

# PENNSYLVANIA BULLETIN

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State System of Higher Education

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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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**255 Pa. Code (Local Court Rules)**

Unclassified .....	14, 201, 202, 225, 226, 307, 624, 762, 1120, 1251, 1369, 1509, 1511, 1651, 1741, 1870, 2222, 2351, 2352, 2353, 2581, 2763, 2764, 2765, 2904, 3027, 3028, 2039, 3030, 3166, 3430, 3566, 3766, 3773, 3920, 3922, 4223, 4224, 4225, 4353, 4549, 4896, 5137, 5446, 5536, 5537, 5733, 5734, 5924
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# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 300]

Order Amending Rule 303<sup>1</sup>; No. 266; Criminal Procedural Rules Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the amendments to Rule of Criminal Procedure 303 (Arraignment) that were adopted November 17, 2000, effective January 1, 2001. These rule changes remove the local rule option from paragraph (C), thereby providing a uniform, statewide procedure permitting a represented defendant to waive his or her right to appear at the arraignment. The Final Report follows the Court's Order.

### Order

*Per Curiam:*

Now, this 17th day of November, 2000, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 28 Pa.B. 5868 (December 5, 1998), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 720), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 303 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2001.

### Annex A

## TITLE 234. RULES OF CRIMINAL PROCEDURE

### CHAPTER 300. PRETRIAL PROCEEDINGS

#### Rule 303<sup>2</sup>. Arraignment.

(A) Except as otherwise provided in paragraph (C), [Arraignment] arraignment shall be in such form and manner as provided by local court rule. Notice of arraignment shall be given to the defendant as provided in Rule 9024 or by first class mail.<sup>3</sup> Unless otherwise provided by local court rule, or postponed by the court for cause shown, arraignment shall take place no later than 10 days after the information has been filed.

(B) At arraignment, the defendant shall be advised of:

- (1) the right to be represented by counsel;
- (2) the nature of the charges contained in the information; and
- (3) the right to file motions, including a Request for a Bill of Particulars, a Motion for Pretrial Discovery and Inspection, and an Omnibus Pretrial Motion, and the time limits within which the motions must be filed.

<sup>1</sup> Rule 303 will be renumbered Rule 571 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

<sup>2</sup> Rule 303 will become Rule 571 as part of the reorganization and renumbering of the rules adopted March 1, 2000, effective April 1, 2001.

<sup>3</sup> Rule 9024 will become Rule 113 as part of the reorganization and renumbering of the rules adopted March 1, 2000, effective April 1, 2001.

If the defendant or counsel has not received a copy of the information(s) pursuant to Rule 227 a copy thereof shall be provided.<sup>4</sup>

(C) [When permitted by local rule, a] A defendant may waive appearance at arraignment if the following requirements are met:

(1) the defendant is represented by counsel of record and counsel concurs in the waiver; and

(2) the defendant and counsel sign and file with the clerk of courts a waiver of appearance at arraignment that acknowledges the defendant:

- (a) understands the nature of the charges;
- (b) understands the rights and requirements contained in paragraph (B) of this rule; and
- (c) waives his or her right to appear for arraignment.

### Comment

Although this rule does not explicitly require formal arraignments, judicial districts must see to it that the purposes for which arraignments are held, as specified in this rule, are observed in some fashion in all court cases.

The main purposes of arraignment are: to assure that the defendant is advised of the charges; to have counsel enter an appearance, or if the defendant has no counsel, to consider the defendant's right to counsel; and to commence the period of time within which to initiate pretrial discovery and to file other motions. Concerning the waiver of counsel, see Rule 318.<sup>5</sup>

Under paragraph (A), in addition to other instances of "cause shown" for delaying the arraignment, the arraignment may be delayed when the defendant [was] is unavailable for arraignment within the 10-day period after the information [was] is filed.

Paragraph (C) is intended to facilitate, for defendants represented by counsel, waiver of appearance at arraignment through procedures such as arraignment by mail. For the procedures to provide notice of court proceedings requiring the defendant's presence, see Rule 9024.

**Official Note:** Formerly Rule 317, adopted June 30, 1964, effective January 1, 1965; paragraph (b) amended November 22, 1971, effective immediately; paragraphs (a) and (b) amended and paragraph (e) deleted November 29, 1972, effective 10 days hence; paragraphs (a) and (c) amended February 15, 1974, effective immediately. Rule 317 renumbered Rule 303 and amended June 29, 1977, amended and paragraphs (c) and (d) deleted October 21, 1977, and amended November 22, 1977, all effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended October 21, 1983, effective January 1, 1984; amended August 12, 1993, effective September 1, 1993; rescinded May 1, 1995, effective July 1, 1995, and replaced by new Rule 303. New Rule 303 adopted May 1, 1995, effective July 1, 1995; renumbered Rule 571 and amended March 1, 2000, effective April 1, 2001; amended November 17, 2000, effective January 1, 2001.

<sup>4</sup> Rule 227 will become Rule 562 as part of the reorganization and renumbering of the rules adopted March 1, 2000, effective April 1, 2001.

<sup>5</sup> Rule 318 will become Rule 121 as part of the reorganization and renumbering of the rules adopted March 1, 2000, effective April 1, 2001.

*Committee Explanatory Reports:*

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the May 1, 1995 changes published with the Court's Order at 25 Pa.B. 1944 (May 20, 1995).

**Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).**

**Final Report explaining the November 17, 2000 amendments concerning a defendant's waiver of appearance at arraignment published with the Court's Order at 30 Pa.B. 6184 (December 2, 2000).**

**FINAL REPORT<sup>1</sup>**

*Proposed amendments to Pa.R.Crim.P. 303<sup>2</sup>*

**Waiver of Appearance at Arraignment**

On November 17, 2000, effective January 1, 2001, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule of Criminal Procedure 303 (Arraignment) to establish a uniform, statewide procedure permitting a represented defendant to waive appearance at arraignment.

In 1995, the Court adopted a new and reorganized Rule 303 containing a provision that authorized, **when permitted by local rule**, waiver of appearance at arraignment by defendants who are represented by counsel and who satisfy the requirements in paragraph (C). See 25 Pa.B. 1944 (May 20, 1995). As part of its ongoing monitoring of the Criminal Rules, the Committee noted that this waiver of appearance provision has met with favorable response from members of the bench and bar in those judicial districts adopting the local rule. Their experiences with the local rule provision have demonstrated that the purposes of arraignment are achieved by consultation between attorney and client, and that permitting the waiver has significantly reduced the burdens on the court's resources and the defendants' and counsels' time.

In view of these considerations, and the Court's continued interest in reducing the number of local rules to promote the statewide practice of law, Rule 303 has been amended by removing the local rule provision from paragraph (C) and establishing a uniform, statewide procedure that permits a represented defendant to waive his or her right to appear at the arraignment. Because the waiver is a statewide procedure, and therefore an exception to the procedures in paragraph (A), paragraph (A) has been amended to include "except as otherwise provided in paragraph (C)."

The Rule 303 Comment has been revised to include a cross-reference to Rule 9024 (Notice of Court Proceeding(s) Requiring Defendant's Presence). Because the arraignment serves as a vehicle to provide the defendant with notices of future court appearances, this revision highlights the applicability of the Rule 9024 procedures to providing notice to the defendant of the next court

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

<sup>2</sup> Rule 303 will be renumbered Rule 571 as part of the renumbering and reorganization of the Rules of Criminal Procedure that the Court adopted on March 1, 2000, effective April 1, 2001.

hearing when the defendant waives the right to appear at the arraignment.

[Pa.B. Doc. No. 00-2053. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Procedure for Obtaining In Forma Pauperis Status in Custody and Support Actions; Administrative Regulation No. 00-02 (Revised A/O 11/16/2000)

*Effective Immediately*, in order to be excused from paying required filing fees for actions in custody or support, it is necessary that the person seeking such relief file a "Petition to Proceed In Forma Pauperis."

(1) Said Petition will be approved without judicial review if the petitioner can establish that he or she is a current recipient of federal Supplemental Security Income (SSI), or cash or medical Public Assistance benefits, by producing appropriate documentation of said benefits as provided to him or her by the appropriate agency.

(2) If the individual seeking In Forma Pauperis status is not currently receiving SSI or cash or medical Public Assistance benefits, the Petition must be supported by a Poverty Affidavit.

(3) The Petition to Proceed In Forma Pauperis and Poverty Affidavit shall be in the forms set forth hereafter, or as may be modified from time to time. The Clerk of Family Court and the Intake Unit of the Domestic Relations Division of Family Court shall make the current forms available to the public at no cost.

(4) If the Petitioner is not currently receiving SSI, or cash or medical Public Assistance benefits, the information set forth in the Poverty Affidavit will be reviewed by a Judge of the Family Court who will determine eligibility for In Forma Pauperis status by adhering to the National Eligibility Level that has been established for individuals seeking free legal representation from affiliates of the Legal Services Corporation.

(5) The specific income standards are set forth by 45 C.F.R. 1611, and depend on family size, and certain other circumstances.

(6) Future changes to eligibility requirements as set forth in 45 C.F.R. 1611 are effective immediately upon the effective date of the change.

(7) The relevant income levels shall be posted in the Office of the Clerk of Family Court, and the Intake Unit of the Domestic Relations Division of Family Court, which shall also make 45 C.F.R. 1611 available for public inspection.

(8) This Administrative Regulation revises Family Court Administrative Regulation #00-02, which was originally approved on May 4, 2000, and specifically supercedes Family Court Administrative Regulation 93-3.

PAUL P. PANEPINTO,  
*Administrative Judge*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FAMILY COURT DIVISION

PHILADELPHIA COUNTY

Repeal and Amendment of Philadelphia Orphans' Court Rules; No. 2000-03

Plaintiff vs. Defendant
: [ ] Custody [ ] Partial Custody
: [ ] Visitation [ ] Support
: Case ID No.
: Docket No.

And Now, this 6th day of November, 2000 in order to better utilize judicial resources and address problematic issues which have arisen concerning the proper administration of Orphans' Court matters, it is hereby Ordered, Adjudged and Decreed that:

PETITION TO PROCEED IN FORMA PAUPERIS TO THE HONORABLE, THE JUDGES OF SAID COURT:

- (1) I am the [ ] PLAINTIFF [ ] DEFENDANT (check one) in the above matter and because of my financial condition I am unable to pay the required filing fee of \$
(2) I am unable to obtain funds from anyone, including my family and friends, to pay this fee.
(3) Check all that apply:
[ ] I am currently a recipient of Supplemental Security Income (SSI)
[ ] I am currently a recipient of the following type(s) of Public Assistance Benefits from the Pennsylvania Department of Public Welfare:
[ ] cash benefits; and/or
[ ] medical benefits
(check all of the above that apply, and be prepared to present to the filing clerk supporting documentation that you are currently receiving the benefit(s))
[ ] I am not currently receiving SSI, or cash or medical Public Assistance benefits, but I am attaching a completed Poverty Affidavit that verifies my financial condition, and why I cannot afford to pay the aforementioned filing fee.

1. The use of backers is discontinued. The parties shall submit a case initiation cover sheet or motion cover sheet, as may be adopted by the Orphans' Court Division from time to time, together with the pleading;

2. Current Philadelphia Orphans' Court Rule No. 6.10.A is repealed, and is replaced in its entirety by the following Philadelphia Orphans' Court Rule (6.10.A); and

3. Current Philadelphia Orphans' Court Rule No. 7.10.A is repealed, and is replaced in its entirety by the following Philadelphia Orphans' Court Rule (7.10.A).

This Administrative Order is promulgated in accordance with Pa.O.C.R. No. 1.2, and in accordance with the April 11, 1996 Order of the Supreme Court of Pennsylvania Eastern District, No.55 and Judicial Administration, Docket No. 1, and shall become effective December 4, 2000. The original shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, as well as the Clerk of the Orphans' Court Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Orphans' Court and Appellate Court Procedural Rules Committees. Copies of the Regulation shall also be submitted to American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Library and the Law Library for the First Judicial District.

ALEX BONAVITACOLA, President Judge

Philadelphia Orphans' Court Rule 6.10.A Objections

Written objections to an account or statement of proposed distribution shall be filed with the Clerk of the Orphans' Court the later of twenty (20) days after service of the account or statement of proposed distribution on the objectant, or within twenty (20) days after the date the account is first called for audit.

Effective date: December 4, 2000

Philadelphia Orphans' Court Rule 7.1.A. Exceptions

(a) Exceptions. Exceptions shall be the exclusive procedure for review of an order, decree or adjudication, except as provided in subsection (c) hereunder. No motions for reconsideration may be filed.

(b) Form. Exceptions shall be in writing, numbered consecutively, and signed by the exceptant or the exceptant's attorney. Each exception shall:

- (1) be specific as to description and amount;
(2) in no event raise questions which could have been raised previously by claim or objection;
(3) raise but one issue of law or fact, but if there are several exceptions relating to the same issue of law or fact, all such exceptions shall be included in one exception; and
(4) set forth briefly the reason or reasons in support of the exception.

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

Date: Name of Petitioner Address

ORDER

AND NOW, this day of , upon consideration of the foregoing Petition, and attached Poverty Affidavit (if applicable), it is hereby ORDERED that the petitioner be excused from payment of the filing fee in this matter.

BY THE COURT:

J.

[Pa.B. Doc. No. 00-2054. Filed for public inspection December 1, 2000, 9:00 a.m.]

(c) *Orders Appointing Guardians for Minors and Incapacitated Persons.* No exceptions or petitions for reconsideration shall be filed to any order appointing guardians for minors and incapacitated persons. Orders appointing guardians for minors and incapacitated persons shall be appealable to the Superior Court.

(d) *Time for Filing Exceptions.* No later than twenty (20) days after entry of an order, decree or adjudication a party may file exceptions with the Clerk of Orphans' Court to any order, decree or adjudication which would become a final appealable order under Pa.R.A.P. 341(b) or 342 following disposition of the exceptions. If exceptions are filed, no appeal shall be filed until the disposition of exceptions. Failure to file exceptions shall result in waiver of grounds for appeal.

(e) *Time for Filing Cross-Exceptions.* If a party files timely exceptions, any other party may file cross exceptions within ten (10) days after the later of filing of exceptions or service of a copy of the exceptions on the party.

(f) *Time Limits for Decision on Exceptions.* The judge who issued the order, decree or adjudication to which exceptions have been filed shall decide the exceptions, including supplemental exceptions and cross exceptions, within one hundred and twenty (120) days of the filing of the initial exceptions. The said judge shall issue a scheduling order setting forth, inter alia, appropriate deadlines for the transcription of testimony and the filing of briefs or memoranda of law, if any. If the said judge fails to decide the exceptions within one hundred and twenty (120) days, the exceptions shall be deemed denied by operation of law on the one hundred and twenty first (121st) day and the Clerk shall enter without further request by the Court or any party the deemed denial on the docket as of that date and shall give notice of the entry to the Court and all parties of record. The appeal period shall begin to run from the date of entry of denial of the exceptions or the denial of the exceptions by operation of law as set forth above.

(g) *Transcript of Testimony.* All exceptions shall contain a request designating a portion of the record to be transcribed in order to enable the court to dispose of the

exceptions. Within ten days after the filing of the exceptions, any other party may file an objection requesting that an additional, lesser or different portion of the record be transcribed. If no portion is indicated, the transcription of the record shall be deemed unnecessary to the disposition of the exceptions. The trial judge shall promptly decide the objection to the portion of the record to be transcribed. The transcript shall be prepared, and the official court reporter shall be paid, as provided in Pa.R.J.A. No. 5000.1 et seq.

(h) *Amendatory Provision.* Phila. O.C. Rule 1.2.B., 7.1.A. and 7.1.B. are rescinded. The use of en banc panels of the Orphans' Court Division is discontinued.

*Effective Date:* December 4, 2000

[Pa.B. Doc. No. 00-2055. Filed for public inspection December 1, 2000, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Robert M. Friedman, having been disbarred from the practice of law in the State of Arizona, the Supreme Court of Pennsylvania issued an Order dated November 13, 2000 disbaring Robert M. Friedman from the practice of law in this Commonwealth, to become effective December 13, 2000. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 00-2056. Filed for public inspection December 1, 2000, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 7—AGRICULTURE

EIA

### DEPARTMENT OF AGRICULTURE

#### [7 PA. CODE CHS. 3 AND 7]

#### Health Requirements for Importation and Intrastate Transportation of Animals and Brucellosis

The Department of Agriculture (Department), under the authority conferred by 3 Pa.C.S. §§ 2301—2389 (relating to Domestic Animal Law) (act) amends §§ 3.103, 7.1, 7.47 and 7.72—7.74 to read as set forth in Annex A.

#### *Authority*

The Department has the power and authority to amend and adopt these regulations. This authority includes:

(1) The general duty to implement the policy of section 2302 of the act (relating to finding, policy and purpose), which is to “. . . assure the health and welfare of animals kept in captivity, to prevent and control diseases and dangerous substances that may threaten the safety of animals and humans, and to provide for desirable management practices for the production, keeping and use of domestic animals.”

(2) The general authority to regulate the keeping and handling of domestic animals to exclude or contain dangerous transmissible diseases and hazardous substances and to test and treat domestic animals exposed to or contracting a dangerous transmissible disease or hazardous substance as delineated in sections 2305 and 2329 of the act (relating to keeping and handling of domestic animals; and quarantine).

(3) The specific authority and duties conferred upon the Department by sections 2321, 2323 and 2325 of the act (relating to dangerous transmissible diseases; health requirements; and use of biologicals, antibiotics, genetic material, chemicals, diagnostic agents and other substances). Section 2321(a) of the act designates Brucellosis and Equine Infectious Anemia (EIA) as dangerous transmissible diseases. Section 2321(e) of the act confers upon the Department the power to “establish regulations addressing the specific . . . prevention, . . . testing, control and eradication measures which it determines are necessary with respect to any dangerous transmissible disease.” Section 2325 of the act further defines the Department’s authority to prescribe testing techniques and regulate the use of vaccines. Section 2323 of the act sets forth the Department’s authority to establish health standards for the importation or intrastate movement of domestic animals in this Commonwealth.

#### *Need for the Rulemaking*

These amendments are necessary to update the Department’s policy on diagnostic testing techniques used to detect the presence of EIA and the use of vaccines intended for the prevention of Brucellosis. Section 2302 of the act states that “animal health is of major economic interest in this Commonwealth.” In addition, section 2302 of the act delineates the policy and purpose of the act. The policy of the act is to “assure the health and welfare of animals kept in captivity, to prevent and control diseases . . . and to provide for desirable management practices for the production, keeping and use of domestic animals.”

The EIA is an infectious disease of equines caused by a virus. The current regulations in § 3.103 (relating to test methods), require equidae imported into this Commonwealth, for other than immediate slaughter, to be negative to an agar gel immunodiffusion blood test (Coggins Test). While the Coggins Test is a proven and effective testing device for EIA, a new and reportedly as effective test has been developed. This new test is an enzyme linked immunosorbent assay test (commonly called the ELISA Test). The ELISA Test is a screening device that recognizes the presence of the virus responsible for EIA. The ELISA Test is widely used to test for the presence of viruses and foreign substances in equidae. It is a scientifically proven and accepted test and is used to screen equidae for EIA in surrounding states. The inability of the Commonwealth to accept the results of ELISA Tests has placed it at a great disadvantage with regard to surrounding states. Horse owners who wish to transport their horses into this Commonwealth are required to have a Coggins Test administered and to wait for the results of that test even if they have proof of a negative ELISA Test for EIA. Such a delay discourages owners from breeding, racing or carrying on other activities economically beneficial to this Commonwealth and the equine industry in this Commonwealth. Given the fact that the ELISA Test has been shown to be an effective screening device for EIA, requiring a Coggins Test in addition to or instead of an ELISA Test and the delays caused by it are unnecessary to protect the health of the equine population in this Commonwealth and are economically inefficient. Therefore, the Department proposed to amend Chapter 3 to allow for the use and acceptance of both the Coggins Test and the ELISA Test.

#### *Brucellosis*

Brucellosis is an infectious disease of animals and man that can cause premature birthing or miscarriages in animals and undulating or remittent fevers and joint swelling in humans. A recent advance in vaccine technology has rendered the current vaccine—Strain 19 brucella abortus—prescribed by regulation obsolete and relatively inefficient in the management of this disease. Until recently, Strain 19 brucella abortus (Strain 19) vaccine was the standard vaccine used to vaccinate for Brucellosis in the United States. While Strain 19 vaccine has served the domestic animal industry well, it has two disadvantages. Its major disadvantage is causing a significant number of animals to react positively to the standard Brucellosis tests (false positives). This disadvantage has limited Strain 19 vaccine’s usefulness and has slowed eradication and control efforts. The second disadvantage suffered by Strain 19 vaccine is that it limits the age at which domestic animals can be vaccinated.

A newly developed vaccine—Strain RB 51—is now available and approved for use. Strain RB 51 vaccine is reportedly as effective as Strain 19 vaccine and does not cause a reaction, or false positive, with the standard Brucellosis tests. In addition, Strain RB 51 will allow the Department to broaden the age range for vaccination of calves from the current 4 to 8 months of age range to a 4 to 12 months of age range. A prompt and expedited application of this new technology will provide increased protection to this Commonwealth’s extensive cattle population and will decrease the costs incurred by the Department to administer additional tests when false positives

occur. Therefore, the Department proposes that the use of Strain 19 be discontinued and that Strain RB 51 be used for the routine vaccination of cattle and any other species of domestic animal for which the vaccine is approved.

In the interest of continuing to carry out the policy of the act, to assure the health and welfare of domestic animals and thereby secure the economic well being of the domestic animal industry, the Department proposes to amend §§ 3.1, 3.103, 7.1, 7.47 and 7.72—7.74 to effectuate these changes referred to in this Preamble.

In summary, the Department is satisfied there is a need for the regulations, and that they are otherwise consistent with Executive Order 1996-1, "Regulatory Review and Promulgation."

#### *Comments*

Notice of proposed rulemaking was published at 30 Pa.B. 768 (February 12, 2000). The notice of proposed rulemaking did not contain a statement regarding the length of the public comment period. A notice, clarifying the length of the public comment period, providing that the public comment period was the statutorily required 30 days, was published at 30 Pa.B. 1255 (March 4, 2000).

Comments were received from the Independent Regulatory Review Commission (IRRC).

*Comment:* IRRC objected to two provisions of the proposed amendments, stating that the provisions were not consistent with the Department's statutory authority and the intent of the General Assembly. The sections objected to were §§ 3.103(d) and 7.72(a) (relating to test methods; and procedure). Both sections provide in whole or in part, that the Secretary may designate a new testing procedure or vaccine by publishing an order in the *Pennsylvania Bulletin*, provided the proposed rulemaking is published within 1 year of the order.

*Response:* Upon further review, the Department agrees with this objection and will delete any language regarding the Secretary's ability to designate a new test or vaccine through issuance and publication of an order in the *Pennsylvania Bulletin*. Although the Department believes it is inconsistent with the purpose of the act to require the Department to wait until regulations are published to approve and use a new and effective vaccine or testing technique which could eradicate, prevent or control diseases and thereby assure the health and welfare of domestic animals and humans, the regulatory provisions the Department seeks to amend implement section 2325 of the act, which requires the Department to promulgate regulations governing diagnostic agents and vaccines.

*Comment:* IRRC commented that §§ 3.103(c) and 7.72(c) need to be clarified. IRRC's concern is that neither section sets forth the procedure the regulated community must follow to comply with those sections of the regulations. IRRC suggested the regulations should outline the procedure to be followed or provide a cross reference to an existing regulation if there is one.

*Response:* The Department agrees with this comment. The Department has revised §§ 3.103(c) and 7.72(c) to address IRRC's concerns. A person seeking permission to import an equid with inconsistent test results into this Commonwealth or seeking permission for the vaccination of cattle over the age of 12 months must do so in writing on a form provided by the Department, and must state the reasons for and facts relating to the request. The State Veterinarian will then provide a written approval or denial of the request. In addition, the Department has

added the same language to § 7.72(b), which also required approval of the State Veterinarian.

*Comment:* IRRC had an additional comment, again concerning clarity, with regard to § 7.72(c) (relating to official vaccination). The language of the section states that a vaccination given to cattle over 12 months of age is not considered an official vaccination. IRRC suggested that the Department either cross reference the Federal code of regulations, at 9 CFR 78.1 (relating to definitions) or define "official vaccination."

*Response:* The Department agrees that the term "official vaccination" and what constitutes an "official vaccination" needs to be clarified. To clarify this term the Department has added three definitions to § 7.1 (relating to definitions). The Department defines "official vaccination," "official calfhood vaccination" and "adult vaccination." An "adult vaccination" may only be given and will only constitute an "official vaccination" with the express written permission of the State Veterinarian. The Department has also outlined the procedure for obtaining the express written permission of the State Veterinarian.

*Comment:* IRRC pointed out a typographical error in § 7.73(c). IRRC suggested the Department should delete "or" from the last sentence, leaving "and" in its place.

*Response:* This is not a typographical error. The identification on the vaccination report may be the official State vaccination tag, the breed registration number, the registration number of the dam or any combination thereof. The Department has changed the wording of the sentence to better reflect this intent.

#### *Fiscal Impact*

##### *Commonwealth*

The final-form regulations will impose minimal costs and have minimal fiscal impact upon the Commonwealth. The Commonwealth will realize a reduction in costs as a result of the use of RB 51 vaccine. Strain 19 vaccine causes a number of cattle to test falsely positive each year. The cost of each false positive test is approximately (\$400) for the Commonwealth and (\$300) for the producer. These falsely positive tests will not occur in cattle vaccinated with RB 51 vaccine. Savings relative to the ELISA Test are not easily quantified. However, acceptance of the ELISA Test will eliminate the cost of performing a Coggins Test on animals, which have already been screened for EIA through the use of an ELISA Test. The Department will benefit from not having to conduct additional testing. In addition, it will result in a decreased regulatory workload, since there will be fewer import violations to investigate and manage.

##### *Political Subdivisions*

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

##### *Private Sector*

The final-form regulations will impose minimal costs on private sector organizations and individuals. There will not be an increased cost to the regulated community. Cost of vaccinations will be essentially the same. Approximately 30 cattle test falsely positive each year. Each false positive case costs the farmer approximately \$300 in special handling, early culling and reduced value of the animal. These costs will be eliminated with the use of RB 51 vaccine. The amendments will potentially affect approximately 1,800 accredited veterinarians who may be required to vaccinate calves for brucellosis. However, these veterinarians, Pennsylvania and the industry would



eventually be forced to use RB 51 vaccine because, the same company makes both the "new" and "old" vaccines and Strain 19 vaccine is being phased out of use throughout the United States. Adoption of the ELISA Test will not result in any increased cost. Pleasure horse and racehorse owners and trainers and equine veterinarians will be required to comply. However, the ELISA Test is accepted and used by a majority of states and therefore, the majority of owners, trainers and other persons in the equine industry already use and comply with ELISA Testing. There is a potential savings in terms of the elimination of additional testing and reduced turnaround time for test results. In many cases, horse owners have been required to conduct the additional Coggins Test at their expense. Also, there have been instances when horses that were entered in a race were denied entrance to the track because of failure to meet Pennsylvania's rigid and unnecessary EIA requirements. The instances result in lost opportunities to race and to recoup training expenses.

*General Public*

The final-form regulations will impose no costs and have no fiscal impact on the general public. The farm community and the general public should benefit through reduced costs to the industry and the Commonwealth. The continued use of Strain 19 vaccine would result in continued low, but significant numbers, of false positive animals, which will continue to be a regulatory burden and expense to the cattle industry and the Department. Strain 19 brucellosis vaccine can also cause infection in humans and is a health risk that veterinary practitioners have faced over the years. Delay in changing the EIA import requirements will perpetuate the ongoing problem of horses which are entered to race being turned away from the track, and will continue to impose an undue hardship on horse owners and the equine industry in this Commonwealth. The equine industry in this Commonwealth will benefit by coming into conformity with surrounding states with regard to accepted testing and screening techniques. Decreased costs and increased opportunities in both industries will benefit the general public.

*Paperwork Requirements*

The final-form regulations will not result in an appreciable increase of paperwork. The Department has already developed the appropriate forms and procedures to administer the EIA testing program and the Brucellosis vaccination program. Only small changes will be required.

*Contact Person*

Further information is available by contacting the Department of Agriculture, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: Dr. Phillip Debok (717) 783-8555.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 31, 2000, the Department submitted a copy of the notice of proposed rulemaking published at 30 Pa.B. 768 (February 12, 2000), to IRRC and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs 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 all comments received, as well as other documentation. In preparing these final-form

regulations, 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)), these final-form regulations were deemed approved by the House and Senate Committees on October 4, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 19, 2000, and approved the final-form amendments.

*Findings*

The Department finds that:

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

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

(3) The modifications that were made to these final-form regulations in response to comments received do not enlarge the purpose of the proposed rulemaking published at 30 Pa.B. 768.

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

*Order*

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

(a) The regulations of the Department, 7 Pa. Code Chapters 3 and 7, are amended by amending §§ 3.1, 3.103, 7.1, 7.47 and 7.72—7.74 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

SAMUEL E. HAYES, Jr.,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 5807 (November 4, 2000).)*

**Fiscal Note:** Fiscal Note 2-128 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART I. BUREAU OF ANIMAL HEALTH AND DIAGNOSTIC SERVICES**

**CHAPTER 3. HEALTH REQUIREMENTS FOR IMPORTATION AND INTRASTATE TRANSPORTATION OF ANIMALS**

**Subchapter A. GENERAL PROVISIONS**

**§ 3.1. Definitions.**

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

\* \* \* \* \*

*Pennsylvania State Veterinarian*—The Director of the Bureau of Animal Health and Diagnostic Services of the Department.

\* \* \* \* \*

*Secretary*—The Secretary of the Department.

\* \* \* \* \*

**Subchapter D. IMPORTATION OF HORSES, MULES, ASSES AND OTHER EQUIDAE**

**§ 3.103. Test methods.**

(a) *Testing required.* Equidae imported into this Commonwealth for other than immediate slaughter shall be negated to either of the following:

(1) An official agar gel immunodiffusion blood test (commonly called the Coggins Test), conducted by a Federally approved laboratory within 12 months prior to date of entry.

(2) An enzyme-linked immunosorbent assay test (commonly called the ELISA Test), conducted by a Federally approved laboratory within 12 months prior to date of entry.

(b) *Documentation required.* A copy of the official test shall accompany the animal to its final destination.

(c) *Inconsistent results.* If an equid receives more than one of the tests described in subsection (a), and one test shows a negative result and another a positive result, the equid may not be imported into this Commonwealth unless permission is granted by the Pennsylvania State Veterinarian.

(1) A person seeking permission shall do so in writing on a form provided by the Department setting forth the test dates, results of the tests and any other pertinent information.

