical Committee on November 17, 1999. The MRAB concurred with the proposed rulemaking at its meeting on January 6, 2000.

#### E. *Summary of Regulatory Requirements*

As indicated in Section D of this Preamble, these proposed changes are primarily the result of amendments to the CRDCA. The following summary identifies the section of the regulations proposed for change or addition along with a description of the specific change.

##### *§ 90.1. Definitions.*

A definition of "public recreational impoundment" is added. The proposed definition is based on section 3 of the CRDCA (52 P. S. § 30.53). Under the CRDCA, watersheds that are less than 4 square miles in area and that drain to a point on a stream coinciding with the upstream limit of a public recreational impoundment cannot be approved for coal refuse disposal unless the site proposed is a preferred site.

*§ 90.5. Site selection and permitting; and § 88.281 Requirements.*

The proposed sections reflect section 4.1 of the CRDCA (52 P. S. § 30.54a), which outlines a comparative analysis process for evaluating potential sites for coal refuse disposal. The CRDCA and the proposed amendments establish a two-step process for the permitting of coal refuse disposal sites. The first step is a preapplication site selection process intended to steer applicants to areas previously disturbed by mining. In the absence of previously disturbed sites, the site selection process requires an evaluation of nearby candidate sites with the goal of choosing the site that results in minimal adverse impacts. Following the Department's approval of the applicant's site selection, the applicant shall proceed to the second step which involves preparing and submitting a permit application for the selected site. The proposed § 90.5 language outlines the need to conduct the mandatory site selection step prior to applying for a permit for coal refuse disposal activities. Proposed § 88.281 of the anthracite regulations cross references the site selection requirements of Chapter 90.

*§ 90.12. Geology.*

Revisions are proposed to § 90.12 to solicit a more appropriate geologic description for proposed coal refuse disposal sites. The existing language in § 90.12 is borrowed from Chapter 87 and was written to gather information relating to sites where coal will be mined. The proposed language solicits information on surficial geology, soils and characteristics of joints and fractures. This information is more useful in evaluating sites that will be used for coal refuse disposal activities.

*§ 90.13. Groundwater information.*

Revisions are proposed to § 90.13 to reflect the requirements of section 6.1(i) of the CRDCA. Under the Act 114 amendments, all new coal refuse disposal areas must include systems to prevent adverse impacts to surface and groundwater. The effectiveness of any system designed to drain, divert, contain or otherwise control groundwater and surface water in and around coal refuse disposal piles is, in part, dependent on an understanding of a site's predisposal groundwater/surface water interactions. Proposed § 90.13 is intended to collect this information to allow a complete technical evaluation of the proposed groundwater and surface water protection system.

*§ 90.34. Reclamation: postdisposal land use.*

Section 90.34 contains revisions to reflect more clearly the fact that postdisposal land use consistently differs from predisposal land use. In addition, a minor grammatical change is proposed to improve § 90.34(a)(2).

*§ 90.45. Prime farmland.*

The proposed revision is intended to draw attention, by cross reference, to the prime farmland provision in proposed Subchapter E (relating to site selection). Coal refuse disposal is prohibited under Subchapter E on sites with prime farmland unless the site is a preferred site.

*§ 90.49. Stream buffer zone variance; and § 88.281 Requirements.*

The proposed language reflects section 6.1(h)(5) of the CRDCA, which gives the Department authority to grant a variance to dispose of coal refuse within 100 feet (30.48 meters) of the bank of a stream and to relocate or divert streams for the purpose of coal refuse disposal. Language is included to ensure that coal refuse disposal operations,

which fall outside the scope of § 90.49, comply with the stream buffer zone provisions of § 86.102(12) (relating to areas where mining is prohibited or limited). The proposed § 90.49 requires that the variance be issued as a written order and that operators give public notice of the application for the variance. There are also provisions requiring the Department to conduct a public hearing when any person files an exception to the proposed variance.

Prior to the development of the proposed amendments, the Department had submitted the Act 114 amendments to the OSM for approval as a program amendment. Proposed § 90.49 includes a requirement that each stream variance for purposes of coal refuse disposal shall be accompanied by a demonstration that "the activities will not cause or contribute to the violation of State or Federal water quality standards, and will not adversely affect water quality and quantity, or other environmental resources of the stream." This requirement differs from the precise language of section 6.1(h)(5) of the CRDCA, which requires a demonstration that "there will be no significant adverse hydrologic or water quality impacts as a result of the variance." The proposed language is based on Federal program requirements communicated to the Department by the OSM in its conditional approval of the Act 114 amendments. The Department previously took action to address this matter by suspending implementation of the term "significant" in section 6.1(h)(5) of the CRDCA. This matter was announced at 28 Pa.B. 2544 (May 30, 1998). Other changes necessary to make this requirement consistent with the Federal counterpart requirement are incorporated in proposed § 90.49(c)(1).

*§ 90.50. Design criteria: Groundwater and surface water protection system; and § 88.281 Requirements.*

The proposed language reflects section 6.1(i) of the CRDCA, which requires that all new coal refuse areas include systems to prevent adverse impacts to surface and groundwater and to prevent precipitation from contacting the coal refuse. The proposed § 90.50 outlines design criteria relating to these systems and requires that the applicant provide a determination of the potential mine subsidence related impacts. The phrase "... prevent precipitation from coming into contact with the coal refuse" in § 90.50(b) is based on section 6.1(i) language. This statutory requirement was intended to ensure that precipitation contacting the coal refuse is kept to a minimum thereby reducing the volume of water needing treatment after the site is closed. The system is required to be designed and installed in a manner that minimizes the amount of time coal refuse is exposed to precipitation. The object is to have the system installed incrementally as refuse disposal progresses. The final system, in conjunction with the groundwater and surface water diversion systems, will result in greatly reduced postdisposal outflows. Section 88.281 of the anthracite regulations cross references the requirements of § 90.50.

*§ 90.116a. Hydrologic balance: Water rights and replacement.*

The proposed language is included to formally incorporate the existing water supply replacement criteria of § 87.119 (relating to hydrologic balance: water rights and replacement) into Chapter 90. The requirement in § 87.119 applies to all surface mining activities, one of which is coal refuse disposal. It has been historically used to address water supply impacts at coal refuse sites.

*§ 90.122. Coal refuse disposal; and § 88.310 Coal refuse disposal: general requirements.*

The proposed revisions include performance standards based on requirements of section 6.1(i) of the CRDCA relating to systems that prevent precipitation from contacting the coal refuse and systems that prevent adverse impacts to surface and groundwater. When coupled with the proposed design criteria in § 90.50 (cross referenced in the anthracite regulations in § 88.281), the revised §§ 90.122 and 88.310 will require that coal refuse disposal areas be provided with the groundwater and surface water protection systems prescribed by section 6.1(i) of the CRDCA.

Additionally, existing § 90.122(e) and (g) is proposed to be deleted. Section 90.122(e) is unnecessary since it duplicates requirements for information that is required in greater detail under § 90.122(d) and (f). Section 90.122(g) is not needed due to the fact that new coal refuse disposal sites will be required to include design features, such as the system to protect groundwater and surface water, that will address groundwater discharges and surface water flows at proposed disposal sites.

The revision will also correct a typographical error in § 88.310(e).

*§ 90.167. Cessation of operation: temporary; and § 88.332 Cessation of operations: temporary.*

The proposed revisions reflect section 6.1(i) of the CRDCA which requires that the system for preventing precipitation from contacting the coal refuse be installed when the operator temporarily ceases operation of the coal refuse disposal area for a period in excess of 90 days.

*Subchapter E. Site Selection (All of Subchapter E is incorporated into Chapter 88 by cross reference in § 88.281.)*

The proposed Subchapter E covers the site selection process required under section 4.1 of the CRDCA. The site selection process takes place prior to the time of permit application and is designed to ensure that coal refuse disposal will take place in a suitable location.

*§ 90.201. Definitions.*

Section 90.201 is a newly proposed section. It defines the terms that apply to the site selection process.

The proposed definition of the term "preferred site" is taken verbatim from section 4.1 of the CRDCA. Under the CRDCA, a preferred site is either an unreclaimed mine site or a site polluted by acid mine drainage. One of the prime functions of the Act 114 revisions to the CRDCA was to steer mine operators to preferred sites.

The proposed definition of the term "search area" is based on section 4.1(c) and (d) of the CRDCA. Since the source of coal refuse is normally a coal preparation facility, the definition delineates the search area based on the location of the preparation facility.

The proposed definition of the term "selected site" was added to clarify its meaning as used throughout Subchapter E. Due to the use of similar terms in the proposed amendments, such as "preferred site," "alternate site" and "approved site," it was necessary to provide a specific definition for the term "selected site."

*§ 90.202. General requirements; § 90.203 Proposing a preferred site; and § 90.204 Proposing an alternate site.*

Proposed §§ 90.202—90.204 are based on section 4.1 of the CRDCA. Section 90.202 outlines general provisions regarding the evaluation and comparison of preferred and

alternate sites. It also addresses areas where coal refuse disposal is restricted. Section 90.203 addresses the standard of approval for preferred sites. Section 90.204 outlines the procedures that apply when an applicant proposes an alternate site. Subsection (a) covers situations where both preferred sites and alternate sites are present within the search area. Subsection (b) applies to situations where no preferred sites exist within the search area. The proposed language spells out the process for evaluation of available sites for coal refuse disposal, a process for delineating sites to be evaluated based on the search areas prescribed under sections 4.1(c) and (d) of the CRDCA, and a process for demonstrating that an alternate site is the most suitable for coal refuse disposal.

*§ 90.205. Alternatives analysis.*

Proposed § 90.205 describes the provisions of section 4.1(e) of the CRDCA. It clarifies that the alternatives analysis conducted under Subchapter E fulfills the alternatives analysis requirements of the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

*§ 90.206. Disapproval of a proposed site.*

The proposed language is designed to clarify that the Department's disapproval of a given site under the site selection process relates to that site and not to the entire search area or to areas beyond the search area.

*§ 90.207. Approval of a selected site.*

The proposed language reflects the fact that final approval for coal refuse disposal is given after review of the complete coal refuse disposal permit application, and that permit issuance is not an automatic extension of the site selection approval. The final decision regarding permit issuance is contingent upon the design of the facility meeting the requirements of Chapters 86—90.

*Subchapter F. Coal Refuse Disposal Activities on Areas with Preexisting Pollutational Discharges. (All of Subchapter F is incorporated into Chapter 88 by cross-reference at § 88.281.)*

*§ 90.301 Scope, § 90.302 Definitions, § 90.303 Applicability, § 90.304 Application for authorization, § 90.305 Application approval or denial, § 90.306 Operational requirements, § 90.307 Treatment of discharges, § 90.308 Request for bond release, and § 90.309 Criteria and schedule for release of bonds on pollution abatement areas.*

The proposed subchapter is designed to provide incentives for operators to enter, conduct coal refuse disposal activities and reclaim areas that were previously affected by coal mining activities that have pollutational discharges. The proposed language is modeled on the existing remaining incentive provisions of Chapters 87 and 88. These provisions have been in effect since 1985 and have been successful in encouraging operators to enter sites with preexisting pollutational discharges. The result has been new and innovative technology for the control and treatment of mine drainage, improvement to water quality, recovery of coal reserves that would otherwise remain unmined, and reclamation of abandoned sites at operator cost instead of state cost.

At the present time, coal refuse disposal site operators who re-affect areas with existing pollutational discharges will have their bonds held by the Department unless they eliminate those discharges. As a result, operators typically develop coal refuse disposal operations on virgin sites. Section 6.2 of the CRDCA was intended to provide incentives to encourage operators to re-affect previously disturbed land by creating limited exception to the exist-

ing regulation. These exceptions provide for special permits and release of bonds at areas with preexisting pollutional discharges. The proposed amendments are expected to encourage reclamation of abandoned mine lands.

The major provision of proposed Subchapter F is a modified level of treatment required for preexisting discharges, which are not encountered during redisturbance of a site or during the implementation of the abatement program. For this class of discharges, section 6.2 of the CRDCA establishes a baseline pollution load treatment level based on "best professional judgment" instead of the standard treatment levels required under the existing § 90.102. An effluent limitation based on best professional judgment takes into account the quality and quantity of the preexisting discharge on a case-by-case basis; whereas the standard effluent limitations set fixed limitations for all discharges regardless of preexisting quality. The proposed amendments obligate the Department to release bonds if the abatement plan significantly improves the quality of the discharges. If the operator fails to obtain a significant improvement but, nevertheless, does not worsen the discharges, the Department is still obligated to release the bond provided the operator has taken certain steps specified by the Department that are necessary to improve water quality.

*Subchapter G. Experimental Practices. (Subchapter G is incorporated into Chapter 88 by cross reference in § 88.281.)*

§ 90.401. *General.*

The proposed section reflects the requirements of section 6.3 of the CRDCA (52 P. S. § 30.56c). The proposed § 90.401 is designed to encourage advances in coal refuse disposal practices and advances in technology that will enhance environmental protection. Federal regulations require substantial coordination during review of experimental practice applications between the state regulatory agency and the OSM. Therefore, Federal counterpart language relating to experimental practices is fully incorporated by cross reference in § 90.401(b) to ensure that the proposed language is consistent with the Federal requirements.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a statement of the benefits of a proposed amendments, as well as the costs that may be imposed.

These proposed amendments should result in substantial benefits to the Commonwealth. Although costs and benefits cannot be calculated with precision, the Department has developed some estimates that provide a means of gauging the significance of these regulations. The benefits and costs are as follows:

1. The site selection provisions of the proposed amendments are designed to steer operators who are evaluating coal refuse disposal sites to areas previously disturbed by mining. The regulations minimize the total number of disposal sites. The limited number of sites serves to minimize the likelihood of citizens being exposed to the effects of coal refuse disposal. To make the use of sites with preexisting discharges more palatable to operators, Act 114 included provisions for modified discharge limits and alternative reclamation standards. Unlike the other sections of Act 114, these provisions were not self-implementing. They are contingent on this rulemaking. This rulemaking will therefore fulfill the intent of Act 114.

2. Prior to the Act 114 amendment to the CRDCA, operators were exposed to potentially unlimited liability for treatment of preexisting discharges that would remain after coal refuse disposal was complete. This potential liability has discouraged operators from reentering sites and thus limited the amount of operator reclamation.

3. The proposed Subchapter F will impose no new costs on private entities. This is because the proposed amendments simply create an option for operators to use if they so choose. If operators choose to use sites with preexisting discharges, they will bear slightly higher costs in preparing permit applications than they would incur for other permit applications. Costs will be related to the development of abatement plans, as well as implementation of the abatement plans and certification of completion of these plans. Costs will vary based on the number of discharges and the degree of pollution at the site as well as the technology needed to achieve a predicted improvement. Costs for characterization of discharge quality and quantity are estimated to be approximately \$500 per discharge. The proposed amendments will be used when operators perceive that the economic benefits for disposing of coal refuse in an area previously affected by mining outweigh the additional costs required to characterize the preexisting discharges.

4. The proposed Subchapter E provisions mirror the self-implementing provisions of Act 114. The regulated industry has been complying with the requirements since Act 114 became effective in 1995. The additional up-front site characterization and alternatives analysis required by Act 114 and proposed Subchapter E can result in significant costs to the operator (\$50,000—\$70,000 per site).

5. Act 114 and the proposed amendments require coal refuse disposal sites to incorporate systems to prevent adverse impacts to surface and groundwater and to prevent precipitation from contacting the coal refuse. The regulated community has been following this self-implementing Act 114 provision since 1995. The proposed regulations do not add new requirements beyond the statutory requirements. The proposed amendments covering the types of systems to be installed are not prescriptive; therefore, the costs related to design and construction can vary considerably depending on the systems proposed. However, the costs of designing and installing systems at large coal refuse disposal sites may be substantial. The economic impact is partly mitigated due to the limited number of anticipated sites and the fact that the State's largest coal producers will typically develop these sites. Additionally, since the required systems will reduce groundwater and surface water recharge to the coal refuse pile, the costs will be offset by the long-term savings realized due to reduced water treatment costs.

The benefits of the proposed amendments outweigh the costs for the following reasons. First, no operator will use the Subchapter F option unless that operator is convinced that he can conduct coal refuse disposal activities on the site and obtain release of bond. Because the proposed amendments present the operator with an option, they will be used only when the operator perceives that the benefits outweigh the costs. In addition, the proposed amendments will result in a reduction of water pollution from areas that have been previously mined, will lead to additional reclamation of areas that have been previously mined, and will benefit the Commonwealth and landowners by promoting the reuse of previously disturbed areas as opposed to virgin sites. In addition, the site-selection provisions, in conjunction with surface and groundwater



protection systems, will result in improved water quality and disposal of coal refuse at the most environmentally suitable site available.

Subchapter F imposes no additional paperwork because it merely creates an option for operators to disturb areas that contain preexisting pollutional discharges. If an operator exercises this option, Subchapter F does require increased background water quality information not ordinarily required in permit applications. This information is necessary to ensure accurate information about the quantity and quality of preexisting pollutional discharges from the site, so that any changes in background data caused by the proposed activities may be more completely and accurately understood. Subchapter G (relating to experimental practices) will require an applicant to submit a substantial amount of additional paperwork. The additional paperwork will only apply to sites where an operator chooses to propose experimental practices.

G. *Sunset Review*

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

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 31, 2000, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly before final publication of the final-form regulations.

I. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by August 16, 2000 (within 60 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by August 16, 2000. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us and must also be received by the Board by August 16, 2000. A subject heading of the proposal and a return name and address must be included in each

transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

J. *Public Hearings*

The Board will hold two public hearings for the purpose of accepting comments on this proposal. They will be held at 7 p.m. on the following dates:

July 19, 2000      Quality Hotel  
100 South Centre Street  
Pottsville, Pa.

July 28, 2000      Days Inn  
127 West Byers Avenue  
I-70 & Turnpike Exit 8  
New Stanton, Pa.

Persons wishing to present testimony at a hearing are requested to contact Joan Martin at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the meeting. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the American With Disabilities Act of 1990 should contact Joan Martin directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-598 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-352. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**CHAPTER 88. ANTHRACITE COAL**

**Subchapter D. ANTHRACITE REFUSE DISPOSAL: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 88.281. Requirements.**

A person who conducts coal refuse disposal activities shall comply with the performance standards and design requirements of this subchapter, §§ 90.5, 90.49, 90.50 and Subchapters E—G of Chapter 90.

\* \* \* \* \*

**§ 88.310. Coal refuse disposal: general requirements.**

\* \* \* \* \*

(e) The coal refuse to be placed in [ full ] the fill shall be hauled or conveyed and placed in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, covered and graded to allow surface and subsurface

drainage to be compatible with the natural surroundings, and ensure a long-term static safety factor of 1.5 and seismic safety factor of 1.2.

\* \* \* \* \*

(j) The system to prevent adverse impacts to the surface water and groundwater shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles or cross-sections approved in the permit and shall function to prevent adverse impacts to surface water and groundwater.

(k) The system to prevent precipitation from coming in contact, with the coal refuse shall be constructed in accordance with design schematics, descriptions, plans, maps, profiles and cross-sections approved in the permit and shall function to prevent precipitation from contacting the coal refuse. The system shall be installed as phases of the disposal area reach capacity, as specified in the permit, when the operation temporarily ceases for more than 90 days (unless the Department approves a longer period, not to exceed 1 year) or when the operation permanently ceases. The system shall be designed to allow for revegetation of the site in accordance with the standard of success under § 88.330 (relating to revegetation: standards for successful revegetation) and for prevention of erosion.

§ 88.332. Cessation of operations: temporary.

(a) As soon as it is known that the operation will temporarily cease for more than 30 days, the operator shall submit a notice of intention, in writing, to temporarily cease the operation. The notice shall include a statement of the exact number of acres which will have been affected in the permit area, the extent and kind of reclamation of those areas, and identification of the backfilling, regrading, revegetation, monitoring and water treatment activities that will continue during the temporary cessation. The system for preventing precipitation from contacting the coal refuse shall be installed when the temporary cessation exceeds 90 days. The Department may approve a longer period, not to exceed 1 year, under subsection (b).

\* \* \* \* \*

CHAPTER 90. COAL REFUSE DISPOSAL

Subchapter A. GENERAL PERMIT AND APPLICATION REQUIREMENTS FOR COAL REFUSE DISPOSAL

§ 90.1. Definitions.

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

\* \* \* \* \*

**Public recreational impoundment**—A closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water and which is owned, rented or leased by the Federal government, the Commonwealth or a political subdivision of this Commonwealth and which is used for swimming, boating, water skiing, hunting, fishing, skating or other similar activities.

\* \* \* \* \*

§ 90.5. Site selection and permitting.

(a) Prior to applying for a permit to conduct coal refuse disposal activities, the applicant shall comply with Subchapter E (relating to site selection).

(b) After the Department has approved a site in accordance with Subchapter E, the applicant may apply for a permit for coal refuse disposal activities in accordance with Chapters 86 and 88 (relating to surface and underground coal mining: general; and anthracite coal) and this chapter.

Subchapter B. MINIMUM ENVIRONMENTAL RESOURCES INFORMATION REQUIRED IN PERMIT APPLICATIONS FOR COAL REFUSE DISPOSAL

§ 90.12. Geology.

[ (a) ] The application shall include a description of the areal and structural geology within the proposed permit and adjacent area, including the lithology of the strata that influence the occurrence, availability, movement and quality of groundwater that may be affected by the coal refuse disposal [ , ]. [ including the following:

(1) ] For lands within the proposed permit and adjacent areas, the applicant shall provide a description of the geology with complementing maps and cross sections and the results of test borings [ . and coal samplings. The description shall include the stratum immediately beneath the coal seam to be mined and all overlying strata, or, where an aquifer or existing deep mine below the lowest coal to be mined may be affected, the aquifer or existing deep mine and all overlying strata for mines underlain by existing deep mines and greater than 200 feet below surface drainage throughout the proposed mine, the description need only include the strata down to and including the stratum immediately below the coal seam to be mined ]. The description shall include the strata down to and including any aquifer that may be affected. At a minimum, the description shall include:

[ (i) ] (1) \* \* \*

[ (ii) ] (2) Depth, lithology and structure [ of overburden or underlying strata ] of near-surface bedrock.

[ (iii) ] (3) \* \* \*

[ (2) For any portion of a permit area in which the strata will be removed, test borings or core samples shall be collected down to and including the stratum immediately below the lowest coal seam to be mined or stratum to be removed and analyzed to provide the following data:

(i) Logs of drill holes that show the lithologic characteristics, including physical characteristics and thickness of each stratum, and location and quality of groundwater.

(ii) Chemical analyses of each stratum with the overburden and the stratum immediately below the coal seam to be mined to identify those strata that contain acid-forming, toxic-forming or alkalinity-producing materials.

(iii) Chemical analyses for acid-forming and toxic-forming substances of the coal seam, including the total sulfur content.

(b) An application may request that the requirements for a statement of the results of the test borings or core samplings, as required under subsection (a)(2), may be waived in part or in its entirety by the Department. ]

(4) A description of glacial, alluvial or colluvial deposits or other unconsolidated deposits that are present within or beneath the proposed permit area, including their thickness and location.

(5) A description of mine workings that are present beneath the proposed permit area.

(6) The attitude and characteristics of joints, cleats, fracture zones and faults within the permit and adjacent areas.

(7) The location and identification of coal seam crop lines within the permit area.

(8) A description of the physical characteristics of soils within the permit area.

(9) A description of aquifers that are present beneath the proposed permit area.

§ 90.13. Groundwater information.

The application shall contain a description of the premining or baseline groundwater hydrology of the proposed permit and adjacent area, including the following:

\* \* \* \* \*

(2) Other information on the baseline hydrogeologic properties of the groundwater system shall be included with the application. The Department may require information on indicator parameters such as pumping test, lithologic and piezometer data or that other appropriate information be provided. **Specific attention shall be given to describing the groundwater flow system as it relates to the design and operation of the proposed groundwater and surface water protection system as described in § 90.50 (relating to design criteria: groundwater and surface water protection system).**

**Subchapter C. MINIMUM OPERATION AND RECLAMATION PLAN INFORMATION REQUIRED IN APPLICATIONS FOR COAL REFUSE DISPOSAL**

§ 90.34. Reclamation: postdisposal land use.

(a) An application shall contain a description of the proposed land use, following reclamation, of the lands to be affected within the proposed permit area by coal refuse disposal activities, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses, and the relationship of the proposed use to existing land use policies and plans. This description shall explain the following:

\* \* \* \* \*

(2) [ When pastureland is the postdisposal land use, the ] The detailed management plan to be implemented when pastureland is the postdisposal land use.

(3) [ When a land use different from the predisposal land use is proposed, materials ] Materials needed for approval of the alternative use under § 90.166 (relating to postdisposal land use).

\* \* \* \* \*

§ 90.45. Prime farmland.

A person who conducts, or intends to conduct, coal refuse disposal activities on prime farmlands historically used for cropland, in accordance with Subchapter E (relating to site selection), shall submit a plan, as part of the permit application, for the disposal and restoration of the land. The plan shall contain, at a minimum:

\* \* \* \* \*

§ 90.49. Stream buffer zone variance.

(a) *Stream buffer zone restriction.* Coal refuse disposal operations may not occur within 100 feet (30.48 meters) of the bank of a stream. The Department may grant a variance for disposal of coal refuse under subsection (c).

(b) *Compliance required.* Coal refuse disposal operations other than coal refuse disposal shall comply with § 86.102(12) (relating to areas where mining is prohibited or limited).

(c) *Variance.* The Department may grant a variance from the 100-foot (30.48-meter) stream buffer zone to dispose of coal refuse in the 100-foot (30.48-meter) stream buffer zone. The stream buffer zone is the area within 100 feet (30.48 meters) measured horizontally from the bank of any stream.

(1) Stream buffer zone variances will only be granted if the operator demonstrates to the satisfaction of the Department that the coal refuse disposal will not adversely affect water quality and quantity, or other environmental resources of the stream and will not cause or contribute to the violation of applicable State or Federal water quality standards.

(2) Prior to granting a variance, the operator shall be required to give public notice of the application in two newspapers of general circulation in the area once a week for 2 successive weeks.

(i) If a person files an exception to the proposed variance within 20 days of the last publication of the notice, the Department will conduct a public hearing with respect to the application within 30 days of receipt of the exception.

(ii) The Department will also consider information or comments submitted by the Fish and Boat Commission prior to taking action on a variance request.

(3) The variance will be issued as a written order specifying the methods and techniques that shall be employed to prevent or mitigate adverse impacts.

§ 90.50. Design criteria: groundwater and surface water protection system.

(a) The application shall include a description of the system that will be installed to prevent adverse impacts to groundwater and surface water. The description shall include maps, plans and other information necessary to evaluate the design of the system.

(b) The application shall include a description of the system that will be installed to prevent precipitation from coming into contact with the coal refuse. The description shall include maps, plans and other information necessary to evaluate the design of the system. The coal refuse disposal operation shall be designed in phases to minimize the amount of time the entire coal refuse area is

exposed to precipitation prior to the installation of the system to prevent precipitation from contacting the coal refuse. The application shall describe the design of the system for preventing precipitation from contacting coal refuse and how the system will be installed in accordance with the following:

(1) During routine coal refuse disposal as phases of the coal refuse disposal area reach capacity.

(2) During periods of temporary cessation as directed under § 90.167(d) (relating to cessation of operations: temporary).

(3) When the operation permanently ceases.

(c) The application shall include a description of the site's susceptibility to mine subsidence and the potential impacts of mine subsidence on the systems described in subsections (a) and (b). The description shall include the measures to be taken to ensure the long-term functionality of the systems described in subsections (a) and (b) with particular attention to subsidence-induced impacts or other physical or chemical processes that could adversely affect the operation of the systems.

**Subchapter D. PERFORMANCE STANDARD FOR COAL REFUSE DISPOSAL**

**§ 90.101. Hydrologic balance: general requirements.**

\* \* \* \* \*

(b) Coal refuse disposal activities shall be planned and conducted to prevent pollution of [ the water ] ground-water and surface water and prevent, to the maximum extent possible, changes to the water quantity, depth to groundwater and location of surface water drainage channels so that the approved postdisposal land use of the permit is not adversely affected.

\* \* \* \* \*

**§ 90.116a. Hydrologic balance: water rights and replacement.**

A person who conducts coal refuse disposal activities and adversely affects a water supply by contamination, pollution, diminution or interruption shall comply with § 87.119 (relating to hydrologic balance: water rights and replacement).

**§ 90.122. Coal refuse disposal.**

\* \* \* \* \*

(e) [ The coal refuse disposal area shall be located on the most moderately sloping and naturally stable areas available as approved by the Department. Fill materials suitable for disposal shall be placed upon or above a natural terrace, bench or berm to provide additional stability and prevent mass movement.

(f) \* \* \*

[ (g) The coal refuse disposal area should be located in areas where groundwater discharge and surface water flows are minimal.

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

(g) The disposal area shall be provided with a system to prevent adverse impacts to the surface water and groundwater. The system shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles or cross-

sections approved in the permit and shall function to prevent adverse impacts to surface water and groundwater.

(h) The disposal area shall be provided with a system to prevent precipitation from coming in contact with the coal refuse. The system shall be constructed in accordance with design schematics, test results, descriptions, plans, maps, profiles or cross-sections approved in the permit and shall function to prevent precipitation from contacting the coal refuse. The system shall be installed as phases of the disposal area reach capacity, as specified in the permit, when the operation temporarily ceases for a period in excess of 90 days (unless the Department approves a longer period, not to exceed 1 year) or when the operation permanently ceases. The system shall be designed to allow for revegetation of the site in accordance with the standard of success under § 90.159 (relating to revegetation: standards for successful revegetation) and for the prevention of erosion.

\* \* \* \* \*

**§ 90.167. Cessation of operations: temporary.**

\* \* \* \* \*

(b) Temporary cessation of an operation [ shall ] may not exceed 90 days unless the Department approves a longer period for reasons of seasonal shutdown or labor strike.

\* \* \* \* \*

(d) The operator shall install the system for preventing precipitation from contacting the coal refuse when the temporary cessation exceeds 90 days. The Department may approve a longer period, not to exceed 1 year, for reasons of a labor strike or business necessity.

(Editor's Note: Subchapters E—G are proposed to be added. They are printed in regular type to enhance readability.)

**Subchapter E. SITE SELECTION**

Sec. 90.201. Definitions  
90.202. General requirements.  
90.203. Proposing a preferred site.  
90.204. Proposing an alternative site.  
90.205. Alternative analysis.  
90.206. Disapproval of proposed site.  
90.207. Approval of selected site.

**§ 90.201. Definitions.**

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

*Preferred site*—A watershed polluted by acid mine drainage; a watershed containing an unreclaimed surface mine but which has no mining discharge; a watershed containing an unreclaimed surface mine with discharges that could be improved by the proposed coal refuse disposal operation; unreclaimed coal refuse disposal piles that could be improved by the proposed coal refuse disposal operation; or other unreclaimed areas previously affected by mining activities.

*Search area*—For a proposed coal refuse disposal site associated with an existing coal mining activity, it is the geographical area within a 1-mile radius of the existing coal preparation facility. For a proposed coal refuse disposal site associated with a proposed coal mining activity, it is a 25-square mile area around the coal

preparation facility. In defining the 25-square mile area, consideration shall be given to environmental, technical, transportation, economic and social factors.

*Selected site*—A location selected by the applicant and approved by the Department under this subchapter for which the applicant can then apply for a permit to conduct coal refuse disposal activities.

**§ 90.202. General requirements.**

(a) A preferred site shall be used for coal refuse disposal unless the applicant demonstrates to the Department that an alternate site is more suitable based upon engineering, geology, economics, transportation systems, and social factors and is not adverse to the public interest.

(b) Where there are no preferred sites located within the search area, the applicant shall conduct a comparative analysis of the potential coal refuse disposal sites in accordance with § 90.204(b) (relating to proposing an alternate site).

(c) The Department will not approve a site proposed by the applicant for coal refuse disposal activities when the Department finds one of the following:

(1) The adverse environmental impacts of using the site for coal refuse disposal activities would clearly outweigh the public benefits.

(2) The site is known or is likely to contain Federally listed threatened or endangered plants or animals unless the Department concludes and the United States Fish and Wildlife Service concurs that the proposed use of the site would be unlikely to adversely affect those species.

(d) The Department will not approve a site, unless it is a preferred site, proposed by the applicant for coal refuse disposal if the site contains one or more of the following:

- (1) Prime farmlands.
- (2) An exceptional value watershed as defined under Chapter 93 (relating to water quality standards).
- (3) Threatened or endangered plants or animals listed exclusively under the Commonwealth's protection programs.
- (4) An area that contributes at least 5% of the drainage to wetlands designated as exceptional value under Chapter 105 (relating to dam safety and waterway management) unless a larger percentage contribution is authorized by the Department after consultation with the Fish and Boat Commission.

(5) A watershed less than 4 square miles in area upstream of the intake of a public water supply.

(6) A watershed less than 4 square miles in area upstream of the upstream limit of a public recreational impoundment.

(e) As part of the site selection process, an applicant may request approval for more than one site. The Department will evaluate each site proposed for coal refuse disposal and, when the Department finds that a proposed site meets the requirements of this subchapter, it will designate it as an approved site. The applicant will then have the option of choosing a selected site from among the approved sites and submitting an application for coal refuse disposal for that site.

**§ 90.203. Proposing a preferred site.**

If the applicant proposes to use a preferred site, the Department will approve the proposed site subject to § 90.202(c) (relating to general requirements) provided

the applicant demonstrates that the attendant adverse environmental impacts will not clearly outweigh the public benefits.

**§ 90.204. Proposing an alternate site.**

(a) Where a preferred site exists within the search area, but the applicant proposes an alternate site, the applicant shall:

(1) Demonstrate that the alternate site is more suitable than all preferred sites within the search area.

(2) Identify other alternate sites considered and provide the basis for the rejection of these sites.

(3) Based on reasonably available data, demonstrate that it is the most suitable site based on environmental, economic, technical, transportation and social factors.

(b) If a preferred site does not exist within the search area, the applicant shall:

(1) Identify all the sites considered within the search area and provide the basis for their consideration.

(2) Provide the basis for the rejection of considered sites.

(3) Based on reasonably available data, demonstrate to the Department that the proposed site is the most suitable based on environmental, economic, technical, transportation and social factors.

**§ 90.205. Alternatives analysis.**

The alternatives analysis required by §§ 90.202(b) and 90.204 (relating to general requirements; and proposing an alternative site) satisfies the requirement for an alternatives analysis under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and regulations promulgated under that act.

**§ 90.206. Disapproval of a proposed site.**

If the Department disapproves the applicant's proposed site, the applicant may submit a new proposal supporting the selection of another site located either within or outside of the search area.

**§ 90.207. Approval of a selected site.**

Department approval of a selected site does not indicate the Department will approve an application for coal refuse disposal activities for the selected site.

**Subchapter F. COAL REFUSE DISPOSAL ACTIVITIES ON AREAS WITH PREEXISTING POLLUTIONAL DISCHARGES**

|         |  |
|---------|--|
| Sec.    | Scope.   |
| 90.301. | Definitions.   |
| 90.302. | Applicability.   |
| 90.303. | Application for authorization.   |
| 90.304. | Application approval or denial.  |
| 90.305. | Operational requirements.  |
| 90.306. | Treatment of discharges.   |
| 90.307. | Request for bond release.  |
| 90.308. | Criteria and schedule for release of bonds on pollution abatement areas. |
| 90.309. |  |

**§ 90.301. Scope.**

(a) This subchapter specifies procedures and rules applicable to those who seek authorization to engage in coal refuse disposal activities on an area on which there are preexisting pollutional discharges resulting from previous mining and describes the terms and conditions under which the Department may release bonds to operators who have received authorization.

(b) Chapter 86 (relating to surface and underground coal mining: general) and Subchapters A—D apply to

authorizations to mine areas with preexisting pollutional discharges except as specifically modified by this subchapter.

**§ 90.302. Definitions.**

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

*Abatement plan*—Any individual technique or combination of techniques, the implementation of which will result in reduction of the baseline pollution load. Abatement techniques include, but are not limited to: addition of alkaline material, special plans for managing toxic and acid-forming material, regrading, revegetation and relocating coal refuse to a coal refuse disposal area that includes systems to prevent adverse impacts to surface and groundwater and to prevent precipitation from contacting the coal refuse.

*Actual improvement*—The reduction of the baseline pollution load resulting from the implementation of the approved abatement plan; except that any reduction of the baseline pollution load achieved by water treatment may not be considered as actual improvement. Treatment approved by the Department of the coal refuse before, during or after placement in the coal refuse disposal area is not considered to be water treatment.

*Baseline pollution load*—The characterization of the pollutional material being discharged from or on the pollution abatement area, described in terms of mass discharge for each parameter deemed relevant by the Department, including seasonal variations and variations in response to precipitation events. The Department will establish in each authorization the specific parameters it deems relevant for the baseline pollution load, including, at a minimum, iron and acid loadings.

*Best professional judgment*—The highest quality technical opinion forming the basis for the terms and conditions of the treatment level required after consideration of all reasonably available and pertinent data. The treatment levels shall be established by the Department under sections 301 and 402 of the Federal Water Pollution Control Act (33 U.S.C.A. §§ 1311 and 1342).

*Best technology*—Measures and practices which will abate or ameliorate, to the maximum extent possible, discharges from or on the pollution abatement area. These measures include engineering, geochemical or other applicable practices.

*Coal refuse disposal activities*—The storage, dumping or disposal of any waste coal, rock, shale, slurry, culm, gob, boney, slate, clay, underground development wastes, coal processing wastes, excess soil and related materials, associated with or near a coal seam, that are either brought above ground or otherwise removed from a coal mine in the process of mining coal or are separated from coal during the cleaning or preparation operations. The term does not include the removal or storage of overburden from surface mining activities.

*Excess soil and related material*—Rock, clay or other material located immediately above or below a coal seam and which is extracted from a coal mine during the process of mining coal. The term does not include topsoil or subsoil.

*Pollution abatement area*—The part of the permit area that is causing or contributing to the baseline pollution load. The term includes adjacent and nearby areas that must be affected to bring about significant improvements

of the baseline pollution load and may include the immediate locations of the discharges.

**§ 90.303. Applicability.**

(a) Authorization may not be granted under this subchapter unless the authorization is part of the following:

(1) A permit issued after February 6, 1995, but only if the authorization request is made during one of the following periods:

(i) At the time of the submittal of the permit application for the coal refuse disposal activities, including the proposed pollution abatement area.

(ii) Prior to a Department decision to issue or deny that permit.

(2) A permit revision under § 86.52 (relating to permit revisions), but only if the operator affirmatively demonstrates to the satisfaction of the Department that:

(i) The operator has discovered pollutional discharges within the permit area that came into existence after its permit application was approved.

(ii) The operator has not caused or contributed to the pollutional discharges.

(iii) The proposed pollution abatement area is not hydrologically connected to an area where coal refuse disposal activities have been conducted under the permit.

(iv) The operator has not affected the proposed pollution abatement area by coal refuse disposal activities.

(v) The Department has not granted a bonding authorization and mining approval for the area under § 86.37(b) (relating to criteria for permit approval or denial).

(b) Notwithstanding subsection (a), authorization may not be granted under this subchapter for repermitting under §§ 86.12 and 86.14 (relating to continued operation under interim permits; and permit application filing deadlines), permit renewals under § 86.55 (relating to permit renewals: general requirements) or permit transfers under § 86.56 (relating to transfer of permit).

**§ 90.304. Application for authorization.**

(a) An operator who requests authorization under this subchapter shall comply with the permit application requirements of Chapter 86 (relating to surface and underground coal mining: general) and Subchapters A—D, except as specifically modified by this subchapter. The operator shall also:

(1) Delineate on a map the proposed pollution abatement area, including the location of the preexisting discharges.

(2) Provide a description of the hydrologic balance for the proposed pollution abatement area that includes:

(i) Results of a detailed water quality and quantity monitoring program, including seasonal variations, variations in response to precipitation events and modeled baseline pollution loads using this monitoring program.

(ii) Monitoring for pH, alkalinity, acidity, total iron, total manganese, aluminum, sulfates, total suspended solids and other water quality parameters the Department deems relevant.

(3) Provide a description of the abatement plan that represents best technology and includes the following:

(i) Plans, cross-sections and schematic drawings describing the abatement plan proposed to be implemented.

(ii) A description and explanation of the range of abatement level that is anticipated to be achieved, costs and each step in the proposed abatement plan.

(iii) A description of the standard of success for revegetation necessary to ensure success of the abatement plan.

(b) The operator seeking this authorization shall continue the water quality and quantity monitoring program required by paragraph (2) after making the authorization request. The operator shall submit the results of this continuing monitoring program to the Department on a monthly basis until a decision on the authorization request is made.