(2) The Pennsylvania State Veterinarian may request additional information as may be necessary to assure the health of the animal and to prevent and control diseases and dangerous substances that may threaten the health and safety of animals and humans.

(3) The Pennsylvania State Veterinarian will provide a written approval or denial of a request within 3 working days of receiving the written request and all necessary information pertaining thereto.

(d) *Exception.* Foals under 6 months of age, accompanied by dam with negative agar gel immunodiffusion test or a negative enzyme-linked immunosorbent assay test do not require a negative test.

**CHAPTER 7. BRUCELLOSIS REGULATIONS**

**Subchapter A. GENERAL PROVISIONS**

**§ 7.1. Definitions.**

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

*Accredited veterinarian*—A licensed veterinarian jointly accredited by APHIS-USDA and the Department in the state the veterinarian is licensed to perform official duties on behalf of APHIS-USDA or the Department. See accreditation standards established by 9 CFR Parts 160 and 161 (relating to definition of terms; and requirements and standards for accredited veterinarians and suspension or revocation of such accreditation).

\* \* \* \* \*

*Official adult vaccination*—Strain RB 51 vaccine administered to female cattle or bison over the age of 12 months (365 days).

\* \* \* \* \*

*Official calthood vaccination*—Strain RB 51 vaccine administered to female cattle or bison from 4 to 12 months of age.

\* \* \* \* \*

*Official vaccination*—An official calthood or adult vaccination.

\* \* \* \* \*

*Pennsylvania State Veterinarian*—The Director of the Bureau of Animal Health and Diagnostic Services of the Department.

\* \* \* \* \*

*Secretary*—The Secretary of the Department.

\* \* \* \* \*

**Subchapter E. INDIVIDUAL CERTIFIED BRUCELLOSIS HERD PLAN**

**§ 7.47. Herd additions.**

(a) Additions to herds shall be accompanied with valid health charts and verified by an accredited veterinarian on the record of herd change and meet the requirements of Chapter 3, Subchapters B and I (relating to importation of cattle, goats and buffalo; and intrastate transportation of cattle, goats and buffalo).

(b) Progeny of the herd shall be accompanied with a signed statement by the owner and veterinarian indicating that these animals are progeny of the herd.

(c) Animals officially vaccinated in accordance with Subchapter H (relating to vaccination) and under 18 months of age, may enter a herd without a blood test but shall be accompanied by a health certificate.

**Subchapter H. VACCINATION**

**§ 7.72. Procedure.**

(a) *Designation of vaccine.* Except as authorized under subsection (b), Strain RB 51 vaccine is hereby designated the only brucellosis vaccine authorized for use within this Commonwealth.

(b) *State Veterinarian approval required.* Strain 19 vaccine may only be used with the express written permission of the Pennsylvania State Veterinarian. Requests for permission to administer Strain 19 vaccine shall be made in writing on a form provided by the Department.

(1) The Pennsylvania State Veterinarian may request additional information as may be necessary to assure the health of the animal and to prevent and control diseases and dangerous substances that may threaten the health and safety of animals and humans.

(2) The Pennsylvania State Veterinarian will provide a written approval or denial of a request within 3 working days of receiving the written request and the necessary information pertaining thereto.

(c) *Official vaccination.* An official vaccination shall consist of Strain RB 51 vaccine administered to female cattle or bison from 4 through 12 months of age (120-365 days). A vaccination of female cattle or bison over the age of 12 months (365 days) will not be considered an official vaccination unless done with the guidance and express written permission of the Pennsylvania State Veterinarian.

ian. Requests to administer an official adult vaccination shall be made in writing on a form provided by the Department.

(1) The request shall set forth the reasons for the request, the vaccine to be administered and the age of the animal at the time of the request.

(2) The Pennsylvania State Veterinarian may request additional information as may be necessary to assure the health of the animal and to prevent and control diseases and dangerous substances that may threaten the health and safety of animals and humans.

(3) The Pennsylvania State Veterinarian will provide a written approval or denial of the request within 3 working days of receiving the written request and the necessary information pertaining thereto.

(d) *Veterinarian to administer vaccine.* An official vaccination may only be administered by an accredited veterinarian.

(e) *Veterinarian fees.* Accredited veterinarians shall be permitted to charge the herd owner for their services and the vaccine.

**§ 7.73. Identification of officially vaccinated animals.**

(a) *Tattoo required.* Veterinarians administering official calfhood or official adult vaccinations shall tattoo in the right ear of the animal the letter "R," followed by a United States Registered "V" shield followed by the last number of the year.

(b) *Official state vaccination tag or official breed registry tattoo required.* An orange official State vaccination tag shall be placed in the right ear. If the vaccinated animal has an official breed registry tattoo, an official State vaccination tag is not required.

(c) *Identification on vaccination report.* Officially vaccinated animals shall be identified on the vaccination report by date of birth, and an official State vaccination tag, their breed registration number or registration number of the dam, or both.

**§ 7.74. Vaccination report.**

Vaccinations shall be reported to the Department within 30 days following vaccination of the animal. The reports shall be made on forms provided by the Department. The original and one copy shall be forwarded to the Department, one copy given to the herd owner for the owner's records and one copy retained by the veterinarian.

[Pa.B. Doc. No. 00-2057. Filed for public inspection December 1, 2000, 9:00 a.m.]

**Title 25—ENVIRONMENTAL PROTECTION**

**ENVIRONMENTAL QUALITY BOARD  
[25 PA. CODE CH. 93]  
Stream Redesignation (Trout Run)**

The Environmental Quality Board (Board) by this order amends § 93.9t (relating to Drainage List T) 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*

This amendment is 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 Department of Environmental Protection's (Department) website (<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 (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 provisions of The Clean Streams Law. In addition, the Federal regulation in 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of the Commonwealth's antidegradation program.

*D. Background of the Amendments*

The Commonwealth's Water Quality Standards, which are set forth in part in Chapter 93 (relating to water quality standards) implement sections 5 and 402 of The Clean Streams Law 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 meet existing and designated water 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 (FBC). In addition, organizations, businesses or individuals may submit a rulemaking petition to the Board.

The Department evaluated Trout Run, Westmoreland County, in response to a rulemaking petition from the Blairsville Municipal Authority. An aquatic survey was conducted by the Department's Bureau of Watershed Conservation. The physical, chemical and biological characteristics of Trout Run were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions.

Based upon the data collected in this survey, the Board has made the designations set forth in Annex A.

A copy of the Department's stream evaluation report is available from Edward R. Brezina whose address and telephone number are listed in Section B of this Preamble.

E. *Summary of Changes and Comments and Responses on the Proposed Rulemaking*

The Board approved the proposed rulemaking on January 20, 1998. At that time, Trout Run was part of the Buck Hill Creek, et al. package. The Department separated Trout Run from that package for final-form rulemaking.

The proposal, as part of the Buck Hill Creek, et al. package, 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. A request for a public hearing was received during the public comment period. As a result, a Department public meeting and a Board public hearing were held at the Derry High School, Derry, on September 1, 1998. An additional public comment period, ending September 15, was also provided. Comments were received from a total of 14 commentators and the Independent Regulatory Review Commission (IRRC).

A total of eight of the 14 public comments were in support of the proposed redesignation of the upper portion of Trout Run. These comments were provided by the general public, the Hillside Community Association, the Blairsville Municipal Authority, the Mid-Atlantic Karst Conservancy, the Loyalhanna Grotto of the National Speleological Society, the Loyalhanna Watershed Association and the Chestnut Ridge Conservancy.

IRRC commented that the Department relies on the selection criteria in the "Special Protection Waters Implementation Handbook" to arrive at stream reclassifications. They noted that the handbook is only a guidance document. They also stated that the proposed redesignation should more appropriately cite statutes and regulations rather than the handbook. A number of commentators and IRRC indicated that the proposed redesignation was premature because the Department's antidegradation regulations were 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 Trout Run has been incorporated into the antidegradation regulation in § 93.4b(a)(2) and (b)(1)(v) (relating to qualifying as High Quantity or Exceptional Value Waters).

Several commentators asserted that reclassification based on one water chemistry grab sample used to represent 4.6 stream miles is not scientifically defensible. The redesignation is not based on water chemistry. It is based on the biological test in the antidegradation regulations, and this portion of Trout Run attains a 100% comparison to an EV reference station. The indigenous aquatic community is a good indicator of long-term water quality because the organisms complete portions of their life cycle in the stream. Water samples for chemical analysis were collected during the stream evaluation to provide a "snapshot" of water quality conditions, but these data do not form a basis for the recommended redesignation.

Several commentators questioned the use of Indian Creek as the reference station in the evaluation of Trout Run since Indian Creek is classified as HQ. As stated in

the evaluation report, Trout Run was compared to Camp Run, a tributary to Indian Creek. Camp Run is listed separately in Chapter 93 as EV, and is therefore an appropriate reference station.

Two commentators believed the present Cold Water Fishes (CWF) classification is more than sufficient to protect the existing potable water supply and indigenous animal and plant life in the watershed. The Department's water quality standards are designed to protect the designated fish and aquatic life use, a number of water supply uses including potable water supply, and a number of recreational uses. While CWF may be sufficient to protect Trout Run, the headwaters of Trout Run meet the requirement of the biological test in the antidegradation regulation for designation as EV.

A number of commentators stated the opinion that the proposed redesignation would halt economic growth in the area generally, as well as prevent planned development in this watershed in particular. The Department's antidegradation regulation does not preclude development. It does require that existing water quality be maintained in HQ and EV Waters. Any proposed development must include consideration of nondischarge alternatives and appropriate controls to assure that existing quality is maintained.

The IRRC recommended that the Board analyze the economic impact of the regulation. The Federal Clean Water Act does not allow states to consider social and economic factors in developing water quality standards (including designated uses). Each water body is evaluated using the Department's regulatory criteria, and an appropriate classification is developed.

This regulatory change will allow wastewater treatment requirements for dischargers to Trout Run to be consistent with the water uses to be protected. This regulatory amendment does not contain any standards or requirements that exceed requirements of the companion Federal regulations.

F. *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 the recommended change because it will reflect the appropriate designated use and maintain the most appropriate degree of protection for Trout Run in accordance with the existing use.

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 stream is already protected at its existing use, and therefore the designated use change will have no impact on treatment requirements. No costs will be imposed directly upon local government by this recommendation. Political subdivisions that add a new sewage treatment plant in the basin, or expand an existing facility, may experience changes in cost as noted in the discussion of impacts on the private sector.

Persons conducting or proposing activities or projects that result in a discharge to the stream shall comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they add a new or expanded discharge 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 may 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.

3. *Compliance Assistance Plan*—The regulatory revision has been developed as part of an established program that has been implemented by the Department since the early 1980's. The revision is consistent with and based on existing Department regulations. The revision extends additional protection to a waterbody that exhibits exceptional water quality and is consistent with antidegradation requirements established by the Federal Clean Water Act and The Clean Streams Law. 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 amendment will be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting program since the stream use designation is a basis for determining allowable stream discharge effluent limitations. Permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New or expanding 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 revision should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. The regulatory revision is based on existing Department regulations and simply mirrors the existing use protection that is already in place. There may be some indirect paperwork requirements for new dischargers. For example, NPDES general permits are not currently available for new discharges to EV or HQ streams. Thus an individual permit, and its associated additional paperwork, would be required.

#### G. *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.

#### H. *Sunset Review*

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

#### I. *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 this final-form regulation, the Department has considered comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

This final-form regulation was deemed approved by the Senate and House Environmental Resources and Energy Committees on May 22, 2000. IRRC met on May 25, 2000, and disapproved the amendment in accordance with section 6(a) of the Regulatory Review Act (71 P. S. § 745.6(a)). Under section 7(b) of the Regulatory Review Act (71 P. S. § 745.7(b)), the Department determined it was desirable to implement the final-form regulation without revisions or modifications recommended by IRRC and submitted a report to the House and Senate Committees on May 31, 2000. On June 6, 2000, the Senate Committee passed a resolution disapproving the final-form rulemaking; however, no further action was taken during the remainder of the Committees' review period which ended on October 10, 2000.

#### 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 regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law. In addition, a Board hearing was held and an additional public comment period was provided. All comments were considered.

(3) This final-form regulation does not enlarge the purpose of the proposal published at 28 Pa.B. 1635.

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

#### K. *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 § 93.9t to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(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:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2965 (June 10, 2000).)

**Fiscal Note:** 7-333B. No fiscal impact; (8) recommends adoption.

This regulation 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.

**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**

**§ 93.9t. 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>
		* * * * *		
5—McGee Run	Main Stem, Farthest Upstream Crossing of Derry Borough Border to Mouth	Westmoreland	TSF	None
		* * * * *		
6—Trout Run	Basin, source to inlet of Blairsville Reservoir	Westmoreland	EV	None
6—Trout Run	Basin, inlet of Blairsville Reservoir to Mouth	Westmoreland	CWF	None
		* * * * *		

[Pa.B. Doc. No. 00-2058. Filed for public inspection December 1, 2000, 9:00 a.m.]

**Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

**STATE BOARD OF ACCOUNTANCY**

**[49 PA. CODE CH. 11]**

**Peer Review**

The State Board of Accountancy (Board), by this order adds §§ 11.81—11.86 (relating to peer review) to read as set forth in Annex A.

Sections 11.81—11.86 implement the peer review requirements of section 8.9 of the CPA Law (63 P. S. § 9.8i), which was added by the act of December 4, 1996 (P. L. 851, No. 140) (Act 140). Specifically, the regulations clarify deadlines for peer review compliance and the requirements for peer review exemptions; establish qualifications for peer review administering organizations and peer reviewers; adopt peer review standards; provide for confidentiality of peer review reports; and define relevant terms.

*Summary of Comments and Responses to Proposed Rulemaking*

The Board published a notice of proposed rulemaking at 29 Pa.B. 4448 (August 21, 1999) following which the

Board entertained public comment for 30 days. The Board received comments from the Pennsylvania Institute of Certified Public Accountants (PICPA), which supported the proposed regulations, and the Pennsylvania Society of Public Accountants (PSPA), which objected to parts of the proposed amendments.

The Board received comments from the House Professional Licensure Committee (House Committee) on October 6, 1999, and the Independent Regulatory Review Commission (IRRC) on October 22, 1999, as part of their review of the proposed regulations under the Regulatory Review Act (71 P. S. §§ 745.1—745.15). The Board did not receive comments from the Senate Committee on Consumer Protection and Professional Licensure (Senate Committee), which also reviewed the proposed amendments under the Regulatory Review Act.

Following is a summary of the comments that the Board received during proposed rulemaking and of the changes the Board has made to the regulations in response to the comments.

*§ 11.81. (Definitions).*

Section 11.81 defines terms used in the peer review regulations. At the suggestion of IRRC, the Board has added definitions for “audit engagement,” “review engagement” and “sole practitioner.” An audit engagement is an audit as defined in the Statement on Auditing Standards of the American Institute of Certified Public Accountants (AICPA); a review engagement is a review as defined in

the AICPA's Statement of Standards on Accounting and Review Services (SSARS); and a sole practitioner is a licensed certified public accountant or licensed public accountant who practices public accounting on his own behalf. (AICPA and other acronyms used by the Board throughout Chapter 11 are defined in existing § 11.1 (relating to definitions).)

In addition, the Board has added definitions of "onsite peer review" and "offsite peer review" to § 11.81 to conform to recently approved changes in terminology in the AICPA's Standards for Performing and Reporting on Peer Reviews (AICPA Peer Review Standards). Section 8.9(d)(1) and (2) of the CPA Law (63 P. S. § 9.8i(d)(1) and (2)), provides that the peer review of a nonexempt public accounting firm that performs audit engagements shall be an "onsite review," while the peer review of a nonexempt public accounting firm that performs review engagements shall be an "offsite review." Section 8.9(d)(1) and (2) of the CPA Law also describes in general terms the scope of an onsite review and an offsite review; one of the differences between the two types of peer reviews is that an offsite review, unlike an onsite review, does not include a study of associated working papers. The terminology and descriptions used in section 8.9(d)(1) and (2) of the CPA Law are consistent with the current AICPA Peer Review Standards, which were also in effect when section 8.9 was added to the CPA Law in 1996. The Board's regulations adopt the AICPA Peer Review Standards. On October 5, 1999, the AICPA Peer Review Board approved revisions to the AICPA Peer Review Standards that will take effect January 1, 2001. The revised AICPA Peer Review Standards redesignate the terms onsite review and offsite review as "system review" and "engagement review," respectively, and also enlarge the scope of the offsite, or engagement, review to include a study of associated working papers. To apprise firms how the revisions to the AICPA Peer Review Standards relate to the peer requirements of the CPA Law and to clarify that the revisions do not alter the requirements of the CPA Law, the Board has defined onsite peer review as a system review under the AICPA's Peer Review Standards and has defined offsite peer review as an engagement review under the AICPA's Peer Review Standards except for the study of associated working papers.

*§ 11.82. (Effective dates for peer review compliance; proof of compliance or exemption).*

Proposed § 11.82(a) provided that a nonexempt firm that performs an audit engagement after May 1, 1998, shall complete a peer review before the license biennium that begins May 1, 2000, while proposed § 11.82(b) provided that a nonexempt firm that performs a review engagement after May 1, 1998, shall complete a peer review before the license biennium that begins May 1, 2004. In its notice of proposed rulemaking, the Board noted that there appeared to be conflicting language in the CPA Law regarding the deadlines for peer review compliance. Section 8.9(l)(2) of the CPA Law provides: "This section [relating to peer review] shall not become applicable to firms and no firm shall be required to undergo a peer review under this section until May 1, 2000, except that this section shall not become applicable until May 1, 2004, to a firm that has not accepted or performed any audit engagement during May 1, 1998, through April 30, 2004." However, section 8.8(c) of the CPA Law (63 P. S. § 9.8h(c)), which relates to the licensing of firms, provides: "An initial or renewal license shall not be issued to a firm after April 30, 2000, unless the firm complies with the requirements of section 8.9 of this act." For reasons more fully discussed in the notice of

proposed rulemaking, the Board considered section 8.8(c) of the CPA Law to be controlling.

The House Committee, IRRC and the PSPA raised objections to the proposed deadlines for peer review compliance. The House Committee commented that the Board had misapprehended the legislative intent regarding the effective dates for peer review and that the matter was clearly governed by section 8.9(l)(2) of the CPA Law. The House Committee stated that it "finds the legislative intent was for May 1, 2000, to be the starting date for the peer review program, and not the deadline for peer review compliance." In accordance with the House Committee's comments, the Board has revised § 11.82(a) and (b) to provide that a nonexempt firm that performs an audit engagement after May 1, 1998, has until May 1, 2002, to complete a peer review, while a nonexempt firm that performs a review engagement after May 1, 1998, has until May 1, 2006, to complete a peer review.

The Board has also revised § 11.82(a) and (b) to clarify the type of peer review (onsite or offsite) that a nonexempt firm is required to complete.

The Board has made editorial changes to § 11.82(c), which provides that a nonexempt firm shall submit with its application for initial licensure or license renewal a letter from the peer review administering organization that evidences the firm's completion of peer review.

Proposed § 11.82(d) provided that a firm seeking to claim an exemption from peer review under section 8.9(g) of the CPA Law shall submit "information that substantiates its entitlement to an exemption." Proposed § 11.82(d) further provided that in the case of a multistate firm that claims an exemption under section 8.9(g)(1) of the CPA Law based on its having completed a peer review in another state or jurisdiction, the firm shall submit: (1) a letter from the out-of-State peer review administering organization evidencing the firm's completion of a peer review (within 3 years of the date of application) that satisfies Pennsylvania's requirements; and (2) a statement that the firm's internal inspection or monitoring procedures require the firm's personnel from an out-of-State office to perform an inspection of the firm's offices in this Commonwealth at last once every 3 years.

IRRC noted there is a conflict between section 8.9(a) of the CPA Law which provides that a firm is not required to undergo a peer review if it meets one of the exemptions in section 8.9(g), and section 8.9(g), which states that a firm shall be exempt from the requirement of a peer review if all the specified conditions in paragraphs (1)—(3) apply. IRRC questioned the Board how it intends to resolve this statutory inconsistency. A cardinal rule of statutory construction, set forth in section 1922(1) of the Statutory Construction Act of 1972, 1 Pa.C.S. § 1922(1), provides that it may be presumed, in ascertaining the legislative intent of a statute, that the General Assembly did not intend a result that is absurd, impossible of execution or unreasonable. The three sets of conditions for exemption in section 8.9(g) of the CPA Law involve disparate, unrelated circumstances; it would appear exceedingly rare, if not impossible, for a firm to be able to satisfy all three sets of conditions at once. Accordingly, the Board believes the only reasonable interpretation of the CPA Law is to treat section 8.9(g) as setting forth three discrete exemptions, any one of which would permit a firm to be excused from the peer review requirement. Consistent with this interpretation, the Board has revised § 11.82(d) to explicitly state that a firm that has performed an audit or review engagement after May 1, 1998,

is entitled to an exemption if any one of the three conditions in section 8.9(g) of the CPA Law apply.

The Board has also revised § 11.82(d) to set forth the types of documentation required to substantiate entitlement to each of the three exemptions. In addition to retaining the language in proposed § 11.82(d) about the required documentation for a multistate firm claiming an exemption under section 8.9(g)(1) of the CPA Law, the revised § 11.82(d) provides that a firm claiming an exemption under section 8.9(g)(2) of the CPA Law shall submit a notarized statement from the firm that: (i) the firm has not accepted or performed any audit or review engagement during the preceding 2 years; (ii) the firm does not intend to accept or perform any audit or review engagement during the next 2 years; and (iii) the firm agrees to notify the Board within 30 days of accepting an audit or review engagement and undergo a peer review within 18 months of commencing the engagement. The revised § 11.82(d) also provides that a firm claiming an exemption under section 8.9(g)(3) of the CPA Law shall submit one of the following: (i) a physician's statement that a specified medical condition prevents the firm from completing a timely peer review; (ii) a statement from the appropriate military authority that military service prevents the firm from completing a timely peer review; or (iii) a notarized statement from the firm setting forth exigent circumstances that prevent the firm from completing a timely peer review.

Finally, IRRC questioned whether § 11.82(d)'s requirement that a multistate firm claiming an exemption under section 8.9(g)(1) of the CPA Law demonstrate that its internal inspection or monitoring procedures require the firm's personnel from an out-of-State office to perform an inspection of the firm's offices in this Commonwealth every 3 years is equivalent to a peer review and, if so, how can such an inspection constitute an independent peer review required by the CPA Law. The internal inspection is complementary of, and not a substitution for, the statutory requirement that the multistate firm have completed a qualifying out-of-State peer review. The limitation of an out-of-State peer review of a multistate firm is that while the peer review team is able to evaluate a firm's quality control policies, it cannot offer assurances that the firm's offices in this Commonwealth are in compliance with those policies. The requirement that a multistate firm provide for a periodic internal inspection of its offices in this Commonwealth by its personnel from an out-of-State office furnishes an adequate level of assurance that the offices in this Commonwealth are in compliance with quality control policies.

*§ 11.83. (Administering organizations for peer review; firm membership not required).*

Proposed § 11.83(a) provided that the following organizations are deemed approved to administer a peer review program: (1) the AICPA's Securities and Exchange Practice Section and the Private Companies Practice Section; and (2) any State society or institute that participates in the AICPA Peer Review Program. Proposed § 11.83(b) provided that a firm that is subject to peer review will not be required to become a member of the AICPA or another administering organization.

IRRC asked the Board to explain the function of the administering organization in the peer review process. The administering organization ensures that all aspects of the peer review program are carried out. These functions include selecting qualified persons to serve on peer

review teams, scheduling peer reviews, evaluating peer review reports, and recommending remedial or corrective action as needed.

Both IRRC and the PSPA recommended that the Board add provisions to permit organizations other than those proposed § 11.83(a) to qualify as administering organizations for peer review. IRRC further commented that the language in proposed § 11.83(a) appeared to limit multistate or National organizations, excepting AICPA, from being eligible for deemed approval status. IRRC also recommended that proposed § 11.83(b) be clarified to prohibit an administering organization from requiring membership as a precondition to conducting a peer review of a firm.

In response, the Board has revised § 11.83(a) to provide that any organization of licensed certified public accountants or licensed public accountants that participates in the AICPA Peer Review Program is deemed approved to administer a peer review program and does not require prior approval from the Board. As the Board stated in its notice of proposed rulemaking, because the AICPA Peer Review Program is universally recognized in the public accounting profession as the preeminent model for peer review, the least costly and most efficient way to implement peer review in this Commonwealth is to grant deemed approval status to any organization of licensed accounting professionals that employs the AICPA peer review model.

The Board has adopted the suggestion of IRRC and the PSPA to establish a regulatory mechanism by which peer review programs other than the AICPA's can be evaluated for appropriateness. To this end, the Board has revised § 11.83(b) to provide that an organization of licensed certified public accountants or licensed public accountants that does not qualify for deemed approval status under § 11.83(a) may apply to the Board for approval to serve as an administering organization. The Board will evaluate the application based on the following factors: (i) whether the organization has adequate financial and other resources to administer a peer review program; (ii) whether the organization has the technical competence to administer a peer review program; and (iii) whether the organization has an oversight peer review committee whose members are subject to and have successfully completed peer reviews and that is capable of retaining qualified peer reviewers, scheduling peer reviews, reviewing the results of peer reviewers, and recommending remedial action for firms that do not receive unqualified peer review reports.

The Board has added a new § 11.83(c) that restates proposed § 11.83(b) in a manner consistent with the recommendation of IRRC.

*§ 11.84. (Peer review standards).*

The Board has made editorial changes to § 11.84, which requires that a peer review be conducted in accordance with the AICPA's Peer Review Standards.

*§ 11.85. (Qualifications of peer reviewers).*

Proposed § 11.85(a) stated that, except as provided in subsections (b) and (c), a peer reviewer shall possess the qualifications set forth in the AICPA's Peer Review Standards. Proposed § 11.85(b) provided that a licensed public accountant who otherwise satisfies the requirements of proposed § 11.85(a) shall be qualified to serve as a peer reviewer; proposed § 11.85(c) provided that a sole practitioner with a public accounting or auditing practice who otherwise satisfies the requirements of proposed § 11.85(a) and who is enrolled in a peer review program



shall be qualified to serve as a peer reviewer. Proposed § 11.85(d) provided that a peer reviewer shall be independent from, and have no conflict of interest with, the firm being reviewed.

IRRC commented that the proposed regulations do not specify how the Board would determine whether a prospective peer reviewer is qualified. IRRC also questioned the meaning of the phrase “who otherwise satisfies the requirements of subsection (a)” in proposed § 11.85(b) and (c).

To state with greater clarity who is eligible to serve as a peer reviewer, the Board has consolidated proposed § 11.85(a)—(c) into a revised § 11.85(a), which provides that a peer reviewer shall be a licensed certified public accountant or licensed public accountant, whether a sole practitioner or part of a group practice, who is enrolled in a peer review program and who possesses the qualifications in the AICPA’s Peer Review Standards. The Board has also revised § 11.85(b) to state that the peer review administering organization shall be responsible for ensuring that its peer reviewers are qualified. The Board has also renumbered § 11.85(d) as § 11.85(c).

*Statutory Authority*

Section 8.9(c) of the CPA Law empowers the Board to promulgate regulations approving peer review programs and standards, establishing qualifications of peer reviewers and prohibiting unauthorized disclosure of information obtained during peer review.

*Fiscal Impact and Paperwork Requirements*

The final-form regulations will have a fiscal impact on licensed public accounting firms subject to peer review. The Board cannot accurately estimate the cost of completing a peer review. The scope, and thus cost, of a peer review may vary widely depending on the size of the firm and the nature of the attest engagements that are being reviewed. The cost could range from less than \$1,000 for an offsite review to hundreds of thousands of dollars and more for an onsite review of the Nation’s largest firms.

The final-form regulations will cause the Board to incur minor costs in processing license renewal applications and initial license applications of firms subject to peer review. The Board anticipates that these costs will be defrayed by application and renewal fees.

The final-form regulations will require firms subject to peer review to provide the Board with proof of completion of a peer review or information substantiating entitlement to an exemption. The regulations also will require the Board to revise its forms for initial licensure and license renewal. The regulations will not impose new paperwork requirements on the Commonwealth’s other agencies or its political subdivisions.

*Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1 (relating to regulatory review and promulgation), the Board, in developing the regulations, solicited comments from the major professional associations representing the public accounting profession in this Commonwealth.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted copies of the notice of proposed rulemaking, published at 29 Pa.B. 4448, to IRRC and the House and Senate Committees for review and comment.

In adopting final-form regulations, the Board considered comments from IRRC, the House Committee and the

general public. The Board did not receive comments from the Senate Committee.

On September 25, 2000, the Board submitted the final-form regulations to IRRC and the House and Senate Committees for review. On October 6, 2000, under authority of section 5.1(g)(1) of the Regulatory Review Act (71 P. S. § 745.5a(g)(1)), the Board tolled the review period to correct an error in the final-form regulations, and submitted revised final-form regulations on that date. Under section 5.1(g)(3) of the Regulatory Review Act, the revised final-form regulations were approved by the House Committee on October 11, 2000, and deemed approved by the Senate Committee on October 16, 2000. The final-form regulations were approved by IRRC on October 19, 2000.

*Additional Information*

Individuals who desire additional information about the regulations are invited to submit inquiries to Steven Wennberg, Esq., Counsel, State Board of Accountancy, P. O. Box 2649, Harrisburg, PA 17105-2649.

*Findings*

The Board finds that:

(1) Public notice of the Board’s intention to amend Chapter 11, by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form regulations adopted by this order are necessary and appropriate for the administration of the CPA Law.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 11, are amended by adding §§ 11.81—11.86 to read as set forth in Annex A.

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

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

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

THOMAS J. BAUMGARTNER, CPA,  
*Chairperson*

*(Editor’s Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 5807 (November 4, 2000).)

**Fiscal Note:** Fiscal Note 16A-556 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 11. STATE BOARD OF ACCOUNTANCY  
PEER REVIEW**

**§ 11.81. Definitions.**

The following words and terms, when used in this section and §§ 11.82—11.86 (relating to peer review),

have the following meanings, unless the content clearly indicates otherwise:

*Administering organization*—An entity that meets the standards specified by the Board for administering a peer review program.

*Audit engagement*—An audit as defined in the AICPA's Statement on Auditing Standards.

*Firm*—A licensee who is a sole practitioner or a licensee that is a qualified association as defined in section 2 of the act (63 P. S. § 9.2).

*Offsite peer review*—An engagement review as defined in the AICPA's Standards for Performing and Reporting on Peer Reviews, including interpretations thereof, excepting a study of the associated working papers.

*Onsite peer review*—A system review as defined in the AICPA's Standards for Performing and Reporting on Peer Review, including interpretations thereof.

*Peer reviewer*—An individual who conducts an onsite or offsite peer review. The term includes an individual who serves as captain of an onsite peer review team.

*Review engagement*—A review as defined in the AICPA's Statement of Standards on Accounting and Review Services.

*Sole practitioner*—A licensed certified public accountant or licensed public accountant who practices public accounting on his own behalf.

**§ 11.82. Effective dates for peer review compliance; proof of compliance or exemption.**

(a) Unless subject to an exemption under section 8.9(g) of the act (63 P. S. § 9.8i(g)), a firm that performs an audit engagement after May 1, 1998, shall complete an onsite peer review before the license biennium that begins May 1, 2002.

(b) Unless subject to an exemption under section 8.9(g) of the act, a firm that performs a review engagement, but not an audit engagement, after May 1, 1998, shall complete an offsite peer review before the license biennium that begins May 1, 2006.

(c) A nonexempt firm that performs an audit or review engagement shall submit with its application for initial licensure or license renewal a letter from the peer review administering organization that evidences the firm's completion of a peer review.

(d) A firm that performs an audit or review engagement is entitled to an exemption from peer review if any of the three conditions in section 8.9(g) of the act apply. A firm claiming an exemption shall submit with its application for initial licensure or license renewal information that substantiates its entitlement to an exemption as follows:

(1) *Exemption under section 8.9(g)(1) of the act.* Both of the following:

(i) A letter from an out-of-State peer review administering organization evidencing the firm's completion of a peer review, within 3 years prior to the date of the application, that meets the requirements of the act and this chapter.

(ii) A statement that the firm's internal inspection or monitoring procedures require that the firm's personnel

from an out-of-State office to perform an inspection of the firm's Pennsylvania offices at least once every 3 years.

(2) *Exemption under section 8.9(g)(2) of the act.* A notarized statement from the firm that the following conditions have been met:

(i) The firm has not accepted or performed any audit or review engagement during the preceding 2 years.

(ii) The firm does not intend to accept or perform any audit or review engagement during the next 2 years.

(iii) The firm agrees to notify the Board within 30 days of accepting an audit or review engagement and to undergo a peer review within 18 months of commencing the engagement.

(3) *Exemption under section 8.9(g)(3) of the act.* One or more of the following:

(i) A physician's statement that a specified medical condition prevents the firm from completing a timely peer review.

(ii) A statement from the appropriate military authority that military service prevents the firm from completing a timely peer review.

(iii) A notarized statement from the firm setting forth unforeseen exigent circumstances that prevent the firm from completing a timely peer review.

**§ 11.83. Administering organizations for peer review; firm membership not required.**

(a) The following organizations are deemed qualified to administer peer review programs and do not require prior approval from the Board:

(1) The Securities and Exchange Commission Practice Section and the Private Companies Practice Section of the AICPA.

(2) Any organization of licensed certified public accountants or licensed public accountants that participates in the AICPA Peer Review Program.

(b) An organization of licensed certified public accountants or licensed public accountants that does not qualify as an administering organization under subsection (a) may apply to the Board for approval to serve as an administering organization. In determining whether to grant approval, the Board will consider the following factors:

(1) Whether the organization has adequate financial and other resources to administer a peer review program.

(2) Whether the organization has the technical competence to administer a peer review program.

(3) Whether the organization has a peer review oversight committee that meets the following conditions:

(i) Whose members are subject to and have successfully completed peer reviews.

(ii) That is capable of retaining qualified peer reviewers, scheduling peer reviews, reviewing the results of peer reviews and recommending appropriate remedial action for firms that do not receive unqualified peer review reports.

(c) An administering organization may not require a firm to become a member of the administering organization as a precondition for the administering organization to conduct a peer review of the firm.

§ 11.84. Peer review standards.

A peer review shall be conducted in accordance with the AICPA's "Standards for Performing and Reporting on Peer Reviews" including interpretations thereof.

§ 11.85. Qualifications of peer reviewers.

(a) A peer reviewer shall be a licensed certified public accountant or licensed public accountant, whether a sole practitioner or part of a group practice. Who is enrolled in a peer review program and who possesses the qualifications set forth in the AICPA's "Standards for Performing and Reporting on Peer Reviews" including interpretations thereof.

(b) The administering organization shall ensure that its peer reviewers are qualified under subsection (a).

(c) A peer reviewer shall be independent from, and have no conflict of interest with, the firm being reviewed.

§ 11.86. Confidentiality of peer review reports.

(a) Peer review reports and related information shall remain confidential except as provided in section 8.9(e) and (h)(3) of the act (63 P. S. § 9.8i(e) and (h)(3)) and subsection (b).

(b) The Board has the right to inquire of an administering organization whether a peer review report has been accepted.

[Pa.B. Doc. No. 00-2059. Filed for public inspection December 1, 2000, 9:00 a.m.]

STATE REAL ESTATE COMMISSION
[49 PA. CODE CH. 35]

[Correction]

Licensure Requirements

An error occurred in the document amending § 35.271(b)(3) (relating to examination of broker's license), which appeared at 30 Pa.B. 5954, 5958 (November 18, 2000). Subparagraph (ii) was inadvertently dropped from the paragraph. The correct version of subsection (b)(3) appears in Annex A, with ellipses referring to the existing text of the section.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter C. LICENSURE

LICENSURE REQUIREMENTS

§ 35.271. Examination for broker's license.

\* \* \* \* \*

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(4):

\* \* \* \* \*

(3) To be counted toward the education requirement, a real estate course shall have been offered by:

(i) An accredited college, university or institute of higher learning, whether in this Commonwealth or outside this Commonwealth.

(ii) A bachelor's degree from an accredited college, university or institute of higher learning, having completed coursework equivalent to a major in real estate.

(iii) A real estate school outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the school is located. The course transcript or certificate of completion shall state that the course is approved by the licensing authority of the jurisdiction where the school is located.

(iv) A real estate industry organization outside this Commonwealth, if the course is approved by the licensing jurisdiction of another state. The course transcript or certificate of completion shall state that the course is approved by the licensing jurisdiction which has approved it.

\* \* \* \* \*

[Pa.B. Doc. No. 00-1977. Filed for public inspection November 17, 2000, 9:00 a.m.]

STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
[49 PA. CODE CH. 39]
Fees

The State Board of Examiners of Nursing Home Administrators (Board) amends § 39.72 (relating to fees) to read as set forth in Annex A, by revising those fees related to applications and services.

A. Effective Date

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

B. Statutory Authority

Section 7.1(a) of the Nursing Home Administrators License Act (act) (63 P. S. § 1107.1(a)), requires 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 Affairs (Bureau) determined that the current fees did not reflect the actual cost of processing applications and performing the services. The amendment updates the fees to accurately reflect the cost of processing the applications and providing the services. The background of the

amendment and a description of the fees and services was published at 29 Pa.B. 2582 (May 15, 1999).

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

Notice of proposed rulemaking was published at 29 Pa.B. 2582. 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 and Verification Fees.*

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 boards thoroughly examine its 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 boards and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific board. Once determined, the Bureau's total administrative charge is apportioned to each board based upon that board's share of the total active licensee population. In turn, the board's administrative charge is divided by the number of active licensees to calculate a "per application" charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

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

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

trative 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 note that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past 10 years. During these 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. Details of the Board's analysis of the cost of each fee are attached to the Regulatory Review Form, which is available upon request.

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

The Board believes that this rulemaking will not put the Commonwealth at a competitive disadvantage with other states. Other states which are funded by fees (New Jersey, Maryland, Ohio and Delaware) seem to anticipate and include the costs of many of these services in their application fees for licensure and renewal fees. As a result, these two combined fees biennially range from \$200 (Maryland) to \$570 (Ohio) and are significantly higher than the Commonwealth's which is \$138. 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 the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

*F. Fiscal Impact and Paperwork Requirements*

This final-form regulation will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The amendment will 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. 2582, 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 this final-form regulation the Board has considered the comments received from the Committees, IRRC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form regulation was approved by the HPLC on October 11, 2000, and deemed approved by the SCP/PLC on October 23, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 2, 2000, and approved the final-form regulation in accordance with section 5.1(e) of the Regulatory Review Act.

*I. Contact Person*

Further information may be obtained by contacting Melissa Wilson, Board Administrator, State Board of Examiners of Nursing Home Administrators, 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, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 29 Pa.B. 2582.

(4) This amendment is 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:

(a) The regulations of the Board, 49 Pa. Code Chapter 39, are amended by amending § 39.72 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of the 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*.

ROBERT H. MORROW,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 6020 (November 18, 2000).)*

**Fiscal Note:** Fiscal Note 16A-626 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 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

**FEES**

**§ 39.72. Fees.**

The following is a schedule of fees charged by the Board:

Biennial renewal of nursing home administrators license .....	\$108
License application fee .....	\$40
N.A.B. examination fee .....	\$235
State rules and regulations examination .....	\$87
Complete nursing home administration examination .....	\$322
Temporary permit fee .....	\$145
Certification of examination scores .....	\$25
Verification of licensure or temporary permit .....	\$15
Continuing education provider application fee .....	\$40
Continuing education program application fee per credit .....	\$15
Continuing education individual program application fee .....	\$20

[Pa.B. Doc. No. 00-2060. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### [52 PA. CODE CH. 53]

[L-00940095]

#### Updating and Revising Existing Filing Requirement

The Pennsylvania Public Utility Commission (Commission) on June 2, 2000, adopted a final rulemaking order amending existing regulations to lessen the regulatory burdens on all jurisdictional telecommunications providers. The contact persons are Gary Wagner, Bureau of Fixed Utility Services (717) 783-6175 and Carl Hisiro, Law Bureau (717) 783-2812.

##### *Executive Summary*

In 1994, the Commission entered an order that initiated a rulemaking proceeding to revise and streamline existing filing requirements for all telecommunications providers so as to lessen their regulatory burden and promote competition. Since then, many significant events have occurred to effectuate the deregulation of the telecommunications industry and the promotion of competition in its stead, including the enactment of the Federal Telecommunications Act of 1996.

The rulemaking went through three advance notices published in the *Pennsylvania Bulletin*, and the Commission received comments from a number of parties. This

rulemaking was then subsequently included in the proceeding to consider global resolution of telecommunications issues at P-00991648 and P-00991649. In the global proceeding, all participating incumbent and competitive local exchange carriers and interexchange carriers supported the same set of proposed regulations that were approved as final, with minor modifications, in this rulemaking.

The regulations streamline filing requirements by reducing the review period from 60 days to either 30, 10, or 1 day, depending generally on whether the filing is made by an incumbent or competitive local exchange carrier and on whether the proposed rates represent increases or decreases from existing rates or are for new services. The regulations also streamline filing requirements for intraLATA toll rates, bundled service packages and promotional offerings.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 29, 2000, the Commission submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 6257 (December 11, 1999), to IRRC and to the Chairpersons of the House and Senate Committees for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 1, 2000, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 19, 2000, and approved the final-form regulations.

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting  
June 2, 2000

#### **Final Rulemaking Order**

##### *By the Commission:*

On October 7, 1999, the Commission entered an order proposing to amend its regulations relating to existing tariff filing requirements imposed upon telecommunications providers. The Commission proposed these amendments at least partially in response to recent State and Federal efforts to effectuate the deregulation of, and the promotion of competition in, the telecommunications industry.

The October 7, 1999, Order was published at 29 Pa.B. 6257 (December 11, 1999). Comments were hereafter received from Bell Atlantic-Pennsylvania, Inc. (BA-PA), the Pennsylvania Telephone Association (PTA) with the exception of members GTE and Sprint who did not join in the filing of comments, and the Independent Regulatory Review Commission (IRRC).<sup>1</sup> While the October 7, 1999,

<sup>1</sup> AT&T Communications of Pennsylvania, Inc. submitted a letter in lieu of formal comments concerning the proposed Rulemaking Order supporting the adoption of the proposed regulations but noting that other steps are necessary to promote the ability of new entrants to compete with incumbent local exchange carriers (ILECs).

Order did not contemplate the filing of reply comments, three parties—the Office of Consumer Advocate (OCA), the Office of Trial Staff (OTS), and MCI WorldCom, Inc. (MCI)—filed reply comments. All three parties ask the Commission to accept their reply comments in order to respond to issues raised in the BA-PA and PTA comments.

The three parties that filed reply comments object to the fact that BA-PA and the PTA are now complaining about specific provisions of the proposed regulations which BA-PA and the individual members of the PTA previously supported in the Commission's Global proceeding at Docket Nos. P-00991648 and P-00991649. OCA Reply Comments at 3-4; OTS Reply Comments at 1-2; MCI Reply Comments at 1-7. They each contend that BA-PA's current comments particularly should not be considered because the proposed regulations adopted by this Commission are identical to the filing requirement proposal offered by BA-PA itself in the Global proceeding.

On March 1, 2000, BA-PA filed a response to MCI's reply comments stating that BA-PA's petition in the Global proceeding was expressly conditioned on the Commission approving the entire petition without modification. Because that petition was not accepted, BA-PA argues that it should not be bound by its own proposal.

This Final Rulemaking Order discusses the comments and reply comments received and sets forth, in Annex A, final amendments to the Commission's regulations regarding updating and streamlining existing filing requirements for telecommunications utilities. As an initial matter, we agree with the three reply commentators that BA-PA should not now be heard to complain about specific provisions of the regulations that BA-PA itself submitted for approval in the Global proceeding. Furthermore, for the most part, the issues BA-PA raises in its comments were addressed in the October 7, 1999, Order and rejected. We see no need to resurrect them again in this order.

#### *General Comments*

IRRC raises the concern that §§ 53.57 (in the definition of "Lifeline Plan"), 53.59(e)(3), 53.60(a)(2), 53.60(b)(1) and (b)(2) and 53.60(c) each require compliance with "directives" and/or "guidelines." IRRC recommends that references to these terms should be deleted and replaced, if appropriate, with specific statutory requirements that the applicable within the final regulation. IRRC states that "guidelines," by definition, are nonbinding and should not be required in a regulation. While IRRC does not give a specific reason why the word "directive" is of concern, we assume the reason is that there is ambiguity as to the mandatory nature of the term "directive."

We agree with IRRC's recommendation and will make the following changes to the affected subsections. In § 53.57's definition of "Lifeline Plan," the language in the final rulemaking will be changed from "in accordance with applicable directives and guidelines of the Commission and of the Federal Communications Commission" to read "in accordance with applicable state or federal law or regulations." The language in § 53.59(e)(3) (as discussed below, this subsection becomes § 53.59(f)(7) in the final rulemaking) will be changed from "a statement of compliance with all applicable guidelines . . ." to read "a statement of compliance with all applicable regulations . . ." Sections 53.60(a)(2), 53.60(b)(2), and (c) will simply delete the reference to "and a statement of compliance with applicable guidelines" as unnecessary. Finally, § 53.60(b)(1) will be modified from "shall meet the appli-

cable guidelines that have issued by the Commission in the form of regulations, orders or other directives regarding cost justification . . ." to read "shall meet any applicable state law or regulation regarding cost justification . . ."

#### *Section 53.57. Definitions.*

The terms "cost support" and "documentary support" are used throughout the proposed regulation without being defined. IRRC believes that it would improve clarity if these terms were defined in the final regulation.

In the context of this rulemaking, we believe that these terms do not need to be more fully defined. These terms have been used for a number of years by Commission staff in eliciting data from telecommunications carriers to justify tariff changes. Telecommunications carriers are familiar with the meaning of these terms. Furthermore, as various telecommunications markets open up to competition over time, both the type and amount of documentary and cost support information demanded by the Commission to justify tariff revisions may change. We are satisfied, therefore, that these terms do not require further definition in the final regulation.

IRRC also suggests that subsection (i) of the definition for "joint or bundled service packages" should be amended to change "composed by" to "composed of." We agree with the change and incorporate it, along with the elimination of the phrase "that may be" before the word "composed" as unnecessary, into the phrase "that may be" before the word "composed" as unnecessary, into the final regulations.

The other suggested change offered by IRRC in the definition section is to move subsection (ii) of the "promotional service offerings" definition to § 53.60 (relating to supporting documentation for promotional offerings). Specifically, subparagraph (ii) provides that promotional service offerings may not be longer than 6 months in any rolling 12-month period. IRRC contends that this is a substantive requirement that should not be included within the definition.

We agree in part with IRRC that the time-limitation aspect of promotional service offerings is a substantive requirement which should be covered in § 53.60. IRRC's concern, however, also prompted us to reconsider the definition of "promotional service offering" in toto. This review has led us to provide a clearer, more concise definition of the term "promotional service offering," spelling out that promotional services are designed to increase usage and are only of limited duration. This change should further satisfy IRRC's concern.

#### *§ 53.58. Offering of competitive services.*

Section 53.58(a) and (c) provide that when a service is designated "competitive" by the Commission, that service may then be offered by any CLEC or ILEC as a competitive service in the relevant service territory. IRRC asserts that § 53.58(a) and (c), to the extent they are interpreted to relieve competitive local exchange carriers (CLECs) from the requirements for filing a petition for an alternative form of regulation or a network modernization plan, appear to be inconsistent with sections 3003—3005 of Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3003—3005. IRRC asks the Commission to explain its statutory authority for these two provisions.

As an initial matter, we should state that our primary goal in this rulemaking is to establish streamlined tariff filing requirements for both CLECs and ILECs and not to

provide a definitive statement on the applicability of Chapter 30's provisions to CLECs. In undertaking this task to streamline our tariff filing requirements, we have incorporated the "competitive service" designation under Chapter 30 as one of the mechanisms for streamlining the tariff filing requirements. This rulemaking proceeding does not otherwise affect our recent holdings that telecommunications providers are required to submit a network modernization plan unless the company can show good cause why it has not done so, *Petition of Hancock Telephone Co. for Waiver of Sections 3003 and 3006 of Chapter 30 of the Public Utility Code*, Docket No. O-00981445 (Order entered November 8, 1999); *Petition of Citizens Telecommunications Co. of New York, Inc. d/b/a Citizens Communications Services Co. for Waiver of Sections 3003 and 3006 of chapter 30 of the Public Utility Code*, Docket No. P-00981444 (Order entered November 8, 1999).

However, as we explained in our October 7, 1999 Order, the adoption of the instant regulation is necessitated, in large part, by our responsibility to implement the Federal Telecommunications Act of 1996 (TA-96), 47 U.S.C.A. §§ 251—276, and its goal (and that of Chapter 30 as well) of promoting a competitive telecommunications market. As we further explained at pages 16-17 of our Order:

[W]e do not believe that the proposed regulations contradict the statutory requirements of Chapter 30. Indeed, . . . the absence of an alternative or streamlined regulation plan for a new entrant CLEC does not in any way damage the public interest. In reality, CLEC operations are not currently regulated on the basis of a rate base/rate-of-return method . . . Thus, the filing of a Chapter 30 alternative or streamlined regulation plan by a CLEC would simply formalize existing regulatory parameters, albeit at a rather high administrative cost for the CLEC concerned and for this Commission.

TA-96 preempts State or local statutes or regulations that erect barriers to entry among telecommunications providers in the provision of any telecommunications service. 47 U.S.C.A. § 253. Indeed, the United States Court of Appeals for the Tenth Circuit just this past January affirmed the Federal Communications Commission's preemption of a Wyoming statute that unreasonably restricted competition in rural markets. *RT Communications, Inc. v. F.C.C.*, 2000 U.S. App. Lexis 430 (10<sup>th</sup> Cir. January 13, 2000).

In proposing that a service designated competitive for an ILEC or CLEC under Chapter 30 can be offered by any other CLEC or ILEC as a competitive service in the same service territory, the Commission was cognizant of the preemption provision in TA-96 and the necessity of promulgating regulations that do not restrict entry, especially for CLECs. This could be construed as the case, however, if the Commission's regulation interpreted Chapter 30 to require a CLEC to file for a competitive classification under Chapter 30 (with the 9-month statutory period normally required for the disposition of a Chapter 30 petition) after an ILEC had already obtained such a classification for the service. Similarly, if the Commission's regulation required a CLEC to file an alternative regulation plan when CLECs are currently not regulated on a rate base/rate-of-return basis, the statute or regulation could conceivably be construed as a

barrier to entry, thereby invoking the section 253 preemption provision.

Thus, we find that the adoption of § 53.58(a) and (c), without modification, is consistent with the competitive goals of both Chapter 30 and TA-96.<sup>2</sup>

The PTA requests that subsection (a) be expanded so as to require a new entrant to provide the ILEC with a courtesy copy of the tariffs and price lists referenced in subsection (d) that the new entrant intends to offer in the ILEC's service territory. The PTA contends that this change will give the ILEC an opportunity to prepare to make "services" available to the new entrant by the time the services are needed. Final Comments of PTA at 3.

We decline to accept this recommendation as there is no evidence that adopting such a price exchange will materially aid the availability of services such as the leasing of network elements to new entrants. In addition, the exchange of current prices among competitors could facilitate collusive activity in violation of the Federal and State antitrust laws. *See, e.g., United States v. Container Corp.*, 393 U.S. 333, 335 (1969) (Court held that exchanges of information concerning the "most recent price charged or quoted" among sellers of corrugated containers unlawfully stabilized prices in violation of the Sherman Act).

Next, IRRC states that subsection (b) contains negative phrasing that makes this provision confusing. We will revise the language consistent with the suggestion offered by IRRC.

IRRC also requests that we clarify in subsection (e) that the "proceeding" to reclassify a service from competitive to noncompetitive would be a complaint, and that we clarify the process, procedure and parties that are permitted to participate by including a reference to the Commission's existing regulations on filing formal complaints. We believe both of IRRC's concerns can be fully resolved by adding the phrase, "Pursuant to Chapter 5 (relating to formal proceedings)," at the beginning of the first sentence in the subsection.

IRRC further suggests that the Commission should explain any factors that it uses to determine the "level of dominant market power" under subsection (e). After carefully considering IRRC's position, we conclude that the phrase "level of dominant market power" is not necessary and have removed it from the regulation. We find that the language in section 3005(d) of the Public Utility Code, 66 Pa.C.S. § 3005(d), sufficiently explains the factors and process the Commission will use to determine if a reclassification is necessary and have added language to that effect in the regulation.

IRRC also suggests that subsection (e)(4)(vii), providing that the Commission will consider "other factors deemed relevant by the Commission," is too vague and is in need of further clarification. We disagree. The catchall language in question was extracted verbatim from regulations that are already in force in § 63.106(d)(5) for reclassifying competitive and noncompetitive services of

<sup>2</sup> IRRC also asserts that the phrase "subject to §§ 53.57, 53.59, 53.59, 53.60 and this section" in both subsections (a) and (c) of section 53.58 is confusing. As originally proposed, the phrase in question read simply "subject to the provisions in this subpart." The Legislative Reference Bureau changed the language before publishing the text of the proposed rulemaking language in the *Pennsylvania Bulletin* in an effort to clarify the meaning of the word "subpart." We will revise the language so that it reads "subject to this section" to achieve the meaning originally intended in the October 7, 1999 Order and at the same time eliminating any confusion created by the subsequent language appearing in the *Pennsylvania Bulletin*.



ferred by interexchange telecommunications carriers. In an ever-changing market, we believe it would be unwise not to include the generic, catchall provision for reclassifying competitive and noncompetitive services for other telecommunications providers that subsection (e)(4)(vii) provides.

Finally, on our own motion the Commission has amended § 53.58(d) to include ministerial administrative tariff changes, which typically involve non-price, non-substantive type changes. The amendment also clarifies that tariff filings involving competitive services are effective on 1-day's notice, which simply codifies existing practice.

*Section 53.59. Cost support requirements and effective filing dates for tariff filings of noncompetitive services.*

In subsection (a), IRRC recommends that we replace the phrase "is relieved from any obligation" with the phrase "is not required" to increase clarity. This suggestion is incorporated in the final regulations.

IRRC next raises a concern with subsections (b) and (c) which apply to CLEC tariff filings for new services or for existing services when the proposed rates are higher than ILEC rates for the same service. If the rulemaking's purpose is to encourage competition, IRRC asks why we require a 30-day notice period for a CLEC that wants to reduce its rate to a rate that is still above the ILEC's rate. IRRC suggests that the regulation should specify instead the 1-day's notice provided in subsection (a).

Generally, one would expect a CLEC's rates to be at or below those of the ILEC if the CLEC expects to take market share away from the ILEC and be a successful long-term competitor in the ILEC's service territory. As we stated in our October 7, 1999, Order, however, some CLECs operating in Pennsylvania "are offering their services to targeted end-user customers with poor credit histories at rates that are higher than those charged by ILECs and other CLECs for the same services." *Proposed Rulemaking Order and Final Interim Guidelines*, Dockets No. L-00940095, et al., at 18 (Order entered October 7, 1999). We concluded that tariff changes from these CLECs "should be subjected to an additional degree of scrutiny in order to afford the necessary protection for its 'high-risk' end-user customers" *Id.* at 19.

Moreover, our interest in protecting these customers, who may also be economically disadvantaged, is the same even if the CLEC is proposing to reduce its rates to a level that is still above those offered by the ILEC serving the same service territory. This is because price is not, and should not, be the only factor we look at in these circumstances. We are equally concerned that the CLEC not change other terms and conditions in a way that may be burdensome or misleading to the customer. For example, the CLEC could lower its rate at a level that is still above the corresponding ILEC's rate, but the CLEC could also add a tie-in provision requiring the consumer to take an unwanted service as part of a required service package. We believe that a 30-day review period in these circumstances properly balances our desire to protect consumers and the public interest goal of reducing regulatory burdens while still giving our staff sufficient review time.

Finally, we also think it is significant that this provision was universally accepted by all participants, including many CLECs, in the Global proceeding, and that not one CLEC filed comments objecting to this provision in the present proceeding. For all these reasons, we decline to adopt the IRRC recommendation.

Both IRRC and the PTA assert that the final regulation should include a notice and review period regarding ILECs filing for new services. Subsection (c)(2) requires a 30-day notice and review period for new services offered by CLECs, but there is no parallel provision for ILECs. The inclusion of the phrase "new services" was first raised by one or more CLECs during the Global proceeding and was incorporated into the proposed rulemaking without objection from any party.

We agree with this suggestion and will incorporate language in subsection (f)(3) of the final rulemaking so that the same 30-day notice and review standard applies to ILECs and to CLECs for new services. We believe it was simply an oversight that identical language was not incorporated into the subsection relating to ILECs during the Global proceeding. Applying the same standard is also supported by the fact that introducing a new service in a market is generally viewed as promoting competition in that market; therefore, a shortened notice and review period is appropriate for both CLECs and ILECs.<sup>3</sup>

IRRC also suggests that subsections (e)(1), now subsection (f) in the final regulations, should be broken down into separate paragraphs to improve clarity. In order to improve the clarity of not only this subsection but subsection (c) as well, we have incorporated this change in the final regulations.

In its comments, the PTA questions the reasonableness of the "in person" notice requirement stated in subsections (c)(1) and (e)(1),<sup>4</sup> complaining that it is unnecessarily burdensome. Final Comments of PTA at 2-3. Both the OCA and OTS strongly object to the PTA's position on this issue in this proceeding as its members had the opportunity to object to this provision during the Global proceeding but did not do so. OCA Reply Comments at 7-8; OTS Reply Comments at 3-5. They assert that in return for agreeing to this "in person" notice provision, the PTA members and other ILECs received the abbreviated 10- and 30-day notice and review periods established in the original subsection (e). The notice and review period contained in subsection (c) simply modeled after the language agreed to in subsection (e). Both the OCA and OTS suggest, however, that the PTA's proposal to use e-mail instead of "in-person" service may be acceptable so long as the party filing the tariff immediately following its e-mail with service by mail on each of the statutory parties.

We agree with the OCA and OTS that the "in person" notice requirement was the quid pro quo for these parties agreeing not to oppose the shortening of the review process to 30 or 10 days, depending on whether the ILEC tariff filing represented a rate increase or a rate decrease. The "in person" notice requirement was meant to ensure that these agencies would receive the tariff filing on the same date that it is filed with the Commission. Especially for the 10-day notice period, an in-hand type notice requirement was acknowledged during the Global proceeding as being critically important to ensuring that the statutory agencies have sufficient time to review the tariff before it becomes effective.

We believe, however, that there are other service avenues available to the telecommunications carriers

<sup>3</sup> In IRRC's comments on this issue, IRRC states that "[c]onsistent with Subsection (c), the PUC should revise this subsection to establish a 10-day waiting period for tariff filings for new services." IRRC Comments at 3. As discussed above, however, subsection (c) actually establishes a 30-day waiting period for tariff filings by CLECs for new services. IRRC's comments make clear they were looking for consistency between the two subsections so we assume adopting the same 30-day period for both CLECs and ILECs will satisfy IRRC's concerns.

<sup>4</sup> As revised in the final regulations, the language in question that appeared in original subsection (e)(1) now appears in subsection (f)(5).

other than the "in person" approach that would satisfy the in-hand requirement that was of concern to the statutory agencies. For example, the provider could send the statutory agencies its tariff filing the day before filing with the Secretary's Bureau by an overnight delivery service, or the provider could utilize e-mail so long as it verified that the tariff filing was actually received by the three agencies. We, therefore, have changed the language in § 53.59(c)(3) and (f)(5) to require that the tariff filing be "received" by the statutory agencies on the date the filing is filed with the Secretary's Bureau.

Moreover, as advocated by the OCA and OTS, the Commission has clear authority under section 1308(a), authority under section 1308(a) of the Public Utility Code, 66 Pa.C.S. § 1308(a), to adopt an "in hand" notice requirement. Section 1308(a) provides that a utility must give notice of proposed rate changes "to other interested parties as the commission in its discretion may direct."<sup>5</sup>

IRRC also recommends that the misspelling of "Life-line" in old subsection (g), now subsection (h), be corrected. This was a typographical error that occurred when the proposed rulemaking was re-printed in the *Pennsylvania Bulletin*. We will endeavor to ensure that the spelling is corrected in the final printing that will appear in the *Pennsylvania Bulletin*.<sup>6</sup>

Finally, similar to the changes we made in § 53.58(d), we have added new § 53.59(d) and (f)(4) to address CLEC and ILEC ministerial administrative changes affecting noncompetitive service offerings. CLEC ministerial changes will be effective on 1-day's notice and ILEC ministerial changes will be effective on 10-day's notice.

*Section 53.60. Supporting documentation for promotional offerings, joint or bundled service packages, and toll services.*

IRRC asserts that the phrase "do not have an automatic obligation" in subsection (a) is confusing and should be replaced with "are not required." We agree. This change is incorporated into the final regulations.

Next, IRRC contends that subsection (a)(1)'s requirement on ILECs and CLECs to give advance notice to resellers of a promotional service offering contradicts accepted practice in a competitive marketplace. IRRC suggests that we delete this provision or explain why any competitor should get preferential treatment.