**§ 90.305. Application approval or denial.**

(a) Authorization may not be granted under this subchapter unless the operator seeking the authorization affirmatively demonstrates the following to the satisfaction of the Department on the basis of information set forth in the application:

(1) Neither the operator, nor an officer, principal shareholder, agent, partner, associate, parent corporation, subsidiary or affiliate, sister corporation, contractor or subcontractor, or a related party as defined in § 86.1 (relating to definitions) has either of the following:

(i) Legal responsibility or liability as an operator for treating the water pollution discharges from or on the proposed pollution abatement area.

(ii) Statutory responsibility or liability for reclaiming the proposed pollution abatement area.

(2) The proposed abatement plan will result in significant reduction of the baseline pollution load and represents best technology.

(3) The land within the proposed pollution abatement area can be reclaimed.

(4) The coal refuse disposal activities on the proposed pollution abatement area will not cause additional surface water pollution or groundwater degradation.

(5) The standard of success for revegetation will be achieved. The standard of success for revegetation for sites previously reclaimed to the standards of Chapters 87, 88 and 90 shall be the standards in § 90.159 (relating to revegetation: standards for successful revegetation). The standard of success for revegetation for sites not previously reclaimed to the standards of Chapters 87, 88 and 90 shall be, at a minimum, the following, provided the site is not a bond forfeiture site where the forfeited money paid into the fund is sufficient to reclaim the forfeited site to the applicable standards:

(i) A ground cover of living plants not less than can be supported by the best available topsoil or other suitable material in the reaffected area.

(ii) A ground cover no less than that existing before disturbance of the area by coal refuse disposal activities.

(iii) Adequate vegetation to control erosion. Vegetation may be no less than that necessary to ensure the success of the abatement plan.

(6) The coal refuse disposal activities on permitted areas other than the proposed pollution abatement area will not cause surface water pollution or groundwater degradation.

(7) Requirements of § 86.37(a) (relating to criteria for permit approval or denial) that are consistent with this section have been met.

(b) An authorization may be denied under this subchapter if granting the authorization will, or is likely to, affect a legal responsibility or liability under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), Chapter 86 (relating to surface and underground coal mining; general) or Subchapters A—D, for the proposed pollution abatement area or other areas or discharges in the vicinity of the proposed pollution abatement area.

(c) Authorization may not be granted under this subchapter unless there are one or more preexisting discharges from or on the pollution abatement area.

(d) The authorization allowed under this subchapter is only for the pollution abatement area and does not apply to other areas of the permit.

**§ 90.306. Operational requirements.**

An operator who receives an authorization under this subchapter shall comply with Chapter 86 (relating to surface and underground coal mining; general) and Subchapters A—D except as specifically modified by this subchapter. The operator shall also:

(1) Implement the approved water quality and quantity monitoring program for the pollution abatement area until the requirements of § 90.309 (relating to criteria and schedule for release of bonds on pollution abatement areas) are met.

(2) Implement the approved abatement plan.

(3) Notify the Department immediately prior to the completion of each step of the abatement plan.

(4) Provide a progress report to the Department within 30 days after the completion of each step of the abatement program that includes a notarized statement signed by the operator, and if required by the Department, a statement signed by the supervising engineer, that all work has been performed in accordance with the terms and conditions of the pollution abatement authorization, the approved maps, plans, profiles and specifications.

**§ 90.307. Treatment of discharges.**

(a) Except for preexisting discharges that are not encountered during coal refuse disposal activities or the implementation of the abatement plan, the operator shall comply with § 90.102 (relating to hydrologic balance: water quality standards, effluent limitations and best management practices).

(b) The operator shall treat the preexisting discharges that are not encountered during coal refuse disposal activities or implementation of the abatement plan to comply with the effluent limitations established by best professional judgment. The effluent limitations established by best professional judgment may not be less than the baseline pollution load. If the baseline pollution load, when expressed as a concentration for a specific parameter, satisfies the effluent limitation in § 90.102 for that parameter, the operator shall treat the preexisting discharge for that parameter to comply with either effluent limitations established by best professional judgment or the effluent limitations in § 90.102.

(c) For purposes of subsections (a) and (b), the term "encountered" may not be construed to mean diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the abatement plan that would otherwise drain into the affected area, as long

as the diversions are designed, operated and maintained under § 90.104(b)—(h) (relating to hydrologic balance: diversions).

(d) An operator required to treat preexisting discharges will be allowed to discontinue treating the discharges under subsection (b) when the operator affirmatively demonstrates the following to the Department's satisfaction:

(1) The preexisting discharges are meeting the effluent limitations established by subsection (b) as shown by groundwater and surface water monitoring conducted by the operator or the Department.

(2) Coal refuse disposal activities under the permit—including the pollution abatement area—are being or were conducted under the requirements of the permit and the authorization, and Chapter 86 (relating to surface and underground mining: general) and this chapter except as specifically modified by this subchapter.

(3) The operator has implemented each step of the abatement plan as approved in the authorization.

(4) The operator did not cause or allow additional surface water pollution or groundwater degradation by re-affecting the pollution abatement area.

(e) If after discontinuance of treatment of discharges under subsection (d) the discharges fail to meet the effluent limitations established by subsection (b), the operator shall reinstitute treatment of the discharges under subsection (b). An operator who reinstates treatment under this subsection will be allowed to discontinue treatment if the requirements of subsection (d) are met.

(f) Discontinuance of treatment under subsection (d) may not be deemed or construed to be or to authorize a release of bond under § 90.309 (relating to criteria and schedule for release of bonds on pollution abatement areas).

**§ 90.308. Request for bond release.**

Sections 86.172(c) and 90.309 (relating to criteria for release of bond; and criteria and schedule for release of bonds on pollution abatement areas) apply to the release of bonds for pollution abatement areas authorized by this subchapter. Section 86.172(a), (b) and (d) is not applicable to the release of bonds.

**§ 90.309. Criteria and schedule for release of bonds on pollution abatement areas.**

(a) The Department will release up to 50% of the amount of bond for the authorized pollution abatement area if the applicant demonstrates and the Department finds the following:

(1) The coal refuse disposal activities were conducted on the permit area, including the pollution abatement area, under the requirements of the permit and the authorization, Chapter 86 (relating to surface and underground mining: general) and this chapter except as specifically modified by this subchapter.

(2) The operator has satisfactorily completed backfilling, planting, grading, installing the water impermeable cover and drainage control in accordance with the approved reclamation plan.

(3) The operator has properly implemented each step of the pollution abatement plan approved and authorized under this subchapter.

(4) The operator has not caused degradation of the baseline pollution load at any time during the 6 months prior to the submittal of the request for bond release

under this subsection and until the bond release is approved as shown by all groundwater and surface water monitoring conducted by the permittee under § 90.306(a)(1) (relating to operational requirements) or conducted by the Department.

(5) The operator has not caused or contributed to surface water pollution or groundwater degradation by re-affecting the pollution abatement area.

(b) The Department will release up to an additional 35% of the amount of bond for the authorized pollution abatement area but retain an amount sufficient to cover the cost to the Department of reestablishing vegetation if completed by a third party if the operator demonstrates and the Department finds the following:

(1) The operator has replaced the topsoil or material conserved under § 90.97 (relating to topsoil: removal), completed final grading, planting and established revegetation under the approved reclamation plan and achieved the standards of success for revegetation in § 90.305(a)(5) (relating to approval or denial).

(2) The operator has not caused or contributed to groundwater or surface water pollution by re-affecting the pollution abatement area.

(3) The operator has achieved the following standards:

(i) Achieved the actual improvement of the baseline pollution load described in the approved abatement plan as shown by groundwater and surface water monitoring conducted by the permittee for the time provided in the abatement plan after completion of backfilling, final grading, drainage control, topsoiling and establishment of revegetation to achieve the standard for success in § 90.305(a)(5).

(ii) Achieved the following:

(A) At a minimum has not caused degradation of the baseline pollution load as shown by groundwater and surface water monitoring conducted by the operator or the Department for one of the following:

(I) For 12 months from the date of initial bond release under subsection (a), if backfilling, final grading, drainage control, placement of impermeable cover, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 90.205(a)(5) have been completed.

(II) If treatment has been initiated at any time after initial bond release under subsection (a) and § 90.307(e) (relating to treatment of discharges), for 12 months from the date of discontinuance of treatment under § 90.307(d) if backfilling, final grading, drainage control, placement of impermeable cover, topsoiling and establishment of revegetation to achieve the standard of success for revegetation in § 90.305(a)(5) have been completed.

(B) Conducted all the measures provided in the approved abatement plan and additional measures specified by the Department in writing at the time of initial bond release under subsection (a) for the area requested for bond release.

(C) Caused aesthetic or other environmental improvements and the elimination of public health and safety problems by engaging in coal refuse disposal activities and re-affecting the pollution abatement area.

(D) Stabilized the pollution abatement area.

(c) The Department will release the remaining portion of the amount of bond on the authorized pollution abatement area if the operator demonstrates and the Department finds the following:



(1) The operator has successfully completed the approved abatement and reclamation plans, and the pollution abatement area is capable of supporting the postdisposal land use approved under § 90.166 (relating to postdisposal land use).

(2) The operator has complied with the permit and the authorization, Chapter 86 and this chapter, except as specifically modified by this subchapter.

(3) The operator has not caused degradation of the baseline pollution load from the time of bond release under subsection (b) or, if treatment has been initiated after bond release under subsection (b) in accordance with § 90.307(e) for 5 years from the discontinuance of treatment under § 90.307(d).

(4) The applicable liability period has expired under § 86.151 (relating to period of liability).

### Subchapter G. EXPERIMENTAL PRACTICES

Sec.  
90.401. General.

#### § 90.401. General.

(a) To encourage advances in coal refuse disposal practices, coal refuse site reclamation, and advances in technology or practices that will enhance environmental protection with respect to coal refuse disposal activities, the Department may grant permits approving experimental practices and demonstration projects. The Department may grant these permits under the following circumstances:

(1) The environmental protection provided will be potentially more protective or at least as protective as required by this chapter, the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66) and Chapter 86 (relating to surface and underground coal mining: general).

(2) The coal refuse disposal activities approved under the permits are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices or demonstration projects.

(3) The experimental practices or demonstration projects do not reduce the protection afforded public health and safety below that provided by this chapter, the Coal Refuse Disposal Control Act and Chapter 86.

(b) Experimental practice permits issued under this subchapter shall meet the provisions, standards and information requirements of 30 CFR 785.13 (relating to experimental practices mining).

[Pa.B. Doc. No. 00-1042. Filed for public inspection June 16, 2000, 9:00 a.m.]

## [25 PA. CODE CH. 78] Oil and Gas Wells

The Environmental Quality Board (Board) proposes to amend Chapter 78 (relating to oil and gas wells). The amendments are needed to reflect the statutory amendment of May 15, 1998 (P. L. 358, No. 57) (Act 57), which eliminated the bonding requirement for oil and gas wells drilled prior to April 18, 1985. These amendments also clarify several sections, including brine spill reporting, notification requirements, permit requirements, disposal options and requirements for drilling through a gas storage reservoir.

This proposal was adopted by the Board at its meeting of April 18, 2000.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact James Erb, Director of the Bureau of Oil and Gas Management, P.O. Box 8765, Rachel Carson State Office Building, Harrisburg, PA 17105-8765, (717) 772-2199, or Marylou Matas, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submission of comments on this proposal appears in Section I of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection (Department) Web site (<http://www.dep.statepa.us>).

#### C. Statutory Authority

The proposed rulemaking is being made under the authority of section 604 of the Oil and Gas Act (58 P. S. § 601.604) (act), which directs the Board to adopt regulations to implement the provisions of the act; section 5(b) of The Clean Streams Law (35 P. S. § 691.5(b)) (law), which grants the Department the power and duty to formulate, adopt, promulgate and delete rules and regulations necessary to implement the provisions of the act; section 304 of the law (35 P. S. § 691.304), which grants the Department the power to adopt, prescribe and enforce rules and regulations as may be necessary for the protection of the purity of the waters of this Commonwealth, or parts thereof, and to purify those now polluted, and to assure the proper and practical operation and maintenance of treatment works approved by the Department; section 402(a) of the law (35 P. S. § 691.304(a)), which grants the Department the authority to require by rules and regulations that activities be conducted under a permit or other conditions established by the Department whenever the Department finds that the activity creates a danger of pollution of the waters of the Commonwealth or that regulation is necessary to avoid pollution; section 105(a) of the Solid Waste Management Act (SWMA) (35 P. S. § 6018.105(a)), which grants the Board the power and duty to adopt the rules and regulations of the Department to carry out the provisions of the SWMA; and sections 1901-A, 1917-A and 1920-A of The Administrative Code of 1929; and sections 30 and 31 of the act of December 3, 1970 (P. L. 834, No. 275 (71 P. S. §§ 510-103 and 510-104)).

#### D. Background and Purpose

The proposal is required to update the current regulations to reflect the legislated changes in Act 57 regarding bonding for wells drilled prior to April 18, 1985. It incorporates recommendations received during the Oil and Gas Customer Needs Project regarding standardizing the use of pits, clarifying terms, organization of the sections of the regulations, and the placement of design criteria in the regulations. It also includes an additional recommendation regarding notification requirements for de minimis brine spill reporting. The Oil and Gas Technical Advisory Board suggested additional precautions regarding notification requirements to coal owners and gas storage operators as well as advance notice of procedures when drilling is proposed in relation to gas storage operations.

### *E. Summary of Regulatory Requirements*

Numerous nonsubstantive changes have been made throughout these proposed amendments to correct typographical errors, to eliminate redundancy and to clarify language where appropriate. The substantive changes are described in the following by section.

#### *§ 78.1. Definitions.*

The proposed changes add a definition for "reportable release of brine." This change will provide clarification as to the quantity of spilled brine that must be reported. This definition is being added in conjunction with § 78.66 (relating to release of polluting substances).

#### *§ 78.17. Permit renewal.*

The proposed changes add affected coal owners and gas storage operators to the persons who must be notified when an operator requests a permit renewal. This change provides consistency with other sections of the regulation that allow coal owners and gas storage operators the opportunity for notification and objection of well permits.

#### *§ 78.53. Erosion and sedimentation control.*

The proposed change references the best management practices for oil and gas well operators as part of the technical guidance found in the *Oil and Gas Operators Manual*.

#### *§ 78.56. Pits and tanks for temporary containment.*

Subsection (a) is being changed to recognize additional operations that may result in the discharge of pollutorial substances, as well as include additional pollutorial substances, which must be contained. This section eliminates the permitting requirement for recompletion, servicing and plugging pits, which are temporary in nature.

Subsection (a)(4) is being changed to recognize another substance, drill cuttings from below the casing seat, that shall be considered when an operator is installing, constructing or maintaining the temporary pit.

Subsection (a)(4)(v) is added to clarify the maintenance requirement for pit liners.

Subsection (d) is amended to include pits used during servicing and plugging.

#### *§ 78.59. Pits used during servicing and plugging.*

This section is deleted because the proposed changes to § 78.56 regulate the same pits.

#### *§ 78.60. Discharge requirements.*

Subsection (b)(5) is being changed to clarify that tophole water may include accumulated precipitation, and is more appropriately characterized as the discharge.

#### *§ 78.61. Disposal of drill cuttings.*

Subsections (a)—(c) are being changed to add a leading description to each subsection.

Subsection (b)(8) is being added to clarify that liquid fraction is disposed of in accordance with the proper discharge requirements. This subsection is added for consistency with subsection (a).

#### *§ 78.62. Disposal of residual waste—pits.*

#### *§ 78.63. Disposal of residual waste—land application.*

Sections 78.62(a)(3) and 78.63(a)(3) are being clarified to reflect the legislative changes that Act 57 created. Act 57 eliminated the bonding requirement for onsite disposal of residual wastes at oil and gas wells drilled prior to April 18, 1985.

#### *§ 78.66. Release of polluting substance.*

This section is being added to clarify when a brine spill shall be reported to the Department. This section also details the notification requirements for a brine release.

#### *§ 78.75. Alternative methods.*

Subsections (c) and (d) are being changed to clarify who is to be notified when an alternate method of casing, plugging or equipping a well is proposed by the well operator. The proposed amendment includes all potentially impacted parties, such as coal owners and gas storage operators. This amendment clarifies that these owners and operators also have the opportunity to evaluate the impact the alternate method may have on their interests.

#### *§ 78.76. Drilling within a gas storage reservoir area.*

Subsection (a) is being changed to clarify that when a well operator proposes to drill within a gas storage area or reservoir protective area, the Department and the gas storage operator are to receive copies of the drilling proposal to allow them the opportunity to evaluate the impact on gas storage operations. Subsection (b) clarifies that the storage operator may object to the drilling, casing or cementing plan of the proposed well. The proposed amendments delete subsection (c) because the provision is included in the new § 78.87(a)(4).

#### *§ 78.78. Pillar permit applications.*

Subsection (a) is being added to recognize the Department's use of the most current coal pillar study when considering a coal pillar permit application. The most recent coal pillar study was developed in 1957 and is still valid. Several other states also use this study in determining pillar adequacy.

Subsection (b) is being added to allow coal mine operators the opportunity to demonstrate alternative adequate methods for developing a coal pillar.

#### *§§ 78.81 and 78.87. General provisions and gas storage reservoir protective casing and cementing procedures.*

Section 78.81(d) is being relocated and rewritten as new § 78.87 to improve clarity of the regulation.

The subject matter of § 78.87 is similar to that of § 78.81(d). The proposed amendments reformat the requirement in § 78.81(d) into various subsections in § 78.87, making it more understandable.

#### *§§ 78.91—78.93. General provisions; wells in coal areas—surface or coal protective casing is cemented; wells in coal areas—surface or coal protective casing anchored with a packer or cement.*

These three sections are being amended to delete the word "expanding" throughout. The word "expanding" was used as an adjective to describe "cement." Cement expands upon curing; therefore, the use of the adjective is not necessary.

#### *§ 78.302. Requirement to file a bond.*

This section is being revised to reflect the legislative change of Act 57, which eliminated the bonding requirement for oil and gas wells drilled prior to April 18, 1985.

#### *§ 78.303. Form, terms and conditions of the bond.*

Subsections (a)(3) and (e)(3) are being deleted to reflect the legislative changes of Act 57.

#### *§ 78.309. Phased deposit of collateral.*

Subsection (a)(1) is being revised to reflect the legislative changes of Act 57. This proposal clarifies that an

operator who has a phased deposit of collateral bond in effect as of the date of Act 57 (November 26, 1997) may maintain that bond. Due to the elimination of the bonding requirement for oil and gas wells drilled prior to April 18, 1985, operators can no longer qualify for a new phased deposit of collateral bond.

Subsection (a)(1)(iv) is being changed to clarify that all of the operator's wells are included in the number of wells considered for the purpose of calculating an operator's annual deposit amount. This proposal reflects the legislative changes of Act 57.

Subsection (b)(1)(ii) is being deleted because it only applied to pre-Act wells. This proposal reflects the legislative changes of Act 57.

#### *§ 78.310. Replacement of existing bond.*

This section is being changed to delete the fee-in-lieu of bond option since new fee-in-lieu of bonding is not allowed. This proposal reflects the legislative changes of Act 57.

#### *§ 78.901. Definitions.*

This section is being deleted as the only definition listed is for the Natural Gas Policy Act (15 U.S.C.A. §§ 3301—3432 and 42 U.S.C.A. § 7255), a Federal program no longer delegated to the Department.

#### *§ 78.903. Frequency of inspections.*

Paragraph (17) is being deleted in accordance with the Department's operation under the act, and not the Natural Gas Policy Act. The Federal program was discontinued.

#### *F. Benefits, Costs and Compliance*

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

##### *Benefits*

These amendments are proposed to reduce unnecessary permitting and reporting requirements, standardize the use of pits, clarify terms, organize the sections of the regulation, and provide information as to where to find design criteria. It includes a recommendation regarding notification requirements for de minimis brine spill reporting. The Oil and Gas Technical Advisory Board suggested additional precautions regarding notification requirements to coal owners and gas storage operators as well as advance notice of procedures when drilling is proposed in relation to gas storage operations. It also reflects the legislative changes of Act 57. The oil and gas industry and the Department should realize savings in the form of reduced time and reduced costs due to decreased permitting and reporting requirements and improve clarity by making the regulations easier to read and interpret. The proposal regarding elimination of the permit requirement for temporary pits will affect operators with active drilling or plugging programs. The renewal notification requirements will benefit coal owners and gas storage operators. The spill reporting proposal will benefit about 2,000 operators with active wells as well as reduce the Department's staff time to address reported de minimis spills.

##### *Compliance Costs*

Operators proposing to drill a well in a gas storage area will have to provide the storage well operator the details of how the operator intends to construct the well. There will be fewer than 20 occurrences each year. The proposed changes are procedural and administrative in nature and

will result in minimal additional compliance costs to the Department and the regulated community. These costs are not quantifiable.

##### *Compliance Assistance Plan*

The technical guidance for the coal pillar permit criteria is made available on the Department web site. The best management practices for erosion and sedimentation control is made available in the *Oil and Gas Operators Manual*. Both of these documents are available from the contact persons listed in section B.

##### *Paperwork Requirements*

These proposed amendments will reduce certain paperwork required for brine spill reporting and the elimination of permits for certain pits.

##### *G. Sunset Review*

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

##### *H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 31, 2000, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, 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 upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Board 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 of the proposed amendments to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Board, the General Assembly and the Governor of objections raised.

##### *I. Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestion or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by July 17, 2000 (within 30 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by July 17, 2000 (within 30 days of publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us and must also be received by the Board by July 17, 2000. A subject heading of the proposal and a return address must be included in each transmission. If an

acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,  
Chairperson

**Fiscal Note:** 7-353. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 78. OIL AND GAS WELLS**

**Subchapter A. GENERAL PROVISIONS**

**§ 78.1. Definitions.**

\* \* \* \* \*

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

\* \* \* \* \*

**Reportable release of brine—Spilling, leaking, emitting, discharging, escaping or disposing of one of the following:**

(i) **More than 5 gallons of brine within a 24-hour period on or into the ground at the well site where the total dissolved solids concentration of the brine is equal or greater than 10,000 mg/l.**

(ii) **More than 15 gallons of brine within a 24-hour period on or into the ground at the well site where the total dissolved solids concentration of the brine is less than 10,000 mg/l.**

\* \* \* \* \*

**Subchapter B. PERMITS, TRANSFERS AND OBJECTIONS**

**PERMITS AND TRANSFERS**

**§ 78.17. Permit renewal.**

An operator may request a 1-year renewal of a well permit. The request shall be accompanied by a permit fee, the surcharge required in section 601 of the act (58 P. S. § 601.601), and an affidavit affirming that the information on the original application is still accurate and complete, that the well location restrictions are still met and that the surface owners, coal owners and operators, gas storage operators and water supply owners within [ 1000 ] 1,000 feet have been notified of this request for renewal. The request shall be received by the Department at least 15-calendar days prior to the expiration of the original permit.

**Subchapter C. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 78.53. Erosion and sedimentation control.**

During and after earthmoving or soil disturbing activities, including the activities related to siting, drilling, completing, producing, servicing and plugging the well, constructing, utilizing and restoring the access road and restoring the site, the operator shall construct, install and maintain erosion and sedimentation control measures and facilities in accordance with [ the requirements of ]

Chapter 102 (relating to erosion and sediment control) and an erosion and sedimentation control plan prepared under that chapter. **Best management practices for oil and gas well operations are listed in the Oil and Gas Operators Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, Guidance No. 550-0300-001 (April 1997), as amended and updated.**

**§ 78.56. Pits and tanks for temporary containment.**

(a) Except as provided in §§ 78.60(b) and 78.61(b) (relating to discharge requirements; and disposal of drill cuttings), the operator shall contain pollutional substances and wastes from the drilling, altering [ or ], completing, **recompleting, servicing and plugging** the well, including brines, drill cuttings, drilling muds, oils, stimulation fluids, well treatment and servicing fluids, **plugging** and drilling fluids other than gases in a pit, tank or series of pits and tanks. The operator shall install or construct and maintain the pit, tank or series of pits and tanks in accordance with the following requirements:

\* \* \* \* \*

(4) A pit or tank that contains **drill cuttings from below the casing seat**, pollutional substances, wastes or fluids other than tophole water, fresh water and uncontaminated drill cuttings shall be impermeable and comply with the following:

\* \* \* \* \*

(v) **If the liner drops below the 2 feet of freeboard, the pit shall be managed to prevent the pit contents from leaking from the pit and the 2 feet of lined freeboard shall be restored.**

\* \* \* \* \*

(d) Unless a permit under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) or approval under § 78.57 [ , ] or § 78.58 [ or § 78.59 ] (relating to control, storage and disposal of production fluids; and existing pits used for the control, storage and disposal of production fluids [ ; and pits used during servicing and plugging ] has been obtained for the pit, the owner or operator shall remove or fill the pit within 9 months after completion of drilling [ or recompletion of the well ], or in accordance with the extension granted by the Department under section 206(g) of the act (58 P. S. § 601.206(g)). **Pits used during servicing, plugging and recompleting the well shall be restored within 90 days of construction.**

**§ 78.59. [ Pits used during servicing and plugging ] (Reserved).**

**[ Pits used for servicing and plugging a well shall comply with § 78.57 (relating to control, storage and disposal of production fluids), except that:**

(1) **A variance may be requested from the standard of § 78.57(c)(2)(iii) for a pit that exists only during dry times of the year and is located above groundwater.**

(2) **The requirement that the liner thickness be at least 30 mils does not apply.**

(3) **The pit shall be restored within 90 days of construction of the pit. ]**

**§ 78.60. Discharge requirements.**

\* \* \* \* \*

(b) The owner and operator may not discharge top hole water or water in a pit as a result of precipitation by land application unless the discharge is in accordance with the following requirements:

\* \* \* \* \*

(3) The specific conductance of the discharge is less than 1,000 µmhos/cm.

\* \* \* \* \*

(5) [ **Top hole water** ] **The discharge** shall be spread over an undisturbed, vegetated area capable of absorbing the top hole water and filtering solids in the discharge, and spread in a manner that prevents a direct discharge to surface waters and complies with § 78.53 (relating to erosion and sedimentation control).

\* \* \* \* \*

**§ 78.61. Disposal of drill cuttings.**

(a) **Drill cuttings from above the casing seat—pits.** The owner or operator may dispose of drill cuttings from above the casing seat determined in accordance with § 78.83(b) (relating to surface and coal protective casing and cementing procedures) in a pit at the well site if the owner or operator satisfies the following requirements:

\* \* \* \* \*

(b) **Drill cuttings from above the casing seat—land application.** The owner or operator may dispose of drill cuttings from above the casing seat determined in accordance with § 78.83(b) by land application at the well site if the owner or operator satisfies the following requirements:

\* \* \* \* \*

(8) **The liquid fraction is disposed of in accordance with § 78.60 (relating to discharge requirements).**

(9) \* \* \*

[ (9) ] (10) \* \* \*

(c) **Drill cuttings from below the casing seat.** [ **Drill cuttings and liquids from below the casing seat determined in accordance with § 78.83(b) shall be contained in a pit, tank or a series of pits and tanks in accordance with § 78.56(a) (relating to pits and tanks for temporary containment).** ] After removal of the free liquid fraction and disposal in accordance with § 78.60 (relating to discharge requirements), [ **the remaining** ] drill cuttings from below the casing seat determined in accordance with § 78.83(b) may be disposed of as follows:

\* \* \* \* \*

**§ 78.62. Disposal of residual waste—pits.**

(a) After the removal and disposal of the free liquid fraction of the waste under § 78.60(a) (relating to discharge requirements), the owner or operator may dispose of residual waste, including contaminated drill cuttings, in a pit at the well site if the owner or operator satisfies the following requirements:

\* \* \* \* \*

(3) The requirements of section 215 of the act (58 P. S. § 601.215) are satisfied by filing a surety or collateral bond for [ **the well and well site** ] wells drilled after **April 18, 1985.**

\* \* \* \* \*

**§ 78.63. Disposal of residual waste—land application.**

(a) The owner or operator may dispose of residual waste, including contaminated drill cuttings, at the well site by land application of the waste if the owner or operator satisfies the following requirements:

\* \* \* \* \*

(3) The requirements of section 215 of the act (58 P. S. § 601.215) are satisfied by filing a surety or collateral bond for [ **the well and well site** ] wells drilled after **April 18, 1985.**

\* \* \* \* \*

**§ 78.66. Release of polluting substances.**

(a) **A release of a polluting substance causing or threatening pollution of the waters of this Commonwealth, shall comply with the reporting and corrective action requirements of § 91.33 (relating to incidents causing or threatening pollution).**

(b) **If a reportable release of brine on or into the ground occurs at the well site, the owner or operator shall notify the appropriate regional office of the Department as soon as practicable, but within 2 hours after detecting or discovering the release.**

(c) **The notice required by subsection (b) shall be by telephone and describe:**

(1) **The name, address and telephone number of the company and person reporting the incident.**

(2) **The date and time of the incident or when it was detected.**

(3) **The location and cause of the incident.**

(4) **The quantity of the brine involved.**

(5) **Available information concerning the contamination of surface water, groundwater or soil.**

(6) **Remedial actions planned, initiated or completed.**

(d) **If, because of an accident, an amount of brine less than the reportable amount as described in § 78.1 (relating to definitions), spills, leaks or escapes, such an incident does not have to be reported.**

(e) **Upon the occurrence of any release, the owner or operator shall take necessary corrective actions:**

(1) **To prevent the substance from reaching the waters of this Commonwealth.**

(2) **To recover or remove the substance which was released.**

(3) **To dispose of the substance in accordance with this subchapter or as approved by the Department.**

**Subchapter D. WELL DRILLING, OPERATION AND PLUGGING  
GENERAL**

**§ 78.75. Alternative methods.**

\* \* \* \* \*

(c) The well operator shall notify all coal owners and operators [ **affected by** ] and gas storage operators of record of the proposal, by certified mail. The well operator shall state in the application that he has sent the certified mail notice to the coal [ **operator** ] owners

and operators and gas storage operators of record, either simultaneously with or prior to submitting the proposal to the Department.

(d) The coal owners and operators and gas storage operators of record shall have up to 15 days from their receipt of the notice to file objections or to indicate concurrence with the proposed alternative method or material.

\* \* \* \* \*

§ 78.76. Drilling within a gas storage reservoir area.

(a) An operator proposing to drill a well within a gas storage reservoir area or a reservoir protective area to produce gas or oil shall forward by certified mail a copy of the well location plat, the drilling, casing and cementing plan and the anticipated date drilling will commence to the gas storage reservoir operator and shall submit proof of notification to the Department with the well permit application.

(b) The storage operator may file an objection with the Department to the drilling casing and cementing plan or the proposed well location within 15 days of receipt of the notification and request a conference in accordance with section 501 of the act (58 P. S. § 601.501).

[(c) When cementing casing in a well drilled through a gas storage reservoir, the operator shall insure that no gas is present in the drilling fluids in an amount that could interfere with the integrity of cementing the casing.]

§ 78.78. Pillar permit applications.

(a) The Department will use recommendations for coal pillar size and configuration set forth in the coal pillar study, listed in the Department's Coal Pillar Technical Guidance Number 550-2100-006 (October 31, 1998) and any updates or revisions, as a basis for approval or disapproval of coal pillar permit applications submitted by underground coal mine operators.

(b) Where proposed coal pillar size and configuration does not conform to the recommendations of the most current coal pillar study, the underground coal mine operator may request Department approval for an alternate coal pillar size and configuration.

CASING AND CEMENTING

§ 78.81. General provisions.

(a) The operator shall conduct casing and cementing activities under this section and §§ 78.82—[ 78.86 ] 78.87 or an approved alternate method under § 78.75 (relating to alternative methods). The operator shall case and cement a well [in order] to accomplish the following:

\* \* \* \* \*

[(d) A well drilled through a gas storage reservoir or a reservoir protective area shall be drilled, cased and cemented as follows:

(1) An operator shall use drilling procedures capable of controlling anticipated gas storage reservoir pressures at all times when drilling through a gas storage reservoir horizon. Operators shall use blow-out prevention equipment with a pressure rating in excess of the allowable maximum storage

pressure for the gas storage reservoir before drilling into the gas storage reservoir or gas storage horizon.

(2) An operator shall run intermediate or production casing from a point located at least 100 feet below the gas storage horizon to the surface. The operator shall cement this casing by circulating cement to a point at least 200 feet above the gas storage reservoir or gas storage horizon. This casing which is intended to protect the gas storage reservoir and the well shall be installed according to a procedure approved by the Department and established by mutual agreement between the well operator and the gas storage reservoir operator.]

§ 78.87. Gas storage reservoir protective casing and cementing procedures.

(a) In addition to the other provisions in this subchapter, a well drilled through a gas storage reservoir or a reservoir protective area shall be drilled, cased and cemented as follows:

(1) An operator shall use drilling procedures capable of controlling anticipated gas flows and pressures when drilling from the surface to 200 feet above a gas storage reservoir or gas storage horizon.

(2) An operator shall use drilling procedures capable of controlling anticipated gas storage reservoir pressures and flows at all times when drilling from 200 feet above a gas storage reservoir horizon to the depth at which the gas storage protective casing will be installed. Operators shall use blow-out prevention equipment with a pressure rating in excess of the allowable maximum storage pressure for the gas storage reservoir.

(3) To protect the gas storage reservoir, an operator shall run intermediate or production casing from a point located at least 100 feet below the gas storage horizon to the surface. The operator shall cement this casing by circulating cement to a point at least 200 feet above the gas storage reservoir or gas storage horizon.

(4) When cementing casing in a well drilled through a gas storage reservoir, the operator shall insure that no gas is present in the drilling fluids in an amount that could interfere with the integrity of the cement.

(b) A request by an operator for approval from the Department to use an alternative method or material for the casing, plugging or equipping of a well drilled through a gas storage reservoir under section 211 of the act (58 P. S. § 601.211) shall be made in accordance with § 78.75 (relating to alternative methods).

PLUGGING

§ 78.91. General provisions.

\* \* \* \* \*

(c) When a well is being plugged from attainable bottom, the operator shall install a 50-foot plug of [expanding] cement at the attainable bottom and plug the remainder of the well under §§ 78.92—78.98.

\* \* \* \* \*

§ 78.92. Wells in coal areas—surface or coal protective casing is cemented.

(a) In a well underlain by a workable coal seam, where the surface casing or coal protective casing is cemented

and the production casing is not cemented or the production casing is not present, the owner or operator shall plug the well as follows:

(1) The retrievable production casing shall be removed and the well shall be filled with nonporous material from the total depth or attainable bottom of the well, to a point 20 feet above the top of the lowest stratum bearing or having borne oil, gas or water. At this point there shall be placed a plug of [expanding] cement, which shall extend for at least 50 feet above that point. Between this sealing plug and a point 20 feet above the next higher stratum bearing or having borne oil, gas or water, the hole shall be filled with nonporous material and at that point there shall be placed another 50-foot plug of [expanding] cement which will completely seal the hole. In like manner, the hole shall be filled and plugged, with reference to each of the strata bearing or having borne oil, gas or water. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of [expanding] cement or other materials approved by the Department. Where the production casing is not retrievable, the operator shall plug that portion of the well under § 78.91(d) (relating to general provisions).

(2) After plugging strata bearing or having borne oil, gas or water, the well shall be filled with nonporous material to a point approximately 100 feet below the surface or coal protective casing seat, whichever is deeper. At this point, a 100-foot plug of [expanding] cement shall be installed.

\* \* \* \* \*

(b) The owner or operator shall plug a well, where the surface casing, coal protective casing and production casing are cemented, as follows:

\* \* \* \* \*

(2) [Expanding cement] Cement plugs shall be set in the cemented portion of the production casing so that the plugs will extend from at least 50 feet below each stratum bearing or having borne oil, gas or water, to a point at least 100 feet above each stratum bearing or having borne, oil, gas or water. A Department approved mechanical plug may be set 20 feet above each stratum bearing or having borne oil, gas or water as a substitute for the plug of [expanding] cement. Nonporous material shall separate each [expanding] cement plug or mechanical plug. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of cement or other materials as approved by the Department.

(3) Following the plugging of the cemented portion of the production casing, the uncemented portion of the production casing shall be separated from the cemented portion and retrieved. The maximum distance the stub of the uncemented portion of the production casing may extend is 100 feet below the surface or coal protective casing whichever is lower. In no case may the uncemented portion of the casing left in the well extend through a formation bearing or having borne oil, gas or water. Other stratum above the cemented portion of the production casing bearing or having borne oil, gas or water shall be plugged by filling the hole with nonporous material to 20 feet above the stratum and setting a 50-foot plug of [expanding] cement. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of cement

or other material as approved by the Department. When the uncemented portion of the production casing is not retrievable, the operator shall plug that portion of the well under § 78.91(d).

(4) After plugging all strata bearing or having borne oil, gas or water, the well shall be filled with nonporous material to a point approximately 100 feet below the surface or coal protective casing seat, whichever is deeper. At this point a 200-foot [expanding] cement plug shall be placed so that the plug extends from 100 feet below the casing seat to a point at least 100 feet above the casing seat.

\* \* \* \* \*

§ 78.93. Wells in coal areas—surface or coal protective casing anchored with a packer or cement.

(a) In a well where the surface casing or coal protective casing and production casing are anchored with a packer or cement, the owner or operator shall plug the well as follows:

(1) The retrievable production casing shall be removed and the well shall be filled with nonporous material from the total depth or attainable bottom of the well, to a point 20 feet above the top of the lowest stratum bearing or having borne oil, gas or water. At this point there shall be placed a plug of [expanding] cement, which shall extend for at least 50 feet above that point. Between this sealing plug and a point 20 feet above the next higher stratum bearing or having borne oil, gas or water, the hole shall be filled with nonporous material and at that point there shall be placed another 50-foot plug of [expanding] cement which will completely seal the hole. In this manner, the hole shall be filled and plugged, with reference to each of the strata bearing or having borne oil, gas or water. The operator may treat multiple strata as one stratum and plug as described in this subsection with a single column of cement or other material as approved by the Department. When the production casing is not retrievable, the operator shall plug this portion of the well under § 78.91(d) (relating to general provisions).

(2) The well shall then be filled with nonporous material to a point approximately 200 feet below the lowest workable coal seam, or surface or coal protective casing seat, whichever is deeper. Beginning at this point a 100-foot plug of [expanding] cement shall be installed.

\* \* \* \* \*

(b) The owner or operator shall plug a well, where the surface casing and coal protective casing is anchored with a packer or cement and the production casing is cemented, as follows:

(1) If the total depth or attainable bottom is deeper than the cemented production casing seat, the operator shall plug that portion of the well under subsection (a)(1).

(2) An [expanding] cement plug shall be set in the cemented portion of the production casing so that the plugs extend from at least 50 feet below each stratum bearing or having borne oil, gas or water, to a point at least 100 feet above each stratum bearing or having borne, oil, gas or water. A Department approved mechanical plug may be set 20 feet above the stratum bearing or having borne oil, gas or water as a substitute for the plug of [expanding] cement. Nonporous material shall separate each [expanding] cement plug or mechanical plug. The operator may treat multiple strata as one stratum

and plug as described in this subsection with a single column of cement or other materials as approved by the Department.

(3) Following the plugging of the cemented portion of the production casing, the uncemented portion of the production casing shall be separated from the cemented portion and retrieved. The maximum distance the stub of the uncemented portion of the production casing may extend is 100 feet below the surface or coal protective casing whichever is lower. In no case may the uncemented portion of the casing left in the well extend through a formation bearing or having borne oil, gas or water. Other stratum above the cemented portion of the production casing bearing or having borne oil, gas or water shall be plugged by filling the hole with nonporous material to 20 feet above the stratum and setting a 50-foot plug of [expanding] cement. The operator may treat multiple strata as one stratum and plug as described in this paragraph with a single column of cement or other material approved by the Department. When the uncemented portion of the production casing is not retrievable, the operator shall plug that portion of the well under § 78.91(d).

(4) The well shall be filled with nonporous material to a point approximately 300 feet below the bottom of the surface casing or coal protective casing, whichever is deeper. In this case, a 100-foot plug of [expanding] cement shall then be placed in the well beginning at that point and extending to a point approximately 200 feet below the bottom of the casing seat.

\* \* \* \* \*

**Subchapter G. BONDING REQUIREMENTS**

**§ 78.302. Requirement to file a bond.**

For a well that has not been plugged, the owner or operator shall file a bond or otherwise comply with the bonding requirements of section 215 of the act (58 P. S. § 601.215) and this chapter. **A bond or bond substitute is not required for a well drilled before April 18, 1985.**

**§ 78.303. Form, terms and conditions of the bond.**

(a) The following types of security are approvable:

\* \* \* \* \*

(3) [For operators who meet the requirements of section 215(d)(1) of the act (58 P. S. § 601.215(d)(1)), a phased deposit of collateral bond as provided in § 78.309(a) (relating to phased deposit of collateral).