This provision was suggested during the Global proceeding by resellers who were fearful that, without this notice provision, they would not be able to compete effectively with the ILEC or CLEC from whom they purchase the promotional service offering for resale. No CLEC or ILEC objected then or in the comments filed herein when we incorporated the language in the proposed rulemaking. We, therefore, conclude that this provision should remain in the final regulations.<sup>7</sup>

The last comment offered by IRRC relates to subsection (a)(3). IRRC believes there is an inconsistency between

<sup>5</sup> We also, for the sake of clarity, have changed the phrase "when all consumers subject to the rate increase shall have received notice to each individual consumer" in both subsections (c)(1) and (f)(2) to read "when all consumers subject to the rate increase shall have received individual notice."

<sup>6</sup> On our own motion, we added the word "affected" before "CLEC" and "ILEC," respectively, in subsections (c)(4) and (e)(5).

<sup>7</sup> We are not concerned with the *United States v. Container Corp.*-type price exchange issue noted above in this context because it is generally acknowledged that resellers of telecommunications services in the current marketplace do not have market power. We believe the advance-notice requirement here will have a procompetitive effect by creating a more level playing field for resellers competing against the more established market participants. If it later develops that this provision may be having a price-setting or price-stabilizing effect or other anticompetitive effect in the market, we can revisit the issue at that time to determine if the provision has outlived its usefulness and should be repealed.

the definition of "promotional service offerings" in § 53.57, which defines these services as noncompetitive, and subsection (a)(3), which provides that there are no filing requirements for promotional service offerings involving competitive services.

We agree that there is an apparent discrepancy. The new definition of "promotional service offering" in § 53.57 and revised language in the final rulemaking, however, addresses this concern. In addition, we changed the order of the old subsection (a)(3) and (4) to improve clarity as well.<sup>8</sup>

#### *Conclusion*

Accordingly, under sections 501 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501 and 1501; sections 201 and 202 of the Commonwealth Documents Law (45 P. S. §§ 201 and 202), and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232); and the regulations promulgated thereunder in 4 Pa. Code §§ 7.251—7.235, we find that the regulations governing tariff filing requirements for the telecommunications industry in §§ 53.52—53.53 should be amended by adding §§ 53.57—53.60 as set forth in Annex A.

*Therefore,*

*It Is Ordered that:*

1. The regulations of the Commission, 52 Pa. Code Chapter 53, are amended by adding §§ 53.57—53.60 to read as set forth in Annex A.

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

3. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

5. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by IRRC.

6. A copy of this order and Annex A shall be served upon the Pennsylvania Telephone Association, all jurisdictional telecommunications utilities, the Office of Trial Staff, the Office of Consumer Advocate and the Small Business Advocate.

7. The final regulations embodied in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 5807 (November 4, 2000).)

**Fiscal Note:** Fiscal Note 57-209 remains valid for the final adoption of the subject regulations.

<sup>8</sup> Again, on our own motion, we changed the phrase "effective with a 1-day's notice" in subsections (a)(1) and (c) to "effective on 1-day's notice" to improve clarity and to be consistent with the language used elsewhere in the final regulations.

## Annex A

## TITLE 52. PUBLIC UTILITIES

PART I. PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

## Subpart C. FIXED SERVICE UTILITIES

CHAPTER 53. TARIFFS FOR NONCOMMON  
CARRIERSTARIFF FILING REQUIREMENTS FOR  
INCUMBENT LOCAL EXCHANGE CARRIERS AND  
COMPETITIVE LOCAL EXCHANGE CARRIERS

## § 53.57. Definitions.

The following words and terms, when used in this section and §§ 53.58—53.60, have the following meanings, unless the context clearly indicates otherwise:

*CLEC—Competitive local exchange carrier*—A telecommunications company that has been certificated by the Commission as a CLEC under the Commission's procedures implementing the Telecommunications Act of 1996, the act of February 8, 1996 (Pub.L. No. 104-104, 110 Stat. 56), or under the relevant provisions of 66 Pa.C.S. § 3009(a) (relating to additional powers and duties).

*Competitive service*—A service or business activity offered by an ILEC or CLEC that has been classified as competitive by the Commission under the relevant provisions of 66 Pa.C.S. § 3005 (relating to competitive services).

*ILEC—Incumbent local exchange carrier*—A telecommunications company deemed to be an ILEC under section 101(a)(h) of the Telecommunications Act of 1996 (47 U.S.C.A. § 251(h)).

*Joint or bundled service packages*—

(i) Service packages composed of one or more distinct categories of noncompetitive and competitive services and service options or features, inclusive of toll services, when the service packages are offered by CLECs and ILECs under a single rate or charge and a unified set of terms and conditions for service as defined in a tariff approved by the Commission.

(ii) The term does not include ILEC or CLEC tariff filings that involve simultaneous changes in rates and charges for noncompetitive services in a revenue neutral manner.

*Lifeline plan*—A tariffed service offering, approved by the Commission, which provides telecommunications services to qualified low-income end-user consumers at reduced rates and charges in accordance with applicable State or Federal law or regulations.

*New service*—A service that is not substantially the same or functionally equivalent with existing competitive or noncompetitive services.

*Noncompetitive service*—A protected telephone service as defined in 66 Pa.C.S. § 3002 (relating to definitions) or a service that has been determined by the Commission as not a competitive service.

*Promotional service offerings*—A service offered by a CLEC or ILEC at rates, terms and conditions that are designed to promote usage and available for a duration of no longer than 6 months in any rolling 12-month period.

## § 53.58. Offering of competitive services.

(a) ILEC services that have been classified as competitive under the relevant provisions of 66 Pa.C.S. § 3005 (relating to competitive services), may also be offered by

CLECs as competitive services without prior competitive determination and classification by the Commission subject to this section.

(b) Under § 53.59 (relating to cost support requirements and effective filing dates for tariff filings of noncompetitive services), a CLEC may offer services classified as noncompetitive in an ILEC service territory when the CLEC has been certificated to offer service.

(c) When the Commission approves a CLEC petition under the relevant provisions of 66 Pa.C.S. § 3005 for classification of a noncompetitive service to a competitive service, the ILEC serving that petitioning CLEC's service territory and other certificated CLECs within the petitioning CLEC's service territory may offer the service approved by the Commission as a competitive service subject to this section.

(d) CLECs and ILECs offering services classified by the Commission as competitive shall file with the Commission appropriate informational tariffs, price lists, and ministerial administrative tariff changes. These filings will become effective on 1-day's notice.

(e) Under Chapter 5 (relating to formal proceedings), the Commission may initiate a proceeding for the potential reclassification from competitive to noncompetitive a service that is offered by either or both an ILEC and CLECs in a specific service territory under the relevant provisions of 66 Pa.C.S. § 3005(d).

(1) The Commission will decide which competitive service of an ILEC or CLEC warrants reclassification to noncompetitive status under relevant provisions of 66 Pa.C.S. § 3005(d).

(2) The Commission will provide an opportunity to participate in the proceeding to the ILEC and to those CLECs that offer substantially the same or functionally equivalent competitive service within the service territory of the ILEC or specific CLEC for which there is a reclassification proceeding.

(3) The Commission will separately determine whether the substantially same or functionally equivalent service that is offered by the competing ILEC or CLECs in the relevant service territory will continue to be classified as a competitive service.

(4) When reviewing whether a service should be reclassified, the Commission will consider the following factors:

(i) The ease of entry by potential competitors into the market for the specific service at issue.

(ii) The presence of other existing telecommunications carriers in the market for the specific services at issue.

(iii) The ability of other telecommunications carriers to offer the service at competitive prices, terms and conditions.

(iv) The availability of like or substitute service alternatives in the relevant geographic area for the service at issue.

(v) Whether the service is provided under conditions that do not constitute unfair competition.

(vi) Whether the service, including its availability for resale under the relevant provisions of the Telecommunications Act of 1996, the act of February 8, 1996 (Pub.L. No. 104-104, 110 Stat. 56), is provided on a nondiscriminatory basis.

(vii) Other factors deemed relevant by the Commission.

**§ 53.59. Cost support requirements and effective filing dates for tariff filings of noncompetitive services.**

(a) *CLEC services priced below ILEC rates.* A CLEC that offers services that are substantially the same or functionally equivalent with noncompetitive services by an ILEC in the service territory of the ILEC, at rates and charges that are at or below the level of the corresponding rates and charges of the ILEC for these services, is not required to provide cost support for tariff filings and rate changes involving these services. These tariff filings will be effective on 1-day's notice if the following apply:

(1) The CLEC offers these services in the same service territory as the ILEC.

(2) The CLEC tariff filing does not contain any material changes in the CLEC's tariff rules, terms or conditions.

(3) The CLEC specifically states in its accompanying cover letter that the filing is being made on 1-day's notice in accordance with this subsection, and that the tariff filing does not contain material changes in the CLEC tariff rules, terms or conditions.

(4) The CLEC provides copies of the ILEC's effective tariffs designating the corresponding rates and charges of the same or functionally equivalent noncompetitive services.

(b) *CLECs operating in multiple ILEC territories.* When a CLEC offers services in the service territories of more than one ILEC, and the rates and charges for these services satisfy the criteria of subsection (a), the CLEC may file separate tariff schedules when the rates and charges for these services correspond to the rates and charges of the different ILECs in their respective service territories.

(c) *CLEC services priced above ILEC rates and CLEC new services.*

(1) CLEC tariff filings for services that are substantially the same or functionally equivalent with noncompetitive services offered by an ILEC in the same service territory of the ILEC, at rates and charges that are higher than the corresponding rates and charges of the ILEC, will become effective as filed if the Commission does not take any action within 30 days from the date when all consumers subject to the rate increase shall have received individual notice.

(2) CLEC tariff filings for new services will become effective as filed if the Commission does not take any action within 30 days from the date the tariff filing is filed with the Commission.

(3) The tariff filings in this subsection shall be received by the Office of Consumer Advocate, the Office of Small Business Advocate and the Commission's Office of Trial Staff on the date of filing with the Commission's Secretary's Bureau.

(4) The Commission may extend the review period in this subsection by up to an additional 30 days upon notice to the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Office of Trial Staff and the affected CLEC.

(5) The CLEC shall include the following summary documentation for tariff filings involving the services:

(i) A brief statement indicating whether the CLEC offers these services solely on the basis of resale of an ILEC's retail services, through its own facilities, or a combination of both.

(ii) A brief statement indicating whether the tariff filing represents an increase or decrease in existing rates and charges.

(iii) A summary justification of the tariff filing, including an explanation of whether the proposed changes have been caused by a corresponding change in rates and charges of the resold services of the underlying ILEC.

(d) *CLEC ministerial administrative changes.* CLEC ministerial administrative tariff filings for services that are substantially the same or functionally equivalent with noncompetitive services offered by an ILEC in the same service territory of the ILEC, will be effective on 1-day's notice.

(e) *Cost support for CLEC filings.* When new or revised CLEC rates for service are higher than those of the ILEC in that ILEC's service territory, the Commission may request relevant documentary support, including cost support and a statement of compliance with applicable guidelines. The requests can be made either before or after the rates become effective, and will only occur when it is necessary to protect consumers such as, without limitation, when the service is targeted to the economically disadvantaged or customers with poor credit histories.

(f) *ILEC rate changes.*

(1) *Rate reductions.* ILEC tariff filings for noncompetitive services that represent rate reductions from current rates and charges of that ILEC, will become effective as filed if the Commission does not take any action within a 10-day notice and review period. To obtain the 10-day notice and review period, the ILEC shall provide copies of its current tariff for the noncompetitive service for which it seeks a rate reduction.

(2) *Rate increases.* ILEC tariff filings for noncompetitive services that represent rate increases from current rates and charges of that ILEC will become effective as filed if the Commission does not take any action within 30 days from the date when all consumers subject to the rate increase shall have received individual notice.

(3) *New services.* ILEC tariff filings for new services will become effective as filed if the Commission does not take any action within 30 days from the date the tariff filing is filed with the Commission.

(4) *Ministerial administrative changes.* ILEC ministerial administrative tariff filings for noncompetitive services will be effective on 1-day's notice.

(5) *Notice.* The tariff filings in this subsection shall be received by the Office of Consumer Advocate, the Office of Small Business Advocate and the Commission's Office of Trial Staff on the date of filing with the Commission's Secretary's Bureau.

(6) *Extension of review period.* The Commission may extend the review period in this subsection by up to an additional 30 days upon notice to the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Office of Trial Staff and the affected ILEC.

(7) *Documentary support.* Nothing in this subsection affects the type of documentary support, including cost support and a statement of compliance with all applicable regulations, that will be necessary for an ILEC to file with the Commission for approval of tariff filings involving noncompetitive service offerings.

(g) *Executive overview.* ILECs and CLECs that file tariff filings in accordance with subsection (c) or (f) shall file an executive overview summarizing the reason for the

filing. The executive overview shall include relevant information regarding the safety, adequacy, reliability and privacy considerations related to the proposed or revised service.

(h) *Lifeline plan statement.* When a CLEC proposes increases in rates and charges for any of its basic local exchange services, the CLEC shall also state whether it has implemented a Lifeline Plan that has been approved by the Commission.

**§ 53.60. Supporting documentation for promotional offerings, joint or bundled service packages, and toll services.**

(a) *Promotional offerings.* CLECs and ILECs are not required to provide cost support for tariff filings involving a promotional service offering for noncompetitive services so long as the promotional offering does not result in any type of price increase to customers.

(1) ILEC and CLEC tariff filings involving a promotional service offering for noncompetitive services will become effective on 1-day's notice. ILECs and CLECs shall provide a 10-day advance notice to any resellers that purchase the promotional service offering from the ILEC or CLEC making the tariff filing.

(2) The Commission may request relevant documentary support, including cost support for tariff filings involving promotional service offerings for noncompetitive services.

(3) CLECs and ILECs that file promotional service offerings for noncompetitive services under this subsection shall confirm in their filing that subscribers to the promotional service offerings will be required to respond affirmatively at any time the promotional service is being offered if they wish to continue the service beyond the promotional period.

(4) Promotional service offerings may not have a duration of longer than 6 months in any rolling 12-month period which commences as of the effective date of the filed promotion.

(5) No filing requirements exist for promotional service offerings involving competitive services.

(b) *Joint or bundled service packages.* CLECs and ILECs are relieved from an automatic obligation to provide cost support for tariff filings involving the offering of joint or bundled service packages.

(1) When ILEC joint or bundled service packages include both competitive and noncompetitive services, these service packages shall meet any applicable State law or regulation regarding cost justification, discrimination and unfair pricing in joint or bundled service package offerings, and their component competitive and noncompetitive services.

(2) The Commission may request relevant documentary support, including cost support, for tariff filings involving joint or bundled services.

(3) No filing requirements exist for the offering of joint or bundled service packages composed entirely of competitive services.

(c) *Toll services.* CLECs and ILECs may file tariffs with changes in their rates and charges for existing noncompetitive toll services alone that can become effective on 1-day's notice. A 16-day notice period is required for the filing of a new toll service or the specific noncompetitive services defined in 66 Pa.C.S. § 3008(a) (relating to interexchange telecommunications carrier). For tariff filings and rate changes involving noncompetitive toll services, the Commission may request relevant documentary support, including cost support.

[Pa.B. Doc. No. 00-2061. Filed for public inspection December 1, 2000, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

**[58 PA. CODE CH. 141]**

[Correction]

**Use of Muzzleloading Firearms in Southeast and Southwest Special Regulations Areas**

An error occurred in the document amending § 141.1 which appeared at 30 Pa.B. 5960 (November 18, 2000). Subsection (d)(1) had been amended since the proposal at 30 Pa.B. 1262, 1264 (March 4, 2000). Therefore, the text should have appeared as follows:

**§ 141.1. Special regulations area.**

\* \* \* \* \*

(d) *Permitted acts.* It is lawful to:

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

\* \* \* \* \*

[Pa.B. Doc. No. 00-1979. Filed for public inspection November 17, 2000, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF MEDICINE

[49 PA. CODE CHS. 16 AND 18]

### Licensure, Certification, Examination and Registration Fees

The State Board of Medicine (Board) proposes to amend §§ 16.13, 16.13a, 16.17 and 18.303, by revising certain application fees to read as set forth in Annex A.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

The amendments are authorized under section 6 of the Medical Practice Act (act) (63 P. S. § 422.6).

#### C. *Background and Purpose*

Section 6 of the act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

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

$$\begin{array}{r} \text{Number of minutes to perform the function} \\ \times \\ \text{Pay rate for the classification of the personnel performing} \\ \text{the function} \\ + \\ \text{A proportionate share of administrative overhead} \end{array}$$

As a result of the audit, the Board proposes to increase 17 existing fees and to decrease two fees. The analysis determined that current fees do not accurately reflect the actual cost of processing applications and providing other services.

In this proposal, fees for the services identified would be adjusted to allocate costs to those who use the service or submit an application. The Board would continue to apportion its enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenues and expenditures.

#### *Administrative Overhead*

During reviews of other Bureau proposed fee regulations, the Independent Regulatory Review Commission (IRRC) requested that the Bureau and the boards: (1) itemize the overhead cost to be recouped by the fees; and (2) reexamine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the

charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the boards' enabling statutes.

In computing overhead charges, the boards and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific board. Once determined, the Bureau's total administrative charge is apportioned to each board based upon that board's share of the total active licensee population. In turn, the board's administrative charge is divided by the number of active licensees to calculate a "per application" charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

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

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

This review of board operations 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 ratiobased time factor. However, when the time factor is combined with the licensing population for each board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the boards note that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations

for the past 10 years. During these 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. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the boards over an extended period. Similarly, accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

In the past, questions have arisen as to the difference between certification and verification fees. The certification of a score is made at the request of a licensee when the licensee is seeking to obtain licensure in another state based upon licensure in this Commonwealth which was issued on the basis of a uniform National or regional examination which was taken in this Commonwealth. Generally, the state of original licensure is the only source of the score of the licensee, as testing agencies do not maintain this information. The licensure laws of many states include provisions that licensure by reciprocity or endorsement based on licensure in another state will be granted only if the board or agency determines that the qualifications are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to or exceeding the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the Pennsylvania Board and other 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. As noted above, 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 applying to the other state, receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee.

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

The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment or training in another state. A certification document contains information specific to the individual requestor. It may include dates or locations where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The average time to

prepare a certification is 45 minutes. This is because a number of resources, such as files, microfilm and rosters must be retrieved and consulted in order to provide the information requested. The Board staff then seals and issues this document.

The Board is also taking this opportunity to consolidate its fees under one section. The Board is also eliminating references to Nationally established examination fees over which the Board has no control or involvement.

The General Assembly has indicated its preference for the recognition of National uniform examinations and grading services in accordance with section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). Over the past several years National uniform examinations have been developed for every category of license the Board issues. The fees for the examinations are established by the National examiners and communicated directly to the applicants. Applicants for these exams pay the examination fees directly to National examiners. Thus, it is unnecessary and impractical for the Board to continue to publish the National examiners' examination fees in the Board's regulations. Since examination fees are no longer established by the Board, section 6 of the act is inapplicable as to National uniform examinations. Thus, the Board is eliminating reference to these examination fees.

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

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

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

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

#### F. *Sunset Date*

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

#### G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of this proposed regulation on November 16, 2000, to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee (Committees). In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has any objections to any portion of the proposed rulemaking, 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. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Board, the General Assembly and the Governor, of objections raised.

I. *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Gerald S. Smith, Counsel, State Board of Medicine, 116 Pine Street, Post Office Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-4910 (Fees), when submitting comments.

CHARLES D. HUMMER, JR., M.D.  
*Chairperson*

**Fiscal Note:** 16A-4910. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

## PART I. DEPARTMENT OF STATE

## Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

## CHAPTER 16. STATE BOARD OF MEDICINE

## Subchapter B. GENERAL LICENSURE, CERTIFICATION EXAMINATION AND REGISTRATION PROVISIONS

## § 16.13. Licensure, certification, examination and registration fees.

[ (a) The examination fee for the December 1995, and following administrations of the USMLE Step 3 examination is \$375.

(b) The fee for a license without restriction for a graduate of an accredited medical college is \$20. The fee for a license without restriction for a graduate of an unaccredited medical college is \$80. The biennial registration fee for a license without restriction is \$125.

(c) The fee for an institutional license is \$35.

(d) The fee for an extraterritorial license is \$10. The biennial registration fee for an extraterritorial license is \$80.

(e) The fee for a graduate license for a graduate of an accredited medical college is \$15. The fee for a graduate license for a graduate of an unaccredited medical college is \$80. The fee to renew a graduate license is \$15.

(f) The fee for a temporary license is \$35.

(g) The fee for an interim limited license is \$10. The fee to renew an interim limited license is \$10.

(h) The fee for a midwife license is \$20. The biennial registration fee for a midwife license is \$40.

(i) The fee for a physician assistant certificate is \$15. The biennial registration fee for a physician assistant certificate is \$40.

(j) The fee for registration as a supervising physician of a physician assistant is \$15.

(k) The fee for registration as a physician assistant supervisor of a physician assistant is \$55.

(l) The application fee for satellite location approval is \$45.

(m) The fee for an acupuncturist registration is \$15. The biennial registration fee for an acupuncturist registration is \$40.

(n) The fee for an acupuncturist supervisor registration is \$15.

(o) The biennial registration fee for a drugless therapist license is \$35.

(p) The biennial registration fee for a limited license—permanent—is \$25.

(q) There is no initial registration fee for a license, certificate or registration subject to biennial registration requirements.

(r) The fees for examination in radiologic procedures are listed in this subsection.

(1) The fee for the ARRT Examination in Radiography is \$30.

(2) The fee for the ARRT Examination in Radiation Therapy Technology is \$30.

(3) The fee for the ARRT Examination in Nuclear Medicine Technology is \$30.

(4) The fee for the ARRT Limited Examinations in Radiography is \$35. Study material may be purchased from the Board for \$21.

(5) The fee for the ARRT Limited Examination in Radiography—Skull and Sinuses is \$35.

(s) The fee for SPEX (Special Purpose Examination) is \$550. ]

(a) *Fees.* The following fees apply:

*Medical Doctor licenses:**License without restriction:*

Application, graduate of accredited medical college	\$35
Application, graduate of unaccredited medical college	\$85
Biennial renewal	\$125

*Extraterritorial license:*

Application	\$30
Biennial renewal	\$80

*Graduate license:*

Application, graduate of accredited medical college	\$30
Application, graduate of unaccredited medical college	\$80
Annual renewal	\$15

*Interim limited license:*

Application	\$30
Biennial renewal	\$10

*Miscellaneous:*

Application, Institutional license	\$30
Application, Temporary license	\$35
Biennial renewal, Limited license (permanent)	\$25

*Midwife license:*

Application	\$30
Biennial renewal	\$40

*Physician assistant certificate:*

Application	\$30
Biennial renewal	\$40
Registration, physician assistant supervisor	\$45
Registration of additional supervisors	\$5
Satellite location approval	\$25



<b>Acupuncturist registration:</b>	
Application	\$30
Biennial renewal	\$40
Registration, acupuncture supervisor	\$30
<b>Drugless therapist license:</b>	
Biennial renewal	\$35
<b>Radiology technician:</b>	
Application for examination	\$25
<b>Respiratory care practitioner certificate:</b>	
Application, temporary permit	\$30
Application, initial certification	\$30
Biennial renewal	\$25
<b>Verification or certification:</b>	
Verification of status	\$15
Certification of records	\$25

(4) Reexamination .....	\$60
(5) Biennial renewal of certification .....	\$25 ]

[Pa.B. Doc. No. 00-2062. Filed for public inspection December 1, 2000, 9:00 a.m.]

## STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

### Examinations, Application for Licensure and Certification, Fees

The State Board of Veterinary Medicine (Board) proposes to amend §§ 31.3, 31.11, 31.32—31.35 and 31.41 to read as set forth in Annex A. The proposed rulemaking would amend the Board's regulations to accurately reflect the provision and submission of applications for licensure as a veterinarian and for certification as an animal health technician. In addition, the proposed rulemaking deletes references to the fees charged by the testing organizations from the schedule of fees for both the National veterinary examination and National veterinary technician examination. Finally, the proposed rulemaking reflects the additional questions relating to an applicant's background that appear on the application for certification as an animal health technician.

#### *Effective Date*

The final-form regulations would be effective on final publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

Section 5 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.5), sets forth the powers and duties of the Board. Section 5(7) of the act directs the Board to prescribe the subject, character, manner, time and place of the filing of applications for examinations. In addition, section 11 of the act (63 P. S. § 485.11) directs the Board to promulgate by regulation the qualifications and requirements for the certification and regulation of animal health technicians.

#### *Background and Need for the Proposed Rulemaking*

##### *Provision and Submission of Applications*

The amendments proposed to §§ 31.3 and 31.11 (relating to examinations; and application for licensure) reflect the changes that have been made to the applications for licensure by examination for veterinarians. By way of final rulemaking published at 30 Pa.B. 3044 (June 17, 2000), the Board established the North American Veterinary Licensing Examination (NAVLE), administered by the National Board Examination Committee, as the examination required for licensure in this Commonwealth. Applicants for licensure by examination shall request the application for this examination from the Board and then shall submit the application form, along with the required fee, directly to the testing organization. A separate application form is mailed to applicants with the examination application; this application shall be completed and returned to the Board.

The National Board Examination Committee sets the deadline by which applications shall be received, therefore, references to the time by which the examination application shall be submitted is deleted from the regula-

(b) **Examination fees.** The Board has adopted Nationally recognized examinations in each licensing class. Fees are established by the National owners/providers of the examinations and are indicated in the examination applications.

§ 16.13a. [ Temporary waiver of biennial registration fees ] (Reserved).

[ Biennial registration fees in § 16.13 (relating to licensure, certification, examination and registration fees) are waived until the expiration of the 1987-88 biennial registration period. ]

§ 16.17. Certification of license, certificate or registration status.

(a) The status of a license, certificate or registration issued by the Board will be certified by the Board to other jurisdictions or persons upon formal application and payment of [ \$10 ] the fee indicated under § 16.13 (relating to licensure, certification, examination and registration fees).

\* \* \* \* \*

(c) A request to certify the status of a person's license, certificate or registration or information regarding a person's license, certificate or registration status shall be forwarded to the Board, accompanied by [ a ] the fee [ of \$10 ] indicated under § 16.13 in the form of a certified check, cashier's check, money order or personal check payable to the Commonwealth of Pennsylvania.

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

#### Subchapter F. RESPIRATORY CARE PRACTITIONERS

§18.303. [ Fees ] (Reserved).

[ The following is the schedule of fees charged by the Board:

(1) Temporary permit.....	\$15
(2) Initial certification.....	\$15
(3) Certification examination.....	\$90
(Effective 7-96).....	\$100

tions. In contrast, the application form that is submitted to the Board will be submitted at least 60 days prior to the first day of the administration of the NAVLE, so this information is added to the regulations.

The amendments proposed to §§ 31.33—31.35 (relating to applications; qualification for examination; and examinations) reflect changes to the application procedure for applicants for certification as an animal health technician.

The proposed amendment to § 31.33 reflects that applicants for certification by examination receive two application forms from the professional testing organization. One of the forms is returned, with the examination fee, to the professional testing organization. The second application form is returned, with the required fee, to the Board. The proposed amendments to § 31.33 also reflect that there is only one application for certification by endorsement and that this application is obtained from and submitted to the Board.

The proposed amendment to § 31.34 clarifies that a person who wishes to take the veterinary technician National examination shall be a graduate of an approved school. This amendment clarifies the Board's position that only graduates of approved schools who are seeking certification as an animal health technician may qualify to take the examination. A person who wishes to take the examination solely for the purpose of assisting legitimate applicants to pass the test do not qualify to take the examination.

The proposed amendments to § 31.35 serve to reflect that the professional testing organization, not the Board, determines the frequency and location of the Veterinary Technician National Examination. In addition, because the professional testing organization, not the Board, determines the fee charged for the examination, the proposed amendment deletes references to the cost of the examination in the Board's schedule of fees in § 31.41 (relating to schedule of fees).

#### *Additional Requirements for Certification as an Animal Health Technician*

The proposed amendment to § 31.32 (relating to certification) reflects that the technician application contains questions related to an applicant's criminal history and history of licensure in other states. The proposed amendments require that an applicant for licensure as an animal health technician disclose whether they have ever been licensed as such in another state and whether another state's licensing board has ever taken disciplinary action against that license. In addition, the proposed amendment would require applicants to disclose whether they had ever been convicted of a felony prohibited by The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or any felony relating to a controlled substance in another court, unless the conviction is more than 10 years old. The proposed amendment parallels the requirements for licensure as a veterinarian in the section 9 of the act (63 P. S. § 485.9). The proposed amendments would not automatically preclude an applicant with a felony record related to a drug offense from obtaining certification; however, the applicant would be required to demonstrate to the Board that they are no longer at risk of committing drug-related offenses.

Because the grant of a license to practice as an animal health technician may permit the licensee access to controlled substances and other drugs, the Board believes it is appropriate to conduct the same type of prescreening of these applicants as is conducted for applicants seeking licensure as a veterinarian.

#### *Elimination of References to Examination Fees*

The proposed amendment to § 31.41 deletes references to the North American Veterinary Licensing Examination fee of \$325 and the Veterinary Technician National Examination fee of \$125. These fees are set by the administrators of the examinations, not by the Board. The fees are uniform throughout the United States. To avoid the necessity of amending its regulations whenever the examination administrator might change the fees, the Board proposes to delete references to the fees.

#### *Description of Proposed Amendments*

The proposed rulemaking would amend the Board's regulations to reflect that the two applications for veterinary licensure are obtained from the Administrative Office of the Board and that one application is returned to the Board and one application is submitted, along with the required fee, directly to the National examination administrator. The proposed rulemaking would also amend the Board's regulations to reflect that the two applications for animal health technician certification are obtained directly from the professional testing organization and that one application is returned to the Board and one application is submitted, along with the required fee, directly to the testing organization. Finally, the proposed rulemaking would delete references to the cost of the veterinary examination and veterinary technician examination because these fees are set by the National examination administrator and professional testing organization and not by the Board.

#### *Fiscal Impact*

The proposed amendments will have no fiscal impact on the Board or its licensees. The proposed amendments should have no fiscal impact on the private sector, the general public or political subdivisions.

#### *Paperwork Requirements*

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

#### *Sunset Date*

The Board monitors its regulations on a continuing basis. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 14, 2000, the Board submitted a copy of these proposed amendments to IRRC and the Chairpersons of the House Professional Licensure Committee and Senate Consumer Protection and Professional Licensure Committee for review and comment. In addition to submitting the proposed 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 to the public upon request.

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

*Public Comment*

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

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

**Fiscal Note:** 16A-5713. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**  
**CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE**  
**GENERAL PROVISIONS**

**§ 31.3. Examinations.**

(a) The examination required as a prerequisite to original licensure as a veterinarian is the North American Veterinary Licensing Examination (NAVLE). The examination will be given at least annually **[and at other times deemed appropriate by the Board, in consultation with ]** by the National Board Examination Committee.

(b) Applications to take the licensing examinations, together with instructions for applicants, including deadlines for filing and paying fees, may be obtained from the Administrative Office of the Board by **[writing or telephoning ] contacting** the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania, 17105-2649 **[, (717) 783-1389 ], veterina@pados.dos.state.pa.us.**

(c) Examination applications and the fee required **[ by § 31.41 (relating to schedule of fees) ]** shall be submitted directly to the **[professional testing organization designated by the Board at least 60 days prior to the examination date ] National Board Examination Committee.**

**LICENSURE**

**§ 31.11. Application for licensure.**

(a) *Application forms.* Application forms for original or reciprocal licensure may be obtained from the Administrative Office of the Board by **[writing or telephoning ] contacting** the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 **[, (717) 783-1389 ], veterina@pados.state.pa.us, or by accessing the Board's web page at www.dos.state.pa.us/bpoa/vetbd/mainpage.htm. Application forms shall be returned to the Board at least 60 days prior to the first day of the NAVLE testing period.**

\* \* \* \* \*

**ANIMAL HEALTH TECHNICIANS AND NONCERTIFIED EMPLOYEES**

**§ 31.32. Certification.**

(a) The Board will grant certification as an animal health technician to an applicant who has **[fulfilled the following criteria ] provided the following:**

**(1) A completed and signed application for animal health technician certification.**

**(2) Satisfactory performance [ of ] on the proficiency examination as determined by the Board.**

**[ (2) ] (3) \* \* \***

**(4) A letter of good standing from the licensure board of each state where the applicant has held a license as an animal health technician, if any, reporting the outcome of disciplinary actions taken against the applicant in that state.**

**(5) A statement from the applicant that the applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country unless the following apply:**

**(i) At least 10 years have elapsed from the date of conviction.**

**(ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction so that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of patients or the public or a substantial risk of further criminal violations.**

**(iii) The applicant otherwise satisfies the qualifications contained in the Board's regulations.**

(b) The fee for application for **[ initial ]** certification is as specified **[ at ] in § 31.41** (relating to schedule of fees).

**§ 31.33. Applications.**

(a) **An applicant for certification by examination shall complete and file an application with the Board as specified in § 31.32 (relating to certification) and remit to the Board the fee specified in § 31.41 (relating to schedule of fees).** An applicant for certification **[ as an animal health technician ] by examination shall also complete and file an application for the veterinary technician National examination and the required fee directly with the professional testing organization [ designated by the Board an Animal Health Technician Certification Application ]. Both applications may be obtained from the professional testing organization. [ Applications shall be filed with the professional testing organization at least 60 days prior to the examination date. ]**

(b) An applicant for certification as an animal health technician by endorsement shall complete and file with the Board an application for certification by endorsement on forms prescribed by the Board. **The application form may be obtained from the Administrative Office of the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 or by accessing the Board's web page at www.dos.state.pa.us/bpoa/vetbd/mainpage.htm.**

**[ (c) Application forms may be obtained from the Administrative Office of the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at (717) 783-1389. ]**

§ 31.34. Qualification for examination.

An applicant for [ certification as an animal health technician ] examination shall be a graduate of an approved school.

§ 31.35. Examinations.

(a) The examination required for certification as an animal health technician is the Veterinary Technician National Examination (VTNE). [ The examination will be offered at least once annually in this Commonwealth at a location to be determined by the Board, in consultation with the professional testing organization under contract with Board. ]

(b) An applicant failing to pass an examination for which the applicant has previously qualified shall be reexamined at the applicant's request by submitting a new application and by paying the required fee [ , as specified in § 31.41 (relating to schedule of fees.) ]

\* \* \* \* \*

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:

\* \* \* \* \*

[ North American Veterinary Licensing Examination ..... \$325 ]

\* \* \* \* \*

Animal Health Technicians:

\* \* \* \* \*

[ Veterinary Technical National Examination (VTNE) (Effective January 1996) ..... \$125 ]

\* \* \* \* \*

[Pa.B. Doc. No. 00-2063. Filed for public inspection December 1, 2000, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective November 21, 2000.

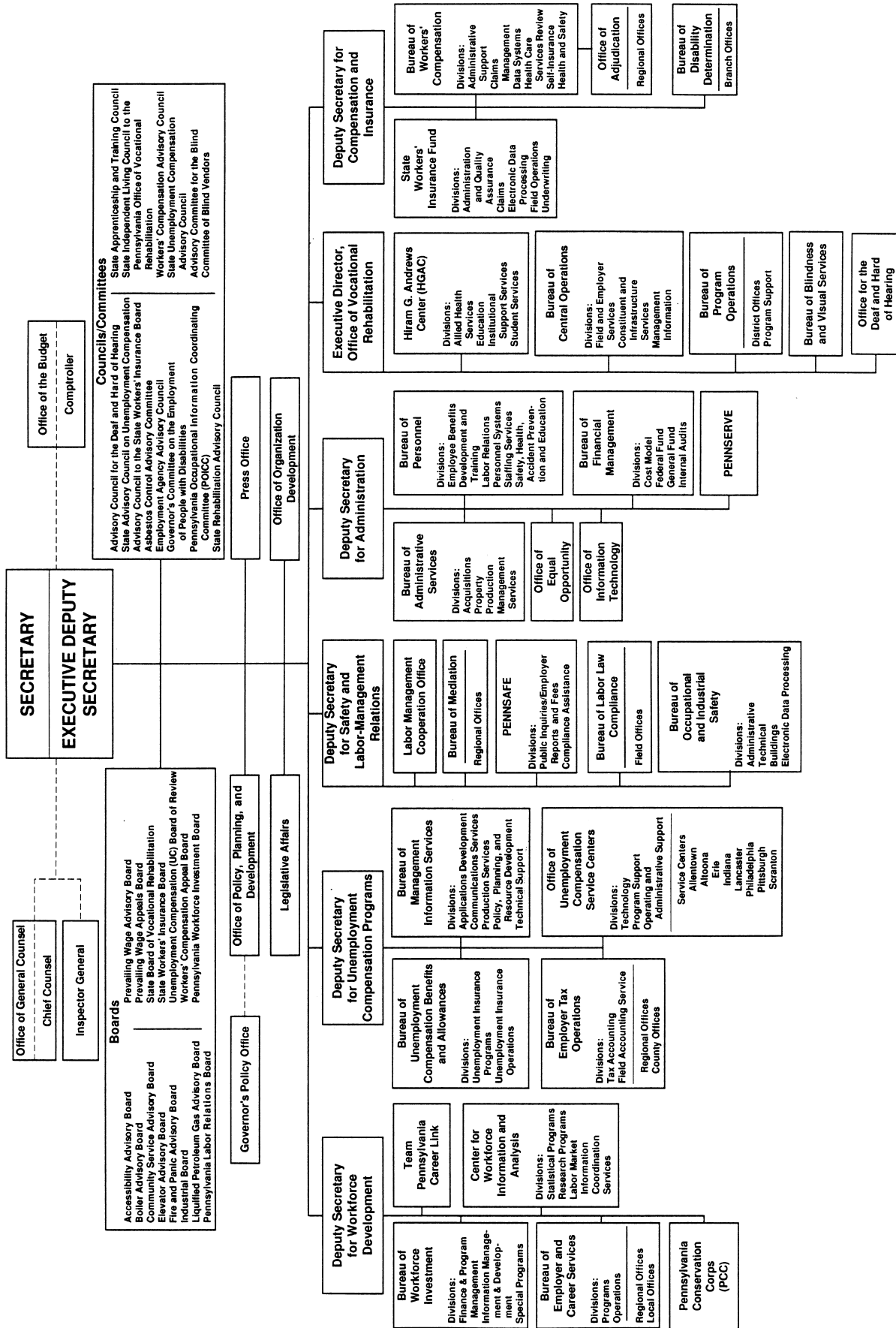
The organization chart at 30 Pa.B. 6218 (December 2, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(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 Bulletin.)*

[Pa.B. Doc. No. 00-2064. Filed for public inspection December 1, 2000, 9:00 a.m.]

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DEPARTMENT OF LABOR AND INDUSTRY



# Title 58—RECREATION

## FISH AND BOAT COMMISSION

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

#### Riparian Buffer Policy

The Fish and Boat Commission (Commission) by this order adopts a statement of policy in Chapter 57 (relating to statements of policy). The Commission is publishing this statement of policy under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The statement of policy relates to the establishment of riparian buffer zones.

#### A. Effective Date

This statement of policy will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the statement of policy, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This statement of policy is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

#### C. Statutory Authority

The statement of policy is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

#### D. Purpose and Background

The establishment and preservation of vegetated buffer zones along waters of this Commonwealth is a widely accepted conservation practice providing numerous benefits to fish and wildlife resources and to the residents of this Commonwealth. The Commission recognizes these benefits and actively promotes the protection, enhancement and restoration of riparian buffers on Commission properties and other lands throughout this Commonwealth. Additionally, as part of a 1994 Chesapeake Bay Program agreement signed by the governors of this Commonwealth, Maryland and Virginia and an Executive Council Member from Washington, D.C., the Commonwealth has agreed to restore 600 miles of forested streamside buffer by the year 2010. State agencies have been asked to take the lead with this initiative in the management of their own lands. Commission staff will formulate guidelines and an appropriate action plan to carry out the goals described in the policy.

#### E. Summary of Policy

It is the policy of the Commission to pursue establishment and preservation of a stable, vegetated riparian buffer zone between waters of this Commonwealth and other land uses on Commonwealth property under the management and control of the Commission. It is the Commission's intent to improve streambank and shoreline stabilization and water quality and to enhance fish and wildlife habitats in these areas, consistent with available fiscal and personnel resources. It is the policy of the Commission to encourage partnerships with other agencies, conservation organizations, and the private sector to providing funding and volunteer assistance to establish and preserve riparian buffer zones under this policy.

#### F. Paperwork

The statement of policy will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

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

#### H. Public Involvement

Because this order adopts a statement of policy, and not a regulation, the Commission was not required to publish a notice of proposed rulemaking in the *Pennsylvania Bulletin* or to solicit public comment.

#### Order

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

(a) The statement of policy of the Commission shall read as set forth at Annex A.

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

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

PETER A. COLANGELO,  
*Executive Director*

*(Editor's Note: The regulations of the Department, 58 Pa. Code Chapter 57, are amended by adding a statement of policy in § 57.10 to read as set forth in Annex A.)*

**Fiscal Note:** 48A-111. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

##### Subpart A. GENERAL PROVISIONS

#### CHAPTER 57. STATEMENTS OF POLICY

##### Subchapter A. FISHERIES POLICIES

#### § 57.10. Riparian buffer policy.

It is the policy of the Commission to pursue establishment and preservation of a stable, vegetated riparian buffer zone between waters of this Commonwealth and other land uses on Commonwealth property under the management and control of the Commission. It is the Commission's intent to improve streambank and shoreline stabilization and water quality and to enhance fish and wildlife habitats in these areas, consistent with available fiscal and personnel resources. It is the policy of the Commission to encourage partnerships with other agencies, conservation organizations, and the private sector to providing funding and volunteer assistance to establish and preserve riparian buffer zones under this policy.

[Pa.B. Doc. No. 00-2065. Filed for public inspection December 1, 2000, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 21, 2000.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-21-00	Citizens & Northern Corporation, Wellsboro, to acquire 100% of voting shares of Peoples Ltd., Wyalusing	Wellsboro	Application Withdrawn

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-14-00	Gallatin State Bank Uniontown Fayette County	690 W. Main St. Uniontown Fayette County	Application Withdrawn

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-17-00	Harris Savings Bank Harrisburg Dauphin County <i>To:</i> Waypoint Bank, FSB Harrisburg Dauphin County	Harrisburg	Effective

Represents conversion from a State-chartered stock savings bank to a Federally-chartered stock savings bank, part of an overall merger and conversion transaction involving York Financial Corp., a Pennsylvania savings and loan holding company and its wholly-owned subsidiary Federal savings and loan association, York Federal Savings and Loan Association. In addition, Harris Financial, MHC, the majority owner of Harris Financial, Inc., converted from mutual to stock form and along with Harris Financial, Inc. (the sole owner of Harris Savings Bank), merged with and into Harris Savings Bank and ceased to exist. Waypoint Financial Corp., a new Federal savings and loan holding company, is the sole owner of Waypoint Bank.

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-00	Northwest Savings Bank Warren Warren County	Warren	Effective
	Purchase of Assets/Assumption of Liabilities of Nine Branch Offices of Sovereign Bank, F.S.B., Wyomissing, located at:		
	47 Turner Street Austin Potter County	50 South Main Street Mansfield Tioga County	
	302 N. East Street Coudersport Potter County	61 Main Street Wellsboro Tioga County	
	30 West Street Galeton Potter County	16 Main Street Wellsboro Tioga County (Drive-Up Facility)	
	51 Academy Street Shinglehouse Potter County	100 E. Main Street Westfield Tioga County	



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-9-00	53 Main Street Lawrenceville Tioga County Sentry Trust Company, Chambersburg, and Greencastle Interim Trust Company, Greencastle Surviving Institution—Sentry Trust Company, Chambersburg	Chambersburg	Filed
11-21-00	Application for merger being filed solely to facilitate the transfer of the trust accounts of The First National Bank of Greencastle to Sentry Trust Company. Citizens & Northern Bank, Wellsboro, and Peoples State Bank of Wyalusing, Wyalusing Surviving Institution—Citizens & Northern Bank, Wellsboro	Wellsboro	Application Withdrawn

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-24-00	Parkvale Savings Bank Monroeville Allegheny County	600 WalMart Drive Gibsonia Allegheny County	Opened
11-6-00	Mauch Chunk Trust Company Jim Thorpe Carbon County	1202 North Street Jim Thorpe Carbon County	Opened
11-6-00	Northern State Bank Towanda Bradford County	420 N. Elmira Street Sayre Bradford County	Opened
11-6-00	Farmers & Merchants Trust Company of Chambersburg Chambersburg Franklin County	1909 Ritner Highway Carlisle Cumberland County	Opened
11-10-00	Irwin Bank & Trust Company Irwin Westmoreland County	Pennsylvania Avenue Commons 20 N. Pennsylvania Ave. Greensburg Westmoreland County (Trust Office)	Opened
11-11-00	Pennsylvania State Bank Camp Hill Cumberland County	715 Wertzville Road Enola East Pennsboro Twp. Cumberland County	Opened
11-13-00	Susquehanna Trust & Investment Company Lititz Lancaster County	59 W. Washington St. Hagerstown Washington County Maryland	Filed
11-14-00	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Holme Circle Shopping Center Welsh Rd. & Holme Ave. Philadelphia Philadelphia County	Filed
11-14-00	Somerset Trust Company Somerset Somerset County	612 Logan Place Confluence Somerset County	Opened
11-21-00	Somerset Trust Company Somerset Somerset County	807 Goucher Street Johnstown Cambria County	Approved
11-21-00	The Madison Bank Blue Bell Montgomery County	1232 Egypt Road Oaks Montgomery County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-20-00	Northwest Savings Bank Warren Warren County	<i>To:</i> 2218-2220 S. Queen St. York York County  <i>From:</i> Queensgate Shopping Center 2081 Springwood Rd. York York County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-17-00	First Commonwealth Bank Indiana Indiana County	3400 S. Park Road Bethel Park Allegheny County	Approved

**SAVINGS INSTITUTIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
11-10-00	Security Savings Association of Hazleton, Hazleton, and First Federal Bank, Hazleton Surviving Institution—First Federal Bank, Hazleton	Hazleton	Effective

**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
11-1-00	Washington Savings Association Philadelphia Philadelphia County	8729 Frankford Ave. Philadelphia Philadelphia County	Opened

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-21-00	Erie Postal Credit Union, Erie, and Erie General Electric Employees Federal Credit Union, Erie Surviving Institution—Erie General Electric Employees Federal Credit Union, Erie	Erie	Conditional Approval

JAMES B. KAUFFMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2066. Filed for public inspection December 1, 2000, 9:00 a.m.]

**Election by Firsttrust Savings Bank to Exercise Conditional Powers**

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by Firsttrust Savings Bank, authorized by section 513(b) of the Banking Code of 1965 (7 P. S. § 513), Firsttrust Savings Bank is hereby granted the following conditional powers as described by sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the Banking Code of 1965 (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)), to be exercised only with the prior written approval of the Department of Banking.

JAMES B. KAUFFMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2067. Filed for public inspection December 1, 2000, 9:00 a.m.]

**Election by Indiana First Savings Bank to Exercise Conditional Powers**

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by Indiana First Savings Bank, authorized by section 513(b) of the Banking Code of 1965 (7 P. S. § 513), Indiana First Savings Bank is hereby granted the following conditional powers as described by sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the Banking Code of 1965 (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)), to be exercised only with the prior written approval of the Department of Banking.

JAMES B. KAUFFMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2068. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Election by Northwood Savings Bank to Exercise Conditional Powers

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by Northwood Savings Bank, authorized by section 513(b) of the Banking Code of 1965 (7 P. S. § 513), Northwood Savings Bank is hereby granted the following conditional powers as described by sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the Banking Code of 1965 (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)), to be exercised only with the prior written approval of the Department of Banking.

JAMES B. KAUFFMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2069. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Election by Pittsburgh Savings Bank to Exercise Conditional Powers

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by Pittsburgh Savings Bank, authorized by section 513(b) of the Banking Code of 1965 (7 P. S. § 513), Pittsburgh Savings Bank is hereby granted the following conditional powers as described by sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the

Banking Code of 1965 (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)), to be exercised only with the prior written approval of the Department of Banking.

JAMES B. KAUFFMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2070. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Election by vBank, A Savings Bank, to Exercise Conditional Powers

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by vBank a savings bank, authorized by section 513(b) of the Banking Code of 1965 (7 P. S. § 513), vBank, a savings bank is hereby granted the following conditional powers as described by sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the Banking Code of 1965 (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)), to be exercised only with the prior written approval of the Department of Banking.

JAMES B. KAUFFMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 00-2071. Filed for public inspection December 1, 2000, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

#### [National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review an application of lawful standard 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 office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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


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

**PA 0054526 Amendment No. 1.** Industrial Waste, **UniTech Services Group, Inc.**, 295 Parker Street, P. O. Box 201, Springfield, MA 01151-0201.

This application is for an amendment of an NPDES permit to discharge treated process wastewater from an industrial laundry and personnel decontamination facility in Royersford Borough, **Montgomery County**. This is a new discharge to the Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.08 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	85% removal		
Total Suspended Solids	30	60	75
Total Dissolved Solids	1000	2000	2500
Ammonia (as N)	20	40	50
Total Residual Chlorine	0.5		1.2
Chromium, Hexavalent		monitor/report	
Oil and Grease	15		30
Color (platinum/cobalt scale)	100	200	250
Fecal Coliform	200 colonies/100 ml as a geometric average		
Annual Radioactive Dose Commitment	In accordance with 10 CFR 20, Appendix B, Table 3,		
pH	within limits of 6.0—9.0 standard units at all times		

*Other Conditions:*

Effective disinfection.

85% reduction of CBOD<sub>5</sub> per DRBC requirement.

Special Test Methods for certain pollutants.

The EPA waiver is in effect.

**PA 0021172 Amendment No. 2.** Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This application is for an amendment of an NPDES permit to discharge treated sewage from Harvey Avenue in Doylestown Borough, **Bucks County**. This is an existing discharge to Cooks Run a tributary to Neshaminy Creek.

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

The proposed effluent limits for Copper at Outfall 001, based on site-specific copper criteria, hardness of 186 mg/l and an average annual flow of 0.9 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	monitor	monitor	monitor

The EPA waiver is not in effect.

Site-Specific criteria maximum concentration at a hardness of 186 mg/l is 0.04138 mg/l.

Site-Specific criteria continuous concentration at a hardness of 186 mg/l is 0.02611 mg/l.

**PA 0058149.** Sewage, **Jerry and Helen Colli**, 196 Andrien Road, Glen Mills, PA 19342.

This application is for renewal of an NPDES permit to discharge treated sewage from Colli single residence sewage treatment plant in Concord Township, **Delaware County**. This is a new discharge to an unnamed stream of Chester Creek.

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

The first downstream potable water intake is Media Borough auxiliary intake.

The proposed effluent limits for Outfall 001, based on an average flow of 0.0005 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor and report	
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

*Other Conditions:*

The EPA waiver is in effect.

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

**PA 0070041.** Sewerage, **Mahanoy City Sewer Authority**, 130 East Centre Street, Mahanoy City, PA 17948.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Mahanoy Creek in Mahanoy Township, **Schuylkill County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of 1.38 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times		
Total Residual Chlorine	0.50		1.2

*Outfall 002*

Serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewer and/or the treatment plant.

The EPA waiver is not in effect.

**PA 0033863.** Sewerage, **Camp-A-While Inc.**, c/o John Zimmerman, President, R. D. 3, Box 334, Hegins, PA 17938.

This proposed action is for the renewal of an NPDES permit to discharge treated sewage into Pine Creek in Hegins Township, **Schuylkill 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 was Dauphin Consolidated Water Supply Company intake located on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.019 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub>		
(5-1 to 10-31)	12	24
Dissolved Oxygen	A minimum of 5.0 mg/l at all times	
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	1.2	2.8
pH	6.0 to 9.0 standard units at all times	

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

**PA 0086711.** SIC Code 5171, Industrial waste, **Sunoco, Inc. (R & M)**, (Mechanicsburg Terminal), 1801 Market Street, Philadelphia, PA 19380.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to a drainage swale to an unnamed tributary to Cedar Run in Watershed 7-E (Yellow Breeches Creek), in Hampden Township, **Cumberland County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company located in Fairview Township, 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>Maximum Daily (mg/l)</i>
Benzene	0.005
Toluene	1.0
Ethylbenzene	0.70
Xylene	10

The proposed effluent limits for Outfalls 002 through 004 are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
Total Residual Petroleum Hydrocarbons	10

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

The EPA waiver is in effect.

**PA 0086533.** SIC Code 3694, Industrial Waste, **General Cable Industries, Inc.**, 3101 Pleasant Valley Road, Altoona, PA 16602.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Mill Run, in Altoona City, **Blair 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 United Water located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 002 for a design flow of 0.020 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Flow		monitor and report
pH		monitor and report
Temperature		monitor and report

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

The EPA waiver is in effect.

**PA 0088498.** SIC Code 4953, Industrial Waste, **Eagle Land Management of Pa., Inc.**, Three Glenhardie Corporate Center, 1265 Drummers Lane, Suite 102, Wayne, PA 19087.

This application is for issuance of an NPDES permit for an existing discharge of treated industrial waste to Little Chickies Creek, in Mount Joy Township, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.0127 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6—9	
BOD <sub>5</sub>	37	140	175
Total Suspended Solids	27	88	110
NH <sub>3</sub> -N	4.9	10	12.5
A-Terpineol	0.016	0.033	0.041
Benzoic Acid	0.071	0.12	0.18
p-cresol	0.014	0.025	0.035
Phenol	0.015	0.026	0.038
Total Zinc	0.11	0.2	0.28
Total Arsenic		monitor	

The proposed effluent limits for Outfall 002 for stormwater are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
COD		monitor	
pH		monitor	
NH <sub>3</sub> -N		monitor	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NO <sub>x</sub> + NO <sub>3</sub> -N		monitor	
TDS		monitor	
TOC		monitor	
Copper		monitor	
Total Cadmium		monitor	
Total Chromium		monitor	
Total Lead		monitor	
Total Zinc		monitor	
p-cresol		monitor	
a-Terpineol		monitor	
Total Aluminum		monitor	
Total Arsenic		monitor	
Total Cyanide		monitor	
Dissolved Iron		monitor	
Total Iron		monitor	

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

The EPA waiver is in effect.

**PA 0088579.** SIC Code 4952, Sewage, **Felton Borough** (Felton Borough WWTP) 197 Main Street, Felton, PA 17322.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to North Branch Muddy Creek in Watershed 7-I (Kreutz-Muddy Creeks), in Felton Borough, **York County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Philadelphia Electric Company (Peach Bottom Atomic Plant) located on the Susquehanna River in York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.04 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		100,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

**PA 0087777.** SIC Code 4951, Industrial Waste, **Wernersville State Hospital**, P. O. Box 300, Wernersville, PA 19565.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Hospital Creek in Watershed 3-C (Tulpehocken Creek), in South Heidelberg Township, **Berks County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Western Berks Water Authority located on the Tulpehocken Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.02 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
pH (S. U.)		6.0 to 9.0 at all times	
Total Residual Chlorine			
(Interim)	monitor and report	monitor and report	XXX
(Final)	0.32	XXX	1.05
Total Aluminum			
(Interim)	4.00	8.00	10.00
(Final)	0.83	1.66	2.08
Total Manganese	1.00	2.00	2.50
Total Iron	2.00	4.00	5.00

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

The EPA waiver is in effect.

**PA 0086967.** SIC Code 4951, Industrial Waste, **Myerstown Water Authority**, 101 East Washington Avenue, Myerstown, PA 17067.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of the Tulpehocken Creek in Watershed 3-C (Tulpehocken Creek), in Jackson Township, **Lebanon County**.

The receiving stream is classified for cold water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Western Berks Water Authority located on the Tulpehocken Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 at all times	
Total Residual Chlorine		monitor and report	

Part C requires reporting of discharge frequency and amount.

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

The EPA waiver is in effect.

**PA 0020923.** SIC Code 4952, Sewage, **New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to South Branch Conewago Creek in Watershed 7-F (Conewago Creek), in Oxford Township, **Adams 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 Supply Co. located on the Susquehanna River in York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.788 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	22	XXX	30
(11-1 to 4-30)	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	3.0	XXX	XXX	6.0
(11-1 to 4-30)	6.5	XXX	XXX	13
Total Phosphorus	2.0	XXX	XXX	4.0
Total Residual Chlorine	0.22	XXX	XXX	0.73
Total Cadmium	XXX	XXX	monitor and report	XXX
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)		3,700/100 ml as a geometric average		

Individuals 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.

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*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 321-6574.*

**PA 0007498.** SIC: 2099, **Wise Foods, Inc.**, 228 Raseley Street, Berwick, PA 18603.

This proposed action is for renewal of an NPDES permit for discharge of treated industrial waste to the Susquehanna River in Berwick Borough, **Columbia County**.

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



For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Danville Municipal Authority located approximately 40 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.35 mgd, are:

<i>Specific Substance</i>	<i>Monthly Average (lb/day)</i>	<i>Daily Maximum (lb/day)</i>	<i>Annual Average (lb/year)</i>
BOD <sub>5</sub>	452	721	94800
TSS	935	1302	178200
Oil and Grease (mg/l)	15	20	
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is not in effect.

**PA 0114758.** Sewerage, SIC: 4952, **Frank Perano**, Box 278, King of Prussia, PA 19406.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater from Bucknell View Mobile Home Park to the West Branch of Susquehanna River in West Chillisquaque Township, **Northumberland County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Authority located 8 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0186 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Total Cl <sub>2</sub> Residual	1.0		2.3
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2000 col/100 ml as a geometric mean	
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

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

**PA 0001732.** Industrial Waste, SIC: 3255, **Freeport Brick Company**, Drawer F (Mill Street), Freeport, PA 16229-0306.

This application is for renewal of an NPDES permit to discharge accumulated water from mine roof from Freeport Brick Mine in South Buffalo Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Buffalo Creek, classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Clearview Water Supply Company, located at Mile 24.1 Allegheny River, 5.4 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.1 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
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA 0003239.** Industrial Waste, SIC: 3317, **Dynamic Metal Forming, Inc.**, 7544 Route 18 North, Koppel, PA 16135-0617.

This application is for renewal of an NPDES permit to discharge treated process water, cooling water, and untreated storm water from Koppel Plant in Big Beaver, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Beaver Falls Municipal Authority, located at Eastvale, 6.0 miles below the discharge point.

*Outfall 113:* existing discharge, design flow of 0.0635 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				
Total Suspended Solids	28.05	65.43	15	40	
Oil and Grease	0.55	1.66	10	30	
Chromium	0.353	0.881	0.1	0.3	
Nickel	0.262	0.786	0.1	0.3	
Fluoride	11.0	24.8	26.4	59.5	
Total Residual Chlorine (1st month to 35th month) (36th month to expiration)			monitor and report		
			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 013:* existing discharge, design flow of 0.245 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>
The discharge from this outfall shall consist of uncontaminated stormwater runoff and treated industrial wastewater from internal monitoring point 113.					

The EPA waiver is not in effect.

**PA 006335.** Industrial Waste. **Koppel Steel Corporation**, 23rd Street and Duss Avenue, Ambridge, PA 15003.

This notice reflects changes from the notice published in the September 9, 2000, *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report					
Total Suspended Solids	80.52	214.71	15		40	
Oil and Grease		53.68			10	
Total Residual Chlorine			0.5			1.0
pH	Not less than 6.0 nor greater than 9.0 standard units					

**PA 0096971.** Industrial Waste, SIC: 4941, **West Carroll Township Water Authority**, P. O. Box 374, Elmora, PA 15737-0374.

This application is for renewal of an NPDES permit to discharge treated process water from Bakerton Water Treatment Plant in West Carroll Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, West Branch Susquehanna River, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation.

*Outfall 001:* existing discharge, design flow of 0.0076 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>
Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			2.2		4.4
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA 0098612.** Industrial waste, SIC: 4911, **Ebensburg Power Company**, 20 S. Van Buren Avenue, P. O. Box 351, Barberton, OH 44203-0351.

This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from Ebensburg Cogeneration Plant in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, South Branch Blacklick Creek and Unnamed Tributary to Howells Run, classified as a cold water fisheries with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Saltsburg Municipal W. W., located at Box 104, 320 Point Street, Saltsburg, PA 15681, 60 miles below the discharge point.

*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 (mgd)	monitor and report				
Suspended Solids			30	60	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

*Outfall 001:* existing discharge, design flow of 0.193 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Suspended Solids			30	100	
Free Available Chlorine			0.2		0.5
Temperature (°F)				110	
Chromium			0.2	0.2	
Zinc			1.0	1.0	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002:* existing storm water discharge

<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>
The permittee is authorized to discharge uncontaminated stormwater runoff from areas in and around the facility. There are, at this time, no specific effluent limitations on this outfall.					