(4) ] For individuals who meet the requirements of section 215(d.1) of the act, a phased deposit of collateral bond as provided in § 78.309(b).

\* \* \* \* \*

(e) The bond amounts required under section 215 of the act are as follows:

\* \* \* \* \*

[ (3) For a fee in lieu of providing a bond one of the following:

(i) Fifty dollars annual nonrefundable payment per single well for one to nine wells.

(ii) Five hundred dollars annual nonrefundable payment for ten to twenty wells.

(iii) One thousand dollars annual nonrefundable payment for 21 to 200 wells.]

**§ 78.309. Phased deposit of collateral.**

(a) Operators.

(1) Eligibility. An operator who [seeks to satisfy the collateral bond requirements of the act by submitting phased deposit of collateral under section 215(d)(1) of the act (58 P. S. § 601.215(d)(1)), shall meet the following eligibility requirements: ] had a phased deposit of collateral in effect on November 26, 1997, may maintain that bond for wells requiring bonding, for new well permits and for wells acquired by transfer.

\* \* \* \* \*

[ (ii) An operator shall have at least one well drilled prior to April 18, 1985.

(iii) An operator shall certify that the operator is unable to obtain a bond for a well drilled prior to April 18, 1985.

(iv) ] (ii) Under the following schedule, an operator shall make [an initial] a deposit with the Department of approved collateral prior to the issuance of a permit for a well or the transfer of a permit for a well, and shall make subsequent annual deposits and additional well payments[:]. For the purpose of calculating the required deposit, all of the operator's wells are included in the number of wells.

| Number of wells                                       | [ Initial Deposit ] | Annual Deposit | per Additional Well |
|---|---------------------|----------------|---------------------|
| 1-10 with no intention to operate more than 10        | [ \$250/well ]      | \$50/well      | N.A.                |
| 11-25 or 1-10 and applies for additional well permits | [ \$2,000 ]         | \$1,150        | \$150               |
| 26-50   | [ \$3,000 ]         | \$1,300        | \$400               |
| 51-100  | [ \$4,000 ]         | \$1,500        | \$400               |
| 101-200   | [ \$8,000 ]         | \$1,600        | \$1,000             |

[ (v) ] (iii) An operator shall make the phased deposits of collateral as required by the bond.

\* \* \* \* \*

(b) Individuals.

(1) Eligibility.

(i) An individual who seeks to satisfy the collateral bond requirements of the act by submitting phased deposit of collateral under section 215(d.1) of the act (58 P. S. § 601.215(d.1)), may not drill more than ten new wells per calendar year. A well in which the individual has a financial interest[, ] is to be considered one of the wells permitted under this section. A partnership, association or corporation is not eligible for phased deposit of collateral under this subsection.

(ii) [An individual who seeks to submit phased collateral deposits shall attest to the individual's inability to obtain a bond.

(iii) ] \* \* \*

[ (iv) ] (iii) \* \* \*

[ (v) ] (iv) \* \* \*

\* \* \* \* \*



**§ 78.310. Replacement of existing bond.**

(a) An owner or operator may replace an existing surety or collateral bond with another surety or collateral bond that satisfies the requirements of this chapter, if the liability which has accrued against the bond, the owner or operator who filed the first bond and the well operation is transferred to the replacement bond. An owner or operator may not substitute [ a fee in lieu of a bond or ] a phased deposit of collateral bond under section 215(d) and (d.1) of the act (58 P. S. § 601.215(d) and (d.1)) for a valid surety bond or collateral that has been filed and approved by the Department.

\* \* \* \* \*

**Subchapter X. STATEMENTS OF POLICY  
INSPECTION POLICY REGARDING OIL AND GAS  
WELL ACTIVITIES**

**§ 78.901. [ Definitions ] (Reserved).**

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

**NGPA—Natural Gas Policy Act of 1978 (15 U.S.C.A. §§ 3301—3432 and 42 U.S.C.A. § 7255). ]**

**§ 78.903. Frequency of inspections.**

The Department, its employes and agents intend to conduct inspections at the following frequencies:

\* \* \* \* \*

**[ (17) At least once prior to the issuance of an NGPA determination. ]**

[Pa.B. Doc. No. 00-1043. Filed for public inspection June 16, 2000, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**[52 PA. CODE CHS. 3 AND 62]**

[L-00000150]

**Licensing Requirements for Natural Gas Suppliers**

The Pennsylvania Public Utility Commission (Commission) on April 13, 2000, adopted a proposed rulemaking order establishing licensing requirements for natural gas suppliers. The contact persons are Robert Bennett, Bureau of Fixed Utility Services, (717) 787-5553 and Patricia Krise Burket, Law Bureau, (717) 787-3464.

*Executive Summary*

On June 22, 1999, Governor Thomas J. Ridge signed into law the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212 (act). Under the act, beginning on November 1, 1999, retail customers have had the ability to choose their natural gas supplier. Previously, consumers procured their natural gas supply requirements as a package from the jurisdictional public utility. The package included what are now the basic components of competitive natural gas supply service, commodity, capacity and storage, balancing and aggregation services of the natural gas utility.

On July 15, 1999, the Commission issued a final order which adopted interim licensing procedures and a license

application. These interim licensing procedures were to be temporary in nature, and would be replaced by regulations. As the first step in promulgating these regulations, the Commission has revised its interim licensing procedures and has redrafted them as proposed regulations.

Through these proposed regulations, the Commission is seeking comments and reply comments from interested parties.

*Regulatory Review*

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

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of this proposal to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Commission, the General Assembly and the Governor of objections raised.

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held  
April 13, 2000

*Licensing Requirements for Natural Gas Suppliers; 52 Pa. Code Chapter 62; Doc. No.: L-00000150*

**Proposed Rulemaking Order**

On June 22, 1999, Governor Thomas J. Ridge signed into law the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201—2212 (act). Under the act, beginning on November 1, 1999, retail customers have had the ability to choose their natural gas supplier. Previously, consumers procured their natural gas supply requirements as a package from the jurisdictional public utility. The package included what are now the basic components of competitive natural gas supply service, commodity, capacity and storage, balancing and aggregation services of the natural gas utility. The section 2202 of the act (relating to definitions) defines a natural gas supplier as:

An entity other than a natural gas distribution company, but including natural gas distribution company marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company. The term includes a natural gas distribution company that provides natural gas supply outside its certificated service territories. The term includes a municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide natural gas supply services to retail customers located outside of its corporate or municipal limits, as applicable, other than:

(i) as provided prior to the effective date of this chapter, pursuant to a certificate of public convenience if required under this title;

(ii) total natural gas supply services in de minimis amounts;

(iii) natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided; or

(iv) natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law independent of this chapter.

The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease. Notwithstanding any other provision of this title, a natural gas supplier that is not a natural gas distribution company is not a public utility as defined in section 102 (relating to definitions) to the extent that the natural gas supplier is utilizing the jurisdictional distribution facilities of a natural gas distribution company or is providing other services authorized by the Commission.

66 Pa.C.S. § 2202.

As used in the definition of a natural gas supplier, the term natural gas supply services includes (i) the sale or arrangement of the sale of natural gas to retail customers; and (ii) services that may be unbundled by the Commission under section 2203(3) of the act (relating to standards for restructuring of the natural gas utility industry). Natural gas supply service does not include distribution service. See 66 Pa.C.S. § 2202.

On June 24, 1999, the Commission issued a Tentative Order and draft licensing application for interim licensing of natural gas suppliers pending the promulgation of regulations. The Tentative Order established a comment period ending July 9, 1999, and was served on the Office of Consumer Advocate, the Office of Small Business Advocate, Pennsylvania jurisdictional gas utilities, and other interested parties. The Commission's order was also posted on the Commission's website. Comments were received from numerous parties.

On July 15, 1999, the Commission adopted a Final Order which set forth interim licensing procedures and a license application. Re: *Requirements for Natural Gas Suppliers—Guidelines pursuant to Chapter 22 Natural Gas Choice and Competition Act Section 2208*, order entered July 16, 1999 at Doc. No. M-00991248F0002.

In its July 16, 1999 Order, the Commission recognized that the interim licensing procedures were to be temporary in nature, and that they would be replaced by regulations. As the first step in promulgating these regulations, the Commission has revised its interim licensing procedures and has redrafted them as proposed regulations.

The Commission seeks general comments on the proposed regulations. Persons submitting comments are requested to provide supporting justification for requested revisions, and propose suggested regulatory language for incorporation into the final-form regulations.

While the proposed rulemaking is derived predominantly from the interim licensing guidelines, the Commission has included in the proposed regulations provisions that exempt from licensing nontraditional marketers and marketing services consultants that work as agents for a licensed natural gas supplier under certain restrictions. The restrictions are that the supplier is the financially

responsible party: (1) for the provision of natural gas supply services to retail customers; and (2) for all unlawful acts committed by the agent. Nontraditional marketers include community-based organizations, civic, fraternal or business associations, common interest groups that endorse a supplier's services to their members or constituents (nontraditional marketers). Marketing services consultants are commercial entities, such as telemarketing firms and auction-type websites, that are under contract as an agent to a licensed supplier and that market natural gas supply services to consumers on the supplier's behalf.

The definition of "natural gas supplier" in section 2202 of the act is very broad, and our initial interpretation of the law had been that every entity that engages in an activity listed as that undertaken by a natural gas supplier must be licensed. However, we have come to recognize that some of these activities may be undertaken by entities like those listed previously who will not have any direct physical or financial responsibility for the procurement of the customer's natural gas. Under these circumstances, we do not believe that the public interest requires that these entities comply with the licensing requirements. Comment is specifically requested on these exemptions.

In addition, the proposed rulemaking would develop different financial surety mechanisms intended to facilitate customer choice for the gas industry contrasted with those in force for customer choice in the electric industry. This treatment may be extended to other areas as well.

The Commission seeks particular comment on whether, and to what extent, disparate treatment between industries is appropriate in the proceeding as a matter of law and policy. The Commission is interested in developing final regulations and policies that reflect the increased probability of gas and electric convergence in this Commonwealth.

Accordingly, under 66 Pa.C.S. §§ 501, 2203(12) and 2208 and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), and regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, we propose to amend the regulations in 52 Pa. Code by amending §§ 3.551 and 62.101—62.115 as previously noted and to read as set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. A rulemaking docket shall be opened to promulgate regulations for the licensing of natural gas suppliers as set forth in Annex A.

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

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

4. The Secretary shall submit this order and Annex A for review and comments by the designated standing committees of both houses of the General Assembly, and for review and comments by IRRC.

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

6. Within 30 days of this order's publication in the *Pennsylvania Bulletin*, an original and 15 copies of any comments concerning this order shall be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265,

Harrisburg, PA 17105-3265. One copy of a diskette containing the comments in electronic format should also be submitted.

7. A copy of this order and Annex A be served on the Office of Consumer Advocate, the Office of Small Business Advocate, all natural gas distribution companies and all licensed natural gas suppliers, posted on the Commission's web site at <http://puc.paonline.com>, and provided to all interested persons.

8. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau at (717) 772-4597.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** 57-217. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 3. SPECIAL PROVISIONS**

**Subchapter H. FORMS**

**§ 3.551. Official forms.**

The following is a list of forms which may be obtained from the Office of the Secretary of the Commission.

\* \* \* \* \*

**(16) Application for natural gas supplier license.**

*(Editor's Note:* The following subchapter is new. It has been printed in regular type to enhance readability.)

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 62. NATURAL GAS SUPPLY  
CUSTOMER CHOICE**

**Subchapter D. LICENSING REQUIREMENTS  
FOR NATURAL GAS SUPPLIERS**

|         |   |
|---------|---|
| Sec.    |   |
| 62.101. | Definitions.  |
| 62.102. | Scope of licensure.                                       |
| 62.103. | Application process.                                      |
| 62.104. | Application form.   |
| 62.105. | Change in organizational structure or operational status. |
| 62.106. | Open and nondiscriminatory access.                        |
| 62.107. | Publication of notice of filing.                          |
| 62.108. | Protests to applications.                                 |
| 62.109. | Approval.   |
| 62.110. | Regulatory assessments.                                   |
| 62.111. | Reporting requirements.                                   |
| 62.112. | Bonds or other security.                                  |
| 62.113. | Transfer or abandonment of license.                       |
| 62.114. | License suspension; license revocation.                   |
| 52.115. | Standards of conduct and disclosure for licensees.        |

**§ 62.101. Definitions.**

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

*Act*—The Natural Gas Choice and Competition Act (66 Pa.C.S. §§ 2201—2212).

*Applicant*—A person or entity seeking to obtain a license to supply retail natural gas supply services to retail customers.

*City natural gas distribution operation*—A collection of real and personal assets used for distributing natural gas to retail gas customers owned by a city or a municipal

authority, nonprofit corporation or public corporation formed under section 2212(m) of the act (relating to city natural gas distribution operations).

*License*—A license granted to an NGS under this subchapter.

*Licensee*—A person or entity that has obtained a license to provide natural gas supply services to retail customers.

*Marketing*—The publication, dissemination or distribution of informational and advertising materials regarding the NGS's services and products to the public by personal contact, print, broadcast, electronic media, direct mail or by telecommunication.

*Marketing services consultant*—A commercial entity, such as a telemarketing firm or auction-type website, that under contract to a licensee, acts as an agent to market natural gas supply services to retail gas customers for the licensee. A marketing services consultant:

(i) Does not collect revenues directly from retail customers.

(ii) Is not responsible for the scheduling of natural gas supplies.

(iii) Is not responsible for the payment of the costs of the natural gas to suppliers, producers or NGDCs.

*NGDC—Natural Gas Distribution Company*—A public utility or city natural gas distribution operation that provides natural gas distribution services and which may provide natural gas services and other services.

*NGS—Natural Gas Supplier*—An entity other than an NGDC, including an NGDC's marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of an NGDC.

(i) The term includes an NGDC that provides natural gas supply services outside its certificated service territories.

(ii) The term includes a municipal corporation, its affiliates or any joint venture to the extent that it chooses to provide natural gas services to retail customers located outside its corporate or municipal limits, as applicable, other than:

(i) As provided prior to July 1, 1999, the effective date of the act, under a certificate of public convenience if required.

(ii) Total natural gas supply services in de minimis amounts.

(iii) Natural gas supply services requested by or provided with the consent of the public utility in whose certificated territory the service is provided.

(iv) Natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law.

*Natural gas supply services*—The term includes:

(i) The sale or arrangement of the sale of natural gas to retail gas customers.

(ii) Services that may be unbundled by the Commission under section 2203(3) of the act (relating to standards for restructuring of natural gas utility industry).

*Nontraditional marketer*—A community-based organization, civic, fraternal or business association, common interest group or commercial entity that works with a

licensed supplier as an agent to market natural gas supply services to its members or constituents. A nontraditional marketer:

- (i) Conducts its transactions through a licensed NGS.
- (ii) Does not collect revenues directly from retail customers.
- (iii) Does not require its members or constituents to obtain its natural gas service through the nontraditional marketer or a specific licensed NGS.
- (iv) Is not responsible for the scheduling of natural gas supplies.
- (v) Is not responsible for the payment of the costs of the natural gas to its suppliers or producers.

*Offer to provide service*—The extension of an offer to provide services or products communicated orally or in writing to a customer.

*Retail gas customer*—A direct purchaser of natural gas supply services or natural gas distribution services, other than an NGS.

*Supplier of last resort*—A supplier approved by the Commission under section 2207(a) of the act (relating to obligation to serve) to provide natural gas supply services to customers who contracted for natural gas that was not delivered, or who did not select an alternative NGS, or who are not eligible to obtain competitive natural gas supply, or who return to the supplier of last resort after having obtained competitive natural gas supply.

**§ 62.102. Scope of licensure.**

(a) An NGS may not engage in marketing, or may not offer to provide, or provide natural gas supply services to retail customers until it is granted a license by the Commission.

(b) An NGDC acting within its certified service territory as a supplier of last resort is not required to obtain a license.

(c) The owners/operators of a building or facility that manages the internal distribution system supplying a building or facility and supplies natural gas and other related services to occupants of the building or the facility where the owner/operators, and not the occupants, are the direct purchasers of the natural gas supply services are not required to obtain a license.

(d) A nontraditional marketer is not required to obtain a license. Each nontraditional marketer and each licensed NGS shall provide the Commission with a copy of their agreement to market natural gas supply services to retail customers prior to the nontraditional marketer engaging in any natural gas supply service sales activity. The licensed natural gas supplier shall be responsible for violations of 66 Pa.C.S. (relating to the Public Utility Code) and applicable regulations of this title, orders and directives committed by the nontraditional marketer and fraudulent, deceptive or other unlawful marketing or billing acts committed by the nontraditional marketer.

(e) A marketing services consultant is not required to obtain a license. Each marketing services consultant and each licensed NGS shall provide the Commission with a copy of its agreement to market natural gas supply services to retail customers prior to the marketing services consultant engaging in any natural gas supply service sales activity. The licensed NGS shall be responsible for violations of 66 Pa.C.S. and applicable regulations of this title, orders and directives committed by the marketing services consultant and fraudulent, deceptive

or other unlawful marketing or billing acts committed by the marketing services consultant.

**§ 62.103. Application process.**

(a) An application for a license shall be made on the form provided by the Commission. A copy of the application can be obtained from the Commission's Secretary. The application form is also available on the Commission's web site. An application shall be verified by an oath or affirmation as required in § 1.36 (relating to verification). See section 2208(b) of the act (relating to requirements for natural gas suppliers).

(b) An original and eight copies of the completed application and supporting attachments shall be filed. An electronic copy of the application shall also be filed. An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

(c) Copies of the completed applications with supporting documentation shall be served on the following:

- (1) The Office of Consumer Advocate.
- (2) The Office of Small Business Advocate.
- (3) The Office of the Attorney General.
- (4) The Bureau of Consumer Protection.

(5) The Department of Revenue, and each NGDC in whose service territory the applicant intends to provide natural gas supply services.

(d) Incomplete applications and those without supporting attachments, if needed, will be rejected without prejudice. The license application, with supporting attachments, shall be completed in its entirety.

(e) When an answer on the application requires the disclosure of privileged or confidential information not otherwise available to the public, the applicant may designate at each point in the application where information is disclosed that is confidential and privileged. One copy of this confidential or privileged information conspicuously marked at the top as "CONFIDENTIAL" may be submitted to the Office of the Secretary with the application.

(1) An applicant shall provide reasons for protecting this information.

(2) The request for confidentiality will be treated as a petition for protective order and will be ruled on by the Commission in conjunction with the license application.

(3) Pending disposition, the information will be used solely for the purpose of evaluating the license application, and the confidentiality of this information will be maintained consistent with the Commission's rules and regulations pertaining to confidentiality.

**§ 62.104. Application form.**

(a) The application form includes information that will be used in the evaluation of the financial fitness and technical fitness to render service. Information includes:

- (1) Identification of the geographic area that the applicant proposes to serve.
- (2) Identification of the type of service that the applicant proposes to furnish.
- (3) Identification of the class of customers to which the applicant proposes to provide these services.
- (4) Identification of the applicant's utility affiliates.
- (5) Description of the applicant's business structure.

(6) Financial information sufficient to demonstrate financial fitness. This information may include credit ratings and history, audited financial statements and insurance pertinent to the conduct of the applicant's business as an NGS.

(7) Evidence of competency and experience in providing the scope and nature of the applicant's proposed services. This evidence may include:

- (i) Descriptions of the applicant's prior experience.
- (ii) Proposed staffing and employe training commitments.
- (iii) Business plans and agreements.
- (iv) Arrangements and contracts for natural gas supply procurement, transmission and related services.
- (8) Evidence of information demonstrating the applicant's ability to comply with Commission applicable requirements concerning customer billing, customer education, billing and terms of service and customer information. This evidence may include:
  - (i) Prior regulatory experience of the applicant.
  - (ii) Prior business experience in energy or other service-oriented industries.
  - (iii) Staffing and staff training commitments, agreements.
  - (iv) Arrangements and contracts for customer education and information service.
  - (v) Customer satisfaction survey results.
  - (vi) Government agency reports.
  - (vii) Complaint statistics compiled by the Better Business Bureau or similar business organizations.

(9) Certification that notice of the application was published in accordance with § 54.35 (relating to publication of notice of filing) shall be filed with the Commission's Secretary. The certification shall be notarized and include a photostatic copy of the notices as published. An application will not be considered complete for Commission review without this certification.

(b) Additional information that shall be submitted in support of the application includes:

- (1) The name, address, telephone number, electronic numbers and addresses used to transmit tax and related information of the persons responsible for preparing and filing the applicant's Pennsylvania tax returns.
- (2) The trade names or fictitious names used by the applicant.
- (3) The type of business association (for example, sole proprietor, partnership or corporation).
- (4) The names of the owners, general partners or corporate officers.
- (5) The number of applicant's current and anticipated employes working in this Commonwealth.
- (6) An identification of the applicant's assets in this Commonwealth.
- (7) The principal office in this Commonwealth or of its registered agent.
- (8) The applicant's Department of Revenue tax identification numbers including Sales Tax license number, employer identification number and corporate box number.

#### **§ 62.105. Change in organizational structure or operational status.**

(a) The applicant is under a duty to inform the Commission of a material change in the information provided in the application during the pendency of the application, or while the licensee is operating in this Commonwealth.

(b) A material change in the organizational structure or operation that affects an applicant's or a licensee's operation in this Commonwealth shall be reported to the Commission within 30 days of the date of the change. Specifically, notification shall be given to the Commission of a change in the following:

- (1) Affiliation with an NGDC.
  - (2) Affiliation with an entity that has a franchised service area.
  - (3) Affiliation with other NGS.
  - (4) Affiliation with licensed electric generation supplier.
  - (5) Office location.
  - (6) Chief executive officer or operating partners.
  - (7) Customer classes served expanded to include residential and small commercial customers.
- (c) Unless directed otherwise by the Commission, the licensee does not need to file an amended application with the Commission.

#### **§ 62.106. Open and nondiscriminatory access.**

A municipal corporation shall, before it is permitted to provide natural gas supply services as a licensed NGS, demonstrate, and the Commission will determine, that by the date of the issuance of the license, it will provide other NGSs open and nondiscriminatory access to its gas distribution system under standards that are comparable to those found in the act, taking into consideration the particular circumstances of the municipal corporation's ownership or operation, or both, of its natural gas distribution system.

#### **§ 62.107. Publication of notice of filing.**

(a) Notice of filing an application shall be published in newspapers of general circulation covering each county in which the applicant intends to provide service as required by § 5.14(a)(2) (relating to applications requiring notice). Applicants may contact the Commission's Press Secretary to confirm the identity of the newspapers of general circulation in which notice shall be published.

(b) The notice shall be written in plain language and include the name, address and telephone number of the applicant, a description of the proposed service or services to be provided and the geographic area to be served.

(1) The notice shall include the application docket number and a statement that protests related to the technical or financial fitness of the applicant shall be filed within 15 days of the publication date of the notice with the Commission's Secretary, Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania 17105-3265.

(2) The notice in an acceptable electronic format shall be submitted to the Commission's Secretary for posting on the Commission's Internet web site.

#### **§ 62.108. Protests to applications.**

(a) Consistent with § 5.14(b) (relating to applications requiring notice), a 15-day protest period commences on the date notice of the application filing is published in newspapers. An interested party may file a protest to an application in compliance with § 5.52(a) (relating to

content of a protest to an application) and shall set out clearly and concisely the facts upon which challenge to the fitness of the applicant is based. An applicant may file an answer to the protest within 10 days of when the protest is filed. Protests which do not fully comply with § 5.52(a) (relating to content of a protest to an application) will be rejected.

(b) Protests may challenge only the applicant's financial and technical fitness to provide the service for which a license is requested. Consistent with the requirements of due process, sanctions, such as revocation or suspension of a supplier's license or the imposition of a fine, may be imposed on parties who intentionally misuse the protest process by repeated filing of competitive protests.

(c) A protest to the applicant's technical or financial fitness to provide service will be assigned to Commission staff for review. Staff will determine if the protest fully complies with § 5.52(a) and sets out clearly and concisely the facts upon which the challenge to the fitness of the applicant is based.

(1) Staff will determine if the protest is sufficiently documented.

(2) If a protest is not sufficiently documented, Commission staff will prepare a recommendation for Commission consideration dismissing the protest and granting the application.

(3) If a protest is sufficiently documented, the application will be transferred to the Office of Administrative Law Judge for hearings or mediation as deemed appropriate.

#### § 62.109. Approval.

(a) A license will be issued, authorizing the whole or any part of service requested, if the Commission finds that:

(1) The applicant is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of 66 Pa.C.S. (relating to the Public Utility Code) and the lawful Commission orders and regulations, specifically including Chapter 56 (relating to standards and billing practices for residential utility service).

(2) The proposed service is consistent with the public interest and the policy declared in the act. (See 66 Pa.C.S. § 2208(b) (relating to requirements for natural gas suppliers)).

(b) Completed applications, with all supporting documentation, including any documentation or clarifying information requested by Commission staff, if unprotested, will be processed within 45 days after acceptance by the Commission. If the application is not processed within the time period, the application will be deemed approved. The review period may be extended for a reasonable period of time by Secretarial Letter.

#### § 62.110. Regulatory assessments.

(a) A licensee shall be required to pay assessments to be used to defray regulatory costs. See 66 Pa.C.S. § 510 (relating to assessment for regulatory expenses upon public utilities).

(1) Assessments will be based upon the administrative costs incurred by the Commission related to suppliers.

(2) These costs include:

(i) Maintaining records related to licensees, and administering other provisions of 66 Pa.C.S. (relating to the Public Utility Code) related to maintenance of adequate reserve margins.

(ii) Compliance with Chapter 56 (relating to standards and billing practices for residential utility service).

(iii) Fulfilling consumer information and education obligations.

(b) Yearly assessments shall be paid by the licensee within 30 days of receipt of notice of the amount lawfully charged against it as a condition of maintaining a license to supply natural gas. See 66 Pa.C.S. § 510(c).

#### § 62.111. Reporting requirements.

(a) A licensee shall file an annual report on or before April 30 of each year, for the previous calendar year. The annual report shall contain the following information:

(1) The total amount of gross receipts from the sales of natural gas supply services for the preceding calendar year.

(2) The total amount of natural gas sold during the preceding calendar year.

(b) A licensee shall be required to meet periodic reporting requirements issued by the Commission to fulfill the Commission's duty under the act pertaining to reliability and to inform the Governor and the General Assembly of the progress to a fully competitive natural gas market.

(c) The information requested in this section will be made available for public review upon request to the Commission subject to any rulings on confidentiality made by the Commission.

#### § 62.112. Bonds or other security.

(a) A license will not be issued or remain in force until the licensee furnishes proof of a bond or other security. See section 2208(c)(1)(i) of the act (relating to requirements for natural gas suppliers).

(b) The purpose of the security requirement is to ensure the licensee's financial responsibility. See section 2208(c)(1)(i) of the act.

(c) The amount and the form of the security, if not mutually agreed upon by the NGDC and the licensee, shall be reasonably based on the criteria established in this section. The criteria shall be applied in a non-discriminatory manner. The Commission will periodically review the established criteria upon petition by any party.

(1) The amount of the security should be reasonably related to the financial exposure imposed on the NGDC or supplier of last resort resulting from the default or bankruptcy of the licensee. At a minimum, the amount of security should materially reflect the difference between the cost of gas incurred and the supplier's charges, if any, incurred by the NGDC or supplier of last resort during one billing cycle.

(i) The amount of security established under this paragraph may be modified based on one, or more of the following:

(A) The licensee's past operating history, including the length of time that the licensee operated on the NGDC's system, the number of customers served and past supply reliability problems.

(B) The licensee's credit reports.

(C) The number and class of customers being served.

(D) Information that materially affects a licensee's creditworthiness.

(E) The licensee's demonstrated capability to provide the volume of natural gas necessary for its customers' needs.

(ii) The amount of the security may be adjusted, but not more often than every 6 months. The adjustments shall be reasonable and based on one or more of the following criteria:

(A) Changes in a licensee's recent operating history on the NGDC's system.

(B) Changes in a licensee's credit reports.

(C) Changes in the number or class of customers being served by the licensee.

(D) Changes in circumstances that materially affect a licensee's creditworthiness.

(E) The licensee's demonstrated capability to provide the volume of natural gas necessary for its customers' needs.

(2) The following legal and financial instruments and property shall be acceptable as security:

(i) Bond.

(ii) Irrevocable letter of credit.

(iii) Corporate, parental or other third-party guaranty.

(3) In addition to the requirements in this section, small suppliers with annual operating revenues of less than \$1 million may utilize real or personal property with the following supporting documentation acceptable as security:

(i) A verified statement from the licensee that it has clear title to the property and that the property has not been pledged as collateral, or otherwise encumbered in regard to any other legal or financial transaction.

(ii) A current appraisal report of the market value of the property.

(d) The licensee shall submit to the Commission documentation demonstrating that it has complied with the bonding or security requirement. One copy of each bond, letter of credit, or other financial or legal instrument or document evidencing an agreement between the licensee and the NGDC shall be submitted to the Commission.

(e) Licensee liability for unreasonable service, or for violations of 66 Pa.C.S. (relating to the Public Utility Code) and Commission orders and regulations is not limited by these security requirements.

#### **§ 62.113. Transfer or abandonment of license.**

(a) A license may not be transferred without prior Commission approval. See section 2208(d) of the act (relating to requirements for natural gas suppliers). Approval for transfer shall be obtained by petition to the Commission. The granting of a petition does not eliminate the need for the transferee to complete and file with the Commission an application that demonstrates the transferee's financial and technical fitness to render service under the transferred license.

(b) A licensee may not abandon service without providing 90 days prior written notice to the Commission, the licensee's customers, the affected distribution utilities and suppliers of last resort. The licensee shall provide written individual notice to its customers at approximately 90 days and 60 days preceding the effective date of the abandonment.

#### **§ 62.114. License suspension; license revocation.**

(a) A licensee shall comply with the applicable requirements of 66 Pa.C.S. (relating to the Public Utility Code) and Commission regulations and orders. Consistent with

due process, a license may be suspended or revoked, and fines may be imposed against the licensee for:

(1) Failure to pay the yearly assessment.

(2) Failure to furnish and maintain a bond or other security.

(3) Failure to comply with the rules, regulations, orders or directives of the Department of Revenue.

(4) Failure to provide the address of its current principal office in this Commonwealth or of its registered agent.

(5) Failure to follow the principles in § 62.115 (relating to standards of conduct and disclosure for licensees).

(6) Violation of applicable provisions of 66 Pa.C.S., Commission regulations and lawful Commission orders. See section 2208(c)(2) of the act (relating to requirements for natural gas suppliers).

(7) Violation of Pennsylvania consumer protection law.

(b) The unauthorized transfer by a NGDC, or its affiliate, of a customer's NGS without the customer's express consent will result in a fine, or the suspension, or the revocation of the license of that NGDC's affiliated NGS. See section 2206(b) of the act (relating to consumer protection and customer service).

(c) The unauthorized transfer by a licensed NGS, or its affiliate, of a customer's NGS without the customer's express consent will result in a fine, or the suspension, or the revocation of the license of that NGS.

#### **§ 62.115. Standards of conduct and disclosure for licensees.**

To protect the consumers of this Commonwealth, licensees shall adhere to the following principles in the provision of natural gas service:

(1) A licensee shall provide accurate information about its natural gas services using plain language and common terms in communications with consumers. When new terms are used, the terms shall be defined again using plain language.

(2) A licensee shall provide notification of change in conditions of service, intent to cease operation as a natural gas supplier, explanation of denial of service, proper handling of deposits and proper handling of complaints in accordance with this title.

(3) A licensee shall maintain the confidentiality of a consumer's personal information including the name, address and telephone number, and historic payment information, and provide the right of access by the consumer to the consumer's own load and billing information.

(4) A licensee may not discriminate in the provision of natural gas as to availability and terms of service based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance income and exercise of rights under the Consumer Credit Protection Act (15 U.S.C.A. §§ 1601—1693c). See 15 U.S.C.A. §§ 1691—1691f (relating to equal credit opportunity); and 12 CFR Part 202 (relating to equal credit opportunity (Regulation B)).

(e) A licensee is responsible for the fraudulent, deceptive or other unlawful marketing or billing acts performed by the licensee, its employees, agents or representatives. A licensee shall inform consumers of state consumer protection laws that govern the cancellation or rescission of

natural gas supply contracts. See section 7 of the Unfair Trade Practices and Consumer Protection Law (73 P. S. § 201-7).

(f) A licensee shall comply with relevant Commission regulations, orders and directives that may be adopted.

[Pa.B. Doc. No. 00-1044. Filed for public inspection June 16, 2000, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### 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. 3082 (June 17, 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. 00-1045. Filed for public inspection June 16, 2000, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Notice of Proposed Statement of Policy on Performance Based Incentives for Section 1307(f) Local Distribution Companies; Doc. No. M-00940604

*Commissioners Present:* John M. Quain, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Nora Mead  
Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held  
June 2, 2000

#### Order

*By the Commission:*

On December 15, 1994, we issued an advance notice of proposed statement of policy concerning the guidelines for proposing performance based incentives (PBIs) for local distribution companies (LDCs) in section 1307(f) proceedings. The goal of PBI programs was to reduce natural gas costs through genuine improvements in performance and efficiency, allowing both shareholders and ratepayers to share in these benefits.

Comments on the advance notice of proposed policy statement were filed by the Office of Trial Staff (OTS), the Office of Consumer Advocate (OCA), the Industrial Energy Consumers of Pennsylvania (IECPA), the Independent Oil and Gas Association of Pennsylvania (IOGA), T. W. Phillips Gas and Oil Company (Phillips), Enron

Capital & Trade Resources (ECT), UGI Utilities, Inc.—Gas Division (UGI), Columbia Gas of Pennsylvania (Columbia) and the Pennsylvania Gas Association (PGA). After a review of the comments, we adopted a proposed policy statement setting forth the guidelines to be followed by section 1307(f) gas utilities in proposing PBI programs in rate proceedings filed under section 1307(f) or section 1308(a)—(c).

The proposed policy statement was published for comment in the *Pennsylvania Bulletin* on May 20, 1995. Subsequently, comments were received from OCA, Peoples Natural Gas (Peoples), PGA, IECPA, Columbia, Equitable and Natural Gas Supply.

On July 1, 1999, the Natural Gas Choice and Competition Act (Gas Choice Act), 66 Pa.C.S. §§ 2201—2212, went into effect. Based upon that legislation, which provides for retail gas consumers to choose a natural gas supplier, the Commission has determined that the proposed policy statement is no longer necessary.

The proposed policy statement was adopted to provide greater opportunities than traditional cost-based regulation for LDCs to reduce gas costs and rates. Specifically, PBI programs were intended to encourage LDCs to achieve superior performance and increased efficiency, allowing shareholders and ratepayers to share in the benefits.

However, with the passage of the Gas Choice Act and the unbundling of natural gas distribution and supply, and the introduction of competitive supply, we find that the implementation of PBI programs is no longer necessary to provide these incentives. Rather, we believe that the incentives of LDCs to reduce costs and increase efficiency are inherent in a competitive environment. In particular, if LDCs do not optimize their performance in purchasing low-cost gas supplies, retail consumers have the option to choose an alternative supplier.

We are satisfied that the incentives inherent in a competitive supply market, combined with our ongoing review of section 1307(f) costs, are sufficient to encourage LDCs to achieve superior performance and increased efficiency. Accordingly, the Commission withdraws the proposed policy statement.

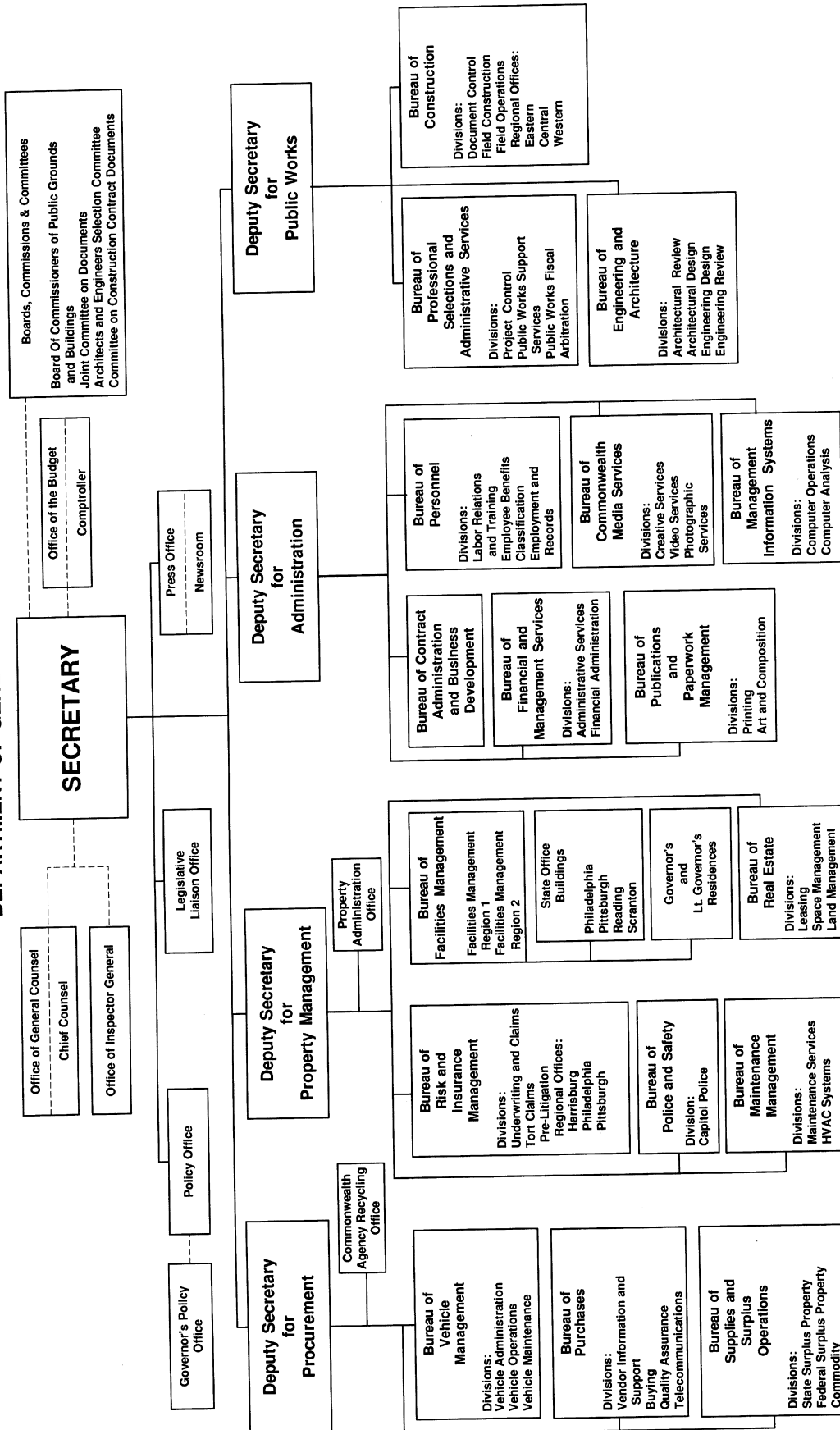
*Therefore, It Is Ordered That:*

1. The proposed policy statement at the above docket be withdrawn.
2. This order be published as a notice in the *Pennsylvania Bulletin*.
3. A copy of this order be served on all parties that filed comments in this proceeding.
4. This docket be marked closed.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-1046. Filed for public inspection June 16, 2000, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES



# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 6, 2000.