**PA 0204315.** Industrial Waste, SIC: 3312, **J&L Structural, Inc.**, 111 Station Street, Aliquippa, PA 15001.

This application is for renewal of an NPDES permit to discharge treated process water and stormwater from its 14" Products Mill in Aliquippa Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Logstown Run (001) and Ohio River (002 and 003), 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 Midland Water Authority, located at Midland, 17.5 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.144 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				
Total Suspended Solids	152	405	30	70	87.5
Oil and Grease		101	10		30
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002:* existing stormwater discharge, design flow of N/A 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>
pH					monitor and report

*Outfall 003:* existing stormwater discharge, design flow of N/A 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>
Oil and Grease					monitor and report
pH					monitor and report

*Outfall 004:* existing stormwater discharge, design flow of N/A mgd.

Discharge consists of "emergency overflow" from the No. 10 Pump Station.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
Total Iron				7.0	
TSS			30	70	
Oil and Grease			10		30
pH	between 6 and 9 at all times				

*Other Conditions:* Part C of the NPDES includes Special Conditions for Outfalls 002, 003 and 004.

The EPA waiver is not in effect.

**PA 0217026.** Industrial Waste, SIC: 3443, **Cemline Corporation**, P. O. Box 55, Cheswick, PA 15024.

This application is for renewal of an NPDES permit to discharge untreated cooling water, drinking fountain water and tank test water from the Cemline Freeport Road facility in Harmar Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Oakmont Borough Municipal Authority, located at Oakmont, about one mile below the discharge point.

*Outfalls 001, 002, 003:* existing discharge, design flow of 0.007 mgd (001), 0.001 mgd (002), 0.00004 mgd (003).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Temperature (°F) (for 001 only)					110
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* Special conditions apply to any proposed chemical additives. No additions to cooling water. Solids control conditions. Permittee to notify Department if process changes occur that change the characteristics of the discharge water or if changes result in "Stormwater Associated with Industrial Activity."

The EPA waiver is in effect.

**PA 0027669.** Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237.

This application is for renewal of an NPDES permit to discharge treated sewage from the Pine Creek Sewage Treatment Plant in Hampton Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine 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 Millvale Municipal Water Works on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 6.0 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Suspended Solids	30	45		60
Ammonia Nitrogen				
(3-1 to 11-30)	1.5	2.3		3.0
(12-1 to 2-29)	4.0	6.0		8.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.3			1.0
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA 0204749.** Sewage, **Conemaugh Township Supervisors**, Municipal Building Route 403, 1120 Tire Hill Road, Johnston, PA 15905-7707.

This application is for renewal of an NPDES permit to discharge treated sewage from Laurelview Retirement Village STP in Conemaugh Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary to Soap Hollow, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Saltsburg Municipal Water Works.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.5	6.8		9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.35			0.82
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0000434**. Industrial Waste, SIC, **Manor Township Joint Municipal Authority**, 2310 Pleasant View Drive, Ford City, PA 16226-1535.

This application is for renewal of an NPDES permit to discharge treated process water from the Water Treatment Plant operations in Manor Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Allegheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Buffalo Township Municipal Authority, located at Freeport, 13.25 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 0.031 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
Aluminum			4		8
Iron			2		4
Manganese			1		2
TRC			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA 0044326**. Industrial Waste, SIC: 4953, **Mill Service, Inc.—Bulger Plant**, 1815 Washington Road, Pittsburgh, PA 15241.

This application is for renewal of an NPDES permit to discharge treated process water and stormwater from its Bulger Plant in Smith Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Raccoon Creek and Little Raccoon Creek, 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 Raccoon Creek State Park located at Hookstown, approximately 13 miles below the discharge point.

*Outfall 001\**: existing discharge, design flow of 0.075 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)	M&R	M&R			
TSS			30	60	75**
Oil & Grease			15		30
Total Residual Chlorine <sup>1</sup>			0.5		1.25
Ammonia-Nitrogen			M&R		125
Dichlorobromomethane <sup>1</sup>			0.048	M&R	0.096
Aluminum			2.0	4.0	5.0**

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron (T)			3.5	7.0	8.75**
Nickel			1.0	2.0	2.5**
pH	not less than 6.0 nor greater than 9.0				

M&R implies Monitor and Report

<sup>1</sup>Monitoring requirement applies only when chlorination is used at this facility.

\*Note that these limits also apply to Outfall No. 016 (discharge period Nov.—April).

\*\*Imposed only for enforcement purposes only.

Outfalls 004—007 and 013—015

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

These outfalls consist of uncontaminated stormwater discharges only.

\*Part C of the permit includes "Monitor and Report" for Aluminum at Outfall No. 015 (1/quarter).

Outfall 101: existing discharge ( $v_f = 0.075$  mgd).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	M&R	M&R			
Antimony			1.9		3.8
Arsenic			1.4		2.8
Barium			1.2		2.4
Beryllium			0.82		1.64
Cadmium			0.69		1.4
Chromium (T)			2.77		5.54
Cyanide (T)			1.2		2.4
Fluoride			35		69
Lead			0.69		1.4
Mercury			0.15		0.30
Nickel			3.98		8.0
Selenium			0.82		1.64
Silver			0.43		0.86
Sulfide			14		28
Thallium			1.4		2.8
Vanadium			4.3		8.6
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

**PA 0204145.** Industrial Waste, SIC: 5171, **Guttman Oil Company**, 200 Speers Street, Belle Vernon, PA 15012.

This application is for renewal of an NPDES permit to discharge treated stormwater from a petroleum marketing terminal in Speers Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Charleroi Borough Water Plant, located at Charleroi, 5.7 miles below the discharge point.

Outfall 001: existing discharge

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Recoverable Petroleum Hydrocarbons					monitor/report

The EPA waiver is in effect.

**PA 0217484.** Industrial Waste, SIC: 5541, **Consolidated Truck Stops, Inc.**, P. O. Box 487, Claysville, PA 15323.

This application is for a new NPDES permit for an existing facility to discharge treated groundwater and stormwater from the Consolidated Truck Stops facility located in Donegal Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Dutch Fork, classified as a high quality fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is at the Pennsylvania and West Virginia State Border.

Outfall 001: existing discharge, design flow of 0.0036 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS			10		20
Oil and Grease			15		30
CBOD <sub>5</sub>			10		20
Ammonia Nitrogen			1.5		4.5
Total Iron			3.5		7.0
BTEX*			0.1		0.25
Benzene			0.001		0.0025
Ethylbenzene			M&R		M&R
Toluene			M&R		M&R
Xylenes			M&R		M&R
pH	between 6.0 and 9.0 at all times				

\*Total BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylene.

Outfall 002: existing discharge, design flow of 0.0072 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS			10		20
Oil and Grease			15		30
CBOD <sub>5</sub>			10		20
Ammonia Nitrogen			1.5		4.5
Total Iron			3.5		7.0
BTEX*			0.1		0.25
Benzene			0.001		0.0025
Ethylbenzene			M&R		M&R
Toluene			M&R		M&R
Xylenes			M&R		M&R
pH	between 6.0 and 9.0 at all times				

\*Total BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylene.

Outfalls 004, 005 and 008: existing discharge, design flow of N/A mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS			M&R		M&R
Oil and Grease			M&R		M&R
CBOD <sub>5</sub>			M&R		M&R
Total Iron			M&R		M&R
Aluminum			M&R		M&R
Total Petroleum Hydrocarbons			M&R		M&R
pH	between 6.0 and 9.0 at all times				

Outfalls 010: existing discharge, design flow of N/A mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS			M&R		M&R
Oil and Grease			M&R		M&R
CBOD <sub>5</sub>			M&R		M&R
Total Iron			M&R		M&R
Aluminum			M&R		M&R
Total Petroleum Hydrocarbons			M&R		M&R
pH	between 6.0 and 9.0 at all times				

Outfalls 003, 006, 007, 009 and 011: existing discharge, design flow of N/A mgd.

Discharge consists solely of uncontaminated stormwater runoff.

The EPA waiver is in effect.

**PA 0092649.** Sewage, **Castle Gas Company, Inc.**, 3829 Willow Avenue, Pittsburgh, PA 15234.

This application is for renewal of an NPDES permit to discharge treated sewage from Castle Maintenance Building Sewage Treatment Plant in White Township, **Indiana County**.

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

*Outfall 001:* existing discharge, design flow of 0.0005 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>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0092665.** Sewage, **Harry Products, Inc.**, 671 Pittsburgh Road, Butler, PA 16001.

This application is for renewal of an NPDES permit to discharge treated sewage from Trader Horn Sewage Treatment Plant in Manor Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Garrett's 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 Buffalo Township Municipal Authority—Freeport on the Allegheny River at mile point 29.4.

*Outfall 001:* existing discharge, design flow of 0.004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	15			30
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0098914.** Sewage, **Freedom Area School District**, 1701 Eighth Avenue, Freedom, PA 15042.

This application is for renewal of an NPDES permit to discharge treated sewage from the Unionville Elementary School STP in New Sewickley Township, **Beaver County**.

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

*Outfall 001:* existing discharge, design flow of 0.015 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
Phosphorus	2			4



Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month to 36th month)	monitor and report			
(37th month to expiration)	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0217174.** Sewage, **Elmor R. Ernst**, 268 Harrison Road, Elizabeth, PA 15037.

This application is for renewal of an NPDES permit to discharge treated sewage from Ernst Small Flow STP in Lincoln Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary to Wylie 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 Pa. American Water Company Becks Run Station.

*Outfall 001:* existing discharge, design flow of 0.0008 mgd.

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

The EPA waiver is in effect.

**PA 0217611.** Sewage, **City of Pittsburgh**, 301 City-County Building, 414 Grant Street, Pittsburgh, PA 15219.

This application is for issuance of an NPDES permit to discharge combined sewage from combined sewer outfalls in the City of Pittsburgh, **Allegheny County**.

*Outfalls:*

005R001	134A001	007M043	011SM19B	024SA17B	048GA25	119MA33
015P001	138K001	008LA47	012AM14	025AA62	048LA23	119MA34
016A001	139B001	008LA48	012AM14A	025BA19B	048NA63	119RA31
016A002	139B002	008MA49	012AM15	025BA20	048NA64	119RA32
019M001	139B003	008MA50	012BM16	025EA19	048PA21	120CA36
030N001	139F001	008MA51	012BM17	025FA19A	048RA22	120DA37
032N001	163G001	008MA52	012CM18	025JA18A	057AM37	120DA37A
032P001	175L001	008PA01	012CM20	025JA18B	057KM38	120EA35
034R001	185H001	008RA02	012DM21	029FM19A	057KM39	121AA38
035A001	001FM01	008RA03	012DM22	029DM24	057MM40	121CA40
035E001	001LM02	008RA04	012HM23	029KM26	061DS23	121HA41
035J001	001MM03	008RA04A	015ES35	029PM27	061DS24	122EA42
036R001	001MM03A	008RA05	015JS33	029RM29	067FC26A	129NM47
177K001	001SM04	008RA06	015JS34	031DM32	067FC27	009E001
039E001	002NM05	008SA07	015PS31	031GM34	067KC28	089D001
039J001	003AM06	008SA08	015PS32	031HM33	067KC29	
039K001	003BM07	008SA09	016DS36	031HM35	069EC19	
060A001	003FM08	008SA10	019MS42	031MM36	071CC11	
068H001	003CM10	009BA59	021AO10	034BS30	071CC12	
068H002	003CM11	009BA59A	021DO30	034GS29	072RC13A	
068P001	003CM11A	009CA16	021HO31	034LS28	075A026	
088M001	003DM12	009EA54	021HO32	042DO09	075A026A	
088S001	003DM13	009EA55	021KO11	043PC07	080BA29A	
095E001	005AS41	009EA56	021MO33	043RC03	080BA30	
095J001	005FS40	009EA58	021MO34	043RC05	080EA29	
096N001	005LS39	009FA14A	021RO13	043SC02	080NA28	
097L001	006AS46	009FA15	021SO35	043SO08	095NS18	
184E001	006NS42B	009JA11	021SO36	044BO27	104HC24	

*Outfalls—Continued*

121H001	007A037	009JA12	024LA61	044R029	104HC25
128P001	007A038	009JA13	024MA18	048DA26	107GC14
128R001	007E039	009JA13A	024RA60	048DA27	107SC15
128R002	007K040	009KA14	024SA17	048FA65	107SC16
129B001	007K041	011RM19	024SA17A	048FA66	108HC13A

which discharge to the receiving waters known as Saw Mill Run, Little Saw Mill Run, Unnamed Tributary of Saw Mill Run, Becks Run, Unnamed Tributary to Becks Run, Bells Run, Bell Creek, Nine Mile Run, Irwins Run, Weyman Run, Allegheny River, Monongahela River, Ohio River, Streets Run, and Unnamed Tributary of Streets Run, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

*Other Conditions:* The City of Pittsburgh is required to implement the nine minimum technology based controls on a system wide basis and develop a long term control plan.

The EPA waiver is not in effect.

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

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The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements. The updates may include but will not be limited to, applicable permit conditions and/or requirements. The updates 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.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0036374	Eagle Pointe Dev. Asso. 55 Country Club Drive Downingtown, PA 19335-3062	Chester County Upper Uwchlan Township	Marsh Creek	
PA0056898	TO-JO Mushrooms, Inc. P. O. Box 285 974 Penn Green Road Avondale Borough, PA 19311	Chester County Avondale Borough	Trout Run to White Clay Creek	

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0033472	Camp Starlight, Inc. 306 East 50th Street New York, NY 10022	Wayne County Preston Township	Unnamed tributary to Shehawken Creek	TRC
PA-0036382	Camp Morasha 1318 Ave. J Brooklyn, NY 11230	Wayne County Buckingham Township	Unnamed tributary to Equinunk Creek	TRC

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA-0044709	B'nai B'rith Perlman Cap 47 Pacific Avenue Franklin Square, NY 11010-2911	Wayne County Buckingham Township	Shehawken Creek	TRC
PA-0062839	Lake Adventure Community Association 5000 Lake Adventure Milford, PA 18337	Pike County Dingman Township	Unnamed tributary to Birchy Creek	TRC

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

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA0081779	Central Dauphin Schools Fishing Creek Elem. 600 Rutherford Rd. Harrisburg, PA 17109	Dauphin County W. Hanover Township	Fishing Creek	TRC

**DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER**

**Applications under the Pennsylvania Clean Streams Law**

**(Part II Permits)**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest 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 protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan or action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application 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.

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

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

**A. 5400405.** Sewerage. **Deer Lake Municipal Authority**, P. O. Box 30, Auburn, PA 17922. Application for upgrade of the Deer Lake Municipal Authority Wastewater Treatment Plant located in West Brunswick Township, **Schuylkill County**. Application received in the Regional Office November 6, 2000.

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harris-

burg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.

**A. 6700414.** Sewerage, submitted by **Springettsbury Township**, 1501 Mt. Zion Road, York, PA 17402 in Springettsbury Township, **York County** to install/replace the East-West Interceptor on Industrial Highway was received in the Southcentral Region on November 6, 2000.

**A. 6700415.** Sewerage, submitted by **Conewago Township Sewer Authority**, 490 Copenhaffer Road, York, PA 17404 in Conewago Township, **York County** to construct the Bennet Run Subdivision Phase 1 pump station and sewer extension was received in the Southcentral Region on November 7, 2000.

**A. 0100407.** Sewerage, submitted by **White Run Regional Municipal Authority**, 2001 Baltimore Pike, Gettysburg, PA 17325-7068 in Mount Joy Township, **Adams County** for expansion of the White Run Wastewater Treatment Plant was received in the Southcentral Region on November 8, 2000.

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

**A. 0271417-A4.** Sewerage, **Penn Hills Municipality**, 12245 Frankstown Road, Pittsburgh, PA 15235. Application for the modification and operation of Sewers and Appurtenances to serve Thompson Run located in Penn Hills Township, **Allegheny County**.

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

**WQM Permit No. 6100405.** Sewerage, **Richard L. Cook**, R. R. 2, Box N 10-A, Kennerdell, PA 16374. This project is for the construction of a Single Residence Sewage Treatment Plant in Clinton Township, **Venango County**.

**INDIVIDUAL PERMITS (PAS)**

**NPDES INDIVIDUAL**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and

regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment 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 of 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, (570) 826-2511.*

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

**NPDES Permit PAS10U141.** Stormwater. **Thomas Doyle**, Deluca Enterprises, Inc., 824 Durham Rd., Suite 200, Newtown, PA 19840, has applied to discharge stormwater from a construction activity located in Hanover Township, **Northampton County**, to Monocacy Creek, HQ-CWF.

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#### Individual CAFO NPDES Permit

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

**A. PA0088544. Randall B. and Karen L. Huntsman**, R. R. 2, Box 161, Martinsburg, PA 16662-9112. Randall B. and Karen L. Huntsman has submitted an application for an NPDES permit for an existing and expanding concentrated animal feeding operation (CAFO) known as Randall B. Huntsman, located on Clover Creek Road in

North Woodbury Township, **Blair County**. The CAFO is situated near Clover Creek, which is classified as High Quality Waters-Cold Water Fishes (HQ-CWF). The CAFO is designed to maintain an animal population of 678.13 animal equivalent units (AEU's) consisting of 500 dairy cows and 75 heifers.

Manure generated at the existing dairy operation is scraped and transported to an existing earthen structure containing an approximate storage capacity of 1,386,000 gallons. Manure generated at the new dairy operation consists of a gravity flow facility to a new 1,017,000-gallon reinforced concrete manure storage tank. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations including the Final CAFO Strategy, the Department has made a tentative determination to issue an individual NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

The permit application and proposed draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The Environmental Protection Agency (EPA) permit review waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Persons wishing to comment on the proposed permit are invited to submit written comments to the above address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest significant.

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

## SAFE DRINKING WATER

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

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

**A. 4600508.** Public Water Supply. **Citizens Utilities Water Company of PA**, 4 Wellington Boulevard, Wyomissing, PA 19610. This proposal involves the construction of a 0.75 mg elevated storage tank in Limerick Township, **Montgomery County**.

**A. 4600509.** Public Water Supply. **Ambler Borough Water Department**, 122 East Butler Avenue, Ambler, PA 19002. This proposal involves the installation of a trans-

fer pump, coagulant feed system, conversion of GAC pressure contractor to GAC pressure filter with air scour/water wash, wash water meter, additional CT storage tank and related work in Whitmarsh Township, **Montgomery County**.

**WQM Permit No. 1596417A2.** Sewerage. **New Garden Township Sewer Authority**, 8934 Gap Newport Pike, Landenberg, PA 19350. Applicant is requesting approval for the modification to install an effluent pump, force main, disinfection, gravity line and outfall to serve the East End Wastewater Treatment Facility located in New Garden Township, **Chester County**.

**WQM Permit No. 1500430.** Sewage. **Edward & Elizabeth West**, 201 Chandler Mill Road, Kennett Square, PA 19348. Applicant is requesting approval for the construction and operation of a small flow treatment facility for a single residence located in Kennett Township, **Chester County**.

**WQM Permit No. 1500431.** Sewerage. **City of Coatesville Authority**, 114 E. Lincoln Highway, Coatesville, PA 19320. Applicant is requesting approval for the construction and operation of two sewage pump stations and force main, sewage will ultimately be conveyed to the Coatesville Sewer Authority WWTP located in East Fallowfield Township, **Chester County**.

**WQM Permit No. 2300412.** Sewerage. **Chadds Ford Township Sewer Authority**, P. O. Box 816, Chadds Ford, PA 19317. Applicant is requesting approval for the construction and operation of a sewage pumping station to serve 50 residential units and two commercial properties located in Chadds Ford Township, **Delaware County**.

**WQM Permit No. 4698431A1.** Sewerage. **Upper Moreland-Hatboro Joint Sewer Authority**, P. O. Box 535, Willow Grove, PA 19090-0535. Applicant is requesting approval to amend its existing permit to replace a dry cake sludge pumps in the dewatering process area with a belt and screw conveyance system to serve the Upper Moreland-Hatboro Joint Sewer Authority located in Upper Moreland Township, **Montgomery 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—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)(iii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Snow Environmental, Inc.**, Aston Township, **Delaware County**. Brian R. Evans, Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Delaware County Daily Times* on June 2, 2000.

**PPL Former Distribution Pole #68752S35168**, Hatfield Township, **Montgomery County**. Lisa A. Palfey, Environmental Consultant, 1 Scotchpine Drive, Hazleton, PA 18219, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Morning Call* on August 28, 2000.

**Kostyk/Robertson Property**, Springfield Township, **Montgomery County**. Richard D. Trimpi, P.G., Trimpi Associates, Inc., 889 Seminary Street, Pennsburg, PA 18073, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes

to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on September 29, 2000.

**Triboro Electric Company**, Doylestown Borough, **Bucks County**. Terrence J. McKenna, Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite 700, Exton, PA 19341, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on October 12, 2000.

**Mattei Tires**, City of Philadelphia, **Philadelphia County**. Robert M. Byer, Jr., P.G., IT Corp., 1220 Ward Ave., Suite 300, West Chester, PA 19380, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on October 20, 2000.

**International Plaza III**, Tinicum Township, **Delaware County**. Paula Mathews, Koll, Bren, Schreiber Realty Advisors, Inc., 4343 Von Karman, Newport Beach, CA 92660 and Michael J. Potts and Thomas V. Fusillo, Environ Corp., 214 Carnegie Center, Princeton, NJ 08540, have submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and solvents. The applicant proposes to remediate the site to meet the Statewide health standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Delaware County Daily Times* on October 26, 2000.

*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 #57424N46306 (Penn Avenue)**, City of Scranton, **Lackawanna County**. PPL Electric Utilities Corporation, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The notice indicates that the site will be remediated to meet the Statewide human health standard.

**PPL—Distribution Pole #55399N44380 (Small Street)**, Borough of Old Forge, **Lackawanna County**. PPL Electric Utilities Corporation, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The notice indicates that the site will be remediated to meet the Statewide human health standard.

**PPL—Gilbert Substation**, Chestnuthill Township, **Monroe County**. PPL Electric Utilities Corporation, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The notice indicates that the site will be remediated to meet the Statewide human health standard.

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

**PPL New Cumberland Substation (decommissioned)**, New Cumberland Borough, **Cumberland County**. PPL Generation LLC, Two North Ninth Street, Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot News* on October 23, 2000.

**Pillowtex Facility, Hanover Borough, York County**. EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103 and Redevelopment Authority of the **County of York**, 144 Roosevelt Avenue, Suite 100, York, PA 17404 have submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, lead, heavy metals, pesticides, BTEX and PAHs. The applicants propose to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Hanover Evening Sun* on November 14, 2000.

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

**Flint Ink**, Borough of Sharpsburg, **Allegheny County**. Martin Knuth, P.G., Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, Norfolk-Southern RR, 425 Holiday Drive, Pittsburgh, PA 15220 and Flint Ink, 4600 Arrowhead Drive, Ann Arbor, MI 48105 have submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the site specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on November 9, 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. 100963. Lycoming County Landfill (Lycoming County Resource Management Services**, P. O. Box 187, Montgomery, PA 17752). Application for increase in disposal capacity and other operational changes for Lycoming County Landfill in Brady Township, **Lycoming County**, accepted in the regional office on November 14, 2000.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Non-major 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 receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice, and must file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

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

#### Applications Received and Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).

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

**22-05044: Pennsy Supply, Inc.** (P. O. Box 331, Harrisburg, PA 17105) for a Synthetic Minor Operating Permit for stone and concrete plants in South Hanover Township, **Dauphin County**.

**36-03121: Lancaster Press, Inc.** (3575 Hempland Road, Lancaster, PA 17604-3657) for a Natural Minor Operating Permit for a printing press operation in West Hempfield Township, **Lancaster County**.

**67-05013: York City Sewer Authority** (1701 Black Bridge Road, York, PA 17402) for a Synthetic Minor Operating Permit for its wastewater treatment plant in Manchester Township, **York County**.

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

**65-00830: Menasha Corp.—Packing Group** (Route 70, Box 418, Yukon, PA 15698) for operation of a Natural Gas-Fired Boiler at Yukon in Sewickley Township, **Westmoreland County**.

**03-00173: Armstrong Terminal, Inc.** (P. O. Box 58, Woodland, PA 16881) for operation of Barge Off-Loading at Schenley Terminal in Gilpin Township, **Armstrong County**.

**03-00152: Glacial Sand & Gravel Co.** (P. O. Box 1022, Kittanning, PA 16201) for operation of Sand and Gravel Processing at Tarrtown Land Plant in East Franklin Township, **Armstrong County**.

**26-00470: Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415) for operation of Coal Refuse Reprocessing at the Brier Hill Site in Redstone Township, **Fayette County**.

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

**43-00319: Sharon Tube Co.** (134 Mill Street, Sharon, PA 16146) for a Natural Minor Operating Permit for operations at the facility that include assorted small boilers and heaters, an annealing furnace, and a cold oil dip immersion tank in Wheatland Borough, **Mercer County**.

*City of Philadelphia, Air Management Services, 321 University Avenue, Philadelphia, PA 19104, (215) 685-7584.*

**95-095: Amoroso's Baking Co.** (845 South 55th Street, Philadelphia, PA 19143) for operation of a wholesale bakery in the City of Philadelphia, **Philadelphia County**. The Natural Minor facility's air emission sources include two natural gas or No. 2 Oil-fired Boilers each rated at 6.7 MMBTU/hr, six natural gas or No. 2 Fuel Oil-fired ovens each rated at or less than 3.5 MMBTU/hr that process straight-dough at a capacity of 1350 lbs/hr, one gasoline storage tank and distribution with Stage I and Stage II Vapor Recovery Systems, and one diesel vehicle fueling station.

**95-036: Avery Dennison, Philadelphia Plant** (7722 Dungan Road, Philadelphia, PA 19111) for operation of a commercial printing facility that performs flexographic printing of labels, including paper converting in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor facility's air emission sources include one trim system and 13 flexographic printing presses each with a web width <18 inches. The facility's air emissions control device is one trim system dust collector.

**96-036: RichardsApex, Incorporated** (4202-24 Main Street, Philadelphia, PA 19127) for operation of manufacturing metal working lubricants in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor facility's air emission sources include two natural gas or No. 5 Oil-fired Boilers each rated at 8.375 MMBTU/hr and 13 mixing vessels processing fatty oils and sulfur. The facility's air emission control devices include one scrubber and one cyclone dust collector.

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


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Under 25 Pa. Code § 127.521 and § 127.424, 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 using the appropriate regional office telephone number noted below. For additional information, contact the appropriate regional office noted below.

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. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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.*

**56-00166: PBS Coals, Inc.** (1576 Stoystown Road, P. O. Box 260, Friendens, PA) for the Shade Creek Preparation Plant in Shade Township, **Somerset County**. The facility is used in the processing of coal, which is thermally dried and the emissions are controlled by a Venturi Scrubber. The facility is major for nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), and particulate matter. The main source of emissions is from the thermal dryer.

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**PLAN APPROVALS**


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**Applications received and intent to issue plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**


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

**13-399-010: Silberline Manufacturing Co., Inc.** (P. O. Box B, 130 Lincoln Drive, Tamaqua, PA 18252) for construction of one filter press and two screening units to the aluminum pigment manufacturing processes in Lansford Borough, **Carbon County**.

**40-310-029C: Small Mountain Quarry, Inc.** (Slusser Brothers Trucking & Excavating Co., Inc., 125 North Warren Street, Hazleton, PA 18201) for modification of a stone crushing plant and associated air cleaning device in Dorrance Township, **Luzerne County**.

**39-313-036A: Safety-Kleen Systems, Inc.** (5540 Memorial Road, Allentown, PA 18104) for construction of a petroleum naphtha storage tank in Upper Macungie Township, **Lehigh County**.

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

**06-05037A: McConway & Torley Corp.** (230 Railroad Street, Kutztown, PA 19539) for construction of an automatic core machine controlled by a wet scrubber in Kutztown Borough, **Berks County**.

**29-03005: NES Rebuild Center, Inc.** (3885 Coleman Road, Paducah, KY 42001) for the construction of two blast booths controlled by fabric collectors, a paint kitchen and two paint spray booths controlled by dry filters. The sources are being installed to serve the construction equipment rebuild facility in Ayr Township, **Fulton County**.

**36-03055A: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) for installation of a replacement screen at a crushing plant controlled by an existing baghouse in Salisbury Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**44-05002A: New Holland North America, Inc.** (P. O. Box 868, Belleville, PA 17004) for installation of a replacement surface coating operation controlled by dry filters at the farm equipment manufacturing facility in Union Township, **Mifflin County**.

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

**Rynone Manufacturing Corp.** (P. O. Box 128, Sayre, PA 18840-0128) has submitted an application (08-00004A) to the Department of Environmental Protection (Department) for approval to modify the fiberglass reinforced plastics operations in Sayre Borough, **Bradford County**.

Rynone Manufacturing Corp. is a major facility for which a Title V Operating Permit (08-00004A) has been issued.

The information provided by the applicant indicates that the subject modification will increase the facility's potential to emit styrene by 9.8 tons per 12 consecutive month period. Styrene is classified as a volatile organic compound (VOC) and a hazardous air pollutant (HAP). A preliminary review of the information submitted by the applicant indicates that the proposed modification will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue a plan approval to modify. If the plan approval is issued and if the fiberglass reinforced plastics operations are subsequently found to be in compliance with all applicable regulatory requirements and plan approval conditions, the plan approval will be incorporated into Operating Permit 49-00014 via administrative amendment in accordance with 25 Pa. Code § 127.450.

In order to ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.



- This plan approval is issued for the modification of a fiberglass reinforced plastics facility comprised of four production lines and associated cleanup operations. The modification is an increase of 9.8 tons per 12 consecutive month period in the amount of VOCs and HAPs which the production lines are allowed to emit. This plan approval is also issued for the construction of a marble casting resin machine.

- The total combined VOC emissions from this facility following modification shall not exceed 35.9 tons per 12 consecutive month period, the total combined HAP emissions shall not exceed 37.0 tons per 12 consecutive month period and the total acetone emissions shall not exceed 26.0 tons per 12 consecutive month period.

- The styrene emissions shall not exceed 24.6 tons per 12 consecutive month period from the use of gel coats and 9.3 tons per 12 consecutive month period from the use of resins.

- All clear gel coats shall contain less than 50% styrene monomer by weight.

- All pigmented gel coats shall contain less than 45% styrene monomer by weight.

- All resins shall contain less than 40% styrene monomer by weight.

- The company shall not use gel coats or resins containing any VOCs or HAPs, other than styrene, without prior authorization by the Department.

- Only airless, air assisted airless or HVLP spray equipment shall be used to apply gel coats except as follows: A conventional hand held air atomized spray gun, with a resin container (pressure or siphon) mounted on the spray gun, may be used in limited circumstances to apply special custom gel coats.

- All molded products, with the exception of flat panel, special shapes and floated bowl tops shall be enclosed during curing.

- The total combined VOC emissions from the use of mold release materials in the facility shall not exceed 1.0 ton per 12 consecutive month period and the total combined HAP emissions from the use of mold release materials shall not exceed 0.1 ton per 12 consecutive month period.

- The total combined VOC emissions from cleanup operations in the facility shall not exceed 1.0 ton per 12 consecutive month period, the methylene chloride emissions from cleanup operations shall not exceed 3.0 tons per 12 consecutive month period and the total acetone emissions from cleanup operations shall not exceed 26.0 tons per 12 consecutive month period.

- The company shall not use cleanup solvents containing any HAPs, other than methylene chloride, without prior authorization by the Department.

- All solvent used for spray line cleaning shall be flushed into closed containers. Under no circumstances shall solvent be removed from spray lines by spraying through a spray gun. All containers of solvent and waste solvent shall be kept closed when not in actual use and all solvent-laden rags, and the like, shall be stored in closed containers when not in actual use. Under no circumstances shall waste solvent be intentionally disposed of by evaporation or shall solvent-laden rags, and the like be treated or pretreated prior to disposal or reuse by subjecting them to air drying or any other means of solvent removal which would cause solvent to be unnecessarily evaporated into the air.

- The company shall maintain comprehensive accurate records and generate a monthly report of air contaminant emissions in order to demonstrate compliance with all applicable emission limitations. All records and reports required by this condition shall be retained on site for at least 5 years from the date of generation and shall be made available to Department personnel upon request.

In accordance with Section 127.45 of Chapter 127 of Article III of the Rules and Regulations of the Department of Environmental Protection, the conditions listed in this plan approval do one or more of the following:

1. Identify the sources and location.
2. Establish allowable emission rates.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. Ensure proper operation and adequate maintenance.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address listed.

Any person wishing to protest the issuance of plan approval or provide the Department with additional information which the person believes should be considered prior to the issuance of the plan approval may submit the protest or information to the Department at the address listed. A 30-day comment period, from the last date of publication, will exist for the submission of protests or comments. Each written protest or comment shall include the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. TVOP-08-00004A; and a concise statement regarding the relevancy of the information or any objections to issuance of the plan approval.

A public hearing may be held, if the Department in its discretion decides that such a hearing is warranted based on the information received. All persons protesting the issuance of plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the county in which the source is to be located, by the *Pennsylvania Bulletin*, by letter, or by telephone, where the Department determines such notification by telephone is sufficient. All protests, comments and requests must be received by the Department no later than 30 days after final publication of this notice.

Written protests, comments or requests for a public hearing should be directed to David W. Aldenderfer, Regional Air Quality Program Manager, Department of Environmental Protection, Northcentral Region—Field Operations, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3648.

For additional information regarding the Department's analysis of the application, contact Joseph J. Dwyer, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (570) 327-3642.

**53-00005A: Dominion Transmission Corp.—Greenlick Compressor Station** (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) to construct a natural gas-fired 1085 horsepower (765 KW) auxiliary generator for their Title V facility in Stewardson Township, **Potter County**. The auxiliary generator will result in the emission of up to 44.02 tons of nitrogen oxides, 17.81 tons of carbon monoxide and 7.23 tons of volatile organic compounds per year but will be accompanied by

the generation of 42.35 tons of nitrogen oxides emission reduction credits, 36.4 tons of carbon monoxide emission reduction credits and .6 tons of volatile organic compound emission reduction credits from the permanent shutdown of three existing natural gas-fired 435 horsepower auxiliary generators.

**19-0007A: Trancontinental Gas Pipe Line Corp.—Compressor Station 517** (P. O. Box 1396, Houston, TX 77251-1396) for construction of a 15,000 horsepower natural gas-fired simple cycle turbine for their Title V facility in Jackson Township, **Columbia County**. The turbine is subject to Subpart GG of the Federal Standards of Performance for New Stationary Sources and will emit up to 19.5 tons of nitrogen oxides, 23.7 tons of carbon monoxide and 6.8 tons of unburned hydrocarbons per year.

**55-0001D: Sunbury Generation, LLC** (1088 Springhurst Drive, Green Bay, WI 54304-5495) for construction of a 1,000 ton capacity ash storage silo and associated air cleaning devices [one fabric collector and one cartridge collector] in Monroe Township, **Snyder County**. Sunbury Generation, LLC proposes that the silo be allowed to emit .59 ton of particulate matter per year. This facility is a Title V facility.

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

**65-839A: Texas Eastern Transmission Corp.—Delmont Station** (P. O. Box 1642, Houston, TX 77251) for operation of a turbine in Salem Township, **Westmoreland County**.

**11-414A: Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650) for operation of Coal Refuse Reprocessing at St. Michael Pile in Adams Township, **Cambria County**.

**65-661A: Derry Construction Co., Inc.** (R. D. 5, Box 34, Latrobe, PA 15650) for operation of an asphalt plant at Delmont Asphalt Facility in Salem Township, **Westmoreland County**.

**65-807A: Pioneer Mid-Atlantic, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068) for operation of a Limestone Quarry at Whitney Quarry in Unity Township, **Westmoreland County**.

**65-898A: Three Rivers Pipeline Co.—Sleepy Hollow Compressor** (3500 Park Lane, Pittsburgh, PA 15275) for operation of a Natural Gas Engine in Salem Township, **Westmoreland County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval to **Orion Power Midwest** for the installation of SNCR on Units 1-3 at the Elrama Power Station, as described in its application received on September 21, 2000.

Copies of the application, Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In order for the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

*Special Conditions for Plan Approval 63-014D*

The Plan Approval is subject to the following conditions:

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

2. Upon completion of the construction of the above indicated air contamination source an operating permit application must be obtained from the person noted.

3. This plan approval is for the installation of an ESA designed SNCR system on Boilers 1-3 at Elrama Power Station located in Union Township, Washington County.

4. The outlet stack exhaust concentration of NH<sub>3</sub> from units 1-3 shall not exceed 3 ppm<sub>v</sub> (ammonia slip).

5. Stack testing to determine the emission rate of ammonia (as NH<sub>3</sub>) and carbon monoxide (CO) shall be conducted no later than 90 days after installation.

6. Stack testing shall be performed in accordance with 25 Pa. Code Chapter 139 regulations and the Department's Source Testing Manual.

7. Two copies of a pre-test protocol shall be submitted to the Department for review at least 60 days prior to the performance of the stack tests.

8. The Department shall be notified at least 2 weeks prior to the stack test of the date and time of the test so that an observer may be present.

9. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of the testing.

10. 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 Owner/Operator 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 should state when construction will be completed and when operator expects to commence operation.

b) Operation is authorized only to facilitate the start-up and shake-down 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 sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (a), above.

d) The Owner/Operator 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 Owner/Operator pursuant to 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 the written notice.

Any person wishing to provide the Department with additional information which they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address

shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Joseph Pezze, Regional Air Quality Program Manager, Commonwealth of Pennsylvania, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information you may contact the following at the same address Thomas J. Joseph, Air Pollution Control Engineer III, Air Quality Control.

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

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (Department), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protest or comments to the Regional Office at the address listed. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements.

*Northwest Regional Office, Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.* For additional information on the following applications contact: Devendra Verma, Engineering Services Chief, (814) 332-6940.

**10-001B: AK Steel Corp.** (Route 8 South, P. O. Box 832, Butler, PA 16003) for physical changes and changes in the method of operation to the #2 Electric Arc Furnace (EAF) in **Butler County**. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. The permit will be subject to the following conditions:

1. This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

2. The total steel production from the #2 EAF shall not exceed 400,000 tons based on a consecutive 12-month period.

3. The company shall maintain monthly records of the total steel production for the #2 EAF. The company shall submit within 30 days of the end of each quarter the following:

a) Total steel production for the #2 EAF for the quarter, and

b) Total steel production for the #2 EAF based on a consecutive 12-month period.

4. The capture efficiency from the #2 EAF Direct Evacuation Control (DEC) dust shall meet 85%. The company shall conduct Method 5 Particulate testing in the following locations:

a) #2 Direct Evacuation System ductwork,

b) #2 primary canopy hood system ductwork,

c) secondary hood capture system.

A mass emission rate shall be determined from each location. The ratio of the mass emission rate from the Direct Evacuation System to the sum of the primary and secondary capture system shall be greater than or equal to 5.68.

5. Any increase in steel production from the modification to the #2 EAF above 319,700 tons (based on a 12 month consecutive period) shall be sold as semi-finished slabs or sent to other AK Steel facilities. At no point shall the increased production go through the finishing operations at the Butler facility. The company shall maintain monthly records of the amount of processed steel sold as semi-finished slabs or steel sent to other AK facilities.

6. Total allowable emission rate for the sources subject to this plan approval are given below:

	grain/dscf	lb/hr	ton/yr
Particulate Matter/PM10	0.0036	29.9	130.8
Carbon Monoxide		142.0*	620.0

\*30 day rolling average

7. An annual stack test shall be performed to demonstrate compliance with the CO emission rate of 142.0 lb/hr. The stack test shall consist of three 8-hour stack tests utilizing a Department approved method. The results of all stack tests shall be averaged and compared with the emission limitation to show compliance.

8. A magnehelic gauge or equivalent shall be maintained to indicate the pressure drop across the control device.

9. The company shall record, daily, the pressure drop across the control device.

10. The company shall maintain a log of all preventative maintenance inspections of the control device.

The above conditions will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate the Best Available Technology for the source.

For additional information regarding the above, please contact Lori McNabb or Devendra Verma at (814) 332-6940 or by writing the Department at the address given above.

**Public Notification to Solicit Comments on  
Plan Approval Application No. PA-23-0089**

Under 25 Pa. Code § 127.44 and 40 CFR § 72.65, the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval for FPL Energy Marcus Hook, L. P. (the Company), Blueball Avenue and Ethylene Boulevard, Borough of Marcus Hook, Delaware County, PA, for the construction of three combined cycle combustion turbines, four auxiliary boilers and a 12 cell cooling tower. The three combined cycle combustion turbines, four auxiliary boilers, and 12 cell cooling tower are described in the Company's plan approval application of January 4, 2000, and subsequent supplemental submissions.

A public hearing will be held for the purpose of receiving comments on the Plan Approval. The hearing will be held from 7 p.m. until 9 p.m. on January 17, 2001 at the Marcus Hook Borough Hall, 10th & Green Sts., Marcus Hook, PA. The public is invited to comment on the proposed plan approval. Persons interested in commenting on the proposed plan approval are invited to appear at the public hearing and should notify John Gerdelman, at (610) 832-6228, that they want to speak at the hearing. Persons interested in submitting written comments should send their comments to Francine Carlini, Regional Air Quality Manager.

Copies of the application, technical review by the Department, and other supporting documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at (610) 832-6268, for an appointment.

Based on the information provided by the applicant and the Department's own analysis, the proposed combustion turbines, duct burners, boilers and cooling tower would emit:

<i>Pollutant</i>	<i>Emission Rate</i>	<i>Net Emission Increase</i>
Nitrogen Oxides	792 tpy	24 tpy
Carbon Monoxide	170 tpy	1087 tpy
Volatile Organic Compounds	1336 tpy	154 tpy
Sulfur Dioxide	254.5 tpy	-46 tpy
Particulate Matter < 10µm	458 tpy	458 tpy
Particulate Matter	73.8 tpy	194 tpy
Sulfuric Acid Mist	372 tpy	74 tpy

Based on the information provided by the applicant and the Department's own analysis, the proposed combustion turbines with duct burners would consume the following increments:

<i>Pollutant</i>	<i>Ambient Air Quality Impact</i>
Carbon Monoxide	44.1 µg/m <sup>3</sup> (1 hour avg.) and 17.1 µg/m <sup>3</sup> (8 hour avg.)
Particulate Matter < 10µm	4.8 µg/m <sup>3</sup> (24 hour avg.) and 0.2 µg/m <sup>3</sup> (annual avg.)

In order to assure compliance with the applicable standards, the Department has placed the following conditions in the proposed Plan Approval:

1. *Operational Limitations*

A. The emissions of nitrogen oxides from each combustion turbine shall be controlled by the use of dry low NO<sub>x</sub> combustor technology and a selective catalytic reduction unit.

B. The emissions of nitrogen oxides from each boiler shall be controlled by the use of low NO<sub>x</sub> burners and fuel gas recirculation.

C. The emissions of particulate matter from each cell of the cooling tower shall be controlled by high efficiency drift eliminator.

D. The duct burners, combustion turbines, and auxiliary boilers are subject to Subparts Da, GG, and Db, respectively of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of these Subparts. The duct burners and auxiliary boilers are subject to Subpart J of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to Director, Air, Toxics and Radiation Division, U. S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

E. The company shall combust natural gas, refinery fuel gas, or a combination of natural gas and refinery fuel gas in the auxiliary boilers as the primary fuels and propane or butane as the secondary fuels.

F. The company shall limit the amount of propane combusted in the auxiliary boilers to a total of 442.1 million standard cubic feet, or less, in a 12-month rolling period.

G. The company shall limit the amount of butane combusted in the auxiliary boilers to a total of 336.2 million standard cubic feet, or less, in a 12-month rolling period.

H. The company shall install a fuel metering device in order to monitor the amount of propane and/or butane combusted in the auxiliary boilers in a 12-month rolling period.

I. The company shall only combust natural gas in the combustion turbines.

J. The company shall combust only natural gas, refinery fuel gas or a combination of natural gas and refinery fuel gas in the duct burners.

K. The Company shall not combust in the duct burners or auxiliary boilers refinery fuel gas that has a sulfur content in excess of 2.5 grains per 100 dry standard cubic feet based on a 24 hour average.

L. The company shall construct, operate and maintain the combustion turbines, duct burners, auxiliary boilers, cooling tower and air pollution control equipment in accordance with manufacturer's specifications as well as good air pollution control practices.

M. The following condition applies to the start-up or shutdown of the combustion turbines:

i. A cold start-up shall be defined as an event that occurs after the combustion turbine has not been operating for at least 48 hours. A cold start-up shall not last longer than 4.5 hours per start-up.

ii. A warm start-up shall be defined as an event that occurs after the combustion turbine has not been operating for 8 hours to 48 hours. A warm start-up shall not last longer than 2.5 hours per start-up.

iii. A hot start-up shall be defined as an event that occurs after the combustion turbine has not been operating for less than 8 hours. A hot start-up shall not last longer than 2 hours per start-up.

iv. The emissions from a start-up or shutdown shall be included in the 12-month rolling sum.

v. A shutdown commences with the termination of fuel injection into the combustion chambers.

N. The following conditions apply to the operation of the selective catalytic reduction units (SCR):

i. Equipment (a rotameter or equivalent, as approved by the Department) shall be provided so that the flow rate of reagent to the SCR system can be measured.

ii. The company shall install, operate and maintain the SCR system in accordance with the manufacturer's specifications and good air pollution control practices.

O. The company shall limit the total dissolved/suspended solids in the cooling tower blowdown water to 9,000 ppmw, or less.

P. The Company shall limit the three duct burners to a combined maximum heat input of 899 MMBtu/hr when the four auxiliary boilers are being fired at maximum rated capacity. The maximum heat input to each duct burner shall be limited to 333 MMBtu/hr.

Q. For NSR and/or PSD purposes, the three combined cycle combustion turbines, four auxiliary boilers, and cooling towers are deemed to be a support facility to the Sunoco, Inc. (R&M) refinery, located at Delaware Avenue and Green Street, Borough of Marcus Hook, Delaware County.

R. The company shall install a fuel metering device in order to monitor the amount of natural gas and refinery fuel gas combusted in the duct burners.

S. Prior to the issuance of an Operating Permit, the company shall determine the minimum temperature that

the SCR system operates at. The company shall install a visual temperature monitor on the SCR catalyst.

T. The No. 5 boiler, No. 6 boiler, No. 7 boiler and No. 9 boiler shall not be operated for more than 180 days after the commencement of operation of the 3 combined cycle combustion turbines and/or 4 auxiliary boilers. In the event that the 3 combined cycle combustion turbines and/or 4 auxiliary boilers require an extension of the start-up and shakedown period, the No. 5 boiler, No. 6 boiler, No. 7 boiler and No. 9 boiler shall be allowed to continue to operate. The company shall notify the Department, in writing, at least 30 days in advance of the need for the extension of the start-up/shakedown period. The written notice shall include the reasons for the extension and the expected length of the extension.

2. Acid Rain Requirements

A. Upon start-up, the combined cycle combustion turbines are subject to the applicable requirements contained in 40 CFR Parts 72 through 78. In addition, the combined cycle combustion turbines are subject to the applicable requirements contained in 25 Pa. Code § 127.531, regarding special conditions related to acid rain.

B. The owners and operators of each affected source and each affected unit at the source shall:

i. operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and,

ii. have an Acid Rain permit.

3. Emission Limitations

A. The following air contaminant emission limits are approved for each combustion turbine with duct burner:

<i>Pollutant</i>	<i>Short Term Emission Limitation for the Combustion Turbine<sup>4</sup></i>	<i>Short Term Emission Limitation for the Combustion Turbine and Duct Burner<sup>4</sup></i>	<i>Long Term Emission Limitation for the Combustion Turbine and Duct Burner<sup>1</sup></i>
Nitrogen Oxides (NO <sub>x</sub> )	3.5 ppmvd <sup>3</sup>	3.5 ppmvd <sup>3</sup>	117.7 tpy
Volatile Organic Compounds (VOCs) <sup>2</sup>	1.4 ppmvd <sup>3</sup>	4.3 ppmvd <sup>3</sup>	47.3 tpy
Carbon Monoxide (CO)	7.8 ppmvd <sup>3</sup>	13.4 ppmvd <sup>3</sup>	273 tpy
Particulate Matter (PM)	0.016 lb/MMBtu	0.015 lb/MMBtu	125 tpy
Sulfur Dioxide (SO <sub>2</sub> )	0.007 lb/MMBtu	0.008 lb/MMBtu	66.5 tpy
Sulfuric Acid Mist	0.002 lb/MMBtu	0.003 lb/MMBtu	23.2 tpy

<sup>1</sup> Based on a 12-month rolling period and calculated as a 12-month rolling sum. The long term emission rate includes the emissions from start-ups and shutdowns.

<sup>2</sup> The Volatile Organic Compounds shall be calculated as methane.

<sup>3</sup> Corrected to 15 percent O<sub>2</sub>.

<sup>4</sup> The short term emission limitations shall be calculated as one hour averages.

B. The following air contaminant emission limits are approved for the four auxiliary boilers:

<i>Pollutant</i>	<i>Short Term Emission Limitation<sup>2</sup></i>	<i>Long Term Emission Limitation<sup>3</sup></i>
Nitrogen Oxides (NO <sub>x</sub> )	0.11 lb/MMBtu	439 tpy
Volatile Organic Compounds (VOCs) <sup>1</sup>	0.004 lb/MMBtu	28 tpy
Carbon Monoxide (CO)	0.075 lb/MMBtu	516 tpy
Particulate Matter (PM)	0.01 lb/MMBtu	69 tpy
Sulfur Dioxide (SO <sub>2</sub> )	0.008 lb/MMBtu	55 tpy
Sulfuric Acid Mist	0.0006 lb/MMBtu	4.2 tpy

<sup>1</sup> The Volatile Organic Compounds shall be calculated as methane.

<sup>2</sup> The short term emission limitations shall apply to each auxiliary boiler and shall be calculated as one hour averages.

<sup>3</sup> Based on a 12 month rolling period and calculated as a 12-month rolling sum.

C. Upon start-up of the combined cycle combustion turbines the following air contaminant emission limits are approved under 25 Pa. Code § 127.448 for the following units at the Marcus Hook refinery: three combined cycle combustion turbines operated by FPL Energy Marcus Hook, L. P.; four auxiliary boilers operated by FPL Energy Marcus Hook, L. P.; No. 1 CO boiler; No. 3 CO boiler; catalyst regenerator; and the combustion turbine operated by FPL Energy MH50, L. P.

i. Nitrogen Oxides (NO<sub>x</sub>): 1767.8 tons in a 365 day rolling period.

ii. Sulfur Dioxide (SO<sub>2</sub>): 4692.2 tons in a 365 day rolling period.

iii. Particulate Matter (PM): 594.1 tons in a 365 day rolling period.

D. The company shall limit the ammonia slip from the SCR system to 10 ppm, or less.

E. The emission rates for the combustion turbines apply at all times except during start-up and shutdown periods.

F. The company shall limit the emission of particulate matter from the 12 cell cooling tower to 14.8 tons in a 12-month rolling period.

#### 4. Emission Reduction Credit Requirements

A. The company shall not operate the combined cycle combustion turbines and/or auxiliary boilers until the required emission reduction credits are provided to and processed through the ERC registry.

B. The company is required to secure emission offsets in the amount of 200 tons per year of VOCs to offset emissions of 154 tons per year of VOCs.

#### 5. NO<sub>x</sub> Allowance Requirements

A. The company shall comply with the applicable regulations contained in 25 Pa. Code §§ 123.101–123.120.

B. The company shall establish a compliance account prior to the commencement of operations and is responsible to acquire any required NO<sub>x</sub> allowances from those available in the NATS (25 Pa. Code § 123.117(a)).

C. The company shall comply with Chapter 145 of the Department's Rules and Regulations.

#### 6. Monitoring Requirements

A. The company shall install, operate and maintain continuous emission monitors for nitrogen oxides, oxygen and carbon monoxide on each combined cycle combustion turbine.

B. The company shall install, on each combined cycle combustion turbine, a Department certified continuous emission monitoring system for sulfur dioxide or comply with the provisions of 40 CFR Part 75, Appendix D, relating to estimating the emissions of sulfur dioxide from each combined cycle combustion turbine. Prior to the issuance of an Operating Permit, the company shall notify the Department, in writing, as to the method of monitoring the emissions of sulfur dioxide.

C. The company shall install, operate and maintain continuous emission monitors for nitrogen oxides, oxygen and carbon monoxide on each auxiliary boiler.

D. The continuous emission monitoring system for the parameters in Conditions 6.A. and 6.C. above must be approved by the Department. The continuous emission monitoring system shall be 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 the information as listed in Phase I section of the Department's *Continuous Source Monitoring Manual* for the continuous emission monitoring system must be submitted at least 180 days prior to the start-up of each combined cycle combustion turbine and/or auxiliary boiler.

E. Testing as listed in the Phase II section of the Department's Continuous Source Monitoring Manual must be completed for the CEMs no later than 180 days after initial source start-up date and no later than 60 days after the source achieves normal process capacity.

F. The final report as listed in the Phase III section of the Department's Continuous Source Monitoring Manual must be submitted no later than 60 days after the completion of testing.

G. The continuous emission monitoring system shall be maintained and operated to achieve the following data availability requirements:

<i>Requirement</i>	<i>Monitored Pollutants or Parameters</i>
	NO <sub>x</sub> , Carbon Monoxide, and Oxygen
Data Availability:	≥90 percent valid hours/ calendar month or ≥95 percent valid hours/ calendar quarter
Valid Hour:	≥75 percent valid readings (45 minutes/hour)

H. Continuous monitoring shall be conducted at the locations approved by the Department for the following:

i. Nitrogen oxides, oxygen and carbon monoxide shall be monitored downstream of the air pollution control equipment.

ii. The continuous monitors shall be operated in such a manner as to determine compliance with the applicable limits in Condition 3 of this plan approval.

I. The company shall continuously monitor the amount of ammonia reagent being injected into the SCR.

J. The company shall, on a daily basis, monitor the amount of propane and/or butane combusted in the auxiliary boilers in order to determine compliance with this Plan Approval.

K. The company shall monitor the heating value of the natural gas and refinery fuel gas on a daily basis. The company may apply to the Department to change the monitoring schedule based upon the results of the daily monitoring.

L. The company shall monitor the sulfur content of the natural gas, refinery fuel gas, propane and butane that is combusted in the combined cycle combustion turbines and/or auxiliary boilers. The company shall monitor the sulfur content of the natural gas, refinery fuel gas, propane and butane in accordance with 40 CFR Part 75, Appendix D. The frequency of monitoring, equipment and methodologies to monitor the sulfur content of the natural gas and refinery fuel gas shall be approved by the Department.

N. The company shall continuously monitor the temperature of the SCR catalyst.

#### 7. Testing Requirements

A. Within 60 days after achieving the maximum production rate at which each combined cycle combustion turbine or auxiliary boiler will be operated, but not later than 180 days after the initial start-up of the combustion turbine or auxiliary boiler, the owner or operator shall conduct performance test(s) as per section 60.8 and 40 CFR Part 60, Subparts Da, Db, J and GG and Chapter 139 of the Rules and Regulations of the Department.

B. The initial stack test shall be for nitrogen oxides, carbon monoxide, volatile organic compounds, sulfur dioxide, ammonia slip and particulate matter.

C. At least 30 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

D. 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.

E. Within 30 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval. All test reports shall be complete and include all operating conditions.

F. The company shall on a weekly basis, test the cooling tower water for total dissolved/suspended solids. A schedule of less frequent testing may be approved by the Department upon demonstration that the results of the testing required by this Plan Approval are below the limitation contained in Condition 1.O.

#### 8. Recordkeeping and Reporting Requirements

Sufficient data shall be recorded so that compliance with the conditions in this Plan Approval can be determined. Records shall be kept for a minimum of 5 years and shall be made available to the Department upon request:

A. The company shall maintain records on all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment which is subject to this Plan Approval.

B. The company shall maintain a copy of the manufacturer's specifications for the three combustion turbines, three duct burners, four auxiliary boilers, cooling tower and air pollution control equipment on-site.

C. The company shall maintain a copy of the manufacturer's specifications for all CEMs that are required by this Plan Approval.

D. The company shall keep a record of all the stack tests that are required in this Plan approval.

D. The company shall keep a monthly record of the fuel monitoring that is required by Condition 6.K.

E. The company shall keep a record of the date of the malfunction, the time of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

F. The company shall keep a record, on a monthly basis, of the emissions from the three combined cycle combustion turbines, four auxiliary boilers, and cooling tower in order to demonstrate compliance with Condition 3.

G. The company shall keep all records that are required under 40 CFR Part 60, Subparts Da, Db, J and GG and 40 CFR Parts 72 through 78.

H. The company shall keep a record of each start-up and shutdown of the combustion turbines, duct burners and/or auxiliary boilers.

I. The company shall keep a record, on a daily basis, of the heating value of the refinery fuel gas and natural gas.

J. The company shall keep a record, on a daily basis, of the amount of natural gas and/or refinery fuel gas combusted in the duct burners.

Anyone wishing to provide the Department with additional information they believe should be considered prior to the issuance of the Plan Approval may submit the information to the address shown below. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.

2. Identification of the proposed Plan Approval; No. PA-23-0089.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Requests for a public fact finding conference or hearing may also be made by writing the Department at the address shown. A public conference may be held if the Department in its discretion decides that such a conference is warranted on the basis of the information received. All persons who have submitted comments or have requested a conference will be notified of the decision to hold such a conference by publication in a newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written remarks from the public will be addressed by the Department during the review process before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Written remarks should be sent to Francine Carlini, Regional Air Quality Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

For additional information contact George A. Monasky, P.E., at (610) 941-5123.

## REASONABLY AVAILABLE CONTROL TECHNOLOGY

### (RACT)

The Department of Environmental Protection (Department) will conduct a public hearing on December 13, 2000, beginning at 1 p.m. in the Air Quality Conference Room of the Department Regional Office Building located at 230 Chestnut Street, Meadville, PA 16335-3407.

The hearing is for the Department to accept testimony concerning the Department's decision to approve, with conditions, Reasonably Available Control Technology (RACT) plan by:

Three Rivers Aluminum Co., 71 Progress Avenue, Cranberry Township, Pennsylvania, to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOC) from the various air contamination sources. The final RACT proposal will be submitted to the United States Environmental Protection

Agency (EPA) as a revision to Pennsylvania's State Implementation Plan. This facility is located in Butler County.

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into Plan Approval(s) and/or Operating Permit(s) for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary VOC RACT determination for Three Rivers Aluminum Company:

<i>Source</i>	<i>Control</i>
Surface Coating Processes Assembly Operations	Presumptive RACT Continue to investigate the use of substitute solvents and continue to improve procedures to reduce solvent usage and evaporative loss. A monthly log of all solvents used in the assembly operations shall be maintained for 5 years.
Parts Washers (6)	De-minimis
Aerosol Can use	De-minimis
Space Heaters (156)	De-minimis
Air Make-Up Units	De-minimis
Office Heaters (9)	De-minimis
Dry-Off Ovens (4)	De-minimis
Anodizing Process (7 tanks)	De-minimis
Extrusion Lines (3) and Ovens (2)	De-minimis

For the above facility, a Public Hearing will be held for the purpose of receiving comments on the above proposed Plan Approvals and/or Operating Permits and the proposed SIP revisions. The public hearing is scheduled as follows: December 13, 2000, 1 p.m.—3 p.m., DEP Meadville Regional Office, Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335-3407

Persons wishing to present testimony at the hearing should contact Lori McNabb, Air Quality Program, 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 Lori McNabb 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 the above noted Department contact person. 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

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 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 below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition 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.

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

*Coal Applications Received*

**17970105. E. P. Bender Coal Co., Inc.** (P. O. Box 594, Carrolltown, PA 15722), renewal of an existing bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 132 acres. Receiving streams: unnamed tributaries to Clearfield Creek to the West Branch of the Susquehanna River. Application received November 8, 2000.

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

**1252-24980105-E-1. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Application for a stream encroachment to conduct coal mining activities involving the construction of a collection ditch through unnamed tributary "B" to Brandy Camp Creek and to mine through and replace said tributary with a downslope channel in Horton Township, **Elk County**. Receiving streams: Karnes Run, Johnson Run and Unnamed tributary to Branch Camp Creek. Application received November 13, 2000.

**33980104. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201). Revision to an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 25.6 acres. Receiving streams: Unnamed tributary to McCracken Run. Revision to include a post mining land use change from forestland to pastureland/land occasionally cut for hay on the properties of Dennis and Karen Woodrow and James L. and Ruby D. Goss. Application received November 15, 2000.

**16940107. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA 15701). Renewal of an existing bituminous surface strip operation in Perry Township, **Clarion County** affecting 224.0 acres. Receiving streams: Five unnamed tributaries to Cherry Run. Application received November 17, 2000.

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

**16901602. Ancient Sun Inc.** (P. O. Box 129, Main St., Shippensburg, PA 16254), to revise the permit for the Ancient Sun Tipple in Ashland Township, **Clarion County** to change the post mining land use designation at the site to industrial, no additional discharges. Application received September 19, 2000.

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

**54950104R. City of Philadelphia** (21 South 12th Street, Philadelphia, PA 19107-3684), renewal of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 395.0 acres, receiving stream—none. Application received November 13, 2000.

*Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**56840106, Permit Renewal. Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552), for continued operation of a bituminous surface mine in Black Township, **Somerset County**, affecting 360.0 acres, receiving stream Wilson Creek, unnamed tributary

to Wilson Creek; unnamed tributary to the Casselman River; and Coxes Creek, application received November 1, 2000.