### BANKING INSTITUTIONS

#### New Charter Applications

| <i>Date</i> | <i>Name of Bank</i>                                      | <i>Location</i>                                   | <i>Action</i> |
|-------------|--|---|---------------|
| 6-2-00      | The Legacy Trust Company<br>Harrisburg<br>Dauphin County | 2600 Commerce Dr.<br>Harrisburg<br>Dauphin County | Approved      |

#### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i> | <i>Action</i>                    |
|-------------|---|-----------------|----------------------------------|
| 5-30-00     | C & G Savings Bank, Altoona,<br>and The Peoples Savings &<br>Loan Association, Nanty Glo<br>Surviving Institution—<br>C&G Savings Bank, Altoona | Altoona         | Approved<br>Effective<br>5-31-00 |

*Branches Acquired by Merger:*

1306 Shoemaker Street  
Nanty Glo  
Cambria County  
(Former Main Office of The Peoples  
Savings & Loan Association)

*Note:* Subsequent to the merger, C&G Savings Bank will consolidate its existing branch office at 920 Chestnut Street, Nanty Glo, with the Shoemaker Street location listed previously.

|        |  |  |          |
|--------|--|--|----------|
| 6-1-00 | Merchants Bank of<br>Pennsylvania, Shenandoah,<br>and The First National<br>Bank of Leesport, Leesport<br>Surviving Institution—<br>Merchants Bank of Pennsylvania,<br>Shenandoah, With a Change in<br>Corporate Name and Location to<br>"Leesport Bank," Leesport | Shenandoah   | Filed    |
| 6-5-00 | First Liberty Bank & Trust<br>Jermyn<br>Lackawanna County<br><br>Purchase of Assets/Assumption of<br>Liabilities of Two Branch Offices of<br>Mellon Bank, N.A., Pittsburgh, Located At:<br><br>101 Old Lackawanna Trail<br>Clarks Summit<br>Lackawanna County      | Jermyn<br><br><br><br><br><br><br><br>400 Spruce Street<br>Scranton<br>Lackawanna County | Approved |
| 6-5-00 | Farmers Building and<br>Savings Bank, Rochester,<br>and Cammar Building and<br>Loan Association, Monaca<br>Surviving Institution—<br>Farmers Building and<br>Savings Bank, Rochester   | Rochester  | Approved |

**Branch Applications**

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i>  | <i>Action</i> |
|-------------|---|--|---------------|
| 5-20-00     | Main Street Bank<br>Reading<br>Berks County                           | 100 Progress Drive<br>Doylestown<br>Bucks County   | Opened        |
| 5-31-00     | PEOPLESBANK, A Codorus<br>Valley Company<br>Glen Rock<br>York County  | 1400 Baltimore St.<br>Hanover<br>Penn Township<br>York County  | Approved      |
| 5-31-00     | Pennsylvania State Bank<br>Camp Hill<br>Cumberland County             | 715 Wertzville Road<br>Enola<br>Cumberland County  | Approved      |
| 5-31-00     | Bank of Hanover and<br>Trust Company<br>Hanover<br>York County        | 223 East Main Street<br>Westminster<br>Carroll County, MD  | Filed         |
| 6-1-00      | Pennsylvania Business Bank<br>Philadelphia<br>Philadelphia County     | Messenger Service<br>Branch to Serve<br>Philadelphia, Bucks,<br>Montgomery, Delaware<br>and Chester Counties | Approved      |
| 6-2-00      | Wilmington Trust of<br>Pennsylvania<br>West Chester<br>Chester County | 116 East Court St.<br>Doylestown<br>Bucks County   | Filed         |
| 6-2-00      | Wilmington Trust of<br>Pennsylvania<br>West Chester<br>Chester County | 2 West Market St.<br>West Chester<br>Chester County  | Filed         |
| 6-6-00      | Premier Bank<br>Doylestown<br>Bucks County                            | New Heritage Tower<br>200 Veterans Lane<br>Doylestown<br>Bucks County  | Filed         |

**Branch Relocations**

| <i>Date</i> | <i>Name of Bank</i>                                 | <i>Location</i>   | <i>Action</i> |
|-------------|---|---|---------------|
| 5-31-00     | Northwest Savings Bank<br>Warren<br>Warren County   | <i>To:</i> South Pike Road &<br>Monroe Road<br>Sarver<br>Buffalo Township<br>Butler County<br><br><i>From:</i> 737 South Pike Road<br>Sarver<br>Butler County   | Approved      |
| 6-5-00      | Harris Savings Bank<br>Harrisburg<br>Dauphin County | <i>To:</i> Oakhurst Boulevard &<br>Linglestown Road<br>Harrisburg<br>Lower Paxton Twp.<br>Dauphin County<br><br><i>From:</i> 2017 Linglestown Road<br>Harrisburg<br>Lower Paxton Twp.<br>Dauphin County | Approved      |

**Branch Discontinuances**

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>   | <i>Action</i> |
|-------------|--|---|---------------|
| 5-31-00     | Firsttrust Savings Bank<br>Conshohocken<br>Montgomery County | Tilghman Square<br>Shopping Center<br>4626 Broadway St.<br>Allentown<br>Lehigh County | Approved      |

| <i>Date</i> | <i>Name of Bank</i>                              | <i>Location</i>                                   | <i>Action</i> |
|-------------|--|---|---------------|
| 5-31-00     | Farmers First Bank<br>Lititz<br>Lancaster County | 100 W. Market St.<br>Marietta<br>Lancaster County | Approved      |

**SAVINGS INSTITUTIONS**

**Consolidations, Mergers and Absorptions**

| <i>Date</i> | <i>Name of Association</i>   | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 6-6-00      | Cornerstone Savings Association,<br>Glenside, and Rossini Savings<br>Association, Philadelphia<br>Surviving Institution—<br>Cornerstone Savings Association,<br>Glenside | Glenside        | Effective     |

**CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 00-1047. Filed for public inspection June 16, 2000, 9:00 a.m.]

**DEPARTMENT OF  
COMMUNITY AND  
ECONOMIC DEVELOPMENT**

**Consolidated Plan; Public Meeting and Regional  
Housing Advisory Committee Meetings**

The Department of Community and Economic Development (Department) is preparing the 2001 Action Plan that supplements the Commonwealth's Plan Consolidated Plan for Federal fiscal years 2000-2004. This document must be submitted to and approved by the United States Department of Housing and Urban Development (HUD) in order for the Commonwealth and organizations within the state to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth's 2001 Action Plan will address how the Commonwealth intends to allocate funds under the following programs: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS.

An individual or organization may give testimony or comments at the public meeting. Comments will be accepted about topics related to community development, housing, the content of the Commonwealth's Action Plan, and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Anyone who wants to speak must call to schedule a time to give oral testimony at the meeting. The public meeting will be shortened if no one is scheduled to testify or if there is minimal response. Please call Aldona Kartorie at (717) 720-7409 to schedule oral testimony at the public meeting at least 24 hours prior to the meeting date.

*Written Comments*

Written testimony, in lieu of oral testimony, must be submitted by 5 p.m., July 26, 2000. Please submit comments to Aldona Kartorie, Office of Community Development and Housing, Department of Community and Economic Development, Room 509, Forum Building, Harrisburg, PA 17120.

*Public Meeting*

The public meeting will be held as follows:

*July 27, 2000*  
Forum Building  
Room 321  
Walnut Street and Commonwealth Avenue  
Harrisburg, PA 17120  
10 a.m. to 1 p.m.\*

\* *Note:* The public meeting may be shortened if there is minimal response.

*Regional Housing Advisory Committee Meetings*

The Commonwealth has six Regional Housing Advisory Committees across the State comprised of *appointed* members. Meetings of these committees are open to the public under the Sunshine Act. These committees advise the Department regarding housing and community development needs as well as assist in fair housing planning. These meetings will be held as follows:

|   |  |
|---|--|
| <i>June 22, 2000</i><br>Blair Tower<br>1600 8th Avenue<br>Community Room,<br>1st Floor<br>Altoona, PA 16602<br>1 p.m. to 4 p.m.           | <i>June 28, 2000</i><br>State Office Building<br>Penthouse<br>Broad and Spring Garden<br>Streets<br>Philadelphia, PA 19130<br>9 a.m. to noon       |
| <i>July 12, 2000</i><br>Lancaster County Court<br>House<br>50 North Duke Street<br>Rooms 601-602<br>Lancaster, PA 17608<br>9 a.m. to noon | <i>July 13, 2000</i><br>Economic Development<br>Council of Northeast<br>Pennsylvania<br>1151 Oak Street<br>Pittston, PA 18641<br>10 a.m. to 1 p.m. |

July 18, 2000

Blasco Memorial Library  
160 East Front Street  
Admiral Room  
Erie, PA 16507  
1:30 p.m. to 4:30 p.m.

July 19, 2000

State Office Building  
Room 218  
300 Liberty Avenue  
Pittsburgh, PA 15222  
9 a.m. to 12 noon

Anyone who has a disability and wishes to attend the public meeting or any of the Advisory Committee meetings and requires an auxiliary aid, service or other accommodation to participate in the proceeding should contact Aldona Kartorie, Room 509 Forum Building, Harrisburg, PA 17120, (717) 720-7409, to discuss how the Department may best accommodate their needs. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed above.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 00-1048. Filed for public inspection June 16, 2000, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will meet on Wednesday, June 28, 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. 00-1049. Filed for public inspection June 16, 2000, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of the Pennsylvania State University for Approval of Merger with the Dickinson School of Law

#### *Notice of Opportunity for Hearing and Invitation to Protest*

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of The Pennsylvania State University for a Certificate of Authority approving the institution's merger with The Dickinson School of Law.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 10 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

All petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Dr. Evans at (717) 787-7572 to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-1050. Filed for public inspection June 16, 2000, 9:00 a.m.]

### Availability of 2000-2001 Innovative Learning and Workforce Development Funding

Applications for FY 2000-2001 Innovative Learning and Workforce Development funding are invited. Project Period: July 1, 2000 to June 30, 2001; Maximum Amount Per Application: \$60,000; Available Funds: \$2.198 million.

#### 1. *Eligibility Requirements*

Funding is available on a competitive basis to area vocational-technical schools of school districts with eight or more approved vocational-technical programs, including two trade and industrial programs.

#### 2. *Applications Deadline*

Applications are due July 7, 2000, by 5 p.m.

#### 3. *How to Apply*

The Department of Education (Department) has implemented an Internet-based E-grant system that requires eligible applicants to apply for funding online. The grant application is available on the Department's website under the Vocational Education subheading. Individuals not able to submit their applications using the E-grant system must appeal this requirement by writing to Dr. John C. Foster, Director, Bureau of Vocational-Technical Education, 333 Market Street, Sixth Floor, Harrisburg, PA 17126-0333.

#### 4. *Questions Concerning the Grant Application*

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Vocational-Technical Education, Division of Special Program Services, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 783-6867; E-mail: jbonchalk@state.pa.us.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-1051. Filed for public inspection June 16, 2000, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office indicated as the office responsible, 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 Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the 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. 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 received and other information are on file and may be inspected and arrangements made for copying at the Field Office that has been indicated above the application.

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

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

**PA 0026921.** Sewerage, **Greater Hazleton Joint Sewer Authority**, Jerry D. Riley, Executive Director, P. O. Box 651, Hazleton, PA 18201.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Black Creek in Borough of West Hazleton Township, **Luzerne 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 the Danville Borough Water Company, located on the North Branch, Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 8.90 mgd are:

| Parameter               | Monthly<br>Average (mg/l)              | Daily<br>Maximum (mg/l) | Instantaneous<br>Maximum (mg/l) |
|-------------------------|--|-------------------------|---------------------------------|
| CBOD <sub>5</sub>       | 25                                     | 40                      | 50                              |
| Total Suspended Solids  | 30                                     | 45                      | 60                              |
| Total Residual Chlorine | 1                                      |                         | 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       |                         |                                 |
| pH                      | 6.0 to 9.0 standard units at all times |                         |                                 |

Outfall 101, 102 and 103 are stormwater outfalls. There are no effluent limitations for these discharges.

Point Sources 002 through 016 (except 007) serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department's EPA approved CSO strategy, a special permit requirement is included in Part C of this permit.

*Other conditions:* Sludge disposal, pretreatment operations and reporting requirements and combined sewer overflows.

The EPA waiver is not in effect.

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

**PA 0028746.** SIC Code 4952, Sewage, **Hampden Township (Pinebrook Plant)**, 230 Sporting Hill Road, Mechanicsburg, PA 17055-3097.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Conodoguinet Creek, in Hampden Township, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 1.76 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i>     | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|--------------------------------------|---------------------------------|---|
| CBOD <sub>5</sub>       | 25                                | 40                                   | —                               | 67                                      |
| Total Suspended Solids  | 30                                | 45                                   | —                               | 81                                      |
| NH <sub>3</sub> -N      |                                   |                                      |                                 |   |
| (5-1 to 10-31)          | 11                                | —                                    | —                               | 30                                      |
| (11-1 to 4-30)          | 17                                | —                                    | —                               | 46                                      |
| Total Phosphorus        | 2                                 | —                                    | —                               | 5.4                                     |
| Total Residual Chlorine | 0.5                               | —                                    | —                               | 1.6                                     |
| Total Nitrogen          | —                                 | —                                    | monitor and report              | —                                       |
| 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 |                                 |   |

Stormwater Outfalls 002 through 004 are listed with no requirements.

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 not in effect.

**PA 0088111.** SIC Code 9224, Industrial waste, **Fire Chiefs and Fire Fighters Association of York County**, P. O. Box 106, Emigsville, PA 17318.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to an unnamed tributary to Codorus Creek, in Manchester Township, **York County**.

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

The proposed effluent limits for Outfall 001 are:

| <i>Parameter</i>                         | <i>Average<br/>Monthly (mg/l)</i> |
|--|-----------------------------------|
| Total Suspended Solids                   | monitor and report                |
| Oil and Grease                           | monitor and report                |
| Total Recoverable Petroleum Hydrocarbons | monitor and report                |
| CBOD <sub>5</sub>                        | monitor and report                |
| COD                                      | monitor and report                |
| Fluoride                                 | monitor and report                |
| pH                                       | monitor and report                |

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

The EPA waiver is in effect.

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

**PA 0002593.** Industrial waste, SIC: 3317, **Dynamic Metal Forming, Inc.**, 7544 Route 18 North, Koppel, PA 16136-0617.

This application is for renewal of an NPDES permit to discharge treated process water, noncontact cooling water and stormwater from Dynamic Metal Forming, Inc. in Scottdale Borough, **Westmoreland County**.



The following effluent limitations are proposed for discharge to the receiving waters, Stauffer Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is McKeesport Municipal Water Authority, located at McKeesport, approximately 42 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.092 mgd.

| <i>Parameter</i>  | <i>Mass (lb/day)</i>                   |                      | <i>Concentration (mg/l)</i> |                      |                              |
|-------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
|                   | <i>Average Monthly</i>                 | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd)        | monitor and report                     |                      |                             |                      |                              |
| Temperature       |  |                      |                             |                      |                              |
| Jan. 1-31         |  |                      |                             | 62.5°F               |                              |
| Feb. 1-29         |  |                      |                             | 64.6°F               |                              |
| March 1-31        |  |                      |                             | 105°F                |                              |
| April 1-August 31 |  |                      |                             | 110°F                |                              |
| September 1-15    |  |                      |                             | 104.1°F              |                              |
| September 16-30   |  |                      |                             | 98.1°F               |                              |
| October 1-15      |  |                      |                             | 92.2°F               |                              |
| October 16-31     |  |                      |                             | 86.2°F               |                              |
| November 1-15     |  |                      |                             | 80.5°F               |                              |
| November 16-30    |  |                      |                             | 68.0°F               |                              |
| December 1-31     |  |                      |                             | 58.9°F               |                              |
| Total Iron        |  |                      |                             | 7.0                  |                              |
| Vinyl Chloride    | non-detect using EPA Test Method 601   |                      |                             |                      |                              |
| pH                | not less than 6.0 nor greater than 9.0 |                      |                             |                      |                              |

*Outfall 101:* existing discharge, design flow of 0.072 mgd.

| <i>Parameter</i>     | <i>Mass (lb/day)</i>                   |                      | <i>Concentration (mg/l)</i> |                      |                              |
|----------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
|                      | <i>Average Monthly</i>                 | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow                 | monitor and report                     |                      |                             |                      |                              |
| TSS                  |  |                      | 30                          | 60                   |                              |
| 1,1 Dichloroethylene |  |                      | 0.001                       | 0.002                |                              |
| Trichloroethylene    |  |                      | 0.001                       | 0.002                |                              |
| Vinyl Chloride       |  |                      | 0.001                       | 0.02                 |                              |
| Total Iron           |  |                      |                             | 7.0                  |                              |
| pH                   | not less than 6.0 nor greater than 9.0 |                      |                             |                      |                              |

*Outfall 002:* existing discharge, design flow of N/A MGD (stormwater)

| <i>Parameter</i>  | <i>Mass (lb/day)</i>   |                      | <i>Concentration (mg/l)</i> |                      |                              |
|-------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|                   | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Trichloroethylene |                        |                      | monitor and report          |                      |                              |

*Outfalls 003 and 004:* existing discharge, design flow of N/A mgd (stormwater)

| <i>Parameter</i>  | <i>Mass (lb/day)</i>   |                      | <i>Concentration (mg/l)</i> |                      |                              |
|---|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|   | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| This discharge shall consist of uncontaminated stormwater only. |                        |                      |                             |                      |                              |

The EPA waiver is in effect.

**PA 0097233.** Sewage, **South Versailles Township**, Box 66, Coulter, PA 15028.

This application is for renewal of an NPDES permit to discharge treated sewage from the South Versailles Township STP in South Versailles Township, **Allegheny County**.

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

*Outfall 001:* existing discharge, design flow of 0.030 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|-------------------------|--|-----------------------|----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     | 38                    |                      | 50                           |
| Suspended Solids        | 30                                     | 45                    |                      | 60                           |
| Fecal Coliform          |  |                       |                      |                              |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean         |                       |                      |                              |
| (10-1 to 4-30)          | 100,000/100 ml as a geometric mean     |                       |                      |                              |
| Total Residual Chlorine | 1.4                                    |                       |                      | 3.3                          |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is in effect.

**PA 0216852.** Sewage, **Wen-Dell Mobile Home Park**, R. D. 3, Box 58, Ruffsdale, PA 15679.

This application is for renewal of an NPDES permit to discharge treated sewage from the Wen-Dell Mobile Home Park Sewage Treatment Plant in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Buffalo 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: Westmoreland County MA—McKeesport located on the Youghiogheny River.

*Outfall 001:* existing discharge, design flow of 0.008 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)          | 8                                      |                       |                      | 16                           |
| 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 0217069.** Sewage, **Barry Mosholder**, P. O. Box 869, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from the Mosholder Small Flow Sewage Treatment Plant in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Quemahoning Creek, 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: Greater Johnstown Water Authority.

*Outfall 001:* existing discharge, design flow of 0.0007 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 | monitor and report                     |                       |                      |                              |
| Dissolved Oxygen        | not less than 3 mg/l                   |                       |                      |                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

*Other Conditions:*

The EPA waiver is in effect.

**PA 0218413.** Sewage, **Economy Borough Municipal Authority**, 2860 Conway-Wallrose Road, Baden, PA 15005.

This application is for issuance of an NPDES permit to discharge treated sewage from the Big Sewickley Creek Sewage Treatment Plant in Economy Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Big Sewickley Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Arco Chemical BV Plant.

*Outfall 001*: existing discharge, design flow of 1.25 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><br>(5-1 to 10-31) | 15                                     | 23                    |                      | 30                           |
| (11-1 to 4-30)                      | 25                                     | 37.5                  |                      | 50                           |
| Suspended Solids                    | 30                                     | 45                    |                      | 60                           |
| Ammonia Nitrogen<br>(5-1 to 10-31)  | 2                                      | 3                     |                      | 4                            |
| (11-1 to 4-30)                      | 3.5                                    | 5.3                   |                      | 7                            |
| Fecal Coliform<br>(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 mg/l                   |                       |                      |                              |
| pH                                  | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is not in effect.

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

**PA 0093301.** Sewage. **South Butler School District—Penn Township Elementary School**, P. O. Box 657, Saxonburg, PA 16056.

This application is for renewal of an NPDES Permit to discharge treated sewage to the Unnamed Tributary—Thorn Creek in Penn Township, **Butler County**. This is a minor discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelienople Municipal Water Works intake on Connoquenessing Creek located at Zelienople, approximately 18 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.007 mgd are:

| <i>Parameter</i>                    | <i>Average Monthly (mg/l)</i>       | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------------------|-------------------------------------|-------------------------------------|
| CBOD <sub>5</sub>                   | 25                                  | 50                                  |
| TSS                                 | 30                                  | 60                                  |
| Ammonia-Nitrogen<br>(5-1 to 10-31)  | 1.8                                 | 3.5                                 |
| (11-1 to 4-30)                      | 5.4                                 | 10.5                                |
| Phosphorus (as P)<br>(4-1 to 10-31) | 2                                   | 4                                   |
| Fecal Coliform<br>(5-1 to 9-30)     | 200/100 ml as a geometric average   |                                     |
| (10-1 to 4-30)                      | 2,500/100 ml as a geometric average |                                     |
| Total Residual Chlorine             | 0.07                                | 0.2                                 |
| Dissolved Oxygen                    | minimum of 6 mg/l at all times      |                                     |
| pH                                  | 6.0—9.0 at all times                |                                     |

The EPA waiver is in effect.

**PA 0032701.** Sewage. **Pennsylvania Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060.

This application is for renewal of an NPDES Permit, to discharge treated sewage to Unnamed Tributary to Boles Run in Cussewago Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Franklin City General Authority on French Creek located at river mile 2.2 and is located 53.0 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.013 mgd are:

| <i>Parameter</i>                    | <i>Average<br/>Monthly (mg/l)</i>   | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------------------|-------------------------------------|---|
| CBOD <sub>5</sub><br>(5-1 to 10-31) | 10                                  | 20                                      |
| (11-1 to 4-30)                      | 20                                  | 40                                      |
| TSS<br>(5-1 to 10-31)               | 10                                  | 20                                      |
| (11-1 to 4-30)                      | 20                                  | 40                                      |
| NH <sub>3</sub> -N (all year)       | 25                                  | 50                                      |
| Fecal Coliform<br>(5-1 to 9-30)     | 200/100 ml as a geometric average   |   |
| (10-1 to 4-30)                      | 2,000/100 ml as a geometric average |   |
| pH                                  | 6.0—9.0 at all times                |   |

The EPA waiver is in effect.

**PA 0223026.** Industrial waste, SIC: 4941. **St. Petersburg Borough**, Waterworks Road, P. O. Box 235, St. Petersburg, PA 16054.

This application is for a new NPDES Permit, to discharge filter backwash from a water treatment facility to an unnamed tributary to the Clarion River in Richland Township, **Clarion County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Parker Water on the Allegheny River located at Parker, approximately 9.3 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.005 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|---------------------------------|---|
| Flow                    | monitor and report                |                                 |   |
| Total Suspended Solids  | 30                                | 60                              | 75                                      |
| Aluminum                | 1.5                               | 3.0                             | 3.8                                     |
| Total Iron              | 2.0                               | 4.0                             | 5.0                                     |
| Manganese               | 1.0                               | 2.0                             | 2.5                                     |
| Total Residual Chlorine | 1.4                               |                                 | 3.2                                     |
| pH                      | 6.0 to 9.0 at all times           |                                 |   |

Final water quality based effluent based limitation for Aluminum.

The EPA waiver is in effect.

**PA 0220957.** Industrial waste, SIC: 4953. **Leatherwood, Inc.**, Jefferson Landfill, S. R. 0830, Pinecreek Township, **Jefferson County**.

This application is for an existing NPDES Permit, to discharge treated sewage, treated industrial waste and stormwater to an unnamed tributary to Mill Creek (Outfalls 001 and 003) and an unnamed tributary to Fivemile Run (Outfalls 002, 004 and 005) in Pinecreek Township, Jefferson County. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Hawthorn Water Authority on Redbank Creek located at Hawthorn, approximately 30 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.015 mgd are:

| <i>Parameter</i>                 | <i>Average<br/>Monthly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|----------------------------------|-----------------------------------|---------------------------------|---|
| (Ch-97) Flow (MGD)               |                                   |                                 |   |
| Oil and Grease**                 | 15                                |                                 | 30                                      |
| CBOD <sub>5</sub> ***            | 37                                | 140                             | 140                                     |
| TSS                              | 27                                | 88                              | 88                                      |
| NH <sub>3</sub> -N               | 4.9                               | 10                              | 12                                      |
| Fecal Coliform<br>(5-1 to 10-31) | 200/100 ml                        |                                 |   |
| (10-1 to 4-30)                   | 2,000/100 ml                      |                                 |   |
| Antimony                         | 0.42                              | 0.84                            | 1.0                                     |
| Arsenic                          | 0.05                              | 0.1                             | 0.12                                    |
| Beryllium                        | 0.005                             | 0.01                            | 0.013                                   |
| Cadmium                          | 0.005                             | 0.01                            | 0.013                                   |
| Chromium (T)                     | 0.125                             | 0.25                            | 0.313                                   |
| Copper                           | 0.05                              | 0.1                             | 0.125                                   |
| Lead                             | 0.036                             | 0.072                           | 0.09                                    |

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|---------------------------------|---|
| Nickel                  | 0.15                              | 0.3                             | 0.38                                    |
| Selenium                | 0.075                             | 0.15                            | 0.188                                   |
| Silver                  | 0.01                              | 0.02                            | 0.025                                   |
| Thallium                | 0.08                              | 0.17                            | 0.2                                     |
| Zinc                    | 0.11                              | 0.22                            | 0.28                                    |
| Cyanide (T)             | 0.02                              | 0.04                            | 0.05                                    |
| Phenol                  | 0.015                             | 0.026                           | 0.038                                   |
| Benzene**               | 0.05                              | 0.1                             | 0.125                                   |
| Chlorobenzene**         | 0.05                              | 0.1                             | 0.125                                   |
| Chloroform**            | 0.01                              | 0.02                            | 0.025                                   |
| Methylene Bromide**     | 0.01                              | 0.02                            | 0.025                                   |
| Methyl Chloride**       | 0.1                               | 0.2                             | 0.25                                    |
| Methylene Chloride**    | 0.1                               | 0.2                             | 0.25                                    |
| Toluene**               | 0.05                              | 0.1                             | 0.125                                   |
| 1,1,1 Trichloroethane** | 0.1                               | 0.2                             | 0.25                                    |
| Butyl Benzyl Phthalate  | 0.01                              | 0.02                            | 0.025                                   |
| 2-Chloronaphthalene     | 0.01                              | 0.02                            | 0.025                                   |
| Diethyl Phthalate       | 0.025                             | 0.05                            | 0.063                                   |
| Isophorone              | 0.05                              | 0.1                             | 0.125                                   |
| Lindane                 | 0.003                             | 0.006                           | 0.008                                   |
| 4,4'-DDT                | 0.00004                           | 0.00008                         | 0.0001                                  |
| Aluminum                | 0.275                             | 0.55                            | 0.69                                    |
| Total Iron              | 3.5                               | 7.0                             | 8.75                                    |
| Tin                     | 0.8                               | 0.16                            | 2.0                                     |
| Manganese               | 1.0                               | 2.0                             | 2.5                                     |
| Barium                  | 0.3                               | 0.6                             | 0.7                                     |
| Boron                   | 3.0                               | 6.0                             | 7.0                                     |
| Cobalt                  | 0.05                              | 0.1                             | 0.125                                   |
| Vanadium                | 0.009                             | 0.018                           | 0.023                                   |
| Acetone                 | 0.109                             | 0.218                           | 0.273                                   |
| p-Cresol                | 0.014                             | 0.025                           | 0.035                                   |
| 2-Hexanone              | 0.015                             | 0.03                            | 0.038                                   |
| Methyl Ethyl Ketone     | 0.21                              | 0.42                            | 0.525                                   |
| Methyl Isobutyl Ketone  | 0.015                             | 0.03                            | 0.038                                   |
| 1,2,3-Trichloropropane  | 0.1                               | 0.2                             | 0.25                                    |
| Tetrahydrofuran         | 0.025                             | 0.05                            | 0.063                                   |
| Xylene                  | 0.01                              | 0.02                            | 0.025                                   |
| Benzoic Acid            | 0.071                             | 0.12                            | 0.18                                    |
| a-Terpineol             | 0.016                             | 0.033                           | 0.04                                    |
| pH                      |                                   | 6.0 to 9.0 at all times         |   |

The proposed discharge limits for Outfall Nos. 002, 003, 004 and 005 based on a design flow of n/a mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|---------------------------------|---|
| CBOD <sub>5</sub>       |                                   | monitoring only                 |   |
| COD                     |                                   | monitoring only                 |   |
| Oil and Grease          |                                   | monitoring only                 |   |
| Total Suspended Solids  |                                   | monitoring only                 |   |
| Total Phosphorus (as P) |                                   | monitoring only                 |   |
| Total Kjeldahl Nitrogen |                                   | monitoring only                 |   |
| Iron (Dissolved)        |                                   | monitoring only                 |   |
| a-Terpineol             |                                   | monitoring only                 |   |
| p-cresol                |                                   | monitoring only                 |   |
| Phenol                  |                                   | monitoring only                 |   |
| Zinc                    |                                   | monitoring only                 |   |
| Ammonia Nitrogen        |                                   | monitoring only                 |   |
| pH                      |                                   | 6.0 to 9.0 at all times         |   |

Final water quality based effluent based limitation for antimony, thallium, 4,4'-DDT, and Lindane.

The EPA waiver is in effect.

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

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The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated

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

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

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

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

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

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

| <i>NPDES No.</i> | <i>Facility Name and Address</i>                                      | <i>County and Municipality</i>               | <i>Tributary Stream</i>    | <i>New Permit Requirements</i> |
|------------------|---|--|----------------------------|--------------------------------|
| PA0032051        | Granville Township<br>100 Helen Street<br>Lewistown, PA 17044         | Mifflin County<br>Granville Township         | Juniata River<br>(12A)     | TRC                            |
| PA0083178        | Sunoco Inc.<br>Plainfield<br>3290 Sunset Lane<br>Hatboro, PA 19040    | Cumberland County<br>West Pennsboro Township | Conodoguinet<br>Creek (7B) | TRC                            |
| PA0083194        | Sunoco Inc.<br>Blue Mountain<br>3290 Sunset Lane<br>Hatboro, PA 19040 | Cumberland County<br>Hopewell Township       | Newburg Run<br>(7B)        | TRC                            |

### **DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER**

#### **Applications under the Pennsylvania Clean Streams Law**

#### **(Part II Permits)**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

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

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

**WQM Permit No. 2300408.** Sewerage. **Concord Country Club**, P. O. Box 168, Route 202, Concordville, PA 19331. Applicant is requesting approval for the construction and operation to replace an existing treatment facility with a fiberglass package treatment plant to serve the Concord Country Club located in Concord Township, **Delaware County**.

**WQM Permit No. 1500415.** Sewerage. **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348. Applicant is requesting approval for the construction and operation of a wastewater collection system, pump station and forcemain to serve Hicks Tract Southeast Subdivision located in East Marlborough Township, **Chester County**.

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

**A. 5800402. Montrose Municipal Authority**, P. O. Box 306, Montrose, PA 18801. Application to rerate the treatment plant's hydraulic capacity, located in Bridgewater Township, **Susquehanna County**. Application received in the Regional Office May 31, 2000.

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

**A. 0100402.** Sewage, submitted by **Biglerville Borough Authority**, 33 Musselman Avenue, Biglerville, PA 17307, Butler Township, **Adams County** to replace and upgrade a pumping station was received in the Southcentral Region on May 24, 2000.

**A. 0600405.** Sewage, submitted by **City of Reading**, 8th and Washington Streets, Reading, PA 19601 in Reading City, **Berks County** to replace the 19th Ward Pump Station was received in the Southcentral Region on May 26, 2000.

**A. 0600406.** Sewage, submitted by **Municipal Authority of the Township of Spring**, 2800 Shillington Road, Sinking Spring, PA 19608 in Reading City, **Berks County** to replace the 19th Ward Pump Station was received in the Southcentral Region on May 26, 2000.

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

**A. 6500202.** Industrial waste, **Texas Eastern Transmission Corporation**, 5400 Westheimer Court, WO-8A16, Houston, TX 77056-5310. Application for the construction and operation of a Wastewater Treatment Facility to serve the Delmont Compressor Station located in Salem Township, **Westmoreland County**.

**A. 0200408.** Sewerage, **West Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Run Road, West Mifflin, PA 15122-2902. Application for the construction and operation of a Wet Weather Equalization Tank to serve the Belmont Avenue and Curry Hollow Rd. located at West Mifflin Borough, **Allegheny County**.

**A. 5670406-A1.** Sewerage, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926. Application for the replacement and operation of the existing Equalization Tank and the addition of a blower to aerate the tank to serve the Indian Lake Borough STP, located in Indian Lake Borough, **Somerset County**.

**A. 6500404.** Sewerage, **Gerald F. Keller**, 5689 Vickie Lane, Bedford, OH 44146-2404. Application for the construction and operation of a sewage treatment plant to serve the Keller Residence located in Ligonier Township, **Westmoreland County**.

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

**WQM Permit No. 6200407.** Sewage, **Daniel R. Grable**, R. R. 2, Box 51, Pittsfield, PA 16340. This project is for the construction of a Single Residence Sewage Treatment Plant in Pittsfield Township, **Warren County**.

#### INDIVIDUAL PERMITS

(PAS)

#### Stormwater Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construc-

tion 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 discharge.

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

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

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be 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 County Conservation District Office or the Department Regional Office indicated above the application.

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

*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 PAS10Q201.** Stormwater. **Robert B. Colfer, Jerome Potosnak**, 4727 Dietrich Road, Breinigsville, PA 18031, has applied to discharge stormwater from a construction activity located in Weisenberg 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 PAS10S090.** Stormwater. **Whispering Woods, LTS Development, Inc.**, P. O. Box 160, Shawnee-on-Delaware, PA 18356, has applied to discharge stormwater from a construction activity located in Chestnuthill Township, **Monroe County**, to McMichael Creek (EV) and a tributary to Sugar Hollow Creek (CWF).

## SAFE DRINKING WATER

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

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

**4000501.** Public water supply. **Four Seasons Water Company**, William Shoening, 487 Treasure Lake, Dubois, PA 15801. This proposal involves the construction of a new 250,000 gallon finished water storage tank; the construction of two new production wells, chemical treatment facilities, and booster station; and the construction of 12,830 linear feet of distribution system piping to a 408 time share resort complex, located in Butler Township, **Luzerne County**. *Engineer:* John G. Snyoski, PE, Schumacher Engineering, Inc.

**4800502.** Public water supply. **East Bangor Municipal Authority**, Arthur Weaver, Sr., Chairperson, P. O. Box 539, East Bangor, PA 18013. This proposal involves treating an existing, permitted well (Well No. 4) to correct the corrosive nature of the water. The proposal is to add 25% sodium hydroxide for pH adjustment and zinc orthophosphate for corrosion control. Separate chemical feed pumps are to be utilized and located inside the existing pump control building. It is located in East Bangor, **Northampton County**. *Engineer:* Amy Kunkel PE, Spotts, Stevens and McCoy.

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

**Permit No. 2800503.** Public water supply. **Washington Township Municipal Authority**, Washington Township, **Franklin County**. *Responsible Official:* Eugene A. Barnhart, Manager, 11102 Buchanan Trail East, Waynesboro, PA 17268-9424. *Type of Facility:* Applicant seeks a Construction Permit for the proposed 56,000 gallon per day Villa View finished water pump station. *Consulting Engineer:* Robert Schemmerling, Civil Design & Management, Inc., 41 South Antrim Way, Greencastle, PA 17225. *Application received:* May 10, 2000.

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

**364W010-T1-A1.** **Pennsylvania-American Water Company**, 800 Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888. Rehabilitation of the No. 3 Aldrich Purification Unit at the Two Lick Creek Water Treatment Plant in **Indiana County**.

**0291501-A2.** **City of Duquesne**, 12 South Second Street, Duquesne, PA 15110. Cleaning and repainting the standpipe and installing a liner in the reservoir serving the City of Duquesne, **Allegheny County**.

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

**A. 2500501.** Public water supply. **Summit Township Water Authority**, 8920 Old French Road, Erie, PA 16509. This proposal involves the construction of two wells; well house with flow meter; chlorinator and chemical feed facilities; and 12 inch distribution main along Route 97 and Lee Road in Summit Township, **Erie 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 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection 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 of Environmental Protection has received the following Notices of Intent to Remediate:



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

**General Electric Environmental Services, Inc.**, Parcels C & D, City of Lebanon, **Lebanon County**. General Electric Environmental Services, Inc., 253 North Fourth Street, Lebanon, PA 17046 and Groundwater and Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The applicants propose to remediate the site to meet the requirements for a combination of the Statewide health and site specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on April 18, 2000.

**Crown American Logan Valley Mall**, Logan Township, **Blair County**. Mountain Research, Inc., 825 25th Street, Altoona, PA 16601; J. C. Penney Company, P. O. Box 10001, Dallas, TX 75301-0001; and Crown American Properties, LP, Pasquerilla Plaza, Johnstown, PA 15901 have submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with lead, benzene, VOCs and PAHs. The applicants propose to remediate the site to meet a combination of the Statewide health and site-specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on May 29, 2000.

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

**Former Dresser Manufacturing Division**, Delmar Township, **Tioga County**. Environmental Management & Engineering, Inc., 437 Industrial Lane, Birmingham, AL 35211, on behalf of their client, Halliburton, P. O. Box 3, Houston, TX 77001-0003, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents. 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 *Wellsboro Gazette* on June 7, 2000.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**A. 101546. Potter County Transfer Facility. Potter County Solid Waste Authority** (2504 State Route 49 West, Ulysses, PA 16948. Application for renewal of municipal waste transfer station permit located in Ulysses Township, **Potter County**, received in the regional office on May 31, 2000.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support 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 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 through 143, the Federal Clean Air Act and regulations adopted under the act.

### 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.*

**GP3-67-3041: County Line Quarry, Inc.** (P. O. Box 99, Wrightsville, PA 17368) authorized use of a general permit for operation of a portable crushing plant in Hellam Township, **York County**.

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

**GP-65-00921: North Side Foods Corp.** (2200 Rivers Edge Drive, Arnold, PA 15068) on June 2, 2000, for construction and operation of one Cleaver Brooks model CBLE 700-400-150 natural gas-fired boiler, rated at 13.39 MM BTU per hour in Arnold, **Westmoreland 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.**

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

**01-310-001D: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) on May 10, 2000, for operation of a traprock crushing plant controlled by a Johnson-March wet suppression system and a fabric collector at the Gettysburg Quarry in Cumberland Township, **Adams County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**PA-42-182B: Allegheny Store Fixtures, Inc.** (57 Holley Avenue, Bradford, PA 16701) issued May 31, 2000, for Paint Booth No. 2 in Bradford Township, **McKean County**.

**Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**54-322-003: Commonwealth Environmental Systems, Inc.** (P. O. Box 249, Dunmore, PA 18512) for minor modification of the landfill gas collection system conditions for the landfill in Foster Township, **Schuylkill County**.

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

**17-303-006A: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) on May 26, 2000, to change the fuel allowed in the burner of an asphalt plant's rotary dryer from No. 2 fuel oil only to natural gas only as well as to increase the number of hours a diesel generator is allowed to operate from 1,000 per 12 consecutive month period to 1,500 per 12 consecutive month period in Lawrence Township, **Clearfield County**.

**PLAN APPROVALS**

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**36-05067F: C & D Technologies, Inc.** (82 East Main Street, Leola, PA 17540) on May 31, 2000, for modifica-

tion of a lead-acid battery manufacturing plant in Upper Leacock Township, **Lancaster County**. These sources are subject to 40 CFR Part 60, Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants.

**67-05001A: J. E. Baker Co.** (P. O. Box 1189, York, PA 17405-1189) on May 30, 2000, for modification of the refractory production facility in West Manchester Township, **York County**.

**67-05016A: R. H. Sheppard Co., Inc.** (P. O. Box 877, Hanover, PA 17331-0877) on May 30, 2000, for construction/installation of sand shakeout lines and a fabric collector at Plant No. 3 in Hanover Borough, **York County**.

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

**PA-25-069D: Engelhard Corp.** (1729 East Avenue, Erie, PA 16503) on May 30, 2000, for installation of a dust collector to control fugitive emissions from Building 400 in Erie, **Erie County**.

**61-308-001A: Vertical Seal Co.** (Neilltown Corners, Pleasantville, PA 16341) on May 30, 2000, for replacement of a baghouse in Oil Creek Township, **Venango County**.

**37-399-009A: Hickman Manufacturing, Inc.** (Route 18, Wampum, PA 16157) on May 30, 2000, for addition of a bulk storage tank at the roof coating manufacturing operation in New Beaver Borough, **Lawrence County**.

**PA-10-330A: Butler Veterinary Associates, Inc.** (1761 North Main Street Extension, Butler, PA 16001) on May 31, 2000, for construction of a crematory for animals in Center Township, **Butler 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.**

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

**06-01007S: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) granted June 1, 2000, to authorize temporary operation of a strip finish mill controlled by a fabric collector, two mist eliminators and two scrubbers, covered under this Plan Approval until December 31, 2000, at the Reading Plant in Reading City, **Berks County**.

**07-305-001A: Tyrone Synfuels, L.P.** (160 Quality Center Road, Homer City, PA 15748) granted June 1, 2000, to authorize temporary operation of a fuel production facility controlled by a coal hammer mill baghouse, a cooler dust cyclone and a dryer baghouse, covered under this Plan Approval until September 28, 2000, at the Tyrone Division in Snyder Township, **Blair County**.

**21-312-021A: Arnold Fuel Oil, Inc.** (P. O. Box 2621, Harrisburg, PA 17105) granted June 1, 2000, to authorize temporary operation of a petroleum product loading rack controlled by a vapor combustion unit at the Mechanicsburg Terminal, 127 Texaco Road in Silver Spring Township, **Cumberland County**.

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

**41-329-001A: Lycoming County Resource Management Services** (P. O. Box 187, Montgomery, PA 17752)

on May 25, 2000, to extend the authorization to operate two 860 horsepower landfill gas-fired reciprocating internal combustion engines on a temporary basis until September 22, 2000, at the Lycoming County Landfill in Brady Township, **Lycoming County**.

**55-302-005B: Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) on May 19, 2000, to extend authorization to operate a 10.2 million BTU/hour woodwaste-fired boiler (Boiler No. 1) and associated air cleaning devices (two multiclones in series) on a temporary basis until September 16, 2000, in Middlecreek Township, **Snyder County**.

**55-302-005C: Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) on May 19, 2000, to extend authorization to operate a 32 million BTU/hour woodwaste-fired boiler (Boiler No. 3) and associated air cleaning devices (two multiclones in series) on a temporary basis until September 16, 2000, in Middlecreek Township, **Snyder County**.

**17-305-042: DTE River Hill, LLC** (425 South Main Street, Suite 201, P. O. Box 8614, Ann Arbor, MI 48107), owner, and **Covol Technologies, Inc.** (3280 North Frontage Road, Lehi, UT 84043), operator, on May 26, 2000, to extend authorization to operate a coal fines agglomeration facility on a temporary basis until September 23, 2000, in Karthaus Township, **Clearfield County**.

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

**PA-16-132A: Temple-Inland Forest Products Corp.** (1 Fiberboard Avenue, Shippensburg, PA 16254) on May 31, 2000, for a regenerative thermal oxidizer in Paint Township, **Clarion County**.

**PA-20-0040A: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) on May 31, 2000, for an automatic molding system in Vernon Township, **Crawford County**.

**PA-20-040B: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) on May 31, 2000, for a sand handling system in Vernon Township, **Crawford County**.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a

particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for information conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

#### *Coal Applications Received*

**54000101. Andrewkohl, Inc.**, (213 S. 16th Street, Pottsville, PA 17901), commencement, operation and restoration of an anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 400.0 acres, receiving stream—East Branch Rausch Creek. Application received May 23, 2000.

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

**The Ambrosia Coal and Construction Co.** (R. D. 1, Edinburg, PA 16116). Renewal of an existing bituminous surface strip and auger operation in North Beaver Township, **Lawrence County**, affecting 133.0 acres. Receiving streams: One unnamed tributary of Edwards Run and Edwards Run to the Beaver River. Application for reclamation only. Application received June 2, 2000.

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

**56900104.** Permit Renewal for reclamation, only, **Windber High Standard Coal Company** (1210 Gra-

ham Avenue, Windber, PA 15963), for continued restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 37.7 acres, receiving stream Beaverdam Creek and unnamed tributaries to Beaverdam Creek, application received May 26, 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.

#### Application received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

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

**E09-802.** Encroachment. **Trueblood Construction Company**, 904 Sumneytown Pike, Springhouse, PA 19477. To construct and maintain the following activities in and along the Paunacussing Creek (HQ-CWF), its 100-year floodway and in and along its unnamed tributaries for the purpose of constructing the Stoneymead Subdivision:

1. A bridge crossing (a.k.a. Wellsford Bridge) consisting of a 100-foot span and 22-foot maximum underclearance spanning the Paunacussing Creek and impacting 0.28 acre of wetland;

2. A bridge crossing (a.k.a. Kingfisher Lane Bridge) consisting of a 16-foot span, and 5.4-foot maximum underclearance and a roadway width of 8.0 feet spanning an unnamed tributary to the Paunacussing Creek;

3. A bridge crossing (a.k.a. Lot 17 bridge) consisting of a 16-foot span, 5-foot maximum underclearance and 20-foot roadway width spanning an unnamed tributary to the Paunacussing Creek and impacting 0.04 acre of wetland;

4. To enlarge an existing pond (a.k.a. Kingfisher Pond) which will impact 0.12 acre of wetland and 0.1 acre of open water (POW);

5. To modify an existing pond (a.k.a. Blue Heron Pond) which will impact 0.03 acre of open water (POW);

6. To construct and maintain a non-jurisdictional dam which will facilitate a wet stormwater detention basin (a.k.a. Spring Oak Pond) and will impact 0.08 acre of wetland (POW).

The site is located along Indian Spring Road and Long Lane (Buckingham, PA USGS Quadrangle N: 20.3 inches; W: 9.4 inches) in Buckingham Township, **Bucks County**.

**E15-639.** Encroachment. **Michael Sasso**, Potrero Gardens, 1201 17th Street, San Francisco, CA 94107. To construct and maintain the following water obstructions and encroachments associated with the proposed Anderson Farm Residential Subdivision:

1) To construct a twin span 9-foot 8-inch by 2-foot 7-inch arch bridge and endwalls associated with the construction of Anderson Farm Road. The crossing will impact 51 linear feet of unnamed tributary of Pickering Creek (HQ-TSF) and 0.03 acre of adjacent wetland (PEM).

2) To construct a single span 5.21-foot by 16-foot arch bridge and endwalls associated with the construction of Schofield Road. The crossing will impact 59 linear feet of an unnamed tributary of Pickering Creek and 0.10 acre of adjacent wetland (PFO).

3) To relocate 140 linear feet of an unnamed tributary of Pickering Creek associated with the construction of stormwater management basin No. 4. This tributary empties into the Pickering Creek Reservoir. The applicant also requests Environmental Assessment approval to construct an on-stream non-jurisdictional dam to serve as a temporary sediment trap during construction and as a stormwater management facility following construction.

This project proposes impact to a total of 0.13 acre of wetland and approximately 268 feet of watercourse and is located immediately east of the intersection of Valley Park Road (SR 1036) and Clothier Springs Road (T433) (Malvern, PA Quadrangle N: 19.6 inches; W: 0.1 inch) in Schuylkill Township, **Chester County**.

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

**E35-326.** Encroachment. **Lackawanna County Conservation District**, 1300 Old Plank Road, Mayfield, PA 18433-1958. To relocate 440 feet of Grassy Island Creek (CWF) along with the construction of 420 feet of trapezoidal channel with work consisting of 165 feet of R6 riprap bank protection, rock vanes and rock vortex weirs. The project includes the removal of a 150 foot long, 20 foot wide culm deposition delta along the southwestern bank of the Lackawanna River (WWF). The project is located at the confluence of Grassy Island Creek and the Lackawanna River (Olyphant, PA Quadrangle N: 19.0 inches; W: 8.3 inches), Jessup Borough, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

**E35-327.** Encroachment. **Allied Services**, P. O. Box 1103, Scranton, PA 18501. To remove the existing, partially collapsed structure and to construct and maintain a 110-foot long, 8-foot diameter CMP stream enclosure in Leach Creek (CWF). The project is located at the existing Allied Services facility on Smallacombe Drive, approximately 0.5 mile northwest of the intersection of S. R. 0307 (Morgan Highway) and S. R. 3011 (Keyser Avenue) (Scranton, PA Quadrangle N: 13.6 inches; W: 7.1 inches),

City of Scranton, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

**E39-385.** Encroachment. **Lehigh County**, Lehigh County Government Center, 17 South 7th Street, Room 522, Allentown, PA 18101-2400. To repair and maintain the existing prestressed, concrete box girder bridge, having 4 spans (52-feet, 9-inches; 92-feet, 9-inches; 92-feet, 9-inches; 79-feet, 3-inches) with an approximate underclearance of 32 feet over Jordan Creek (TSF, MF). The project is known as the Hamilton Street Bridge over Jordan Creek (Allentown East, PA Quadrangle N: 18.9 inches; W: 12.5 inches), City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

**E40-550.** Encroachment. **Thomas F. and Janie I. Eustice**, Pole 289, Box 2043, Harveys Lake, PA 18618-9789. To remove the existing structure and to construct and maintain a pile supported, private recreational dock and boathouse having a surface area of approximately 1,260 square feet and extending 40 feet from the shore of Harveys Lake. The project is located along the southern shore at Pole 289 (Harveys Lake, PA Quadrangle N: 18.2 inches; W: 5.9 inches), Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-551.** Encroachment. **Charles S. Ireland, Jr.**, 3636 Limekiln Pike, Chalfont, PA 18914. To construct and maintain a pile supported, private recreational dock and boathouse having a surface area of 1,020 S. F. and extending 38 feet from the shore of Harveys Lake. The project is located along the northern shore at Pole 111 (Harveys Lake, PA Quadrangle N: 0.8 inch; W: 4.1 inches), Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-553.** Encroachment. **Pennsylvania Department of Transportation**, District 4-0, P. O. Box 111, Scranton, PA 18501-0111. To remove the existing structure and to construct and maintain a single span, pre-stressed spread box beam bridge having a normal span of 20 feet with an underclearance of 10-feet, 2-inches over Solomons Creek (CWF). The project is known as the S. R. 2010, Section 371 Solomons Creek Bridge Replacement (Wilkes-Barre West, PA Quadrangle N: 15.7 inches; W: 3.6 inches), Ashley Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E45-393.** Encroachment. **White Heron Lake Inc.**, P. O. Box 9, White Heron Lake, East Stroudsburg, PA 18301. To remove the existing wooden deck and to construct and maintain an open grid steel deck on an existing bridge having a span of 24 feet and underclearance of 6.2 feet across Marshalls Creek (HQ-CWF). This project also includes maintenance of the deteriorated stone masonry bridge abutments. This bridge is located east of S. R. 1007, approximately 0.25 mile downstream of Township Road T521 (East Stroudsburg, PA Quadrangle N: 10.1; W: 1.7 inches), Middle Smithfield Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E45-394.** Encroachment. **PAER Ahnert Enterprises**, The Village Center at Marshalls Creek, P. O. Box 1158, Marshalls Creek, PA 18335. To place fill in 0.24 acre of wetlands for the purpose of constructing a retail store and associated parking areas; to place fill in 0.015 acre of wetland for the purpose of constructing an access road; to construct and maintain a road crossing of Flagler Run (HQ-CWF); and to construct and maintain a utility line

temporarily impacting 0.015 acre of wetlands. This work is associated with the development of the proposed Stroud Hills Shopping Center located along S. R. 0611, immediately north of S. R. 0080, Interchange No. 47 (Stroudsburg, PA-NJ Quadrangle N: 20.4 inches; W: 13.3 inches), Stroud Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E45-395.** Encroachment. **Jerry and Lynn Rosenbloom**, 209 Remington Road, Broomall, PA 19008. To place fill in a de minimis area of wetlands less than or equal to 0.05 acre for the purpose of constructing a single family dwelling on Lot 31 of Lake Naomi Estates residential subdivision. The project is located on the north side of Split Rock Lane, approximately 800 feet southwest of its intersection with Tanglewood Drive (Pocono Pines, PA Quadrangle N: 20.4 inches; W: 9.3 inches), Tobyhanna Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E48-293.** Encroachment. **Spirk Brothers, Inc.**, 8052 William Penn Highway, Easton, PA 18045. To remove the existing superstructure and to modify and maintain the existing bridge by constructing a new precast concrete deck on the existing concrete abutments for the purpose of providing an emergency access road for the proposed Estates at Saucon Woods residential subdivision. The modified bridge will have a single span of 28.5 feet and an underclearance of 3.86 feet across East Branch Saucon Creek (CWF). The project is located on the south side of S. R. 2006 (Easton Road), approximately 0.7 mile west of S. R. 2001 (Lower Saucon Road) (Hellertown, PA Quadrangle N: 19.5 inches; W: 6.4 inches), Lower Saucon Township, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

**E54-273.** Encroachment. **Raymond Yaggie**, 202 Kemp Street, Lyons Station, PA 19536. To excavate accumulated silts and sediments within an existing 0.11 acre body of water known as Yaggie Pond, to restore its original storage capacity, to expand the pond an additional 0.2 acre in a southerly direction, to construct an impervious clay liner in the bottom and sides of the pond and construct an intake and outfall structure to a tributary to Lizzard Creek for the purpose of pond repair and elimination of stagnation of the pond. The project is located approximately 500 feet southeast of the intersection of Township Road T761 and T928 (New Tripoli, PA Quadrangle N: 15.3 inches; W: 14.0 inches), West Penn Township, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

**E54-274.** Encroachment. **West Brunswick Township**, Attention: Richard Snyder, Sec./Treas., R. R. 1, Box 1363, Orwigsburg, PA 17961-9745. To maintain an existing stone masonry arch bridge having a span of 23 feet and a maximum underclearance of 10 feet, 2 inches by repointing the stone masonry superstructure and paving the deck of the bridge. The project is located on Township Road T729 approximately 200 feet west of the intersection with T726 (Orwigsburg, PA Quadrangle N: 4.5 inches; W: 3.7 inches), West Brunswick Township, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

**E58-235.** Encroachment. **Liberty Township**, Attention: William Bayne, R. R. 3, Box 174C, Montrose, PA 18801. To remove the existing structure, to repair approximately 100 L. F. of gabions and to construct and maintain a concrete box culvert across Rhiney Creek (CWF) having a span of 22 feet, an underclearance of 6 feet and depressed 1.0 foot below existing stream bottom.

The project is located along T-808 approximately 450 feet south of the intersection of S. R. 1020 and T-808 (Franklin Forks, PA-NY Quadrangle N: 19.9 inches; W: 14.0 inches), Liberty Township, **Susquehanna County** (Baltimore District, U. S. Army Corps of Engineers).

**E64-212.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a pre-stress, adjacent box beam bridge having a normal span of 38.5 feet (11.74 meters) and an underclearance of 7.19 feet (2.19 meters) on a 65° skew across Middle Creek (HQ-CWF, MF). The project also includes the placement of fill in a de minimis area of wetlands equal to 0.02 acre (0.008 Hectare) to allow realignment of the bridge approaches to improve the horizontal geometry of the roadway. The project is located upstream of the existing structure along S. R. 0296, Segment 0050, Offset 0854, approximately 400 feet (121.9 meters) southeast S. R. 0196 (Lake Ariel, PA Quadrangle N: 19.6 inches; W: 2.6 inches), Lake and South Canaan Townships, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E07-333.** Encroachment. **Penn State University—Altoona Campus**, 3000 Ivyside Park, Altoona, PA 16601. To place fill in 0.85 acre of wetlands in conjunction with the construction of an eight lane running track and multi-use athletic field located along Spring Run (WWF) at the Penn State University's Altoona Campus (Altoona, PA Quadrangle N: 7.6 inches; W: 5.3 inches) in Logan Township, **Blair County**.

**E36-692.** Encroachment. **Manheim Borough**, 15 E. High Street, Manheim, PA 17545. To remove an existing fill encroachment, regrade and stabilize approximately 155 lineal feet of the west bank of Chickies Creek (WWF) to a 3:1 slope. The permit authorizes construction of a pedestrian stream access path ascending from the top of bank and along the stream channel in the proposed Esther Swan Memorial Park to be located at intersection of East Stiegel and South Hazel Streets (Manheim, PA Quadrangle N: 6.5 inches; W: 2.0 inches) in Manheim Borough, **Lancaster County**.

**E67-686.** Encroachment. **LaMotte Restaurant & Bar**, 7 E. Franklin St., New Freedom, PA 17349. To construct and maintain 160 lineal feet of 6-foot rise × 9-foot span pipe culvert for an additional stream enclosure onto the outlet end of an existing enclosure of the South Branch Codorus Creek (WWF). The purpose of the project is to provide additional parking area at the existing building located on the north side of East Franklin Street (New Freedom, MD-PA Quadrangle N: 20.8 inches; W: 10.6 inches) in New Freedom Borough, **York County**.

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

**E18-299.** Encroachment. **Forrest F. Gundlach**, 103 Hogan Blvd., Mill Hall, PA 17751. To construct and maintain a 2-story 40-foot by 64-foot cement block and wood frame building, with the appropriate rodent proof flood vents, built at grade with two depressed loading docks located 650 south of the SR 150 bridge over Bald Eagle Creek (Mill Hall, PA Quadrangle N: 13.50 inches;

W: 21.79 inches) in Bald Eagle, **Clinton County**. This project should not directly impact any fishery.

**E18-300.** Encroachment. **Forrest F. Gundlach**, 103 Hogan Blvd., Mill Hall, PA 17751. To construct and maintain a 1-story 50-foot by 60-foot Pre-Engineered Building, with the associated rodent proof flood vents, built at grade on a 6-inch concrete pad with 4-foot footers located 600 south of the SR 150 bridge over Bald Eagle Creek (Mill Hall, PA Quadrangle N: 13.65 inches; W: 21.74 inches) in Bald Eagle, **Clinton County**. This project should not directly impact any fishery.

**E49-235.** Encroachment. **Milton Area Industrial Development Association**, 1 Arch St., Milton, PA 17847. Develop a 38.99 acre tract of land along Housels Run Road in the Borough of Milton, **Northumberland County** (Northumberland Quadrangle N: 18.3 inches; W: 13.9 inches). The purpose of the proposed Phase I project is to expand Housels Run Road and construct a new road in the development to create six new industrial lots to meet the needs of the Milton Industrial Park. The project involves widening 1,100 feet of Housels Run Road and constructing 1147 feet of new street (Belford Boulevard). Road construction and widening during the proposed Phase I project would result in fill being placed into 1.02 acres of emergent wetlands. MAIDA would be required to provide a minimum of 1.02 acres of onsite replacement wetlands.

**E49-236.** Encroachment. **Sunbury Municipal Authority**, 225 Market St., Sunbury, PA 17801. Is proposing to upgrade and expand their wastewater treatment facility to increase the hydraulic and organic capacity of the plant. This project has been proposed to correct an existing overload of the treatment facilities, provide additional treatment for projected growth, and to meet the United States Environmental Protection Agency's National Combined Sewer Overflow (CSO) Policy. The project site is located in the City of Sunbury, **Northumberland County** (Sunbury Quadrangle N: 18.6 inches; W: 6.4 inches).

An existing CSO at the Spring Run Pump Station currently diverts flows in excess of 8 mgd from the treatment plant to Shamokin Creek (Chapter 93 designation: WWF) during wet weather events. The proposed expansion would increase the amount of flow diverted to the treatment plant to 50 mgd. Flows in excess of 50 mgd would continue to discharge through the Spring Run Pump Station outfall. The increased flows accepted by the treatment plant during storm events would receive primary treatment prior to discharge to Shamokin Creek through a new outfall. The new outfall structure would consist of a 36-inch diameter ductile iron pipe, concrete headwall, and rip rap channel.

Three other structures associated with the proposed treatment plant expansion, two secondary clarifiers and an aeration tank, would encroach into 0.19 acre of forested wetland. The wetland is associated with a drainage swale that would be relocated during the course of the proposed project. Neither avoidance nor onsite replacement of the wetland is possible. The applicant would be allowed to meet the wetland replacement requirement by contributing to the Pennsylvania Wetland Replacement Project.

**E53-344.** Encroachment. **PA DCNR**, Bureau of Forestry, 3150 E. Second St., Coudersport, PA 16915-0673. To remove the existing culvert crossing and to construct and maintain a 66-inch by 51-inch by 25-foot corrugated metal

pipe culvert with end sections in an unnamed tributary of Kettle Creek located 600 feet southwest of the Ole Bull State Park bridge over Kettle Creek (Oleona, PA Quadrangle N: 6.9 inches; W: 12.6 inches) in Stewardson Township, **Potter County**. The project proposes to permanently impact 35 feet of an unnamed tributary to Kettle Creek, which is classified as an Exceptional Value Watershed.

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

**E62-368.** Encroachment. **Sugar Grove Borough**, Borough Building, Box 321, Sugar Grove, PA 16350. To operate and maintain a steel truss pedestrian bridge having a span of 62 feet and an underclearance of 12 feet across Stillwater Creek on West Mill Street approximately 0.2 mile north of SR 957 (Sugar Grove, PA Quadrangle N: 19.8 inches; W: 13.0 inches) in Sugar Grove Borough, **Warren County**. This bridge replaced a deteriorated vehicular bridge superstructure on the existing abutments.

**E62-369.** Encroachment. **Sugar Grove Township**, R. D. 4, Box 205, Sugar Grove, PA 16350. To remove the existing bridge and to install and maintain three 7-foot-diameter steel culvert pipes in Patchen Run on T-579 (Patchen Run Road) approximately 0.5 mile west of SR 27 (Sugar Grove, PA Quadrangle N: 9.9 inches; W: 12.9 inches) in Sugar Grove Township, **Warren County**.

#### ENVIRONMENTAL ASSESSMENT

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

*Environmental Assessment and Request for 401 Certification*

**EA63-001SW. USACOE, Pittsburgh District**, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. To construct and maintain 1,250 feet of streambank protection along Tenmile Creek (WWF). The stone protection will be a minimum of 30 inches thick and approximately 8 feet high. The project site is located within Tenmile Creek Park; approximately 1 mile from this watercourse's confluence with the Monongahela River (Mather, PA Quadrangle N: 10.0 inches; W: 2.2 inches) in East Bethlehem Township, **Washington County**.

**EA65-005SW. USACOE—Pittsburgh District**, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. To construct and maintain approximately 100 linear feet of riprap along the left bank of the Kiskiminetas River (WWF). The riprap blanket will be approximately 24 inches thick and 16 feet high. The project site is located near the terminus of 1st Street (Avonmore, PA Quadrangle N: 5.3 inches; W: 14.0 inches) in the Borough of Avonmore, **Westmoreland County**.

**EA32-003SW. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, RCSOB, P. O. Box 8476, Harrisburg, PA 17105-8476. To place and maintain fill in two wetland areas (total acreage = 0.12 acre) to construct the berms for a settling basin and a vertical flow reactor, which will comprise components of a passive wetland treatment facility to treat an acid mine discharge from the Stanford Mining—Penn Hills No. 2 deep mine, which is located near the confluence of Penn Run with Two Lick Creek (Clymer, PA Quadrangle N: 1.6 inches; W: 5.75 inches) in Cherryhill Township, **Indiana County**.

#### WATER ALLOCATIONS

**Applications filed under the act of June 27, 1938 (P. L. 824, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert water of the Commonwealth.**

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

**WA 39-204D.** Water Allocation Permit. **Bureau of Water Resources, City of Allentown**, Daniel E. Koplisch, Manager, 112 Union Street, Allentown, PA 18102-4712. This proposal involves increasing the permitted withdrawal (WA 39-204C) from 4.0 mgd to 5.0 mgd, as a daily maximum, from Crystal Springs near the filtration plant. The total maximum combined, permitted, daily withdrawal of 39.0 mgd from all the sources will remain unchanged. It is located in the City of Allentown, **Lehigh County**. *Engineer: Donald S. Lichty PE.*

#### ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board (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.*

**NPDES Permit No. PA0057916.** Industrial waste. **Schlumberger Resource Management Services, Inc.,**



225 Schlumberger Drive, Sugar Land, TX 77478 is authorized to discharge from a facility located at North Penn Area 12 Superfund Site, 1547 North Trooper Road, Worcester, PA, located in Worcester Township, **Montgomery County** to an UNT of Stony Creek.

**NPDES Permit No. PA0058009.** Sewage. **Eugene and Helen K. Harvey**, 110 Klingerman Road, Telford, PA 18969-1434, is authorized to discharge from a facility located in Salford Township, **Montgomery County** into an UNT to the East Branch of the Perkiomen Creek.

**NPDES Permit No. PA0055913.** Industrial waste. **Corco Chemical Corporation**, Tyburn Road and Cedar Lane, Fairless Hills, PA 19030. Is authorized to discharge from a facility located in Falls Township, **Bucks County** into Corco Lake No. 1 and Corco Lake No. 2.

**WQM Permit No. 4600406.** Sewerage. **Eugene and Helen K. Harvey**, 110 Klingerman Road, Telford, PA 18969-1434. Applicant is granted approved for the construction and operation of a residential wastewater treatment plant to serve the Harvey residence located in Salford Township, **Montgomery County**.

**WQM Permit No. 1500411.** Sewerage. **Octorara Area School District**, P. O. Box 500, Route 41 and Highland Road, Atglen, PA 19310. Applicant is granted approval for the construction and operation of a rapid sand filter system to serve the Octorara Area School District WWTF located in West Fallowfield Township, **Chester County**.

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

**Permit No. PA-0063266.** Industrial waste. **Northampton Pulp, LLC**, 6 Horwith Drive, Northampton, PA 18067 is authorized to discharge from a facility located in Northampton Borough, **Northampton County**, to Lehigh River.

**Permit No. PA-0063894-A1.** Industrial waste. **Municipal Authority of the Borough of Minersville**, 2

East Sunbury Street, Minersville, PA 17954 is authorized to discharge from a facility located in Cass Township, **Schuylkill County**, to Dyer Run Reservoir.

**Permit No. 3599403.** Sewerage. **Greenview Development, Inc.**, Scranton Life Building, Scranton, PA 18501. Permit to construct a duplex pump station in Greenview Estates-West, located in Taylor Borough, **Lackawanna County**.

**Permit No. 3500402.** Sewerage. **Spring Brook Township Sewer Authority**, P. O. Box 1100, Moscow, PA 18444. Permit to construct a new pump station and upgrade an existing pump station, located in Spring Brook Township, **Lackawanna County**.

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

**NPDES Permit No. PA0216739.** Industrial. **Allegheny Ludlum Corporation, Inc.**, 100 River Avenue, Brackenridge, PA 15014-1597 is authorized to discharge from a facility located at Route 356 Landfill, Allegheny Township, **Westmoreland County** to receiving waters named tributary of the Allegheny River.

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

**NPDES Permit No. PA0001872.** Industrial waste. **Ball-Foster Glass Container Co., LLC**, 1 Glass Place, Port Allegany, PA 16743-1154 is authorized to discharge from a facility located in Port Allegany Borough, **McKean County** to the Allegheny River.

**WQM Permit No. 2500405.** Sewerage, **Brian C. and Kelley C. Van Matre, SRSTP**, 105 Walnut Street, P. O. Box 265, Waterford, PA 16441. Construction of Brian C. and Kelley C. Van Matre SRSTP located in Waterford Township, **Erie County**.

## INDIVIDUAL PERMITS

### (PAS)

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>                             | <i>County and Municipality</i>   | <i>Receiving Stream</i> |
|-------------------------|---|----------------------------------|-------------------------|
| PAS107604-R             | Eaton Hill, Inc.<br>105 W. Tioga St.<br>Tunkhannock, PA 18657 | Wyoming County<br>Eaton Township | Bowmans Creek<br>HQ-CWF |

*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</i> |
|-------------------------|---|----------------------------------|-------------------------|
| PAS10F080               | Grays Wood Partnership<br>325 W. Aaron Dr.<br>State College, PA 16803                                 | Patton Township<br>Centre County | Unt. Buffalo Run        |
| PAS10F083               | Dan Abruzzo<br>Calibre Boalsburg<br>Assoc. II L.P.<br>100 N. Patterson St.<br>State College, PA 16801 | Harris Township<br>Centre County | Spring Creek            |



## INDIVIDUAL PERMITS

(PAR)

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


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The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of the Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department has acted on the following requests for coverage under the specified General Permit as follows:

*List of**General Permit Type*

|        |   |
|--------|---|
| PAG-1  | General Permit For Discharges From Stripper Oil Well Facilities   |
| PAG-2  | General Permit For Discharges of Stormwater 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<br/>County and<br/>Municipality</i> | <i>Permit No.</i> | <i>Applicant Name<br/>and Address</i>  | <i>Receiving Stream,<br/>Body of Water<br/>or Site Name<br/>and Address</i> | <i>Contact Office and<br/>Telephone No.</i>   |
|--|-------------------|--|---|---|
| South Heidelberg<br>Township<br>Berks County             | PAR-10-C322       | Anthony Forino<br>LNT Forino LP<br>555 Mt. Road<br>Sinking Spring, PA 19608                  | Cacoosing Creek   | Berks County CD<br>P. O. Box 520<br>1238 County Welfare<br>Road<br>Leesport, PA 19533<br>(610) 372-4657 |
| North Middleton<br>Township<br>Cumberland County         | PAR-10-H230       | United Mobile Homes<br>Pine Ridge Mobile Home<br>Park<br>147 Amy Drive<br>Carlisle, PA 17013 | Wertz Run   | Cumberland County CD<br>43 Brookwood Avenue<br>Suite 4<br>Carlisle, PA 17013<br>(717) 240-7812          |
| Luzerne County<br>Lehman Township                        | PAR10R195         | Amber Woods Subdiv.<br>Andrew Koczynski<br>51 Sterling Ave.<br>Dallas, PA 18612              | Brown's Creek   | Luzerne CD<br>(570) 674-7991  |

| <i>Facility Location<br/>County and<br/>Municipality</i> | <i>Permit No.</i> | <i>Applicant Name<br/>and Address</i>   | <i>Receiving Stream,<br/>Body of Water<br/>or Site Name<br/>and Address</i> | <i>Contact Office and<br/>Telephone No.</i>   |
|--|-------------------|---|---|---|
| Bradford County<br>Athens Township                       | PAR100819         | East Chadwick<br>229 Oxbow Rd.<br>Waverly, NY 14852                                       | Wollcott Creek  | Bradford County CD<br>R. R. 5, Box 5030C<br>Stoll Natural Res.<br>Center<br>Towanda, PA 18848<br>(570) 265-5539   |
| Clearfield County<br>Sandy Township                      | PAR101761         | DuBois Area Catholic<br>School<br>204 Hospital Ave.<br>DuBois, PA 15801-0504              | Unt. Pentz Run  | Dept. of Environmental<br>Prot.<br>Water Management<br>208 W. 3rd St.<br>Williamsport, PA 17701<br>(570) 327-3574 |
| Lycoming County<br>Clinton Township                      | PAR103936         | Industrial Properties Corp.<br>Phase I<br>100 W. 3rd St.<br>Williamsport, PA 17701        | Turkey Run  | Lycoming County CD<br>542 County Farm Rd.<br>Suite 202<br>Montoursville, PA 17754<br>(570) 433-3003               |
| <i>General Permit Type—PAG-3</i>                         |                   |   |   |   |
| <i>Facility Location<br/>County and<br/>Municipality</i> | <i>Permit No.</i> | <i>Applicant Name<br/>and Address</i>   | <i>Receiving Stream,<br/>Body of Water<br/>or Site Name<br/>and Address</i> | <i>Contact Office and<br/>Telephone No.</i>   |
| Delaware County<br>Ridley Township                       | PAR800097         | CNF, Inc.<br>3240 Hillview Avenue<br>Palo Alto, CA 94304                                  | Darby Creek   | DEP Southeast Region<br>Water Management<br>555 North Lane<br>Conshohocken, PA 19428<br>(610) 832-6130            |
| Lackawanna County<br>Scranton City                       | PAR232229         | Poly Hi Solidur, Inc.<br>Laurel Line Mfg.<br>900 North South Road<br>Scranton, PA 18504   | Roaring Brook<br>Creek  | Northeast Office<br>2 Public Sq.<br>Wilkes-Barre, PA<br>18711-0790<br>(570) 826-2511                              |
| Lackawanna County<br>Scranton City                       | PAR232230         | Poly Hi Solidur, Inc.<br>Keyser Valley Mfg.<br>900 North South Road<br>Scranton, PA 18504 | Keyser Creek  | Northeast Office<br>2 Public Sq.<br>Wilkes-Barre, PA<br>18711-0790<br>(570) 826-2511                              |
| Blair County<br>Snyder Township                          | PAR603554         | Elizabeth A. Stager<br>Tyrone Auto Salvage<br>R. D. 5, Box 50<br>Tyrone, PA 16686         | Little Juniata<br>Creek   | DEP—Southcentral<br>Region<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707                       |
| Blair County<br>Altoona City                             | PAR203516         | Alpha-Fry Technologies<br>4100 Sixth Avenue<br>Altoona, PA 16602                          | Mill Run  | DEP—Southcentral<br>Region<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707                       |
| Lancaster County<br>Manheim Township                     | PAR803523         | A-P-A Transport<br>Corporation<br>2100-88th Street<br>North Bergen, PA 07047              | UNT Conestoga<br>Creek  | DEP—Southcentral<br>Region<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707                       |
| Huntingdon County<br>Morris Township                     | PAR603555         | William Shaffer<br>Shaffer's Auto Salvage<br>R. D. 1, Box 247<br>Tyrone, PA 16686         | Little Juniata<br>River   | DEP—Southcentral<br>Region<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707                       |

## NOTICES

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| <i>Facility Location<br/>County and<br/>Municipality</i>       | <i>Permit No.</i> | <i>Applicant Name<br/>and Address</i>   | <i>Receiving Stream,<br/>Body of Water<br/>or Site Name<br/>and Address</i> | <i>Contact Office and<br/>Telephone No.</i>  |
|--|-------------------|---|---|--|
| Bedford County<br>Hopewell Township                            | PAR603556         | Frederick Hook<br>Randy Hook Car Removal<br>4593 Raystown Rd.<br>Hopewell, PA 16650-8044  | UNT Yellow Creek  | DEP—Southcentral<br>Region<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| Blair County<br>Holidaysburg Borough                           | PAR603531         | Joe Krentzman & Son, Inc.<br>Krentzman & Son Scrap<br>Yard<br>311 Wall Street<br>Lewistown, PA 16648  | Beaerdam<br>Branch/Juniata<br>River   | DEP—Southcentral<br>Region<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| Blair County<br>Allegheny Township                             | PAR803586         | United Parcel Service, Inc.<br>521 North Center Avenue<br>New Stanton, PA 15672   | UNT to Beaverdam<br>Creek   | DEP—Southcentral<br>Region<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| Cambria County<br>Richland Township                            | PAR806197         | PA Army National Guard<br>Dept. of Military &<br>Veterans Affairs<br>Fort Indiantown Gap<br>Annville, PA 17003-5002                                 | Clapboard Run   | Southwest Regional<br>Office: Water<br>Management Program<br>Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000 |
| City of Franklin and<br>Sandy Creek Township<br>Venango County | PAR808354         | Venango County Board of<br>Commissioners—Venango<br>Regional Airport<br>Venango County Courthouse<br>Annex<br>1174 Elk Street<br>Franklin, PA 16323 | Morrison<br>Run and<br>French Creek   | DEP<br>Northwest Region<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942                            |

*General Permit Type—PAG-4*

| <i>Facility Location<br/>County and<br/>Municipality</i> | <i>Permit No.</i> | <i>Applicant Name<br/>and Address</i>  | <i>Receiving Stream,<br/>Body of Water<br/>or Site Name<br/>and Address</i> | <i>Contact Office and<br/>Telephone No.</i>   |
|--|-------------------|--|---|---|
| Berks County<br>Cumru Township                           | PAG043517         | Cheryl and Eric Farber<br>8 Hessian Blvd.<br>Shillington, PA 19607                               | UNT to Schuylkill<br>River  | DEP—Southcentral<br>Region<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707                         |
| Wolf Creek Township<br>Mercer County                     | PAG048360         | Thomas L. Smith<br>2942 Scrubgrass Road<br>Grove City, PA 16127-6930                             | Tributary to East<br>Branch Wolf<br>Creek                                   | DEP<br>Northwest Region<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| Waterford Township<br>Erie County                        | PAG048671         | Brian C. and Kelley C. Van<br>Matre<br>105 Walnut Street<br>P. O. Box 265<br>Waterford, PA 16441 | Unnamed<br>Tributary to<br>LeBoeuf Lake                                     | DEP<br>Northwest Region<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |

*General Permit Type—PAG-5**Facility Location**County and  
Municipality**Permit No.**Applicant Name  
and Address**Receiving Stream,  
Body of Water  
or Site Name  
and Address**Contact Office and  
Telephone No.*Westmoreland County  
Rostraver Township

PAG056145

Supervalu Inc.  
400 Paintersville Road  
P. O. Box 1000  
New Stanton, PA  
15672-0430UNT to Speers  
RunSouthwest Regional  
Office: Water  
Management Program  
Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000*General Permit Type—PAG-8**Facility Location**County and  
Municipality**Permit No.**Applicant Name  
and Address**Receiving Stream,  
Body of Water  
or Site Name  
and Address**Contact Office and  
Telephone No.*Bonneauville Borough  
Adams County

PAG-08-3547

Bonneauville Borough Mun.  
Auth.  
86 West Hanover Street  
Gettysburg, PA 17325

N/A

DEP  
SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707*General Permit Type—PAG-9**Facility Location**County and  
Municipality**Permit No.**Applicant Name  
and Address**Receiving Stream,  
Body of Water  
or Site Name  
and Address**Contact Office and  
Telephone No.*St. Thomas Township  
Franklin County

PAG-09-3550

Galen May  
May & Company  
197 Pioneer Drive  
St. Thomas, PA 19363

N/A

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

**Borough of Jeddo, Luzerne County.** The Plan Update Revision calls for the construction of a new wastewater collection and conveyance system as outlined in Option No. 3 of the Plan Update Revision. The proposed wastewater collection/conveyance system will serve 54 existing Equivalent Dwelling Units (EDUs) in the Borough. Wastewater from the 54 EDUs will be conveyed through approximately 2,850 feet of 8-inch gravity sewer line to the proposed Municipal Authority of Hazle Township's Wastewater Collection/Conveyance System. The tie-in point for the Borough's system will be located along S. R. 2051 at the municipal boundaries of the Borough and Hazle Township. The Borough's wastewater will then be conveyed through the proposed Municipal Authority of Hazle Township's Wastewater Collection/Conveyance System for transmission to the Greater Hazleton Joint Sewer Authority's Wastewater Treatment Facility for treatment and discharge.

The Plan Update Revision also calls for the continued operation of one onlot wastewater disposal system within the Borough. The system will be appropriately monitored by the Borough to ensure its adequate, long-term opera-

tion and maintenance. Should the system malfunction, the Borough will ensure that the malfunctioning system is either properly repaired or abandoned with the structure being connected to the Borough's proposed wastewater collection system.

Financing for the proposed wastewater collection/conveyance system will be provided by the United States Department of Agriculture's Rural Utilities Service.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).***Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**5400501.** Public water supply. **Paradise Springs Vended Water System**, Stanley Frompovicz, 7 Spruce Street, Pine Grove, PA 17963. This proposal involves the installation of 30 self contained vended water units throughout the Northeast Region. It is located in Pine Grove Township, **Schuylkill County**. Permit issued May 4, 2000.

**5299503.** Public water supply. **Fawn Hill Association, Inc.**, Stephen D. Vogt, Water Committee Chairperson, Greentown, PA 18426. This proposal involves permitting of existing unpermitted facilities consisting of one well and associated distribution system which currently serves 17 homes. It is located in Green Township, **Pike County**. Permit issued on May 18, 2000.

**4099505.** Public water supply. **Zack's Rock Glen Manor**, Joyce Zakrewsky, P. O. Box 54, Rock Glen, PA 18246. This proposal involves the permitting of an existing community water system which consists of a single well and ultraviolet disinfection. It is located in Black Creek Township, **Luzerne County**. Permit issued on May 12, 2000.

**4899504.** Public water supply. **Whispering Hollow North Mobile Home Park, SPG, Inc.**, 139 Country Club Road, Northampton, PA 18067. This proposal involves the permitting of an existing system with modifications. The system consists of three well sources, disinfection treatment, pump station, tanks and distribution system. It is located in Moore Township, **Northampton County**. Permit issued on May 11, 2000.

**Special Permit by Rule for Permit No. 3486401, Minor Amendment No. 7, Entry Point No. 109**, Weis Market No. 132, H2O to Go-Northeast Region. Permit issued on May 5, 2000.

**Minor Permit Amendment for Northampton Borough Municipal Authority, Gerald J. Deily, Manager**, 1717 Main Street, P. O. Box 156, Northampton, PA 18067, located in Northampton Borough, **Northampton County**. Permit issued on May 8, 2000.

**Minor Permit Amendment for Northwestern Lehigh School District for Corrosion Control**, John Kennedy, Supervisor of Building and Grounds, Weisenberg Elementary School, 6493 Route 309, New Tripoli, PA 18066. It is located in Weisenberg Township, **Lehigh County**.

**Operations Permit No. 3480043 issued to Crossroads Mobile Home Park**, on May 8, 2000, located in Moore Township, **Northampton County**.

**Operations Permit No. 2450134 issued to Resorts USA, Inc.** (Fernwood Water System) on May 2, 2000, located in Middle Smithfield Township, **Monroe County**.

**Operations Permit issued to Tafton Water Company**, on May 22, 2000, located in Palmyra Township, **Pike County**.

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

**Permit No. Minor Amendment.** The Department issued a Minor Amendment Operation Permit to **Longview Mobile Home Park**, R. R. 3, Box 229, Spring Mills, PA 16875, Gregg Township, **Centre County**. The permit is for operation of the recently installed chlorine contact tank, finished water storage tank and finished water booster pumping facilities.

**Permit No. 4496031-A9.** The Department issued a construction permit to **Tulpehocken Spring Water Company**, 28 Meadow Run Drive, Winfield, PA 17889, Point Township, **Northumberland County**, for construction of Well No. 1 and associated treatment.

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

**Permit No. 0400501.** Public water supply. **Brighton Township Municipal Authority**, 1300 Brighton Road, Beaver, PA 15009-9211. *Type of Facility:* Gypsy Glen Standpipe, Dawson Ridge Elevated Tank and Gypsy Glen and Center Drive Pump Station. *Permit issued for Construction:* May 18, 2000.

**Permit No. 0400502-E.** Public water supply. **Municipal Water Authority of Aliquippa**, 160 Hopewell Av-

enue, Aliquippa, PA 15001. *Type of Facility:* Emergency permit for the new radial collector well. *Permit issued for Operation:* May 15, 2000.

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

**Permit No. 4300501.** Public water supply. **Grove City Borough**, 123 West Main Street, Grove City, PA 16127-0110 was issued a constructed permit for a concrete storage tank and 3,000' of transmission line to the tank in Pine Township, **Mercer County**. *Type of Facility:* Community water supply. *Consulting Engineer:* John Schaude, P.E., Gannet Fleming Inc., 601 Holiday Drive, Pittsburgh, PA 15220. *Permit to Construct Issued:* May 31, 2000.

## HAZARDOUS SITES CLEAN-UP

Under the Act of October 18, 1988

### Prompt Interim Response under the Hazardous Sites Cleanup Act

#### Santey Junkyard Site

#### Bear Creek Township, Luzerne County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), has initiated a prompt interim response at the Santey Junkyard Site (site). This response has been undertaken under section 505(b) of HSCA (35 P. S. § 6020.505(b)). The site is located on Old East End Boulevard in Bear Creek Township, Luzerne County, PA.

The site was used as a metal reclamation facility from 1955 to 1986. During that time transformers and x-ray equipment were processed to reclaim copper and lead. Site activities have resulted in site soils becoming contaminated with polychlorinated biphenyl (PCB) and heavy metals, predominantly lead.

The objective of the prompt interim response which is currently being conducted at the site is to remove hazardous substances and/or contaminants and to safely dispose of them at offsite facilities that have regulatory approvals for the treatment and disposal of these soils.

Given the specific circumstances at the site, the Department determined that offsite removal of the contaminated soil was the only viable alternative to implement at this site. This response action was needed in a prompt manner to protect public health and safety and the environment.

This notice is being provided under sections 505(b) and 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The administrative record is located at the Department's Northeast Regional Office at 2 Public Square, Wilkes-Barre, Luzerne County and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comments from June 17, 2000 until September 15, 2000. Persons may submit written comments into the record during this time only, by sending them to Woodrow Cole, Project Officer, at the Department's Northeast Regional Office at 2 Public Square, Wilkes-Barre, PA 18711, or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on

August 1, 2000 at 10 a.m. at the Department's Northeast Regional Office, Fourth Floor, Lehigh Room.

Persons wishing to present comments should register with Woodrow Cole before July 25, 2000 by telephone at (570) 826-2511 or in writing to Woodrow Cole at the Department's Northeast Regional Office.

If no person registers to present oral comments by July 25, 2000, the hearing will not be held. Persons interested in finding out if anyone has registered, and if the hearing will be held, should contact Woodrow Cole.

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 Woodrow Cole or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

*Northeast Regional Field Office: Joseph A. Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**PPL Distribution Pole No. 49108N29185**, City of Hazleton, **Luzerne County**. PPL Electric Utilities Corporation, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101-1179 has submitted a Final Report concerning the remediation of site soils found or suspected to have been contaminated with polychlorinated biphenyls (PCBs). The report was submitted to document remediation of the site to meet the Statewide health standard.

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

**Former Adamson Tank Company site**, Providence Township, **Lancaster County**. Walter B. Satterthwait Associates, Inc., 720 Old Fern Hill Road, West Chester, PA 19380 and Beaver Valley Enterprises LLC, c/o Weavers Mulch, 3190 Strasburg Road, Coatesville, PA 19320 have submitted a Final Report concerning remediation of site soils contaminated with solvents, PCBs, PAHs and BTEX. The report is intended to document remediation of the site to the Statewide health standard.

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

**Specialty Metals Operations, Babcock & Wilcox Company**, Big Beaver Borough, **Beaver County**. John G. Manda, IEMC, Inc., 804 Wabash Avenue, Chesterton, IN 46304, submitted a Final Report on September 30, 1997, concerning remediation of site soil contaminated with heavy metals, solvents, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report was intended to document remediation of the site to meet site-specific standards. The *Pennsylvania Bulletin* publication dated May 20, 2000, indicated the approval of the final report by the Department on November 25, 1997.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigations, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports

submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the content of the plans and reports, please 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.*

**PECO Cromby Station**, East Pikeland Township, **Chester County**. A Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on February 5, 1998.

*Northwest Regional Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Bethlehem Economic Development Company (BEDCO)—former Union Station Plaza**, City of Bethlehem, **Lehigh County**. Marlin D. Hunsberger, Project Geologist with National Environmental Technologies Corporation, 2840 W. Clymer Avenue, P. O. Box 204, Telford, PA 18969-0204 (on behalf of his client, BEDCO, 10 East Church Street, Bethlehem, PA 18018) submitted a Final Report concerning the remediation of site soils found to have been contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard, and was approved on February 18, 1998.

**Pennsylvania Power & Light Company (PPL)—former Hauto Substation**, Nesquehoning Borough, **Carbon County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on February 12, 1998.

**Pennsylvania Power & Light Company (PPL) (Wilkes Lane)**, City of Wilkes-Barre, **Luzerne County**. PPL, 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 December 29, 1997.

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

**Pennsylvania Power & Light Company (PPL)—Distribution Pole No. 48441S36519**, Sinking Springs Township, **Berks County**. A Final Report has been submitted concerning the remediation of site soils contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on February 9, 1998.

**Hess Exxon**, Franklintown Borough, **York County**. A Baseline Environmental Report has been submitted concerning the remediation of site soils and groundwater contaminated with lead and BTEX. The site was remediated as a special industrial area. The report was approved by the Department on September 30, 1998.

**Progress Park Lots 9, 10 and 12**, Lebanon City, **Lebanon County**. A Baseline Environmental Report has been submitted concerning remediation of site soils and groundwater contaminated with PCBs, PAHs, BTEX, solvents, lead and heavy metals. The site was remediated as a special industrial area. The report was approved by the Department on February 9, 1998.

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

**Smartbuys Store**, Borough of Mifflinburg, **Union County**. A Final Report was submitted addressing soil and groundwater contaminated with lead and BTEX. The report documented remediation to meet the Statewide health standard and was approved by the Department on February 9, 1998.

**International Paper—Lock Haven Mill**, Castanea Township, **Clinton County**. International Paper, P. O. Box 268, Lock Haven, PA 17745 has submitted a final report concerning the remediation of groundwater contaminated with lead and heavy metals. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on February 5, 1998.

**American Railcar Industries, Inc., Milton Facility (former tar lagoon area)**, West Chillisquaque Township, **Northumberland County**. Robert Warren on behalf of his client American Railcar Industries, Inc., 100 Clark Street, St. Charles, MO 63301 has submitted a final report concerning the remediation of tar-contaminated soil. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on January 27, 1998.

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

**Graham Packaging Facility**, Oil City, **Venango County**. A Final Report concerning remediation of site soils contaminated with lead was submitted to the Department. The report demonstrated attainment of Statewide health standard for soils and was approved by the Department on January 30, 1998.

## 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.*

**EAP Industries, Inc.**, P. O. Box 275, Atlasburg, PA 15004; License No. **PA-AH 0660**; license issued June 1, 2000.

**License expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—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.*

**Chemical Transportation, Inc.**, P. O. Box 397, Rillito, AZ 85654-0397; License No. **PA-AH 0459**; license expired on May 31, 2000.

**EMC Environmental Services Corp.**, 132 Rome Street, Farmingdale, NY 11735; License No. **PA-AH 0590**; license expired on May 31, 2000.

**Henry Yeska & Son, Inc.**, 821 Georgetown Road, Nazareth, PA 18064; License No. **PA-AH 0051**; license expired on May 31, 2000.

**Malter-Hamilton Chemical Company**, P. O. Box 341, Darby, PA 19023-0341; License No. **PA-AH S128**; license expired on May 31, 2000.

**Northern A-1 Sanitation Services, Inc.**, P. O. Box 40, Kalkaska, MI 49646; License No. **PA-AH 0526**; license expired on May 31, 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.*

**Electro Environmental Technologies, Inc.**, 21 Farber Drive, Bellport, NY 11713; License No. **PA-AH 0597**; renewal license issued June 5, 2000.

**Safety-Kleen Ltd.** 4090 Telfer Road, Corunna, ON N0N 1G0; License No. **PA-AH 0523**; renewal license issued June 1, 2000.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

*Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.*

**Permit No. 400561. York County Resource Recovery Center, York County Solid Waste and Refuse Authority** (2700 Blackbridge Rd., York, PA 17402-7901). Permit modification issued for processing of bulk liquid residual wastes in Manchester Township, **York County**. Permit issued in the Southcentral Region on May 30, 2000.

**Permit No. 100934. Blue Ridge Landfill, IESI PA Blue Ridge Landfill Corporation** (P. O. Box 399, Scotland, PA 17254). Application for permit renewal for a site in Greene Township, **Franklin County**. Permit was issued in the Regional Office on May 4, 2000.

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

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

**Permit No. 602887. Letterkenny Army Depot** (Chambersburg, PA 17201). This permit has been revoked at the request of the permittee for a site in Letterkenny Township, **Franklin County**. Permit revoked in the Regional Office May 3, 2000.

**AIR QUALITY  
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.*

**54-320-001A: OMNOVA Solutions, Inc.** (95 Hickory Drive, Auburn, PA 17922) for operation of a surface coating line and mixing room and associated air cleaning device in West Brunswick Township, **Schuylkill County**.

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

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

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the 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.

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

**TV-04-00059: Koppel Steel Corp.** (P. O. Box 750, Beaver Falls, PA 15010) for a steel melting operation and subsequent production of hot rolled bars in both carbon and alloy grades in Beaver Falls, **Beaver County**. The melt shop features an electric arc furnace, a ladle refining station and a continuous caster. Other sources include a rotary hearth furnace and other natural gas sources that support the steel making operations. The facility has the potential to emit greater than 100 tons of the following



pollutants oxides of nitrogen (NOx), carbon monoxide, sulfur of oxides and volatile organic compounds respectively.

**TV-30-00072: Consol Pennsylvania Coal Co.** (1800 Washington Road, Pittsburgh, PA 15201) for their coal preparation and thermal drying facility in Richhill Township, **Greene County**. As a result of the potential levels of VOC, NOx, CO, PM-10 and SOx emitted from this facility it is a major stationary source as defined in Title I, Part D of the Clean Air Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

**TV-32-00059: Conemaugh Station Owners Group/Sithe Northeast** (1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050) for the 1700 megawatt coal-fired power plant (Conemaugh Power Plant) in Johnstown, **Indiana County**. There are two identical 850-MW steam turbine generators, three auxiliary boilers and four oil-fired diesel generators at this plant. As a result of the levels of the emissions 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.

#### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals 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.*

**48-309-065A: Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064-8928) for modification of the primary crushing system in Nazareth Borough, **Northampton County**.

**39-302-168: Jaindl, Inc.** (3150 Coffeetown Road, Orefield, PA 18069) for construction of a 300 HP boiler as a replacement in North Whitehall Township, **Lehigh County**.

**40-303-012A: American Asphalt Paving Co.** (500 Chase Road, Shavertown, PA 18708) for modification of a batch asphalt plant to utilize waste derived liquid fuels at Plant No. 315 in Plains Township, **Luzerne County**.

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

**06-05004B: Baldwin Hardware Corp.** (P. O. Box 15048, Reading, PA 19612-5048) for construction of four vapor degreasers controlled by cooling coils, free broad and work practices in Reading, **Berks County**. The sources are subject to 40 CFR Part 63, Subpart T—National Emission Standards for Hazardous Air Pollutants for Source Categories.

**34-03001A: Green Source Power, LLC** (327 Winding Way, King of Prussia, PA 19406) for construction of a wood fired turbine generator at Swamp Road at the Cement Plant which was previously approved at Routes T384 and LR34047 in Walker Township, **Juniata County**.

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

**08-302-040: Taylor Packing Co., Inc.** (P. O. Box 188, Wyalusing, PA 18853) for construction of a 600 horsepower natural gas/No. 2 fuel oil/biogas-fired boiler

equipped with a low NOx (nitrogen oxides) burner in Wyalusing Township, **Bradford County**. The boiler will be subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

**08-399-001C: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) to install air cleaning devices (fabric collectors) on various pieces of wire drawing and swaging equipment in North Towanda Township, **Bradford County**.

#### Public Hearing Notice

#### Preliminary Determination to Issue Air Quantity Plan Approval No. 06-05100

CPN Berks LLC has submitted an application to the Southcentral Regional Office of the Department of Environmental Protection (Department) for construction of a turbine electric generating facility. The proposed facility is to be located in Ontelaunee Township, Berks County, along the east side of PA Route 61, one mile north of the intersection of US Route 222 and PA Route 61.

The proposed facility will generate up to 544 megawatts of electricity for sale to the local electrical utilities. The primary fuel will be natural gas. The major components of the facility are:

- (a) Two Siemens—Westinghouse 501 F gas combustion turbines (182 MW each)
- (b) Two un-fired heat recovery steam generators (HRSG)
- (c) Steam turbine electric generators (180 MW)
- (d) Mechanical draft cooling tower with mist eliminators
- (e) Two Selective Catalytic Reduction (SCR) control devices
- (f) Stand-by Diesel Generator (127 kW) Fire pump and storage tank.

The proposed turbines will exhaust through two 175-foot stacks with emissions monitoring systems for each turbine. The stack height meets the EPA good engineering practice (GEP) stack height requirement. A modeling analysis was conducted for CO, NOx, SO<sub>2</sub> and PM<sub>10</sub>. The modeling used 5 years of meteorological data collected by the National Weather Service and the EPA-approved ISCST3 model. The model indicated that none of the emissions from turbines will have a significant impact on the surrounding area. Additional analyses were performed to assess the proposed facility's impact on soils, vegetation and visibility in the area and the closest Class I Area. The predicted impacts from all modeled pollutants fell within the allowable concentration levels.

The following table summarizes the potential emissions from maximum operation of the facility according to the application submitted and the Department's analysis:

| <i>Pollutant</i>                  | <i>tons/year</i> |
|-----------------------------------|------------------|
| Nitrogen Oxides (NOx)             | 212              |
| Volatile Organic Compounds (VOC)  | 49               |
| Carbon Monoxide (CO)              | 438              |
| Sulfur Dioxide (SO <sub>2</sub> ) | 91               |
| Particulate Matter (TSP/PM-10)    | 99               |
| Ammonia                           | 266              |

A number of trace elements are also expected to be present at less than detectable levels in the turbine exhaust. These insignificant emissions are largely due to very minor concentrations of naturally occurring metals in the fuel and the combining of water vapor with SO<sub>2</sub>.

The plan approval will contain the following conditions to ensure compliance with the noted regulations:

*General Requirements*

(1) This plan approval is issued for the construction of a combined cycle turbine electric generating plant including the following:

a. Two natural gas fired combustion turbines (Siemens-Westinghouse Model 501F) rated at 182 MW (gross) controlled by dry, low NO<sub>x</sub>, lean-burn combustion and selective catalytic reduction (SCR).

b. Mechanical draft cooling tower with mist eliminators.

c. Heat recovery steam generator (180mw).

d. Emergency diesel fire pump (127 kw) with small diesel fuel storage tank (200 gallons).

(2) This approval to construct shall become invalid if:

a. Construction [as defined in 40 CFR 52.21(b)(8)] has not commenced within 18 months of the issue date of this approval; or,

b. Construction is discontinued for a period of 18 months or more.

(3) The gas combustion turbines are subject to Subpart GG of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR Section 60.4 requires submission of copies of all requests, reports, application, submittals, and other communications to both EPA and the Department. The EPA copies shall be forwarded to: Director, Air Protection, U. S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

(4) The gas combustion turbines are subject to the Title IV Acid Rain Program of the Clean Air Act Amendments of 1990 and shall comply with all applicable provisions of that Title, to include the following:

- 40 CFR Part 72 Permits Regulation
- 40 CFR Part 73 Sulfur Dioxide Allowance System
- 40 CFR Part 75 Continuous Emission Monitoring
- 40 CFR Part 77 Excess Emissions

(5) The gas combustion turbines are subject to the NO<sub>x</sub> Budget Program established in 25 Pa. Code §§ 123.102—123.120 and shall comply with all applicable requirements.

*Emission Limits and Offset Requirements*

(6) Under the provisions of 25 Pa. Code Chapter 127, Subchapter E, New Source Review, the permittee shall secure Department-approved nitrogen oxide (NO<sub>x</sub>) Emission Reduction Credits (ERCs) in the amount of 244.3 tons prior to the commencement of operation of the gas turbines.

(7) The permittee shall limit the facility emissions of NO<sub>x</sub> to 212.4 tons during any consecutive 12-month period.

(8) The permittee shall limit the gas turbine emissions of carbon monoxide (CO) to 438 tons during any consecutive 12-month period.

(9) The permittee shall limit the facility emissions of volatile organic compounds (VOC) to 49 tons during any consecutive 12-month period.

(10) Under Lowest Achievable Emission Rate (LAER) provisions of 25 Pa. Code § 127.205, the permittee shall

limit the emissions from each gas turbine to the following (measured 1-hour average on a dry volume basis corrected to 15% oxygen):

NO<sub>x</sub>—3.5 ppmv (0.0131 pounds per million BTU)

(11) Under Best Available Control Technology (BACT) provisions of 25 Pa. Code § 127.83, the permittee shall limit the emissions from each gas turbine to the following (measured 1-hour average on a dry volume basis corrected to 15% oxygen):

Carbon Monoxide—10.0 ppmv (0.0228 pounds per million BTU)

Sulfur Dioxide—0.0056 pounds per million BTU

TSP/PM<sub>10</sub>—0.0061 pounds per million BTU

VOC (as Methane)—1.8 ppmv (0.0023 pounds per million BTU)

H<sub>2</sub>SO<sub>4</sub>Mist—0.0003 pounds per million BTU

(12) Under the Best Available Technology (BAT) provisions of 25 Pa. Code § 127.1, the permittee shall limit the emission of ammonia from each SCR to 10 ppmv, measure dry volume corrected to 15% oxygen under normal operation.

(13) The emissions in Conditions 11, 12 and 13 above apply at all times except during periods of start-up and shutdown as defined as follows:

a. *Cold Start-up*: Refers to restarts made more than 12 hours after shutdown; cold start-up periods shall not exceed 4 hours per occurrence.

b. *Hot Start-up*: Refers to restarts made 12 hours or less after shutdown; hot start-up periods shall not exceed 2 hours per occurrence.

c. *Shutdown*: Commences with the termination of fuel injection into the combustion chambers.

(14) The operation of the source shall not result in visible or malodorous emissions.

*Testing*

(15) Within 60 days after achieving the maximum firing rate, but not later than 180 days after start-up, the permittee shall demonstrate compliance with each of the emission limit, except VOCs, established in Conditions 11, 12 and 13 above and opacity, as per Pa. Code Chapter 139 and 40 CFR. The testing shall be conducted while the turbines are operating at or above 95% capacity.

(16) Within 60 days after achieving the maximum firing rate, but no later than 180 days after startup, the permittee shall demonstrate compliance with the VOC emission limit established in Condition 12 above, as per Pa. Code Chapter 139. The testing shall be done while the turbines are operating in two load ranges: 60 to 85% of maximum load and 85 to 100% of maximum load. Additional testing shall be conducted to determine the VOC emissions of the sources during both cold and hot start-ups.

(17) The permittee shall retest the VOC emissions during operation every 12 months after the initial testing. The testing shall be conducted during both load ranges: 60 to 85% and 85 to 100% of maximum load.

(18) At least 60 days prior to the test, the company shall submit to the Department for approval, the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

(19) At least 30 days prior to the test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

(20) Within 30 days after the source tests, three copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager for approval.

*Monitoring Requirements*

(21) Continuous emission monitoring system for exhaust gas flow, nitrogen oxides (as NO<sub>2</sub>), carbon monoxide (CO) and oxygen must be approved by the Department and installed, operated and maintained in accordance with the requirements of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. Proposals containing information as listed in the Phase I section of the Department's *Continuous Source Monitoring Manual* for the CEMs must be submitted at least 3 months prior to start-up of the turbines.

(22) Phase I Department approval must be obtained for the monitors above prior to initial startup of the source. Phase III Department approval must be obtained within 60 days of achieving the maximum production rate at which the source will be operated, but not later than 180 days after initial startup of the source. Department review time for the Phase III report (time between postmark of company's Phase III report and the postmark of the Department's response letter) will not be charged against the source in determining compliance with this condition. Information on obtaining Department approval is included in the Department's *Continuous Source Monitoring Manual*.

(23) The permittee shall install and maintain fuel flow monitors that meet the requirements of 40 CFR Part 75.

(24) The permittee shall monitor the sulfur and nitrogen content of the fuel being fired in the gas turbines as per 40 CFR 60.334(b), unless the permittee receives approval from the US EPA to use an alternative method as per 40 CFR 60.13.

(25) The permittee shall monitor and record the following parameters for each SCR system:

- a. Catalyst bed inlet gas temperature
- b. Ammonia solution injection rate
- c. Ammonia solution concentration

*Record Keeping and Reporting*

(26) The permittee shall record each start-up and shutdown, including date and times of each event.

(27) The permittee shall, at the minimum, record the following:

- a. Monthly fuel consumption
- b. 12-month rolling total fuel consumption
- c. Monthly emissions of TSP/PM 10, SO<sub>2</sub>, NO<sub>x</sub>, CO and VOC
- d. 12 month rolling total of above emissions
- e. Results of fuel sampling
- f. SCR monitoring results

(28) All emissions shall be determined by the methods found in 40 CFR Part 60, Subpart GG, the Plan Approval Application and supplemental materials and *Continuous Emission Monitoring Manual*.

(29) Records required under this Plan Approval and 40 CFR Part 60, Subpart GG shall be kept for a period of 5 years and shall be made available to the Department upon its request.

*Additional Requirements*

(30) The Department reserves the right to use the CEMS data, stack test results, and the operating parameters determined during optimization of the turbines and their associated air cleaning devices to verify emission rates, to establish emission factors, and to develop compliance assurance measures in the operating permit.

(31) This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

a. The Department must receive written notice from the permittee of the completion of construction and the Operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice shall state when construction will be completed and when the Operator expects to commence operation.

b. Operation is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations 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 source(s) for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under Subpart (a), above.

d. The permittee may request an extension 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 compliance has not been established.

e. The notice submitted by the permittee under Subpart (a), above, prior to the expiration 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 commencement of operation.

(32) The manufacturer's identification and technical specifications for all air pollution control equipment shall be submitted to the Regional Air Quality Program Manager within 30 days after the execution of the final sales agreements.

An appointment to review the pertinent documents at the Reading District Office may be scheduled by contacting Roger A. Fitterling at (610) 916-0100 between 8:30 a.m. and 3:30 p.m., Monday through Friday, except holidays.

A public hearing will be held for the purpose of receiving comments on the proposed action. The hearing will be held on July 20, 2000 at the Schuylkill Valley High School Auditorium from 7 p.m. until 9 p.m.

Those wishing to comment are requested to contact Sandra Roderick at (717) 705-4931 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate

an individual to present testimony on behalf of the organization. Written comments may be submitted to Roger A. Fitterling, Air Pollution Control Engineer, DEP, 1005 Cross Roads Boulevard, Reading, PA 19605 during the 30-day period following publication of this notice.

Persons with a disability who wish to attend the hearing scheduled for July 20, 2000 at 7 p.m. and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sandra Roderick directly at (717) 705-4931 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Public Hearing Notice**

The Department of Environmental Protection (Department) will conduct a public hearing on Thursday, July 6, 2000, beginning at 1 p.m. in the Air Quality Conference Room at the Meadville Regional Office located at 230 Chestnut Street.

The hearing is for the Department to accept testimony concerning the Department's decision to approve, with

conditions, the revised Reasonably Available Control Technology (RACT) plans by Tennessee Gas Pipeline (TGP) (Station 307) (1010 Milam Street, P. O. Box 2511, Houston, TX 77252) in Howe Township, Forest County to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. The final RACT proposals will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan (SIP).

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

The following is a revised summary of the preliminary NOx determination for the above listed facility:

*TGP station 219*

| <i>Source</i>                    | <i>Control</i>  | <i>Emission Limit</i>                                   |
|----------------------------------|---|---|
| Unit 6A Worthington ML-12 engine | Parametric control (ignition retard, A/F ratio control) | 103 #/hr NOx<br>451.1 TPY NOx                           |
| Units 1A-4A KVS-412 engines      | Low emissions combustion                                | 17.6 #/hr NOx (per engine)<br>77.1 TPY NOx (per engine) |
| Clark TCV-10C engine             |   | 26.4 #/hr NOx<br>115.8 TPY NOx                          |
| Auxiliary Engine AA1             | Presumptive RACT  |   |
| Auxiliary Engine AA2             | Presumptive RACT  |   |
| Main boiler                      | Presumptive RACT  |   |
| Aux./Comp. Boiler                | Presumptive RACT  |   |
| Two Warehouse furnaces           | Presumptive RACT  |   |
| Two Equipment Garage furnaces    | Presumptive RACT  |   |
| 4 Lunch room furnaces            | Presumptive RACT  |   |
| Three Pipeline Garage furnaces   | Presumptive RACT  |   |
| Water Building furnace           | Presumptive RACT  |   |
| Two Pipeline Office furnaces     | Presumptive RACT  |   |
| Two Main office furnaces         | Presumptive RACT  |   |
| Main office hot water heater     | Presumptive RACT  |   |

For the above facility, a public hearing will be held for the purpose of receiving comments on the above-proposed Operating Permit and the proposed SIP revisions. The public hearing is scheduled as follows:

DEP Meadville Regional Office, Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335; Thursday, July 6, 2000, 1 p.m. to 3 p.m.

Persons wishing to present testimony at the hearing should contact Matthew Williams, Air Pollution Control Engineer, DEP, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required.

Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Matthew Williams at (814) 332-6940, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to Matthew Williams, Air Pollution Control Engineer, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional Department office (Air Quality). Appointments for scheduling a review must be made by calling the Department contact person noted previously.

## 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. §§ 4401—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

**40850101R3. Coal Contractors (1991), Inc.**, (Gowen Mine, Fern Glen, PA 18241), renewal of an existing anthracite surface mine operation in Black Creek Township, **Luzerne County** affecting 940.0 acres, receiving stream—none. Renewal issued June 2, 2000.

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

**03940114R. Walter L. Houser Coal Co., Inc.** (R. R. 9, Box 434, Kittanning, PA 16201). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in Kittanning Township, **Armstrong County**, affecting 235.0 acres. Receiving streams: Spra Run and unnamed tributaries to Spra Run. Application received: January 18, 2000. Renewal issued: May 30, 2000.

**26950103R. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in Redstone Township, **Fayette County**, affecting 5.6 acres. Receiving streams: Redstone Creek. Application received: March 3, 2000. Renewal issued: June 2, 2000.

**30713008R. Willow Tree Coal Company** (P. O. Box 179, Mt. Braddock, PA 15465). Renewal issued for continued reclamation only of a bituminous surface/fly ash disposal mine located in Monongahela Township, **Greene County**, affecting 93.9 acres. Receiving streams: unnamed tributaries to Little Whitely Creek. Application received: January 27, 2000. Renewal issued: June 2, 2000.

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

**56900104.** Permit Renewal for reclamation only, **Windber High Standard Coal Company** (1210 Graham Avenue, Windber, PA 15963), for continued restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 37.7 acres, receiving stream Beaverdam Creek and unnamed tributaries to Beaverdam Creek, application received May 26, 2000, issued May 30, 2000.

**32823066.** Permit Renewal, **T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15771), for continued operation of a bituminous surface mine in East Mahoning and Rayne Townships, **Indiana County**, affecting 256.1 acres, receiving stream to Rayne Run and to Dixon Run, application received April 5, 2000, permit issued May 31, 2000.

**32970109.** Permit Revision, **P & N Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), the revision will involve the restoration of unmanaged natural habitat rather than forestland on the lands of Jim Peron, Jerry Kane, Alta Watson and Jeanne Ploucha in Banks Township, **Indiana County**, affecting 62.3 acres, receiving stream UNTS to Brady Run and UNTS to Horton Run to Cush Creek, application received April 4, 2000, issued May 30, 2000.

**32870101.** Permit Revision, **Urey Coal Company** (222 Forest Ridge Road, Indiana, PA 15701), to add 11.0 acres to the existing permit of which approximately 1.1 acres are projected for coal removal. Total SMP acres goes from 145.4 to 156.4 in Banks and Montgomery Townships; Glen Campbell Borough, **Indiana County**, receiving streams unnamed tributaries to Cush Creek and Cush Creek, application received December 15, 1999, issued May 26, 2000.

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

#### Small Noncoal (Industrial Minerals) Permits Issued

**65900304. Carbon Fuel Resources, Inc.** (P. O. Box 275, West Leisenring, PA 15489). NPDES renewal only issued for a large noncoal surface mine located in Unity Township, **Westmoreland County**, affecting 40.4 acres. Receiving streams: unnamed tributary to Sewickley Creek. Application received: February 11, 2000. NPDES renewal issued: May 22, 2000.

**26810301. Allan R. Fiore, Inc.** (P. O. Box 710, West Elizabeth, PA 15088-0710). NPDES renewal only issued for a large noncoal surface mine located in Perry Township, **Fayette County**, affecting 14 acres. Receiving streams: Youghiogheny River. Application received: January 24, 2000. NPDES renewal issued: May 22, 2000.

**02850302. Lafarge Corporation** (510 West Main Street, Canfield, OH 44406). NPDES renewal only issued for a large noncoal surface mine located in West Mifflin Township, **Allegheny County**, affecting 70.3 acres. Receiving streams: unnamed tributary to Streets Run. Application received: February 16, 2000. NPDES renewal issued: May 23, 2000.

**3372SM25(A). Commercial Stone Co., Inc.** (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal only issued for a large noncoal surface mine located in Bullsken Township, **Fayette County**, affecting 339 acres. Application received: January 31, 2000. NPDES renewal issued: May 23, 2000.

**65920302. M & Y Services, Inc.** (P. O. Box 9, Uniontown, PA 15401). NPDES renewal only issued for a large noncoal surface mine located in Mount Pleasant Township, **Westmoreland County**, affecting 95.5 acres. Receiving streams: Boyer Run, Hurst Run, and unnamed tributaries to Boyer Run. Application received: February 11, 2000. NPDES renewal issued: May 23, 2000.

**03823027. Manor Minerals, Inc.** (265 South Jefferson Street, Kittanning, PA 16201). NPDES renewal only issued for a large noncoal surface mine located in Manor Township, **Armstrong County**, affecting unknown acres. Receiving streams: unnamed tributary to Rupp Run and Garretts Run. Application received: February 11, 2000. NPDES renewal issued: May 23, 2000.

**3572SM22. Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, P. O. Box 5P, New Kensington, PA 15068). NPDES renewal only issued for a large noncoal surface mine located in South Buffalo Township, **Armstrong County**, affecting 47.21 acres. Receiving streams: Allegheny River. Application received: January 31, 2000. NPDES renewal issued: May 23, 2000.

**3572SM17. Manor Minerals, Inc.** (265 South Jefferson Street, Kittanning, PA 16201). NPDES renewal only issued for a large noncoal surface mine located in Burrell and South Bend Townships, **Armstrong County**, affecting unknown acres. Receiving streams: Crooked Creek. Application received: February 11, 2000. NPDES renewal issued: May 23, 2000.

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

**58992803. Powers Stone, Inc.** (R. D. 5, Box 124, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry in Auburn Township, **Susquehanna County**, affecting 5.0 acres, receiving stream—none. Permit issued May 31, 2000.

**58002802. Powers Stone, Inc.** (R. D. 5, Box 124, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry in Bridgewater Township, **Susquehanna County**, affecting 5.0 acres, receiving stream—none. Permit issued May 31, 2000.

**58002803. Powers Stone, Inc.** (R. D. 5, Box 124, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry in Bridgewater Township, **Susquehanna County**, affecting 5.0 acres, receiving stream—none. Permit issued May 31, 2000.

**58002805. Powers Stone, Inc.** (R. D. 5, Box 124, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry in Forest Lake Township, **Susquehanna County**, affecting 5.0 acres, receiving stream—none. Permit issued May 31, 2000.

**66992801. Powers Stone, Inc.** (R. D. 5, Box 124, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry in Windham Township, **Wyoming County**, affecting 5.0 acres, receiving stream—none. Permit issued May 31, 2000.

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

The Bureau of Deep Mine Safety (BDMS) has approved RAG Emerald Resources Corporation's request for a variance from the requirements of the Pennsylvania

Bituminous Coal Mine Act at the Emerald Mine. This notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

*Summary of the request:* RAG Emerald Resources Corporation (formerly Cyprus Emerald Resources Corporation) requested a variance from section 242(e) of the Pennsylvania Bituminous Coal Mine Act to use an atmospheric monitoring system (AMS) in the section development return, longwall tailgate return, and degasification diffusion zones at the Emerald Mine. The proposal accords protection to persons and property substantially equal to or greater than the requirements of the Pennsylvania Bituminous Coal Mine Act.

The basis for the Bureau's approval is summarized as follows:

1. Emerald Mine's proposal provides continuous electronic monitoring of methane levels in the return airways, rather than just weekly examinations as required by the Act.

2. The AMS methane sensors will provide a visual and audible warning signal on the working sections and surface when methane concentrations reach an alarm mode.

3. The proposal provides for immediate action including de-energizing electrical power if the section return sensor across from the section loading point reaches 1% methane or any other return sensors reach 1.5%.

4. The minimum quantity of air maintained in the last open crosscut is increased from 6,000 to 27,000 cfm.

5. A mechanical rock duster will continually apply rock dust to the section return during production.

6. The AMS methane sensors will be examined once each coal-producing shift by a certified mine official, and results will be recorded.

7. The AMS methane sensors will be calibrated weekly and the results recorded.

The Bureau of Deep Mine Safety has determined that Emerald Mine's plan will provide protection to personnel and property substantially equal to the requirements set forth in the Pennsylvania Bituminous Coal Mine Act.

### **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS**

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board

within 30 days of receipt of the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

**E13-121.** Encroachment. **Eric S. Schlosser**, 40 Serfass Lane, Palmerton, PA 18071-5250. To remove the existing structure and to construct and maintain a private residential road crossing consisting of a bridge having a span of 28-feet with an underclearance of 5-feet across Hunter Creek. The project is located on the south side of S. R. 2004 approximately 0.5 mile west of the intersection with S. R. 2002 (Palmerton, PA Quadrangle N: 15.2 inches; W: 4.3 inches) in Lower Towamensing Township, **Carbon County**.

**E58-232.** Encroachment. **Pennsylvania Department of Transportation**, District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure, to place fill in a de minimis area of wetlands equal to 0.013 hectare, to construct and maintain five stormwater outfalls, and to construct and maintain a 4-span prestressed concrete I-beam bridge or an alternative 3-span continuous composite steel girder I-beam bridge, having a total span of approximately 163.6 meters and an underclearance of approximately 7.9 meters across the Susquehanna River. The project is located along S. R. 0011, approximately 305 meters downstream of the S. R. 0081 bridge, (Great Bend, PA Quadrangle N: 18.8 inches; W: 17.3 inches) in Hallstead Borough and Great Bend Township, **Susquehanna County**.

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

**E07-323.** Encroachment. **Joseph Wilt**, 550 Foot of Ten Road, Duncansville, PA 16635. To construct and maintain a single span bridge having a clear span of 47.0 feet and an underclearance of 9.5 feet across Blair Gap Run (WWF) and place R-7 size riprap in the channel under the bridge to prevent scouring of the channel for the purpose of replacing a private access bridge destroyed by the January 19, 1996 flood event located at the intersection of Foot of Ten Road (T-384) and SR 3012 (Hollidaysburg, PA Quadrangle N: 8.1 inches; W: 9.7 inches) in Allegheny Township, **Blair County**. This permit also includes 401 Water Quality Certification.

**E21-234-R.** Encroachment. **Messiah College**, Grantham, PA 17027. To place fill materials along the right bank's 100-year floodway of an unnamed tributary to Yellow Breeches Creek (CWF) (locally called Trout Run) for the improvement of an existing access drive and for

the construction of an additional building to the Lenhart Building and associated parking lot stormwater facilities and outfall structures (Lemoyne, PA Quadrangle N: 5.8 inches; W: 16.8 inches) in Upper Allen Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects."

**E21-301.** Encroachment. **Mt. Holly Springs Municipal Authority**, 200 Harman St., Mt. Holly Springs, PA 17065. To (1) construct and maintain a new ultra-violet station and a new effluent pump and associated structures; (2) remove the existing 12-inch diameter outfall; and (3) construct and maintain an 18-inch diameter outfall structure at the right bank of Mountain Creek (TSF) in order to upgrade the condition of the existing sewage treatment plant (Mt. Holly Springs, PA Quadrangle N: 22.2 inches; W: 8.9 inches) in Mt. Holly Springs Borough, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E28-269.** Encroachment. **Harry Fox, Jr.**, 15 Montego Court, Dillsburg, PA 17019. To construct and maintain an 11-foot by 3-foot box culvert in the channel of an unnamed tributary to Licking Creek (CWF) in order to provide access to residential lots in a housing development called Two Top Meadows located in Kasiesville Village (Clear Spring, MD-PA Quadrangle N: 22.5 inches; W: 1.5 inches) in Montgomery Township, **Franklin County**. This permit also includes 401 Water Quality Certification.

**E28-272.** Encroachment. **Waynesboro Moose Lodge**, 908 West Main Street, Waynesboro, PA 17268. To regrade the left bank of the 100-year floodway of the West Branch Antietam Creek in order 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**.

**E31-158.** Encroachment. **PA Department of Transportation**, Engineering District 9-0, 1620 Juniata Street, Hollidaysburg, PA 16648. To (1) remove an existing single span bridge and to construct and maintain a single span, prestressed concrete I-beam bridge having a clear normal span of 112.8 feet and an average underclearance of 23.9 feet across Aughwick Creek (2) place R-8 riprap at the bridge abutments to prevent scouring and construct a temporary cofferdam in the stream channel to facilitate construction of the bridge located 60 feet downstream of the existing bridge on SR 0103-001, Section 002, Segment 090, Offset 0060, Sta 54+88.00 (Aughwick, PA Quadrangle N: 20.2 inches; W: 11.8 inches) in Shirley Township, **Huntingdon County**. This permit also includes 401 Water Quality Certification.

**E36-679.** Encroachment. **Fulton Township**, 777 Nottingham Road, Peach Bottom, PA 17563. To maintain roadside embankment stabilization work performed (Emergency Permit No. 36-98-104 issued on August 1998) along 150 feet of the left downstream bank of a tributary (TSF) to the Octoraro Creek. The project is located approximately 300 feet upstream of an existing culvert under Quarry Road (T-301) (Conowingo Dam, PA Quadrangle N: 19.7 inches; W: 0.8 inch) in Fulton Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-679.** Encroachment. **Blackford Development, Inc.**, 1891 Santa Barbara Drive, Ste 201, Lancaster, PA 17601. To place fill in 0.13 acre of wetlands in association

with a 240 foot long stream enclosure (with a drainage area of less than 100 acres) to an unnamed tributary to Kreutz Creek (WWF) for the proposed Windsor Commons Commercial Development located east of Cape Horn Road and Chapel Church Road (York, PA Quadrangle N: 8.0 inches; W: 0.0 inch) in Windsor Township, **York County**. The permittee is required to provide a minimum of 0.13 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

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

**E08-359.** Encroachment. **Consumers Pennsylvania Water Company**, Susquehanna Division, 204 East Sunbury Street, Shamokin, PA 17872-4859. To construct and maintain a booster potable water pump station in the floodway of an unnamed tributary of Murray Creek on the south side of Pump Hill Station Road approximately 1,000 feet west of the intersection of Pump Hill Station with Route 220 (Sayre, PA Quadrangle N: 11.9 inches; W: 3.75 inches) in Athens Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects."

**E14-374.** Encroachment. **Bellefonte Borough Council**, 236 West Lamb Street, Bellefonte, PA 16823. To remove an existing stream bank retaining wall and to construct and maintain a 40-foot long by 12-foot high concrete cantilever retaining wall with a masonry facade on the left bank of Spring Creek located 50 feet upstream of the High Street Bridge (Bellefonte, PA Quadrangle N: 6.60 inches; W: 4.43 inches) in the Borough of Bellefonte, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-458.** Encroachment. **Clinton Township Supervisors**, 2106 Route 14, Montgomery, PA 17752. To (1) remove an existing structure; (2) construct, operate and maintain a single span reinforced concrete adjacent box beam bridge across Black Hole Creek; and (3) align the channel of the same waterway to carry T-522 across Black Hole Creek. The bridge shall be constructed with a clear span of 44-feet, an average underclearance of 4.5-feet, and a skew of 72.5-degrees. The channel realignment shall be limited to a maximum of 25-feet upstream of the proposed bridge and a maximum of 40-feet downstream. The project is located along the southern right-of-way of SR 0054 approximately 2,000-feet south of SR 0054 and Township Road 522 (Montoursville-South, PA Quadrangle N: 9.5 inches; W: 2.0 inches) in Clinton Township, **Lycoming County**. This permit also authorizes the construction, operation, maintenance and removal of a temporary crossing that will temporarily impact 850-square feet of wetland. Upon completion of the bridge construction, the temporary crossing shall be removed and the area fully restored to original contours, elevations and hydrology. This permit does not authorize any temporary or permanent impacts to the existing Black Hole Creek low flow channel.

**E41-461.** Encroachment. **Frank E. Bennett**, 715 Middle Road, Montgomery, PA 17752. To maintain a private foot bridge with an underclearance of 3 feet, spanning 8 feet of Adams Creek located off Middle Road approximately 0.7 mile from Brouse Road (Muncy, PA Quadrangle N: 11.5 inches; W: 14.0 inches) in Clinton Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E49-232.** Encroachment. **Ralpho Township**, 30 South Market Street, Elysburg, PA 17824. To (1) modify and maintain existing stormwater outfalls along an unnamed tributary to South Branch, Roaring Creek; (2) install, operate and maintain stormwater outfalls along the unnamed tributary to South Branch, Roaring Creek; (3) install and maintain riprap stream bank protection in and along the same unnamed tributary; (4) and place and maintain roadway fill and wearing surfaces in the floodway of the same waterway for dirt and gravel roadway improvements. The dirt and gravel roadway improvement project covers 0.47-mile of Ralpho Township Road Number 515 (T-515). The modifications to the stormwater outfalls shall consist of rock outlet protection. The stormwater outfalls shall be constructed with 18-inch diameter plastic pipe and rock outlet protection. The stream bank protection shall be constructed with a minimum of R-8 riprap. All in-stream activities shall be constructed in dry work conditions through the use of dams/pumps, cofferdams or flumes. The project is located along the western right-of-way of SR 0487 approximately 1.0-mile east of SR 0487 and T-515 intersection (Danville, PA Quadrangle N: 1.3 inches; W: 3.15 inches) in Ralpho Township, **Northumberland County**. This permit does not authorize any temporary or permanent wetland impacts. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-342.** Encroachment. **Adelphia Communications Corporation**, Main at Water Streets, Coudersport, PA 16915. To place fill into a 0.45 acre isolated palustrine emergent wetland for the purpose of constructing a data center electric substation. The permittee will meet the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. The project site is located near the southwestern terminus of Bank Street (Coudersport, PA Quadrangle N: 2.9 inches; W: 3.8 inches) in the Borough of Coudersport, **Potter County**.

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

**E02-1303.** Encroachment. **County of Allegheny, Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2951. To remove the existing timber crib wall and to construct and maintain a new concrete wall approximately 120.0 feet in length and 7.0 feet high and to place and maintain rip-rap bank protection along the right bank of Thompson Run (WWF) as part of the Turtle Creek Flood Control Project for the purpose of stabilizing Railroad Street located on the south side of Railroad Street, approximately 150 feet southeast from the intersection of Railroad Street and Larimer Avenue (Braddock, PA Quadrangle N: 7.4 inches; W: 10.2 inches) in Wilkins Township, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E65-735.** Encroachment. **Red Rock Outdoor Club**, R. D. 2, Darlington Road, Ligonier, PA 15658. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 56.0 feet and an underclearance of 9.1 feet across Fourmile Run (TSF) for the purpose of reducing flooding. The project is located at the Red Rock Outdoor Club off of Darlington Road (Stahlstown, PA Quadrangle N: 20.45 inches; W: 5.7 inches) in Ligonier Township, **Westmoreland 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.*

**E25-604.** Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. To install concrete paving 1-foot below the existing streambed invert and maintain the existing concrete arch in Horton Run on S. R. 0006, Segment 0200, Offset 1853 approximately 2 miles west of Union City (Lake Canadohta, PA Quadrangle N: 22.6 inches; W: 16.4 inches) in Union Township, **Erie County**.

**E43-281.** Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. To install concrete paving 1-foot below the existing streambed invert and maintain the existing concrete arch in a tributary to Little Shenango River on S. R. 0019, Segment 0420, Offset 0000 approximately 0.75 mile south of S. R. 358 (Hadley, PA Quadrangle N: 2.2 inches; W: 12.6 inches) in Perry Township, **Mercer County**.

**E43-282.** Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. To install concrete paving 1-foot below the existing streambed invert and maintain the existing 19-foot wide by 10-foot high concrete arch in Booth Run on S. R. 0358, Segment 0030, Offset 0134 approximately 0.9 mile west of S. R. 4001 (Kinsman, OH-PA Quadrangle N: 3.0 inches; W: 0.1 inch) in West Salem Township, **Mercer County**.

**E43-283.** Encroachment. **PA Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. To install concrete paving 1-foot below the existing streambed invert and maintain the existing 12-foot wide by 9.75-foot high concrete arch in a tributary to Otter Creek on S. R. 0019, Segment 0340, Offset 0000 approximately 0.5 mile north of S. R. 1002 at Fairview (Jackson Center, PA Quadrangle N: 16.1 inches; W: 14.3 inches) in Fairview Township, **Mercer County**.

**E62-362.** Encroachment. **Spring Creek Township**, P. O. Box 7, Spring Creek, PA 16436. To remove the existing bridge and to construct and maintain six 6-foot diameter culverts in East Branch Spring Creek on T-324 Hyde Road approximately 2,500 feet north of State Lot Road (Spring Creek, PA Quadrangle N: 10.3 inches; W: 11.9 inches) in Spring Creek Township, **Warren County**.

#### DAM SAFETY

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

#### Permits Issued and Actions on 401 Certification

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

**D14-124.** DEP. **Pennsylvania Military Museum** (P. O. Box 160A, Boalsburg, PA 16827). To modify, operate and maintain the Reflecting Pond Dam at the Pennsylvania Military Museum for the purpose of re-establishing fish passage and restoring the aquatic habitat of the stream. This dam is located across Spring Creek in Harris Township, **Centre County**.

**Cyprus Emerald Resources Corporation** (145 Elm Drive, Waynesburg, PA 15370). To construct, operate and maintain the Emerald Mine Area No. 2 Coal Refuse Dam located across a tributary to Smith Creek in Franklin Township, **Greene County**.

**Cyprus Emerald Resources Corporation** (145 Elm Drive, Waynesburg, PA 15370). To construct, operate and maintain Sedimentation Pond No. 1 Dam located across a tributary to Smith Creek in Franklin Township, **Greene County**.

#### ENVIRONMENTAL ASSESSMENT

*Environmental Assessment Approval and Actions on 401 Certification*

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

**D67-043EA.** Environmental Assessment. **Robin Smith and Anne Muren** (Box 296 Seitzville Road, Seven Valleys, PA 17360). To breach and remove the Seitzville Mill Dam across the South Branch Codorus Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located 100 feet upstream of the Seitzville Road bridge crossing the stream (Seven Valleys, PA Quadrangle N: 14.40 inches; W: 1.65 inches) in Codorus and Springfield Townships, **York County**.

### SPECIAL NOTICES

#### Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 2000 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

| <i>Name</i>    | <i>Address</i>                             | <i>Type of Certification</i> |
|----------------|--|------------------------------|
| James Bistline | 61 Sunset Drive<br>Carlisle, PA 17013      | Testing                      |
| Daniel Claxton | 607 Maryland Avenue<br>Erie, PA 16505      | Testing                      |
| Edward Cummins | 140 Walnut Street<br>Spring City, PA 19475 | Testing                      |
| Kevin Deppe    | P. O. Box 987<br>Cherryville, PA 18035     | Testing                      |

| <i>Name</i>                                   | <i>Address</i>   | <i>Type of Certification</i> |
|---|--|------------------------------|
| Enviroquest, Inc.                             | 1738 North 3rd Street, Suite A<br>Harrisburg, PA 17102     | Mitigation                   |
| Paul Fletcher<br>Alpha Energy Labs, Inc.      | 2501 Mayes Road, Suite 100<br>Carrollton, TX 75006         | Laboratory                   |
| David Grammer<br>Stone Ridge/RAdata, Inc.     | 27 Ironia Road, Unit 2<br>Flanders, NJ 07836               | Mitigation                   |
| House-Check, Inc.                             | P. O. Box 731<br>Valley Forge, PA 19482                    | Testing                      |
| Mark Kuloszewski                              | 113 Valley Street<br>Exeter, PA 18643                      | Testing<br>Mitigation        |
| Frank Marsico                                 | 504 Woodcrest Drive<br>Mechanicsburg, PA 17055             | Testing                      |
| William Monturano<br>Absolute Data, Inc.      | 2848 South Smedley Street<br>Philadelphia, PA 19145        | Testing                      |
| Surehka Paunikar<br>Alpha Environmental, Inc. | 2430 Rosewood Lane<br>Havertown, PA 19083                  | Testing                      |
| Edward Schluth                                | 242 Newtown Road<br>Warminster, PA 18974                   | Testing                      |
| Floyd Vlajic<br>All-Inspect                   | 1700 Riverside Drive, Rear<br>South Williamsport, PA 17702 | Testing                      |

[Pa.B. Doc. No. 00-1052. Filed for public inspection June 16, 2000, 9:00 a.m.]

### **Agricultural Advisory Board Cancellation Notice**

Due to a lack of agenda items, the Agricultural Advisory Board's June 21, 2000, meeting has been cancelled. The Board's next scheduled meeting will be held on August 23, 2000, at 10 a.m. in room 105 of the Rachel Carson State Office Building in Harrisburg.

For further information, contact Dean Auchenbach at (717) 772-5668.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-1053. Filed for public inspection June 16, 2000, 9:00 a.m.]

The documents may also be available by writing or calling the Department's Central Office in the Division of Wastewater Management, Bureau of Water Quality Protection at the location noted below or by contacting one of the six Department regional offices.

Department of Environmental Protection  
Bureau of Water Quality Protection  
Division of Wastewater Management  
Rachel Carson State Office Building  
P. O. Box 8774 - 11th Floor  
Harrisburg, PA 17105-8774  
(717) 787-8184

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-1054. Filed for public inspection June 16, 2000, 9:00 a.m.]

### **Availability of Pennsylvania Final General NPDES Permit for CAFO Operations (PAG-12)**

The Department of Environmental Protection (Department), by this notice, announces the availability of final general NPDES permit for concentrated animal feeding operations (CAFOs). The general permit has been approved by the EPA. The general permit is now available for use by eligible new and existing operations that need a permit in accordance with Pennsylvania's CAFO Strategy. The final general permit reflects changes made based upon public comments received on the draft permit published earlier by the Department. A comment and response document (C&R) has also been prepared by the Department.

The final general NPDES permit, notice of intent (NOI) and C&R document are being duplicated for distribution and will be posted on the Department web site at: <http://www.dep.state.pa.us/dep/deputate/watermgmt/Wqp/Forms/Forms/Home.htm>

### **Cleanup Standards Scientific Advisory Board Meeting**

The Cleanup Standards Scientific Advisory Board (CSSAB) meeting will be held on June 22, 2000, at 9:30 a.m., 400 Market Street, Rachel Carson State Office Building, 14th Floor conference room.

Questions concerning the date of the next meeting can be directed to Marilyn Wooding at (717) 783-7509 or E-mail to [Wooding.Marilyn@a1.dep.state.pa.us](mailto:Wooding.Marilyn@a1.dep.state.pa.us). All agendas, minutes and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Marilyn Wooding directly at (717) 783-7509 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. 00-1055. Filed for public inspection June 16, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Main Line Surgery Center, LLC for Exception to 28 Pa. Code § 551.21(a)(1)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Surgery Center has requested an exception to the requirement of 28 Pa. Code § 551.21(a)(1) that ambulatory surgical procedures may not exceed an operating time of 4 hours.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, telephone: (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: LVIA@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.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-1056. Filed for public inspection June 16, 2000, 9:00 a.m.]

### Availability of Federal Fiscal Year 2001 Draft Application and Federal Fiscal Year 1999 Annual Report for Funding for Abstinence Education and Related Services

The Department of Health (Department) is making copies available of its draft Abstinence Based Education and Related Services Grant Application for Federal Fiscal Year 2001 and the Federal Fiscal Year 1999 Annual Report. The Federal Fiscal Year 2001 Application is the Commonwealth of Pennsylvania's draft request to the United States Department of Health and Human Services for funds to operate an abstinence education and related services plan and program as set out in 42 U.S.C.A. §§ 705(a)(5)(F) and 710(c)(2).

The Federal Fiscal Year 2001 Application describing proposed services, program goals and objectives and activities can be obtained on the Department Website at <http://www.health.state.pa.us/php/> or by calling the Division of Maternal and Child Health, at (717) 783-2762 or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania Telecommunications Relay Services at (800) 654-5984.

Written comments will be accepted and should be sent to the Division of Maternal and Child Health, Room 725, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, and should be received no later than 4 p.m. July 1, 2000.

Persons with a disability who require an alternative format of the above mentioned application or who desire to comment in alternative format (for example, large print, audio tape, Braille) should notify the Division of Maternal and Child Health at the above referenced address or telephone numbers.

The Federal Fiscal Year 1999 Annual Report can also be obtained by contacting the Division of Maternal and Child Health at the above-referenced address or telephone numbers.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-1057. Filed for public inspection June 16, 2000, 9:00 a.m.]

### Notice of Funding Priorities

Under 28 Pa. Code § 1001.23(b) (relating to allocation of funds), the Department of Health (Department) hereby gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2000 and ending June 30, 2001.

The purpose of the EMSOF is to provide funding to maintain, improve and develop the quality of the EMS System within the Commonwealth of Pennsylvania. The EMSOF is not sufficient to fully fund the EMS System. Consequently, as a general guideline, rural providers of EMS will be required to contribute 40% of the funds and non-rural providers of EMS will be required to contribute 50% of the funds for approved acquisitions. All purchases and acquisitions must be made by the providers of EMS within the fiscal year beginning July 1, 2000 and ending June 30, 2001.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS Development Plans (state and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF must be in compliance, or aggressively pursuing full compliance with all requirements established for the EMS System by the regional EMS council having responsibility for the EMS region in which the provider of EMS operates.

The regional EMS council shall prioritize funding distribution based on the EMS Development Plans (state and regional). The regional EMS council shall notify the

provider of EMS of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. All applications for funding and all actions on those applications are to be completed by June 30, 2000.

The following are examples of eligible EMS activities for funding through the Emergency Medical Service Operating Fund:

- Operation of QRS recognized through DOH QRS Recognition Program
- Regional EMS Development Plan Initiatives

- Quality Assurance/Improvement Initiatives
- Data Collection (Department approved data programs and hardware)
- Training Equipment (for Department certification programs)
- EMS Management Development Training Programs
- Recruitment and Retention Programs
- Eligible Equipment for ALS/BLS/QRS (see following list)

### Eligible Equipment List

The Department has established a list of equipment eligible for EMSOF funding. The list identifies the eligible services for equipment purchases and the allowable cost. In addition, the list identifies the percentage of EMSOF contribution for urban/rural approved acquisitions.

| <i>Equipment Description</i>  | <i>Life Expectancy</i> | <i>Eligible Purchase For:</i> |                |                |                | <i>Allowable Costs<sup>1</sup></i> | <i>Urban (50%)</i> | <i>Rural (60%)</i> |
|---|------------------------|-------------------------------|----------------|----------------|----------------|------------------------------------|--------------------|--------------------|
|   |                        | <i>ALS</i>                    | <i>ALS/SQ</i>  | <i>BLS</i>     | <i>QRS</i>     |                                    |                    |                    |
| EKG Monitor/Defibrillator with Pacer  | 5 years                | Y                             | Y              | N              | N              | 10,000                             | 5,000              | 6,000              |
| 12 Lead EKG <sup>2</sup>  | 5 years                | Y                             | Y              | N              | N              | 16,000                             | 8,000              | 9,600              |
| Automated External Defibrillator (AED)  | 5 years                | N                             | N              | Y <sup>3</sup> | Y <sup>3</sup> | 4,000                              | 2,000              | 2,400              |
| Oxygen Equipment (any combination)<br>Cylinder<br>Demand Valve w/Hose & Mask<br>Regulator (combination or constant flow) Case   | 5 years                | Y                             | Y              | Y              | Y              | 500                                | 250                | 300                |
| Capnography Equipment   | 3 years                | Y                             | Y              | N              | N              | 3,500                              | 1,750              | 2,100              |
| Pulse Oximeter  | 5 years                | Y                             | Y              | Y <sup>5</sup> | Y <sup>5</sup> | 1,000                              | 500                | 600                |
| Splinting/Immobilization Devices (any combination)<br>Backboard<br>Cervical Immobilization Device<br>Splints (rigid, air, etc.) | 3 years                | Y                             | Y              | Y              | Y              | 500                                | 250                | 300                |
| Stairchair  | 5 years                | Y                             | N              | Y              | N              | 500                                | 250                | 300                |
| Stretcher—Primary   | 5 years                | Y                             | N              | Y              | N              | 2,400                              | 1,200              | 1,440              |
| Stretcher/Chair Combination   | 5 years                | Y                             | N              | Y              | N              | 500                                | 250                | 300                |
| Suction (portable, battery operated)  | 3 years                | Y                             | Y              | Y              | Y              | 500                                | 250                | 300                |
| Ventilator, Automatic<br>(per Department of Health guidelines)  | 5 years                | Y <sup>4</sup>                | Y <sup>4</sup> | Y <sup>5</sup> | Y <sup>5</sup> | 1,400                              | 700                | 840                |
| Ambulance   | -                      | Y                             | N              | Y              | N              | -                                  | 15,000             | 20,000             |
| Squad/Response Vehicle  | -                      | N                             | Y              | N              | Y              | -                                  | 7,500              | 9,000              |
| Data Collection Software <sup>6</sup>   | -                      | Y                             | Y              | Y              | Y              | 1,700                              | 1,700              | 1,700              |
| Data Collection Hardware <sup>7</sup>   | -                      | Y                             | Y              | Y              | Y              | 2,000                              | 1,000              | 1,200              |
| Radio, Mobile (one per vehicle, dispatch)   | 5 years                | Y                             | Y              | Y              | Y              | 2,500                              | 1,250              | 1,250              |
| Radio, Mobile (one per vehicle, medical comm.)  | 5 years                | Y                             | Y              | Y              | Y              | 2,500                              | 1,250              | 1,500              |
| Radio, Portable (one per vehicle, scene)  | 3 years                | Y                             | Y              | Y              | Y              | 1,000                              | 500                | 600                |
| Alerting Equipment (5 per service @ \$400 each)   | 5 years                | Y                             | Y              | Y              | Y              | 2,000                              | 1,000              | 1,200              |

<sup>1</sup> All figures are dollar amounts for each item of equipment.

<sup>2</sup> Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

- <sup>3</sup> Must be an approved AED service or part of regional planning and medical director required.
- <sup>4</sup> Completion of approved training program required.
- <sup>5</sup> Completion of approved training program required, BLS service medical director required.
- <sup>6</sup> Must be a Department of Health approved data vendor.
- <sup>7</sup> Data collection hardware may include computer, modem, printer, backup device, and battery system.

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 00-1058. Filed for public inspection June 16, 2000, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Inpatient Hospital Services; Final Public Notice

The purpose of this announcement is to provide final public notice of the Department of Public Welfare's (Department) payment methodology for the period July 1, 1999, through June 30, 2000. The payment methodology affects acute care general hospitals, private psychiatric hospitals, psychiatric units of general hospitals, rehabilitation hospitals and rehabilitation units of general hospitals.

On June 26, 1999, the Department published a public notice at 29 Pa.B. 3258 which stated that the Department was involved in discussions with representatives of Pennsylvania's hospitals regarding the possibility of extending the hospital rate agreement which was effective July 1, 1997, through June 30, 1999. The notice set forth proposed methods for inpatient hospital payments. The Department received no comments during the public comment period as a result of the notice.

The discussions between the Department and the hospital representatives ended in March 1999, without universal agreement among the hospitals to extend the rate agreement. Although there was consensus that the current rate setting and payment methods would be maintained, consensus was not reached regarding the inflationary adjustment to the base rates and the inpatient and outpatient disproportionate share and direct medical education payments.

During the past several weeks, the Department has received written comments from several hospitals and from some members of the General Assembly requesting that the Department increase the hospitals' base payment rates and disproportionate share and direct medical education payments by 4%.

The Department, upon review of Medical Assistance costs and payments relating to inpatient services for Fiscal Year 1999-2000 and consideration of the comments and proposals it recently received, has decided to adopt the current rate setting and payment methods with inflationary adjustments of 2.8% to the base rates and 2% to the inpatient and outpatient disproportionate share and direct medical education payments. These increases are comparable to objective indicators of projected rates of inflation for hospital costs, including rates of inflation projected by DRI/McGraw Hill.

The Department will implement payment provisions using the basic methods of the expired rate agreement and will include the following:

- For the period July 1, 1999, through December 31, 1999, the Department will make no changes to the rates

and payment methodologies previously in effect. The rates for inpatient services had been increased by 2.0% effective January 1, 1999.

- Effective January 1, 2000, inpatient base payment rates in effect as of December 31, 1999 will increase by 2.8%. The Department anticipates that this rate increase will result in additional Medical Assistance payments of approximately \$5 million for inpatient services under the fee for service program for this 6-month period.

- For the period January 1, 2000, through June 30, 2000, inpatient and outpatient disproportionate share and direct medical education payments total the aggregate annualized amount of \$178.5 million. This amount represents a 2% increase over the aggregate payment for Fiscal Year 1998-99. These payments will continue to be paid quarterly in the month following the end of the quarter.

- The Statewide prospective capital add-on percentage remains at 5.92%.

- The Department will maintain the change of ownership policy set forth under the expired rate agreement. Payment rates will not be rebased for changes of ownership occurring on or after July 1, 1993.

- The Department will continue the augmented payment policy for certain high volume medical assistance hospitals.

#### Fiscal Impact

This change will result in a cost of \$6.721 million in total funds (\$3.144 million in State funds and \$3.577 million in Federal funds) for Fiscal Year 1999-00.

FEATHER O. HOUSTOUN,  
Secretary

#### Fiscal Note: 14-NOT-246; (1) General Fund;

| <i>Medical Assistance<br/>Inpatient</i>               | <i>Medical Assistance<br/>Outpatient</i> |
|---|--|
| (2) Implementing Year 1999-00 is<br>\$2.897 Million   | \$0.247 Million                          |
| (3) 1st Succeeding Year 2000-01 is<br>\$8.317 Million | \$0.619 Million                          |
| 2nd Succeeding Year 2001-02 is<br>\$8.037 Million     | \$0.495 Million                          |
| 3rd Succeeding Year 2002-03 is<br>\$8.037 Million     | \$0.495 Million                          |
| 4th Succeeding Year 2003-04 is<br>\$8.037 Million     | \$0.495 Million                          |
| 5th Succeeding Year 2004-05 is<br>\$8.037 Million     | \$0.495 Million                          |
| <i>Medical Assistance<br/>Inpatient</i>               | <i>Medical Assistance<br/>Outpatient</i> |
| (4) 1998-99 Program—\$453.594 Mil-<br>lion            | \$695.395 Million                        |

|                                   |                           |
|-----------------------------------|---------------------------|
| <i>Medical Assistance</i>         | <i>Medical Assistance</i> |
| 1997-98 Program—\$428.079 Million | \$662.740 Million         |
| 1996-97 Program—\$436.941 Million | \$798.836 Million         |

(8) recommends adoption. There are funds available in the Department's budget to cover the costs resulting from this revision.

[Pa.B. Doc. No. 00-1059. Filed for public inspection June 16, 2000, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

#### *Addendum:*

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), published at 29 Pa.B. 6534 on December 25, 1999, a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

#### *Addition:*

As an addendum to the listing of approved Official electronic speed-timing devices (nonradar) which calculates average speed between any two points, the Department hereby gives notice of the addition of the following device:

V-SPEC — Manufactured by  
Y.I.S. Incorporated  
1049 Hartley Street  
Post Office Box 3044  
York, Pennsylvania 17404.

#### *Cancellation:*

As an addendum to the listing of approved Official Speedometer Testing Stations, the Department hereby gives notice of the cancellation of the following station:

Reading Speedometer Service Company  
200-210 Warren Street  
Reading (Berks County) PA 19601  
(Appointed: 09/22/78, Station S47)

Comments, suggestions or questions may be directed to Barb Tomassini, Manager, Inspection Processing Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 29 Pa.B. 6534 (December 25, 1999), 30 Pa.B. 591 (January 29, 2000) and 30 Pa.B. 1211 (February 26, 2000).

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-1060. Filed for public inspection June 16, 2000, 9:00 a.m.]

### Bids for Demolition Services

The Department of Transportation (Department) is seeking bids for the demolition and/or removal of structures from properties located at: Parcel 1, 901/902 East 12th Street, 1 structure; Parcel 2, 865 East 11th Street, 1 structure; Parcel 4, 848 East 12th Street, 1 structure; Parcel 6, 904 East 11th Street, 3 structures; Parcel 7, 905 East 10th Street, 1 structure; Parcel 11, 857 East 9th Street, 1 structure; Parcel 14, 852 East 8th Street, 1 structure; Parcel 17, 834 East 8th Street, 1 structure; Parcel 18, 835 East 7th Street, 1 structure; Parcel 20, 830 East 7th Street, 2 structures; Parcel 21, 824 East 7th Street, 2 structures; Parcel 22, 822 East 7th Street, 1 structure; Parcel 24, 905 East 11th Street, 3 structures; Parcel 50, 804 East 12th Street, 1 structure; Parcel 54, 920 East 12th Street, 2 structures; all located on State Route 4034, Section A51 and A51G. The Department will accept sealed bids at 255 Elm Street, P. O. Box 398, Oil City, PA 16301, until 1 p.m. on July 26, 2000. The contract will include approximately 24 structures.

For Bid Forms, date of the inspection tour, specifications and further information contact: Jeffrey E. Hahne, District Property Manager, Pennsylvania Department of Transportation, District 1-0, Right of Way Section, 255 Elm Street, P. O. Box 398, Oil City, PA 16301, (814) 678-7069.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-1061. Filed for public inspection June 16, 2000, 9:00 a.m.]

### Disadvantaged Business Enterprise Goal Approval

As a recipient of federal funds from the United States Department of Transportation through several operating administrations including the Federal Highway Administration (FHWA), the Department is required to comply with the goal setting provisions of FHWA's Disadvantaged Business Enterprise (DBE) regulation that took effect on March 4, 1999. This regulation is set forth at 49 CFR Part 26, with the goal-setting provisions in Sections 26.45 and 26.51. As part of its federal compliance requirements, the Department submitted its proposed DBE plan and revised overall goal for DBE participation in federally-assisted transportation contracting to FHWA by September 1, 1999.

The Department is pleased to announce that, on March 31, 2000, the USDOT/FHWA review team approved both the Department's DBE plan and DBE goal. The Department's overall goal for DBE participation is 11.2 percent. The race conscious or contract portion of the DBE goal is 7.98 percent and the race neutral portion of the goal is 3.22 percent.

Inquiries about this notice may be directed to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, at (717) 787-5891.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-1062. Filed for public inspection June 16, 2000, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## 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

| Reg. No. | Agency/Title   | Received |
|----------|--|----------|
| 6-262    | Department of Education<br>Nurse Aide Applicant Criminal<br>History Record Information                 | 5/23/00  |
| 17-60    | Pennsylvania State Police<br>Uniform Firearms Act; Licensed<br>Retail Dealers; Firearm Record<br>Forms | 6/1/00   |
| 6-264    | Department of Education<br>Institutional Preparation of<br>Professional Educators                      | 6/5/00   |
| 16A-499  | State Board of Nursing<br>Certified Registered Nurse Practi-<br>tioners Prescriptive Authority         | 6/6/00   |
| 16A-612  | State Board of Landscape Architects<br>Continuing Education  | 6/6/00   |

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-1063. Filed for public inspection June 16, 2000, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Liberty Mutual Fire Insurance Company; Private Passenger Auto Insurance Rate Revision

On June 5, 2000, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company a filing for a proposed rate level change for Private Passenger Auto insurance.

The company requests an overall 0.3% increase amounting to \$299,000 annually to be effective September 13, 2000.

Unless formal administrative action is taken prior to August 4, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA

17120, (E-mail: xlu@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. 00-1064. Filed for public inspection June 16, 2000, 9:00 a.m.]

### Stephen J. Harris; Doc. No. AG00-05-039

A prehearing telephone conference initiated by the Administrative Hearings Office shall occur on July 7, 2000 at 10 a.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law) and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq. and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference. If an attorney or representative for a party participating in 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. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Except as established at the prehearing conference, both parties shall appear at the scheduled hearing, if necessary, 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 or photographs into evidence shall bring enough copies for the record and for each opposing party. Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before June 26, 2000, with the Acting Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before June 26, 2000. A written request for continuance for the schedule prehearing telephone conference, for good cause only, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1065. Filed for public inspection June 16, 2000, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar

month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

#### *Executive Board*

Resolution # CB-00-108, Dated May 3, 2000. Authorizes the side letter to amend Appendix E of the Instructional-Tenured Collective Bargaining Agreement to revise classifications and adjust the extracurricular activity fee schedule for Thaddeus Stevens College of Technology.

Resolution # CB-00-130, Dated May 23, 2000. Authorizes the side letter between the Commonwealth of Pennsylvania and the Pennsylvania State Education Association amending Appendices E, G, I, and K of the Instructional-Tenured Collective Bargaining Agreement to add the activity of "Junior High Boys' Track Coach" in the Extracurricular Activity Fee Schedule for the Scotland School for Veterans' Children.

Resolution # CB-00-132, Dated May 26, 2000. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and the Pennsylvania Nurses Association, effective July 1, 2000 through June 30, 2003.

#### *Governor's Office*

Manual M110.2 2000-01 Rebudget Instructions, Dated May 2000.

Manual M525.2 2000 Commonwealth Pay Plan, Amended April 24, 2000.

Management Directive No. 260.1—Organization Requests, Amended April 27, 2000.

Management Directive No. 530.26—Benefit Entitlements for Employees on Military Leave, Amended April 26, 2000.

Management Directive No. 580.8—Classified Service Probationary Periods, Amended April 13, 2000.

Management Directive No. 580.34—Removal of Eligibles for Certification or Appointment in the Classified Service, Amended March 29, 2000.

Administrative Circular No. 00-9—Closing Instruction No. 2, 1999-00 Fiscal Year; Preclosing at May 31, 2000, Dated April 10, 2000.

Administrative Circular No. 00-10—New Mailing Address—Governor's Office of Administration Bureau of Consolidated Computer Services, Dated May 9, 2000.

Administrative Circular No. 00-11—Closing Instruction No. 3, Prior Encumbrances for Act 57 Waivers and Contracted Repairs, Dated May 16, 2000.

Administrative Circular No. 00-12—2000-01 Rebudget Instructions, Dated May 19, 2000.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 00-1066. Filed for public inspection June 16, 2000, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

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Lackawanna County, Wine and Spirits Shoppe # 3501, 3364 Birney Plaza, Moosic, PA 18507-1560.

*Lease Expiration Date:* September 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 2,300 to 3,000 net useable square feet of new or existing retail commercial space within Moosic Borough or the surrounding portion of the City of Scranton.

*Proposals due:* July 14, 2000 at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228

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Lycoming County, Wine and Spirits Shoppe # 4104, 30 South Main Street, Muncy, PA 17756-1307.

*Lease Expiration Date:* May 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 1,300 to 2,500 net useable square feet of new or existing retail commercial space within the Borough of Muncy or the surrounding portions of Muncy Creek, Muncy or Wolf Townships.

*Proposals due:* July 14, 2000 at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228

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Lackawanna County, Wine and Spirits Shoppe # 3519, 969 Prescott Avenue, Scranton, PA 18510-1480

*Lease Expiration Date:* May 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Liquor Control Board with approximately 2,700 to 3,200 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of Prescott Avenue and Ash Street.

*Proposals due:* July 14, 2000 at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 00-1067. Filed for public inspection June 16, 2000, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Memorandum of Understanding between the Pennsylvania Emergency Management Agency and Pennsylvania Public Utility Commission; Doc. No. M-0000 1360

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held  
June 2, 2000

### Order

*By The Commission:*

Given the reoccurring nature of droughts in Pennsylvania and in the interest of coordinating our functions and activities with other Commonwealth departments and agencies pursuant to The Administrative Code of 1929, Act of April 9, 1929, P. L. 177, art. V. §§ 501 and 502, *as amended*, (71 P. S. §§ 181), the Commission wishes to execute the following interagency Memorandum of Understanding (MOU) with the Pennsylvania Emergency Management Agency (PEMA). The MOU is intended to establish an administrative appeals process that PEMA and the Commission may implement whenever the Governor issues a Proclamation of Drought Emergency in Pennsylvania.

Once a drought emergency is declared, the PEMA regulations contained in 4 Pa. Code Chapter 119 become operative. Although these regulations prohibit nonessential water uses in a drought emergency area, the regulations outline a process by which a water user can apply for a waiver. To obtain a waiver, the water user must submit a written request with supporting documentation to the Department of Environmental Protection (DEP). A decision on the request is made by the Commonwealth Drought Coordinator, a DEP employe acting as an agent for PEMA. If the water user is not satisfied with the Coordinator's decision, he or she then has 30 days to appeal the decision to PEMA. After filing a notice of appeal, the aggrieved water user has a right to an on-the-record hearing conducted by a hearing officer appointed by PEMA.

The administrative process set forth in the following MOU establishes PEMA as the docketing clerk for any appeals by aggrieved water users. Within 2 business days of receiving this appeal, PEMA will send the docketed appeal, together with other relevant records, to the Commission. The Commission will then schedule and conduct an expedited appeal hearing following the administrative practice and procedure rules set forth in 1 Pa. Code Part II. Within 5 business days after the conclusion of an appeal hearing, the Commission will provide PEMA with the record of the hearing together with the written recommendation of the hearing officer. The Commission will have no further involvement with the appeal process once these materials are forwarded to PEMA.

Also pursuant to the MOU, the Commission will keep a record of its administrative costs for conducting any appeal hearings. These costs may include personnel, stenographic, office supply, travel, mailing, and other costs incurred by the Commission. At the conclusion of the drought emergency, or as otherwise appropriate, an

invoice for costs will be submitted to PEMA unless the Commission determines that its administrative costs were minimal in which case the Commission may inform PEMA that no invoice will be forwarded.

Even though no appeals were filed during any drought emergency to date, during the one declared in July 1999 both DEP and PEMA anticipated that appeals would be filed because over 200 waiver requests had been received. This far exceeded the number of waiver requests processed in prior drought emergencies. Consequently, in August of 1999, PEMA and DEP asked if the Commission would be willing to provide hearing officers, as required by 4 Pa. Code § 119.6(c)(7), to conduct appeal hearings about water use restrictions during the 1999 drought emergency. With the Commission's tentative consent, an MOU between PEMA and the Commission was drafted to appoint Law Judges as hearing officers. However, because the drought emergency expired in October with no appeals filed, the draft MOU has been rewritten to apply generally to any subsequent drought emergency.

Concurrently, PEMA has undertaken to review and revise the regulations that become effective during drought emergencies. Revisions to 4 Pa. Code Chapters 118, 119, and 120 are currently being proposed. PEMA expects to send a final proposed draft of these revisions to the Office of General Counsel shortly to initiate the formal rulemaking process. PEMA is desirous of including, as part of these revised regulations, a reference to the following MOU through which the Commission agrees to provide hearing officers to conduct appeals of water restrictions effective during a drought emergency.

Upon review of the following MOU, the Commission finds that it is in the public interest to cooperate with other Commonwealth agencies in allocating water resources during drought emergencies and such cooperation is also consistent with The Administrative Code of 1929, Act of April 9, 1929, P. L. 177, art. V. §§ 501 and 502, *as amended*, (71 P. S. §§ 181). Accordingly, we conclude that the following Memorandum of Understanding should be approved; *Therefore,*

*It Is Ordered That:*

1. The Commission hereby approves the Memorandum of Understanding (MOU) following as Appendix A to this Order.

2. A copy of this Order together with Appendix A be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Secretary of the Department of Environmental Protection, and the Pennsylvania Emergency Management Agency.

3. Upon execution of the MOU, the Order and the MOU shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

### Appendix A

#### MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is entered into this \_\_\_\_ day of \_\_\_\_\_, 2000, by and between the Pennsylvania Emergency Management Agency, hereinafter referred to as the PEMA,

and

the Pennsylvania Public Utility Commission, hereinafter referred to as the PUC.

WITNESSETH:

*Whereas*, pursuant to Section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), the

Governor is authorized to issue a Declaration of Disaster Emergency in Pennsylvania upon finding that a disaster has occurred or the threat of a disaster is imminent; and

Whereas, the issuance of a Governor's Declaration of Drought Emergency authorizes PEMA to implement its drought regulations set forth in 4 Pa. Code Chapter 119 for the purpose of prohibiting and restricting nonessential uses of water within a designated drought emergency area; and

Whereas, 4 Pa. Code § 119.6(d) will establish an administrative process by which a water user may seek an exemption or variance from the prohibition of nonessential uses of water by filing a written application with the Commonwealth Drought Coordinator; and

Whereas, 4 Pa. Code § 119.6(d)(6) will permit a water user aggrieved by a decision of the Commonwealth Drought Coordinator to appeal to PEMA within 30 days of notice of the decision; and

Whereas, 4 Pa. Code § 119.6(d)(8) will give PEMA the authority to appoint a hearing examiner for any appeal filed by an aggrieved water user; and

Whereas, because of the cyclical nature of droughts in Pennsylvania, there is likely to be, from time to time, a recurring need for the appointment of hearing officers to hear the appeals that water users file from decisions of the Commonwealth Drought Coordinator; and

Whereas, Commonwealth departments and agencies are to coordinate their work and activities with other Commonwealth departments and agencies pursuant to The Administrative Code of 1929, Act of April 9, 1929, P. L. 177, art. V. §§ 501 and 502, as amended, (71 P. S. §§ 181 and 182).

Now, Therefore, the parties to this MEMORANDUM OF UNDERSTANDING set forth the following as the terms and conditions of their understanding:

1. PEMA will act as the docketing clerk for any appeals by water users filed with PEMA within 30 days of issuance of the Commonwealth Drought Coordinator's decision concerning their requests for variances or exemptions from the prohibition of nonessential uses of water.

2. Within two business days of the receipt of any appeal, PEMA will send the docketed appeal, together with the Commonwealth Drought Coordinator's initial decision and any other records, to the PUC for the purpose of scheduling and conducting an appeal hearing.

3. The PUC will assign a hearing officer to hear each water user's appeal. The PUC will provide the water user and the Commonwealth Drought Coordinator with notice of the appeal hearing.

4. The PUC will follow the administrative practice and procedure rules set forth in 1 Pa. Code, Part II when conducting an appeal hearing. The PUC is authorized to waive specific provisions of those administrative rules during the existence of a Governor's Proclamation of Drought Emergency if strict compliance with those administrative rules would prevent, hinder, or delay necessary action concerning any appeals.

5. Within five business days after the conclusion of an appeal hearing, the PUC will provide PEMA with the record of the hearing together with the written recommendation of the hearing officer. After this recommenda-

tion is sent to PEMA, the PUC will have no further involvement in the appeal process.

6. After reviewing the record and recommendation, the PEMA will notify the water user in writing of its final decision.

7. The PUC will keep a record of its administrative costs for conducting any appeal hearings. These costs may include PUC personnel, stenographic, office supply, travel, mailing, or other costs incurred by the PUC.

8. An invoice for all administrative costs incurred in conducting the various appeal hearings shall be submitted to PEMA within 30 days after the conclusion of the last docketed appeal hearing relative to each drought emergency. If, however, a Governor's Proclamation has not expired within two months prior to the end of the PUC's fiscal year, then the PUC may submit an invoice for costs prior to the end of the PUC's fiscal year.

9. If the PUC determines that its administrative costs were minimal, then the PUC may inform PEMA that no invoice will be forwarded to PEMA for payment.

10. If PEMA receives an invoice from the PUC requesting payment for the PUC's administrative costs, PEMA will process that invoice and reimburse the PUC as quickly as possible.

11. This Memorandum of Understanding is not intended to and does not create any contractual rights or obligations with respect to the signatory agencies or any other parties.

12. Any dispute arising hereunder shall be submitted to the Office of General Counsel for final resolution.

13. This Memorandum of Understanding is intended to establish an administrative appeals process that PEMA and the PUC may implement whenever the Governor declares a Proclamation of Drought Emergency in Pennsylvania.

IN WITNESS WHEREOF, the parties hereby acknowledge the foregoing as the terms and conditions of their understanding.

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
David L. Smith, Director

PENNSYLVANIA PUBLIC UTILITY COMMISSION

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
John M. Quain, Chairman

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Robert K. Bloom,  
Vice Chairman

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Nora Mead Brownell,  
Commissioner

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Aaron Wilson, Jr.,  
Commissioner

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Terrance J. Fitzpatrick,  
Commissioner

The undersigned have reviewed and approved the foregoing Memorandum of Understanding:

COUNSEL, PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
 Mark L. Goodwin,  
 Chief Counsel

COMPTROLLER, PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
 Ross E. Starner, Comptroller

COUNSEL, PUBLIC UTILITY COMMISSION

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
 Bohdan R. Pankiw,  
 Chief Counsel

COMPTROLLER, PUBLIC UTILITY COMMISSION

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
 Ross E. Starner, Comptroller

OFFICE OF GENERAL COUNSEL

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
 Deputy General Counsel

[Pa.B. Doc. No. 00-1068. Filed for public inspection June 16, 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 July 10, 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-00116495, Folder 4. West Shore Regional Transportation, t/d/b/a West Shore Taxi** (50 Market Street, Lemoyne, Cumberland County, PA 17043), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand, in the township of Swatara, Dauphin County. *Attorney:* J. Bruce Walter, P. O. Box 1146, Harrisburg, PA 17108.

**A-00116924. Tristate Limo, Inc.** (588 Hooker Drive, Gettysburg, Adams County, PA 17325), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Adams, Franklin and York, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Joseph H. Blum, 1601 Market Street, Sixth Floor, Philadelphia, PA 19103.

**A-00116925. Claysburg Ambulance Service, Inc.** (594 Mansion Drive, Claysburg, Blair County, PA 16625), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in the counties of Blair, Bedford, Cambria and Huntingdon, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Marci M. Schneider, 4029 West Tilghman Street, Allentown, PA 18104.

**Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for transportation of persons as described under each application.***

**A-00116610. A & M Transport Company** (104 S. 18th Street, Harrisburg, Dauphin County, PA 17104), a corporation of the Commonwealth of Pennsylvania—railroad crews and their equipment for Norfolk Southern Railway Company, between points within an airline distance of 250 statute miles of the limits of the city of Harrisburg, Dauphin County. Application for temporary authority has been filed at A-00116610, seeking the right cited above.

**Applications of the following for approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle for the transportation of persons and cancellation of the certificate of public convenience as described under each application.***

**A-00098763, Folder 1, Am-A. Ron Cooperman, t/d/b/a Rolls-Royce Limousine Service** (14 South Lenola Road, Moorestown, Burlington County, NJ 08057)—discontinuance of service—persons in unmarked Rolls-Royce automobiles having a seating capacity of not more than eight passengers between points in the city and county of Philadelphia and within an airline distance of 10 statute miles of the limits of said city and county; subject to the following condition: that the service herein authorized is limited to weddings, receptions and other social events held in conjunction therewith.

**Application of the following for the approval of the *transfer of stock as described under each application.***

**A-00113582, Folder 5001. Concord Limousine, Inc., t/d/b/a Concord Coach Taxi** (2752 Mt. Carmel Ave., Glensider, Montgomery County, PA 19038), a corporation of the Commonwealth of Pennsylvania—stock transfer—for approval of the transfer of part of the issued and outstanding shares of stock (50 shares) from John Lakis to Roman Barkin (33 2/3 shares) and Alexander Kagan (16 1/3 shares). *Attorney:* John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-1069. Filed for public inspection June 16, 2000, 9:00 a.m.]

**Transfer of Ownership  
Without Hearing**

**A-130001 and A-130000 F2000. Pittsburgh Thermal Limited Partnership and NRG Energy Center Pittsburgh LLC.** Application of Pittsburgh Thermal Limited Partnership and its General Partner North American Thermal Systems, Limited Liability Company, for approval of the Transfer of Ownership and Control of Pittsburgh Thermal Limited Partnership to NRG Energy Center Pittsburgh LLC and NRG Thermal Corporation; the Right of NRG Energy Center Pittsburgh, LLC., to begin new service; and the abandonment of service by Pittsburgh Thermal Limited Partnership.

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 July 3, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pittsburgh Thermal Limited Partnership; NRG Energy Center Pittsburgh LLC.

*Through and By Counsel:* Kevin J. McKeon, Attorney, Malatesta, Hawke and McKeon, LLP, Harrisburg Energy Center, 100 North Tenth Street, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-1070. Filed for public inspection June 16, 2000, 9:00 a.m.]

**PHILADELPHIA REGIONAL  
PORT AUTHORITY**

**Invitation for Bids**

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #0012.1, Pre-

engineered building for Tioga Marine Terminal Maintenance Headquarters, until 2 p.m., June 29, 2000. 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 June 20, 2000. The PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 00-1071. Filed for public inspection June 16, 2000, 9:00 a.m.]

**Request for Prequalification**

The Philadelphia Regional Port Authority (PRPA) seeks to prequalify contractors for the design work for the construction of two new gates to receive and discharge trucks for both container and breakbulk traffic at the Tioga Marine Terminal, Philadelphia, PA.

Contractor qualification forms can be obtained from the Director of Procurement, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available June 20, 2000.

Qualification forms must be submitted by June 30, 2000. The RFP packages will be given to all contractors qualified by the PRPA. The PRPA is an equal opportunity employer. The contractor must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 00-1072. Filed for public inspection June 16, 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   | REQUIRED DATA DESCRIPTIONS   |
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| <h3 style="text-align: center;">Legal Services &amp; Consultation—26</h3> <p style="text-align: center;">① Service Code Identification Number</p> <p style="text-align: center;">② Commodity/Supply or Contract Identification No.</p> <p><b>B-54137.</b> Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.</p> <p>Department: General Services<br/>                 Location: Harrisburg, Pa.<br/>                 Duration: 12/1/93-12/30/93<br/>                 Contact: Procurement Division<br/>                 787-0000</p> <p style="text-align: center;">③ Contract Information</p> <p style="text-align: center;">④ Department</p> <p style="text-align: center;">⑤ Location</p> <p style="text-align: center;">⑥ Duration</p> <p>⑦ (For Commodities: Contact:) Vendor Services Section<br/>                 717-787-2199 or 717-787-4705</p> | <p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.<br/>                 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705</p> |

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

General Services Annual Convention, PA Partnership 2000, will be held October 17-20, 2000, at Split Rock Resort in the Pocono Mountains. The 4-day event features seminars, vendor displays, problem-solving sessions and guest speakers. This event provides the opportunity to meet purchasing personnel and vendors, see the latest in technology, learn about purchasing policies and procedures and develop working relationships with your customers. Registration forms are available online at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or by contacting the Bureau of Purchases at (717) 787-5733.

### Commodities

**FL260075** Refrigerator, display, beverage, one and two door units, with built-in canopy type illuminating sign panel designating "Chilled Wines" minimum capacity: one door units, 25 cu. ft. and two door units, 49 cu. ft., exterior: laminated white vinyl coated steel.

**Department:** Liquor Control Board  
**Location:** Wilkes-Barre and Harrisburg  
**Duration:** One time purchase  
**Contact:** Gerald J. Greece, (717) 787-9855

**PROC-00-19** The following items are required for warehouse stock replenishment at Department of Public Welfare, Division of Office Services, Supplies Management-Operations, 905 Elmerton Avenue, Harrisburg, PA 17110. Marker, highlighter, yellow, Avery AVE-24-000 (DPW No. 42482-0) 9600 each. Marker, highlighter, pink, Avery AVE24-010 (DPW No. 42361-6) 2400 each. Marker, highlighter, green, Avery AVE24-020 (DPW No. 42372-8) 2400 each. Marker, highlighter, orange, Avery AVE24-050 (DPW No. 42394-2) 2400 each. Marker, blue, fine tip, Sanford Sharpie, SAN 30003 DPW No. 42460-6) 1320 each.

**Department:** Public Welfare  
**Location:** Department of Public Welfare, Div. of Office Services, Supplies Mgt. Operations, 905 Elmerton Avenue, Harrisburg, PA 17110  
**Duration:** 30-45 days  
**Contact:** Beth Trowbridge, (717) 783-1083

**1005150** Trailer Mounted Aerial Work Platform. For a copy of bid package fax request to (717) 787-0725.

**Department:** Education  
**Location:** Temple University, Philadelphia, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**9155-01** Fuel, Wood Supply, Warren State Hospital. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** October 1, 2000-September 30, 2001  
**Contact:** Vendor Services, (717) 787-2199

**8141470** Bituminous Wearing Course, ID-2. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Warren, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**9130-03** Gasoline, Unleaded. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** October 1, 2000-September 30, 2001  
**Contact:** Vendor Services, (717) 787-2199

**8252370** Pump, Trash, 6" with trailer, diesel. 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

**7350-08** Vending Machines with Training. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** September 1, 2000-August 31, 2001  
**Contact:** Vendor Services, (717) 787-2199

**8252390** Trailer, asphalt reheater, 4 ton storage unit, diesel fired. 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

**9120-02** Gas Propane, Bulk. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** October 1, 2000-September 30, 2001  
**Contact:** Vendor Services, (717) 787-2199

**1010350** Recycled Tire Mousepads. For a copy of bid package fax request to (717) 787-0725.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8505300** Three Gallon Spray Tanks. 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

**0006-05** Bookbinding. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** October 1, 2000-September 30, 2001  
**Contact:** Vendor Services, (717) 787-2199

**7240-03** Compost Bins. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** September 1, 2000-August 31, 2001  
**Contact:** Vendor Services, (717) 787-2199

**ESO-108** One Each, Continental O47U-17 Airplane Engine, with core exchange.

**Department:** State Police  
**Location:** Aviation Division, Capital City Airport, New Cumberland, PA 17070  
**Duration:** December 31, 2000  
**Contact:** Robert D. Stare, (717) 705-5921

**6810-01** Calcium and Magnesium Chloride, Liquid. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** October 1, 2000—September 30, 2001  
**Contact:** Vendor Services, (717) 787-2199

**8505310** Shovels. For a copy of the bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2000—01  
**Contact:** Vendor Services, (717) 787-2199

**1034150** Various calendars and calendar bases. For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000—01  
**Contact:** Vendor Services, (717) 787-2199

**8252360** Light, Flood, Portable. 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

**7450-02** Dictation Equipment, Desktop and Portable. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** October 1, 2000—September 30, 2001  
**Contact:** Vendor Services, (717) 787-2199

**9985-09** Microfilm Equipment Maintenance and Repair. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** October 1, 2000—September 30, 2001  
**Contact:** Vendor Services, (717) 787-2199

**6750-03** Film, Paper, Chemicals, Photographic Supplies. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** October 1, 2000—September 30, 2001  
**Contact:** Vendor Services, (717) 787-2199

**6790-01** Fingerprint Supplies. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** October 1, 2000—September 30, 2001  
**Contact:** Vendor Services, (717) 787-2199

**3610-07** Facsimile Machines, Lease with Purchase Option/Outright Purchase. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** April 1, 2000—March 31, 2001  
**Contact:** Vendor Services, (717) 787-2199

**5820-03** Integrated flood observation warning system (IFLOWS)—Hydrology and Meteorology Equipment. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Various  
**Duration:** September 1, 2000—August 31, 2001  
**Contact:** Vendor Services, (717) 787-2199

## SERVICES

### Agricultural Services—02

**PGC-2641** The equivalent of Game Bird Pheasant Grower Feed, Pellets Size 5/32", for a total quantity of 440 tons. Shall consist of the following: Game Bird Pheasant Grower No. 1 Feed, for an estimated quantity of 240 tons and Game Bird Pheasant Grower No. 2 Feed, for an estimated quantity of 200 tons. Together with the following additions: DL Methionine added to the feed as requested by the Game Farm Superintendent at 1 lb. per ton. The quantity of DL Methionine is 150 pounds. Feed quantities are estimates only. The actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be for the amount actually ordered. To be in strict accordance with the PA Game Commission formula. The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. Bulk delivery: to be unloaded by either pneumatic blower or auger. Delivery in 8—24 ton lots, as requested by the Game Farm Superintendent. Delivery to begin on or about July 1, 2000 and end approximately January 15, 2001.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Western Game Farm, 25761 Highway 408, Cambridge Springs, PA 16403  
**Duration:** July 1, 2000—January 15, 2001  
**Contact:** Larry A. Mears, (814) 398-2271

**PGC-2642** The equivalent of Game Bird Pheasant Grower Feed, Pellets—size 5/32" for a total quantity of 360 tons, which shall consist of the following: Game Bird Pheasant Grower No. 1 Feed, an estimated quantity of 200 tons and Game Bird Pheasant Grower No. 2 Feed, estimated quantity of 160 tons. With the following additions: DL Methionine added to the feed as requested by the Game Farm Superintendent at 1 lb. per ton. The quantity of DL Methionine 150 pounds. Feed quantities are estimates only. The actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. To be in strict accordance with PA Game Commission formula. The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. To be unloaded by either pneumatic blower or auger. Delivery in 8—24 ton lots, as requested by the Game Farm Superintendent. Delivery to begin on or about July 1, 2000 and end approximately December 31, 2000.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Loyalsock Game Farm, 136 Game Farm Road, Montoursville, PA 17754  
**Duration:** July 1, 2000—December 31, 2000  
**Contact:** C. Clair Souter, (570) 435-2043

**PGC-2640** Equivalent of Game Bird Pheasant Grower Feed—240 tons. Pellet size: 5/32" which shall consist of the Game Bird Pheasant Grower No. 1 Feed—200 tons estimated quantity and Game Bird Pheasant Grower No. 2 Feed—40 tons estimated quantity. Together with the following additions: DL Methionine added 1 lb. per ton (150 lbs.), Amprolium .0175% or 1.4 lb of Amprol (25%) ton. The quantity of feed to be medicated is 16 tons. Feed and medication quantities are estimates only. The actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. To be unloaded by either pneumatic blower or auger. Delivery in 8—24 ton lots, as requested by the Game Farm Superintendent. Delivery to begin on or about July 1, 2000 and end approximately December 15, 2000. Agency reserves the right to cancel the purchase order if vendor fails to comply with specifications.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Southwest Game Farm, R. D. #1, Box 51-A, New Bethlehem, PA 16242  
**Duration:** July 1, 2000—December 15, 2000  
**Contact:** Robert W. Hodge, Superintendent, (814) 275-2509

**PGC-2643** The equivalent of Game Bird Pheasant Grower feed, pellets size—5/32", total quantity 260 tons. Shall consist of Game Bird Pheasant Grower No. 1 feed, estimated quantity 260 tons. Together with the following additions: DL Methionine added to the feed, 1 lb per ton. The quantity of DL Methionine is 150 pounds. Feed quantities are estimates only. The actual amounts ordered may be greater or lesser than the estimated quantity. Payment will be made only for the amount actually ordered. To be in strict accordance with PA Game Commission formula. The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications. To be unloaded by either pneumatic blower or auger. Delivery in 8—24 ton lots, as requested by the Game Farm Superintendent. Delivery to begin on or about July 1, 2000 and end approximately December 31, 2000.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Northcentral Game Farm, 1609 Proctor Road, Williamsport, PA 17701  
**Duration:** July 1, 2000—December 31, 2000  
**Contact:** Bruce R. Guinter, Superintendent, (570) 478-2527

### Computer Related Services—08

**081-A** The Commonwealth is seeking integration services to implement mySAP.com Enterprise Resource Planning (ERP) product suite to support accounting, budget, payroll, personnel and purchasing functions for all agencies under the Governor's jurisdiction. For information see [www.erp.state.pa.us](http://www.erp.state.pa.us).

**Department:** Office of the Budget/Executive Offices  
**Location:** Commonwealth Technology Center, 1 Technology Park, Harrisburg, PA 17110-2913  
**Duration:** Tentatively September 2000—August 2003  
**Contact:** James H. Tinney, (717) 772-8000

### Construction—09

**DGS570-27ME2REBID** Project Title: Western PA State Correctional Institution. Brief Description: All work necessary to furnish and install the electrical power distribution systems, building power and communications systems, electronic security systems and the facility's electronic control systems, including all accessories and appurtenances. Estimated Range: Over \$10,000,000. Electrical and Electronic Security Construction. Plans Deposit: \$250 per set payable to: P. J. Dick, Inc. Refundable upon return of plans and specifications in reusable condition (no marks allowed) 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 \$40 per set or provide your express mail account number to the office listed below. Mail requests to P. J. Dick, Inc., SCI Western PA, 421 LaBelle Road, East Millsboro, PA 15433, Attn: Cindy Nichols, Tel: (724) 785-2066. Bid Date: Wednesday, June 21, 2000 at 11 a.m. The Electronic System Installer's Qualification Form is included in the bid package and must be completed and submitted with the bid proposal. Failure to complete the entire qualification form and submit it with the bid proposal will constitute grounds for rejection of the bid as nonresponsive.

**Department:** General Services  
**Location:** Western PA SCI, State Route 4020, Luzerne Township, Fayette County, PA  
**Duration:** June 1, 2002  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS947-16REBID** Project Title: Replace Fire Alarm and Security Systems. Brief Description: Provide new fire alarm and security systems for approximately 14 buildings on site. Estimated Range: Under \$100,000. Electrical 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 your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, June 28, 2000, at 11 a.m.

**Department:** General Services  
**Location:** Old Economy Village, Ambridge, Beaver County, PA  
**Duration:** 120 Calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FDC-311-654** Miscellaneous Dam Repairs at Prince Gallitzin State Park in Cambria County. Work includes diversion and care of water, excavation, backfill, riprap, pipe sliplining, maintenance of sluice gates, new waterline, concrete, pressure mortar surfacing, concrete restoration, grout injection, grates, painting and joint sealant. Note: Bid documents will be available on or after June 19, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Reade Township  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**DGSA518-6** Project Title: Upgrade Elevators No. 1, 2 and 3 to comply with ADA Requirements. Brief Description: Upgrade existing elevators for ADA compliance. Including lowering hall stations, car stations and handrails in hall and cars. Install sensors and smoke detectors at locations as required by codes, etc.; and tie into existing fire alarm system. Provide new signage, etc. as required to meet ADA requirements. 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 your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, June 21, 2000, at 11 a.m.

**Department:** General Services  
**Location:** Altoona Center, Altoona, Blair County, PA  
**Duration:** 60 Calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

### Environmental Maintenance—15

**010G05** Provide on call drilling, equipment and personnel for geotechnical investigations within PennDOT Engineering District 1-0. Counties include: Crawford, Erie, Forest, Mercer, Venango and Warren. All requests for bid packages are to be faxed to: (814) 678-7051.

**Department:** Transportation  
**Location:** PennDOT 1-0, 255 Elm Street, Oil City, PA 16301  
**Duration:** One year with two 2-year renewals  
**Contact:** Amy Judson-Burak, (814) 678-7185

### Food—19

**6752** Processed Meats: turkey ham, minced turkey/bologna, turkey salami (no pork products), Lebanon bologna, bacon, turkey franks, veal patties, pullman hams and other meat products as may be required by agency. Items bid on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**GREENE-01** Bread and related products: SCI Greene soliciting bids on a semiannual (or more frequent) basis for sliced bread and related products. The time frame for these bids will be July 1, 2000—June 30, 2001. Issuance of bid proposals will be made on an as needed basis. Listing of specific commodities and estimated quantities can be obtained by contacting the Institution's contact person.

**Department:** Corrections  
**Location:** 169 Progress Drive, Waynesburg, PA 15370  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Pat Nichols, (724) 852-5533

**6747** Garden and Grain burgers: Patties, 48/case. Items to be on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**6748** Tofu firm 1# containers. Yogurt 30 lb/case (bulk) regular. Items to be on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267



**6750** Ice cream and related products: Ice cream, sliced chocolate, vanilla and strawberry twin pops, iced various flavors. Items to be on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**6746** Eggs Fresh Grade A Medium. Frozen eggs, whole and whites, 30 lb/case. Items to be on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**6745** Oleo margarine, type 2, shall be prepared from domestic edible vegetable oil, prints, 1 lb. net wt., wrapped in parchment paper, 30 lb. per case. Must be colored, white is not acceptable. Oleo margarine, patties, 12 lb/case, 1080 rations per case. Items to be on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**6751** Pizza Frozen Products: Pizza squares, french bread pizza, pastrolis and any other pizza items as required by agency. Items to be on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**6751** Vegetables Frozen: Cauliflower, broccoli, chopped brussel sprouts and any other frozen vegetables or frozen products as required by agency. Items to be on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**6750** Orange drink, ice tea and lemonade, package in 8 oz. containers.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**6749** Bakery Products: Bread, Round Rolls, Snack Cakes, Breakfast Buns, Granola Bars or any related items. Items bid on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**6753-6754** Poultry and Poultry Products: chicken, turkey, related items. To be bid on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**GREENE-04** Milk and dairy related products: SCI Greene will be soliciting bids on a semiannual (or more frequent) basis for the months of July 1, 2000—June 30, 2001. Delivery of the products specified shall be made approximately 1 or 2 days each week or more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institution's contact person. Separate solicitations shall be made for commodities as controlled by the Milk Marketing Board.

**Department:** Corrections  
**Location:** 169 Progress Drive, Waynesburg, PA 15370  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Pat Nichols, (724) 852-5533

**GREENE-03** Fresh fruits and vegetables: SCI Greene will be soliciting bids on a quarterly basis (or more frequently) for the months of July 1, 2000—June 30, 2001. Delivery of the products specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institution's Contact Person.

**Department:** Corrections  
**Location:** 160 Progress Dr., Waynesburg, PA 15370  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Pat Nichols, (724) 852-5533

**GREENE-02** Shell eggs: Contracts shall cover the months of July 1, 2000—June 30, 2001 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately once a week or more often if deemed necessary by the Institution.

**Department:** Corrections  
**Location:** Department of Corrections, SCI Greene, 169 Progress Dr., Waynesburg, PA 15370  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Pat Nichols, (724) 852-5533

**6751** Pancakes, frozen must be 96 case, waffles frozen, must be 144 case. Items to be on a quarterly basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Michelle Ryan, (717) 975-5267

**SP 16 9 0391 629** Provide food service to the Scranton State School for the Deaf.

**Department:** Education  
**Location:** Scranton State School for the Deaf, 1800 North Washington Avenue, Scranton, PA 18509-1799  
**Duration:** July 15, 2000—June 30, 2001  
**Contact:** William M. O'Neill, (570) 963-4420

## HVAC—22

**5273** 4/0 cable, 1000' reels.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, S. R. 1014, Torrance, PA  
**Duration:** August 2000  
**Contact:** Nancy E. Byers, (724) 459-4677

**044802** Maintenance of gas fired heating system.

**Department:** Transportation  
**Location:** 101 Bennett Ave., P. O. Box 1509, Milford, PA 18337  
**Duration:** August 29, 2000—August 28, 2003  
**Contact:** Patti Fiore, (570) 296-8627

## Janitorial Services—23

**060013** This work is for janitorial services to the PA Department of Transportation, District 6 Office Building located at 7000 Geerdes Blvd., King of Prussia, PA 19406-1525. Bidding Packages may be obtained by faxing a request to the PA Department of Transportation, Maintenance Unit at (610) 205-6909. Attn. Louis J. Porrini—Highway Maintenance Manager, Reference Janitorial Service Contract No. 060013. A mandatory Prebid Conference will be held for all prospective bidders at the District 6 Office, 7000 Geerdes Blvd., King of Prussia, PA at 9 a.m. The meeting will take place in the 4th Floor Conference Room No. 403 of the District Maintenance Unit. Attendance to the Prebid Conference is a prerequisite to the Department's acceptance of a bid.

**Department:** Transportation  
**Location:** PA Department of Transportation, 7000 Geerdes Blvd., King of Prussia, PA 19406-1525  
**Duration:** One year contract with two 2 year renewals  
**Contact:** Louis J. Porrini, Highway Maintenance Manager, (610) 205-6703

**Bid No. 8151** Furnish all labor, materials and equipment to perform janitorial services three visits per week at the PA State Police, Warren Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Warren Station, 2875 Pennsylvania Avenue, West Extension Warren, PA 16635  
**Duration:** September 1, 2000—June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Laboratory Services—24**

**IFB 99-I-021** Drug testing, packaging and pick-up of samples for professional boxers licensed by the State Athletic Commission.

**Department:** State  
**Location:** 116 Pine Street, Harrisburg, PA 17101  
**Duration:** Three years  
**Contact:** Andy Murray, (717) 783-7210

**FL-1490139** The PA State Veterinary Laboratory is seeking a vendor to supply kits to screen feeds and forages for mycotoxins; aflatoxin, vomitoxin, zearalenone, t-2 toxin and fumonisin. Contact the agency for quantities requested.

**Department:** Agriculture  
**Location:** PA State Veterinary Laboratory, 2305 N. Cameron Street, Harrisburg, PA 17110  
**Duration:** June 15, 2000—August 31, 2000  
**Contact:** Michael Mesaris, (717) 787-5647

**FL-1490019** PA Veterinary Laboratory is seeking a vendor to supply 60 different laboratory items used throughout the year in their laboratory. A complete list of items requested is available by contacting the Procurement Section. These are estimated quantities to be used during the upcoming fiscal year; quantities may be more or less depending on demand. The using agency will call for delivery as the various products are needed.

**Department:** Agriculture  
**Location:** PA State Veterinary Laboratory, 2305 N. Cameron Street, Harrisburg, PA 17110-9449  
**Duration:** July 1, 2000—August 30, 2000  
**Contact:** Michael Mesaris, (717) 787-5647

**Lodging/Meeting Facilities—27**

**201000024** The Pennsylvania State Police is seeking a facility to conduct a 3-day conference within a 10-mile radius of Greensburg, PA for Commonwealth law enforcement personnel beginning September 26, 2000, and ending September 28, 2000. Must provide approximately 10 single occupancy and 90 double occupancy lodging rooms, conference rooms, break refreshments, breakfast, lunch and dinner. Complete details will be sent to all interested bidders.

**Department:** State Police  
**Location:** Greensburg, PA area (within a 10-mile radius)  
**Duration:** September 26—28, 2000  
**Contact:** Diane Bolden, Procurement and Supply Division, (717) 705-5923

**Medical Services—29**

**119120003** Contractor to provide dental laboratory services for inmate dental prosthesis requirements as prescribed by the Dental Clinic at the State Correctional Institution at Albion.

**Department:** Corrections  
**Location:** SCI Albion, 10745 Rt. 18, Albion, PA 16475  
**Duration:** Anticipated effective date September 1, 2000; Anticipated expiration date August 31, 2003  
**Contact:** Lesley S. Jarrett, Purchasing Agent II, (814) 756-5778

**SP1300380003** Scotland School for Veterans' Children is in need of a Certified School Psychologist. The service is needed 3 days a week, 7 1/2 hours a day. This psychologist must have experience in evaluating, consulting, testing, individual and group counseling, crisis intervention, in-services for grades 3—12 for approximately 350 students. An understanding of all current laws and regulations pertaining to school psychological services is required.

**Department:** Military Affairs  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900  
**Duration:** August 1, 2000—June 30, 2001  
**Contact:** Ronald J. Sheppard, Business Manager, (717) 264-7187, Ext. 690

**101-00** Provide single and binaural hearing instruments for patients of Norristown State Hospital. Includes all impressions, fittings and follow-ups.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

**SP 00781013** Contractor to provide psychiatric registered nursing services, 7 days per week on three shifts. For detailed specifications, contact the Purchasing Office at (610) 670-4129.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, P. O. Box 300, Wernersville, Berks County, PA 19565-0300  
**Duration:** Anticipated start date: October 1, 2000  
**Contact:** Nancy Deininger, Purchasing Agent, (610) 670-4129

**Property Maintenance—33**

**Bid No. 8152** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the Kiski Valley Station, three cuttings per month, or as required by the Station Commander. Trim hedges once a year to include edging along sidewalks and driveways. Vegetation/fertilize once a year. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Kiski Valley Station 471, Route 66, Apollo, PA 15613  
**Duration:** October 1, 2000—June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid No. 8153** Furnish all labor, material and equipment to cut, trim and maintain grass area at the PA State Police, Swiftwater Station, three cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Swiftwater Station, P. O. Box 949, Swiftwater, PA 18370  
**Duration:** October 1, 2000—June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid No. 8155** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the Clarion Station, twice a month. Trim shrubs once a year, fertilization once a year. Weeding, as necessary. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Clarion Station, R. D. #2, Box 1A, Clarion, PA 16214  
**Duration:** October 1, 2000—June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**Sanitation—36**

**SBC-119630001** The contractor shall provide for the removal of trash and garbage waste at the Quehanna Boot Camp in Karthaus Township, Clearfield County. All requests for bid packages can be obtained by faxing a request to (814) 263-3902.

**Department:** Corrections  
**Location:** Quehanna Boot Camp, H-C Box 32, State Route 1011, Karthaus, PA 16845  
**Duration:** Anticipated Dates: September 1, 2000—June 30, 2003  
**Contact:** Janine E. Packard, Pur. Agt. I, (814) 263-4125

**SP260077** Remove approximately 75 tons per month of salvageable corrugated cartons and waste, including but not limited to wooden cases, rubbish and broken glass, on a regular established schedule from the premises of approximately 169 Wine and Spirits Shoppes located in a five county area of southeastern Pennsylvania including the city of Philadelphia.

**Department:** Liquor Control Board  
**Location:** Bucks, Chester, Delaware, Montgomery and Philadelphia Counties  
**Duration:** September 1, 2000—August 31, 2005  
**Contact:** Gerald J. Grecek, (717) 787-9855

**Bid No. 8156** Trash and rubbish removal services at the PA State Police, Corry Station, for the period November 1, 2000 to June 30, 2003. Service to be rendered twice a week. Recycling, if applicable. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Corry Station, 11088 Rt. 6, East Union City, PA 16438  
**Duration:** November 1, 2000—June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

**Bid No. 8154** Trash and rubbish removal services at the PA State Police, Warren Station, for the period September 1, 2000, to June 30, 2003. Service to be rendered once a week. Recycling, if applicable. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Warren Station, 2875 Pennsylvania Avenue, West Extension, Warren, PA 16635  
**Duration:** September 1, 2000—June 30, 2003  
**Contact:** Donna Enders, (717) 783-5484

### Security Services—37

**1801810001** The Commonwealth of Pennsylvania, Department of Revenue, Bureau of Imaging and Document Management is seeking bids to acquire security guard service for the bureau's facility located at 1854 Brookwood Street, Harrisburg, PA 17104. The effective date will be determined after the contract is fully executed, the termination date will be June 31, 2001. This will be a multiyear, renewable contract. Renewals will be in 1 year increments with mutual agreement by both parties. All bidders are required to submit proof of liability insurance.

**Department:** Revenue  
**Location:** Bureau of Imaging and Document Management, 1854 Brookwood Street, Harrisburg, PA 17104  
**Duration:** Yet to be determined effective date through June 30, 2001  
**Contact:** William A. Lupp, (717) 705-6745

### Vehicle, Heavy Equipment—38

**SP 3800109** Maintenance and repair services on an as needed basis at Delaware Canal State Park to include all equipment and operators. Services are required for dredging activities, reconstructing structure failures, gravel bar removal, etc. along the 60-mile stretch of the Delaware Canal from Easton to New Hope.

**Department:** Conservation and Natural Resources  
**Location:** Delaware Canal State Park, Upper Black Eddy, Bucks County  
**Duration:** Upon execution through June 30, 2005  
**Contact:** Janet Wotring, (717) 783-3309

**990987** Light bars and accessories.

**Department:** Public Utility Commission  
**Location:** Motor Carrier Enforcement Division, 4th Floor, Barto Bldg., 231 State Street, Harrisburg, PA 17101  
**Duration:** N/A  
**Contact:** Karen Rhinehart, (717) 787-6686

**0510-978190** Portable belt conveyor hydraulically and electrically driven, 50 ft. long with a stainless steel frame.

**Department:** Transportation  
**Location:** Maintenance Dist. 0510, 5th St. Highway, P. O. Box 129, Temple, PA 19560  
**Duration:** N/A  
**Contact:** Howard Lindbuchler Hemii, (610) 929-0766

### Miscellaneous—39

**LBLA No. 718** Nursing uniforms—male and female—Vendor must be within a 15-mile radius of the Hollidaysburg Veterans Home—Employees must be able to go into vendor's establishment, try on for size, and be able to purchase the uniforms at this time. To receive a bid packet or if you have any questions, please fax your request to: Becky Clapper, Purchasing Agent, at (814) 696-5395.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Rt. 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Becky J. Clapper, Purchasing Agent III, (814) 696-5210; Fax (814) 696-5395

**3528** AUTO-CAD 2000 Software. At Academic pricing.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Rt. 26, Bellefonte, PA 16823  
**Duration:** July 1, 2000—December 30, 2000  
**Contact:** Cheryl Crispell, Purchasing Agent 2, (814) 355-4874, Ext. 206

**1010-028** PA Department of Transportation in Armstrong County is looking to purchase and have installed a 5,000 gallon Liquid Calcium Chloride Tank at two stockpiles in the County. One tank will be installed at the Cowansville Stockpile on SR 268 East Franklin Twp. and one tank at Snyderville Stockpile on SR 1037 Wayne Twp.

**Department:** Transportation  
**Location:** Armstrong County Cowansville Stockpile, on SR 268 and Snyderville Stockpile on SR 1037  
**Duration:** Indeterminate 1999—2000  
**Contact:** Susan Carson, (724) 543-1811

**06-J-00** Interpreter Services for a person who is deaf or hard of hearing in the OVR Williamsport District Office. Interpreting services may be needed for staff meetings, job interviews, meetings, public presentations, tests, hearing, workshops or conventions.

**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Office of Vocational Rehabilitation, The Grit Building, Suite 102, 208 West Third Street, Williamsport, PA 17701  
**Duration:** One year with four 1 year renewal options  
**Contact:** Cherianita Thomas/BF, (717) 787-2877

**X11220** Provide one Air Monitoring Equipment Shelter EKTO Model 8810—No Substitute.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** Need by July 24, 2000  
**Contact:** Sharon Peterson, (717) 783-5894

**3553** Shade trees—Bareroot 860 total of Maples, Ash, Oak, etc.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823  
**Duration:** July 1, 2000—June 30, 2001  
**Contact:** Cheryl Crispell, Purchasing Agent 2, (814) 355-4874, Ext. 206

**0320-1Aii** Printing services: Form Uc-2/2b and Uc-2A—Employer's Report for Unemployment Compensation and Employer's Quarterly Report of Wages Paid to Each Employee. 300,000 ea. uc-2/2b (includes 5,000 each needed for testing) 320,000 ea uc-2a (includes 5,000 each needed for testing). Call for other print specifications. To be palletized 48" x 36" (open on 36" side). Delivery of 5,000 for testing on August 1, 2000. Balance of order by August 21, 2000. Required\*\*\*\*

**Department:** Labor and Industry  
**Location:** Agency Storeroom/Warehouse, 1549/B Bobali Drive, Harrisburg, PA 17104  
**Duration:** See information provided above  
**Contact:** Dan Krynak, (717) 787-9731

**KURFP-0027** Kutztown University is seeking qualified firms able to provide supplemental personnel for parking enforcement and traffic control for the Department of Public Safety located on the campus of Kutztown University. The duties will include but not be limited to: directing traffic and enforcing parking regulations, set-up and take down parking/traffic control devices; must be able to walk and stand for an 8 hour period per day, etc. Firms interested in receiving a Request for Proposal package must submit the request in writing and direct it to: Barbara Reitz, Director of Purchasing, Kutztown University, Kutztown, PA 19530 fax: (610) 683-4674, e-mail: reitz@kutztown.edu. Proposal packages are available from Monday, June 19, 2000, through Wednesday, June 28, 2000. Proposal submissions are due Friday, July 14, 2000, by 12 noon.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** Two years with the option to renew for three additional 1 year terms  
**Contact:** Barbara Reitz, (610) 683-4132

**06-I-00** Train a minimum of 25 Office of Vocational Rehabilitation (OVR) counselors over a 5 year period via the Internet, "Distant Learning." The Training will consist of an intensive program in developing the Skill Level of Rehabilitation Counselors in the area of Specific Learning Disabilities (SLD). Bidder must possess a Ph.D. in Rehabilitation Counseling and be affiliated with a University.

**Department:** Labor and Industry

**Location:** Statewide via the Internet

**Duration:** 5 years

**Contact:** Norman Kee, (717) 705-0450

[Pa.B. Doc. No. 00-1073. Filed for public inspection June 16, 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*

## STATE CONTRACTS INFORMATION

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

| Requisition<br>or<br>Contract No. | PR<br>Award<br>Date or<br>Contract<br>Effective<br>Date | To                                      | In the<br>Amount Of | Requisition<br>or<br>Contract No. | PR<br>Award<br>Date or<br>Contract<br>Effective<br>Date | To   | In the<br>Amount Of |
|-----------------------------------|---|---|---------------------|-----------------------------------|---|--|---------------------|
|                                   |   |   |                     | 5710-01                           | 05/30/00  | Vestal As-<br>phalt Inc.   | 259,818.00          |
|                                   |   |   |                     | 5710-01                           | 05/30/00  | Warden As-<br>phalt Co.<br>Inc.  | 856,372.61          |
| 0044-22                           | 06/01/00  | American<br>Business<br>Printing        | 150,000.00          | 5710-01                           | 05/30/00  | Whitaker<br>Roads<br>Corp.   | 151,480.50          |
| 0044-22                           | 06/01/00  | Moore North<br>America                  | 100,000.00          | 5710-01                           | 05/30/00  | Daniel B.<br>Krieg Inc.  | 20,000.00           |
| 0044-22                           | 06/01/00  | Reynolds and<br>Reynolds                | 100,000.00          | 1388119-01                        | 06/06/00  | PAC Indus-<br>tries Inc.   | 23,945.00           |
| 0044-22                           | 06/01/00  | Eagle Compa-<br>nies                    | 75,000.00           | 1445189-01                        | 06/06/00  | Fords Na-<br>tional Auto<br>Mart Inc.<br>dba/Plaza<br>Ford/<br>Motors<br>Fleet | 99,450.00           |
| 0044-22                           | 06/01/00  | Phoenix Data<br>Inc.                    | 75,000.00           |                                   |   |  |                     |
| 5710-01                           | 05/30/00  | Dosch-King<br>Emulsion<br>Inc.          | 11,900.00           | 1452389-01                        | 06/06/00  | Wildfire Pa-<br>cific Inc.   | 51,196.00           |
| 5710-01                           | 05/30/00  | Eastern In-<br>dustries<br>Inc.         | 20,000.00           | 1488219-01                        | 06/06/00  | Tyson Fence<br>Co.   | 21,476.00           |
| 5710-01                           | 05/30/00  | Highway Ma-<br>terials Inc.             | 20,000.00           | 1509119-01                        | 06/06/00  | Timber Har-<br>vester Inc.   | 31,090.50           |
| 5710-01                           | 05/30/00  | J.M.G. Enter-<br>prises Inc.            | 564,702.00          | 1518219-01                        | 06/06/00  | Hajoca Corp.   | 14,462.51           |
| 5710-01                           | 05/30/00  | Koch Materi-<br>als Co. Inc.            | 4,654,277.00        | 1531389-01                        | 06/06/00  | K-B Offset<br>Printing   | 36,848.00           |
| 5710-01                           | 05.30/00  | Marathon<br>Ashland<br>Petroleum<br>LLC | 3,902,852.00        | 1548119-01                        | 06/06/00  | Brian L. Gal-<br>loway   | 89,447.88           |
| 5710-01                           | 05.30/00  | RMS Asphalt<br>Emulsion<br>Inc.         | 4,683.50            | 1554229-01                        | 06/06/00  | Praxair Inc.   | 107,010.00          |
| 5710-01                           | 05/30/00  | Russell Stan-<br>dard Corp.             | 2,617,300.00        | 8188030-01                        | 06/06/00  | Sci-Tec Inc.   | 61,000.00           |
| 5710-01                           | 05/30/00  | Suit-Kote<br>Corp.                      | 1,578,604.50        | 8252090-01                        | 06/06/00  | Stephenson<br>Equipment<br>Co.   | 92,912.00           |
| 5710-01                           | 05/30/00  | TDPS Materi-<br>als                     | 20,000.00           |                                   |   |  |                     |

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 00-1074. Filed for public inspection June 16, 2000, 9:00 a.m.]