**56900112, Permit Renewal. Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), for continued operation of a bituminous surface mine in Summit Township, **Somerset County**, affecting 650.0 acres, receiving stream Stony Batter Run and Shafer Run, application received November 13, 2000.

**32000109. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701), commencement, operation and restoration of bituminous surface-auger mine in White Township, **Indiana County**, affecting 33.5 acres, receiving stream unnamed tributary of Yellow Creek and Yellow Creek to Two Lick Creek to the Conemaugh River, application received November 7, 2000.

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

*Noncoal Applications Received*

**4764-37830309-E-1. Russell Minerals (Pennsylvania), Inc.** (P. O. Box 510, Darlington, PA 16115). Application for a stream encroachment to regrade and place rip rap lining in a surge opening in the barrier between the Beaver River and the post mining impoundment in Taylor Township, **Lawrence County**. Receiving streams: Beaver River and unnamed tributary to Beaver River. Application received November 13, 2000.

**1839-37950303-E-1. Southdown, Inc.** (1200 Smith Street, Suite 2400, Houston, TX 77002). Application for a revision to a stream encroachment to utilize the existing closed Township Road T-434 as a limited access road within 100 feet of the unnamed tributary 1 to McKee Run in Shenango and Taylor Townships, **Lawrence County**. Receiving streams: Unnamed tributaries to McKee Run and McKee Run. Application received November 13, 2000.

**16950302. County Landfill, Inc., d/b/a County Environmental Services, Inc.** (Route 36, Township Road 620, Leeper, PA 16233). Renewal of an existing subsoil operation in Farmington Township, **Clarion County** affecting 46.2 acres. Receiving streams: Unnamed tributary to Walley Run. Renewal of NPDES Permit No. PA0226947. Application received November 14, 2000.

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

**7775SM12A2C3. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit #PA0595101 in Lower Heidelberg Township, **Berks County**, receiving stream—unnamed tributary to Cacoosing Creek. Application received November 9, 2000.

**Projects under the Environmental Good Samaritan Act**

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection (Department).

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated above each proposal.

Written comments or objections may be submitted by any person or any office 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.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

*Project Proposals Received*

**EGS, Schuylkill County Conservation District.** A project to treat acid mine drainage from the Oneida #1 tunnel in North Union Township, **Schuylkill County**, affecting less than 5.0 acres, receiving stream—Sugarloaf Creek. Project proposal received October 10, 2000.

Written comments or objections may be submitted by any person or any office or head of any Federal, State or local Government Agency or Authority to the Department of Environmental Protection, District Mining Operations, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454 within 30 days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

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

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

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under Section 401 of the Federal Water Pollution Control Act.**

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

**E06-549.** Encroachment. **Sandra Lutz**, South Heidelberg Township, 68A North Galen Hall Road, Wernersville, PA 19565. To remove the existing structure and to construct and maintain a box culvert at the

channel of Manor Creek (TSF) on Furnace Road (T-382) located just south of Wernersville Borough (Sinking Spring, PA Quadrangle N: 13.9 inches; W: 12.95 inches) in South Heidelberg Township, **Berks County**.

**E21-316.** Encroachment. **Lower Allen Township**, 1993 Hummel Avenue, Camp Hill, PA 17011. To construct and maintain an 8-inch diameter PVC pipe in an unnamed Mill Race tributary to the Yellow Breeches Creek (CWF) for the purpose of providing fire protection to the immediate area located about 30 feet from the bridge across the Mill Race on SR 0114 (Lemoyne, PA Quadrangle N: 7.7 inches; W: 4.5 inches) in Lower Allen Township, **Cumberland County**.

**E22-421.** Encroachment. **Gene Bendigo**, Bendigo Airport, 11079 Clarks Valley Road, Tower City, PA 17980. To construct and maintain a 200-foot long, 54-inch diameter reinforced concrete pipe stream enclosure in an unnamed tributary to the Wiconisco Creek (CWF) for the purpose of constructing the realignment and 2,325 foot lengthening of the Bendigo Airport located on the south side of SR 0325 about 1.3 miles southwest of its intersection with Gold Mine Road (Tower City, PA Quadrangle N: 10.3 inches; W: 8.8 inches) in Rush Township, **Dauphin County**.

**E28-285.** Encroachment. **Dennis Hissong**, Hissong Farmstead, 5492 Buchanan Trail West, Greencastle, PA 17225. To construct approximately 1,300 linear feet of parabolic grassed waterway by regrading an irregular drainage channel of an unnamed tributary to the West Branch Conococheague Creek (TSF) to improve field drainage on the Hissong Farmstead. Project is located (Williamson, PA Quadrangle N: 11.37 inches; W: 11.1 inches) in Peters Township, **Franklin County**.

**E44-087.** Encroachment. **Harold Johnson**, Menno Township, 1100 SR 655, Belleville, PA 17004. To remove an existing culvert and to construct and maintain a 55-inch by 73-inch elliptical corrugated metal pipe culvert in an unnamed tributary to Saddler Creek (TSF) and to place R-5 riprap in the channel at the culvert outlet and to remove a 25-foot long by 14-foot wide gravel bar downstream of the culvert located at Mill Road about 0.4 mile northwest of its intersection with SR 0655 at Allensville (Allensville, PA Quadrangle N: 7.05 inches; W: 10.2 inches) in Menno Township, **Mifflin County**.

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

**E17-352.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830. To remove an existing structure and to construct, operate and maintain a single span adjacent box beam bridge to carry SR 1001, Section A03, across Montgomery Creek (Cold Water Fishery) for the improvement of public highway safety. The bridge shall be constructed with a center-to-center bearing span of 39.4-feet, an underclearance of 6.2-feet and a skew of 90-degrees. The project will not impact wetlands while permanently impacting 121-feet of waterway. The project is located along the southern right-of-way of SR 0879 approximately 2200-feet north of SR 1001 and SR 0879 intersection (Clearfield, PA Quadrangle N: 0.63 inch; W: 5.12-inches) in Lawrence Township, **Clearfield County**.

**E18-306.** Encroachment. **Pennsylvania Department of Conservation and Natural Resources**, Bureau of Forestry, HCR 62, Box 90, Renovo, PA 17764. To operate and maintain a minor road crossing to carry Right

Branch—Hyner Run Road across an unnamed tributary to Right Branch, Hyner Run (High Quality—Cold Water Fishery); to operate and maintain two minor road crossings to carry Right Branch—Hyner Run Road across Spring Run (High Quality—Cold Water Fishery); and to construct, operate and maintain a minor road crossing to carry Right Branch—Hyner Run Road across Spring Run (High Quality—Cold Water Fishery). Road crossing construction shall consist of installing a 36-inch diameter plastic culvert pipe that will be depressed 1.0-foot into Spring Run streambed. Construction of the minor road crossing will not impact wetlands while impacting 230-foot of waterway. The project is located along the western right-of-way of SR 0044 approximately 2,500-foot south of Right Branch—Hyner Run Road and SR 0044 intersection (Slate Run, PA Quadrangle N: 6.3 inches; W: 9.8 inches) in Chapman Township, **Clinton County**.

**E55-171.** Encroachment. **George W. Robinson**, D & G Farm Contract Production, P. O. Box 38, Kreamer, PA 17833-0038. To construct and maintain a low flow agricultural access stream crossing constructed of three 18-inch diameter ADS N-12 PE pipes 20 feet long and depressed 6 inches in the streambed with a tapered concrete headwall and to construct and maintain approximately 15 feet of riprap stream bank stabilization upstream and downstream of the proposed crossing in an unnamed tributary to Middle Creek on the east side of Freeburg Road approximately 1,400 feet south of the intersection of Route 522 with Freeburg Road (Freeburg, PA Quadrangle N: 9.0 inches; W: 12.0 inches) in Middlecreek Township, **Snyder County**. The project will not impact on wetlands while impacting approximately 50 feet of waterway. The unnamed tributary to Middle Creek is a cold water fisheries stream.

**E57-091.** Encroachment. **Paul Heise**, District Engineer, Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, 715 Jordan Avenue, Montoursville, PA 17754. To remove the existing single span, reinforced concrete T-beam bridge with a center line to center line span length of 35 feet with a hydraulic opening of 224 square feet and to construct and maintain a single span prestressed concrete spread box beam bridge with a hydraulic opening of 305 square feet on a skew of 70° and a curb-to-curb width of 30 feet. The project is located on SR 1006, over Birch Creek, Section 011 approximately 1 mile east of the intersection of SR 1006 with Route 220 (Laporte, PA Quadrangle N: 17.4 inches; W: 4.8 inches) in Cherry Township, **Sullivan County**. The project will impact approximately 0.1 acre of wetlands while impacting approximately 90 feet of waterway. Birch Creek is a cold water fisheries stream.

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

**E02-1325.** Encroachment. **Township of Scott**, 2600 Old Greentree Road, 2 North Main Street, Carnegie, PA 15106. To remove the existing structure and to construct and maintain a bridge having a span of 31.0 feet with an underclearance of 4.5 feet across the channel of Whiskey Run located on Bell Avenue, just southwest from the intersection of Bell Avenue and Duncan Avenue (Pittsburgh West, PA Quadrangle N: 7.3 inches; W: 10.8 inches) in Scott Township, **Allegheny County**.

**E26-277.** Encroachment. **Westmoreland County Industrial Development Corporation**, Courthouse Square, Suite 601, 2 North Main Street, Greensburg, PA 15601. To reconstruct, restore and maintain approximately 3100 LF of an existing railroad track located along and in the floodplain of Jacobs Creek (WWF) starting at a

point approximately 600 feet upstream of the railroad bridge for a length of 4,400 feet downstream (Connellsville, PA Quadrangle N: 17.1 inches; W: 12.6 inches) in Everson Borough and Upper Tyrone Township, **Fayette County**.

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

**E10-322.** Encroachment. **Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066. To conduct the following activities associated with the construction of Cranberry Highlands Golf Course, a municipal golf course, along Freshcorn Road north of Glen Eden Road in Cranberry Township, **Butler County**:

1. Fill 0.36 acre of wetland associated with construction of a 170-foot long, 54-inch diameter corrugated metal pipe stream enclosure in a tributary to Brush Creek having a contributory drainage area of 73.3 acres for the reconstruction and realignment of approximately 1.4 miles of T-300 (Freshcorn Road) extending north from S. R. 3024 (Glen Eden Road) (Baden, PA Quadrangle N: 19.5 inches; W: 1.75 inches).

2. Fill 0.48 acre of wetland for construction of a pond and Hole 3 of the golf course (Baden, PA Quadrangle N: 18.6 inches; W: 2.5 inches).

3. Construct and maintain a raw water intake in Brush Creek approximately 600 feet west of Powell Road near the Cranberry Township Municipal Sewer and Water Authority Wastewater treatment plant (Baden, PA Quadrangle N: 17.0 inches; W: 2.85 inches).

This project proposes the creation of approximately 1.0 acre of replacement wetland near the proposed maintenance area south of Hole 3 (Baden, PA Quadrangle N: 18.1 inches; W: 2.7 inches).

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## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### [National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal

form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**WQM Permit No. 1500203.** Industrial Waste. **Sunoco, Inc. (R & M)**, 4041 Market Street, Aston, PA 19014. Applicant is granted approval for construction and operation of an industrial wastewater treatment plant to treat contaminated groundwater at Sun Pipeline located in West Brandywine Township, **Chester County**.

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

**NPDES Permit No. PA-0030619.** Sewerage, **State Correctional Institute at Waymart**, P. O. Box 256, Rte. 6, Waymart, PA 18472 is authorized to discharge from a facility located in Canaan Township, **Wayne County** to an unnamed tributary to Middle Creek.

**NPDES Permit No. PA-0046353.** Sewerage, **Waymart Municipal Authority**, P. O. Box 224, Waymart, PA 18472 is authorized to discharge from a facility located in Waymart Borough, **Wayne County** to Van Auken Creek.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 707-4707.*

**Permit No. PA0043541 Amendment No. 1.** Sewerage. **The Pfaltzgraff Company**, (Thomasville Complex), Bowman Road, P. O. Box 244, Thomasville, PA 17364 is authorized to discharge from a facility located in Jackson Township, **York County** to the receiving waters named Honey Run.

**Permit No. PA0081370.** Sewerage. **Timeless Towns of America, Inc.**, 2636 Emmitsburg Road, Gettysburg, PA 17325 is authorized to discharge from a facility located in Cumberland Township, **Adams County** to the receiving waters named Marsh Creek in Watershed 13-D (Marsh-Rock Creeks).

**Permit No. PA0081001.** Sewerage. **Saint Thomas Township Municipal Authority**, 6442 Lincoln Way West, Saint Thomas, PA 17252 is authorized to discharge from a facility located in Saint Thomas Township, **Franklin County** to the receiving waters named Back Creek in Watershed 13-C (Conococheague-Antietam Creeks).

**Permit No. PA0009733.** Sewerage. **PECO Energy Company**, Peach Bottom Atomic Power Station, 1848 Lay Road, Delta, PA 17314 is authorized to discharge from a facility located in Peach Bottom Township, **York County** to the receiving waters named Susquehanna River in Watershed 7-I (Kreutz-Muddy Creeks).

**Permit No. PA0082244 Amendment No. 1.** Industrial Waste. **Susquehanna Area Regional Airport Authority**, 135 York Drive, Suite 100, Middletown, PA 17057 is authorized to discharge from a facility located in Lower Swatara Township, **Dauphin County** to the receiving waters named Susquehanna River in Watershed 7-C (Clark-Paxton Creeks).

**Permit No. PA0083526 Amendment No. 1.** Industrial Waste. **R. H. Sheppard Company, Inc.**, 101 Philadelphia Street, Hanover, PA 17331 is authorized to discharge from a facility located in Hanover Borough, **York County** to the receiving waters named Oil Creek in Watershed 7-H (Codorus Creek).

**Permit No. PA0081051.** Sewerage. **Round Top Campground, L. P.**, 180 Knight Road, Gettysburg, PA 17325 is authorized to discharge from a facility located in Cumberland Township, **Adams County** to the receiving waters named Plum Run in Watershed 13-D (Marsh-Rock Creeks).

**Permit No. PA0021075 Amendment 00-1.** Sewerage. **Borough of Myerstown**, 101 East Washington Avenue, Myerstown, PA 17067-1142 is authorized to discharge from a facility located in Jackson Township, **Lebanon County** to the receiving waters named Tulpehocken Creek.

**Permit No. PA0083844.** Industrial Waste. **East Petersburg Borough**, 6040 East Main Street, East Petersburg, PA 17520 is authorized to discharge from a facility located in East Petersburg Borough, **Lancaster County** to the receiving waters named Little Conestoga Creek in Watershed 7-J.

**Permit No. PA0009016.** Industrial Waste. **Osram Sylvania Products, Inc.**, 1128 Roosevelt Avenue, York, PA 17404 is authorized to discharge from a facility located in West Manchester Township, **York County** to the receiving waters named Willis Run in Watershed 7-H.

**Permit No. 0700403.** Sewage. **Allegheny Township Sewer and Water Authority**, 3131 Old Sixth Avenue Road, North, Duncansville, PA 16635. This permit approves the construction and operation of sewers and appurtenances in Allegheny Township, **Blair County**.

**Permit No. 2899402 Amendment 00-1.** Sewage. **Franklin County General Authority**, 5000 Letterkenny Road, Suite 320, Chambersburg, PA 17201-8383. This permit approves the construction/modification of Pump Station No. 190-Belt Filter Press/Sludge Filter Press in Greene and Letterkenny Townships, **Franklin County**.

**Permit No. 5000404.** Sewage. **Donald Campbell, Sr.**, P. O. Box 260, Millerstown, PA 17062. This permit approves the construction of Sewage Treatment Facilities in Greenwood Township, **Perry County**.

**Permit No. 6799411 (transfer 00-1).** Sewage. **Christopher Ross & Brandy Wolfe**, 10850 Kline Road, Brogue, PA 17309-9052. This permit approves the construction of sewage treatment system in Chanceford Township, **York County**.

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

**NPDES Permit PA0228281.** Sewerage. **Tabernacle of the Living God**, P. O. Box 409, Tracydale Road, Milesburg, PA 16853. Permit issued and authorized to discharge from facility located at Boggs Township, **Centre County**.

**NPDES Permit PA0228257.** Industrial Waste. **Istil (USA) Milton Inc.**, P. O. Box 298, 230 Lower Market Street, Milton, PA 17847. Permit issued and authorized to discharge from facility located at Milton Borough, **Northumberland County**.

**WQM Permit No. 1400404.** Sewerage. **Tabernacle of the Living God**, P. O. Box 409, Tracydale Road,

Milesburg, PA 16853. Permission to repair a malfunctioning onlot sewage disposal system and maintain is located at Boggs Township, **Centre County**.

**WQM Permit No. 6861007T3.** Industrial Waste Transfer. **ISTIL (USA) Milton Inc.**, P. O. Box 298, 230 Lower Market Street, Milton, PA 17847. Permission granted to operate the industrial waste treatment facility located at Milton Borough, **Northumberland County**.

**WQM Permit No. 4990201T2.** Transfer Industrial Waste. **ISTIL (USA) Milton Inc.**, P. O. Box 298, 230 Lower Market Street, Milton, PA 17847. Permission granted to operate the industrial waste sand filters to existing settling system located at Milton Borough, **Northumberland County**.

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

**NPDES Permit No. PA0024171.** Sewage. **Cambria Township Sewer Authority**, P. O. Box 247, Revloc, PA 15948 is authorized to discharge from a facility located at Colver Wastewater Treatment Plant, Cambria Township, **Cambria County** to receiving waters named Elk Creek.

**NPDES Permit No. PA0095851.** Sewage. **Penacquire L.L.C.** P. O. Box 94, Boswell, PA 15531 is authorized to discharge from a facility located at the Roof Garden Acres MHP STP, Somerset Township, **Somerset County** to receiving waters named Unnamed Tributary of East Branch Coxes Creek.

**NPDES Permit No. PA0097527.** Sewage. **Kenneth W. and Lori A. Cipra**, 11600 Wilshire Drive, North Huntingdon, PA 15642 is authorized to discharge from a facility located at the 51 Manor Mobile Home Park STP, Perry Township, **Fayette County** to receiving waters named Browneller Run.

**NPDES Permit No. PA0204366.** Sewage. **SFX Entertainment and Pavilion**, 2825 Penn Avenue, Pittsburgh, PA 15222 is authorized to discharge from a facility located at the Star Lake Amphitheatre STP, Hanover Township, **Washington County** to receiving waters named Unnamed Tributary to Harmon Creek.

**Permit No. 0299414-A1.** Sewerage. **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street,

Pittsburgh, PA 15219-2068. Construction of interceptor-second relocation located in City of Pittsburgh, **Allegheny County** to serve Nine Mile Run.

**Permit No. 0400410.** Sewerage. **Kevin Fantone**, 629 Tenth Avenue, New Brighton, PA 15066. Construction of Single Residence Sewage Treatment Plant located in Daugherty Township, **Beaver County** to serve Kevin Fantone Residence.

**Permit No. 3000401.** Sewerage. **Threshold Housing Development, Inc.**, 8 North Beeson Avenue, Uniontown, PA 15401. Construction of Pump Station and Force Main located in Cumberland Township, **Greene County** to serve Threshold Subdivision.

**Permit No. 5672411-A1.** Sewerage. **John C. Bishop**, 212 Hickory Hollow Road, Somerset, PA 15501. Construction of sewage treatment plant expansion to 30,000 gallon capacity located in Somerset Township, **Somerset County** to serve the Bishop Mobile Home Court No. 2 STP.

**NPDES Permit No. PA0004685.** Industrial Waste. **Penna Flame Industries**, R. R. 3, Box 14B, Route 588 West, Zelenople, PA 16063 is authorized to discharge from metal hardening operations at a facility located at Franklin Township, **Beaver County** to receiving waters named Connoquenessing Creek.

**NPDES Permit No. PA0006335.** Industrial. **Koppel Steel Corporation**, 23rd and Duss Avenue, Ambridge, PA 15003 is authorized to discharge from a facility located at the Ambridge Plant, Ambridge Borough, **Beaver County** to receiving waters named Ohio River.

**NPDES Permit No. PA0093009.** Sewage. **Gail L. Holm**, 459 Route 356, Apollo, PA is authorized to discharge from a facility located at Gail's Cafe Sewage Treatment Plant, Washington Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Beaver Run.

**NPDES Permit No. PA0097501.** Sewage. **Amcel Corporation**, Amcel Center, R. D. 7, Box 1005, Mt. Pleasant, PA 15666 is authorized to discharge from a facility located at Amcel Corporation Sewage Treatment Plant, East Huntingdon Township, **Westmoreland County** to receiving waters named Jacobs Creek.

## INDIVIDUAL PERMITS

(PAS)

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

*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>
PAS10Q210	Salisbury Twp. School Dist. 1140 Salisbury Rd. Allentown, PA 18103	Lehigh County Salisbury Township	Little Lehigh Creek HQ-CWF
PAS10Q204	GSP Management Co. P. O. Box 278 King of Prussia, PA 19406	Lehigh County Lower Macungie Township	Swabia Little Lehigh Creeks HQ-CWF

## INDIVIDUAL PERMITS

(PAR)

**Notice of Intent (NOI) for coverage under NPDES and/or other general permits**

The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth; (2) NOIs for coverage under General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The 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.

*List of NPDES and/or other General Permit Type*

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
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 Discharge Resulting From Hydrostatic Testing of Tanks and Pipelines
PAG-11	(TO BE ANNOUNCED)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lackawanna County Dickson City Borough	PAR10N091-1	Jeffrey S. Moore Keystone Property Assoc., LLC 2 Heathcote Avon, CT 06001	Tributary to Lackawanna River CWF	Lackawanna CD (570) 281-9495
Lackawanna County Benton Township	PAR10N108-1	Corning, Inc. Franklin Valley Rd. Box 228 Fleetville, PA 18420	Tributary to S. Branch of Tunkhannock Creek CWF	Lackawanna CD (570) 281-9495
Luzerne County Butler Township	PAR10R211	John J. Hoffman R. R. 3, Box 489 Drums, PA 18222	Tributary to Nescopeck Creek	Luzerne CD (570) 674-7991
Lehigh County Washington Township	PAR10Q150	Oscar E. Beck 4674 Park Ave. Slatington, PA 18080	Mill Creek (Heidel) CWF, MF	Lehigh CD (610) 391-9583
Littlestown Borough Adams County	PAR-10-0118	Heritage Hill II Partnership 209 Locust Street, Box 215 East Berlin, PA 17316	Piney Creek WWF	Adams County CD 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

## NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Exeter Township Berks County	PAR-10-C340	Bosvoc's Land Development Lot 13, 14, 14A—Lincoln Corp. Center Kennth Larin, V. Chrm. CEO Boscov's Dept. Store Inc. 4500 Perkiomen Avenue Reading, PA 19606	Schuylkill River	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
East Hanover Township Dauphin County	PAR-10-I247	Archibald Builders 1130 Greentree Road Harrisburg, PA 17112	Manada Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Bethel Township Fulton County	PAR-10-2812	Southern Fulton School Dist. 13083 Buck Valley Road Warfordsburg, PA 17267	Little Toroloway Creek WWF	Fulton County CD 216 North Second Street McConnellsburg, PA 17233 (717) 485-3547
Thompson Township Fulton County	PAR-10-2813	Emery Etter Jr. 4685 Letterkenny Road West Chambersburg, PA 17201	Dutch Run WWF UNT to Dutch Run WWF & Plum Run WWF	Fulton County CD 216 North Second Street McConnellsburg, PA 17233 (717) 485-3547
York City York County	PAR-10-Y497	Locust Hill—Glenlyn Enterprises P. O. Box 297 Dallastown, PA 17313	UNT to Mill Creek WWF	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Penn Township York County	PAR-10-Y492	Homewood Retirement Center The United Church of Christ Inc. P. O. Box 250 Williamsport, MD 21795-0250	Plum Creek WWF	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Newberry Township York County	PAR-10-Y476	The Woods Valley Green Land Co. Jack Short 1225 Valley Green Road Etters, PA 17331	UNT to Fishing Creek TSF	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Penn Township York County	PAR-10-Y500	St. Joseph Church 5125 Grandview Road Hanover, PA 17331	Plum Creek WWF	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Dover Borough York County	PAR-10-Y485	Village Court Apartments MGM Enterprises 1 Waterford Professional Cntr. York, PA 17402	UNT to Little Conewago Creek TSF	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAR-10-Y493	Antique Market LP Joseph W. Silbaugh 248 S. Main Street Shrewsbury, PA 17361	South Branch Codorus Creek WWF	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Butler County Butler Township	PAR10E137	Briarwood Subdivision Robert R. Heaton Assoc., Inc. 239 Meridian Road Butler, PA 16001	Tributary of Sawmill Run (WWF)	Butler Conservation District 122 McCune Drive Butler, PA 16001-6501 (724) 284-5270

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Butler County Connoquenessing Township	PAR10E139	Timberlee Farms Plan of Lots Phase III Fassinger Road Evans City, PA 16033 Kenneth Brennan 120 Brennan Lane Evans City, PA 16033	Connoquenessing Creek (CWF)	Butler Conservation District 122 McCune Drive Butler, PA 16001-6501 (724) 284-5270
Mercer County City of Hermitage	PAR104355	PA Dept. of Transportation 255 Elm Street P. O. Box 398 Oil City, PA 16301	Pine Hollow Run (WWF)	Mercer Conservation District 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Mercer County Hempfield Township	PAR104356	Stoneybrooke Estates Ext. BMW Development Corp. 19 South Mercer Street Greenville, PA 16125	Mathay Run (WWF)	Mercer Conservation District 747 Greenville Road Mercer, PA 16137 (724) 662-2242

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Berks County Bally Borough	PAR223510	Bally Block Company 30 South 7th Street Bally, PA 19503	West Branch Perkiomen Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Clay Township	PAR603574	Slates Salvage David Slates, Jr. R. D. 1, Box 2046 Three Springs, PA 17264	UNT Three Springs Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County East Cocalico Township	PAR203579	Boose Aluminum Foundry Co., Inc. P. O. Box 261 77 N. Reamstown Road Reamstown, PA 17567-0261	UNT to Stony Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Belleville Borough/Union Township	PAR113521	New Holland North America, Inc. Belleville Plant P. O. Box 868 Belleville, PA 17004	Kishacoquillas Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Ephrata Borough	PAR803554	American LaFrance Aerials—Ephrata 64 Cocalico Creek Road Ephrata, PA 17522	Cocalico Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Antrim Township	PAR113508	Grove US LLC Shady Grove Facility 1565 Buchanan Trail East Shady Grove, PA 17256	Conochoceague/ Antietam Creek Watersheds	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Chambersburg Borough	PAR113534	Grove US LLC Customer Support Facility 1086 Wayne Avenue Chambersburg, PA 17201	Drainage Swale	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707



## NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
York County Newberry Township	PAR603575	ABC Used Auto Parts Roderick A. LaFountain 260 River Road York Haven, PA 17037	UNT Susquehanna River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Silver Spring Township	PAR603576	Safety-Kleen Systems, Inc. New Kingstown Facility 1142 Greenhill Rd. West Chester, PA 19380	Int. Swale to Hogestown Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clearfield County Bradford Township	PAR604827	Michael Ogden Ogden Auto Wrecking R. D. 1, Box 118A Woodland, PA 16881	UNT to Valley Fork Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield County Clearfield Borough	PAR804856	R. J. Corman Railroad Company P. O. Box 751 Clearfield, PA 16830	W. Br. Susquehanna River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield County Sandy Township	PAR604829	Wagoners Auto Salvage R. D. 2, Box 350 DuBois, PA 15801	Muddy Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Northumberland County Mt. Carmel Township	PAR234811	Packaging Resources Inc. P. O. Box 348 Mt. Carmel, PA 17901	Locust Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Allegheny County Collier Township	PAR216106	David J. Slain Angelo Lane, Inc. 12 W. Noblestown Road Carnegie, PA 15106	Robinson Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County Monaca Borough	PAR206142	PTC Alliance Cherrington Corporate Center 600 Clubhouse Dr. Ste. 200 Moon Township, PA 15108-3195	Tributary of Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambria County Johnstown	PAR406101	Safety-Kleen Systems, Inc. 1301 Gervais Street Columbia, SC 29201	Sandy Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Summit Township Butler County	PAR808348	United Parcel Service, Inc.—Butler 521 North Center Avenue New Stanton, PA 15672	Connoquenessing Creek	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Schuylkill County Pine Grove Township	PAG042203	Dennis L. Musser 1197 Berne Dr. Auburn, PA 17922	Tributary to Mill Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Bedford County Broad Top Township	PAG043666	Broad Top Township (Mike Aller & Ruth Williams) 187 Municipal Road P. O. Box 57 Defiance, PA 16633-0057	Six Mile Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Broad Top Township	PAG043667	Broad Top Township Herbert & Janice Dodson 187 Municipal Road Defiance, PA 16633-0057	Int. Trib. to Six Mile Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lycoming County Old Lycoming Township	PAG044876	Dale G. Brion 291 Lowmiller Rd. Williamsport, PA 17701	Unnamed Trib. Bottle Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield County Decatur Township	PAG044873	Anne Hicks R. D. 1, 546A Bucketline Rd. Osceola Mills, PA 16666	Big Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Beaver County Daugherty Township	PAG046215	Kevin Fantone 629 Tenth Avenue New Brighton, PA 15066	Tributary to Blockhouse Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Richland Township	PAG046105	Conrad Wagner 2824 Wynnland Road Glenshaw, PA 15116	South Branch Glade Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Plum Borough	PAR10A421	Nicols Veltri Rt. 909 & Coxcomb Hill Pittsburgh, PA 15239	Plum Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAR10A448	Robinson Township 1000 Church Hill Rd. Pittsburgh, PA 15205	Chartiers Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Scott Township	PAR10A455	Elias Kassouf P. O. Box 4415 Pittsburgh, PA 15205	Scrubgrass Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAR10A456	Chynnaland Properties LLP R. D. 1, Box 256A Stahlstown, PA 15687	Humms Run TSF	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAR10A458	PA Dept. of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Ohio River WWF Montour Run WWF	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAR10A459	JND Properties 3625 Washington Pike Bridgeville, PA 15017	Chartiers Creek WWF	Allegheny County CD (412) 241-7645

## NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Hampton Township	PAR10A460	Hampton Township School District 2919 East Hardies Rd. Gibsonia, PA 15044	McCaslin Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Monroeville Municipality	PAR10A461	Ralph A. Falbo Inc. 100 Wood Street Bldg. Pittsburgh, PA 15222	Turtle Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Monroeville Municipality	PAR10A463	Keith & Karen Langston 1865 Route 286 Pittsburgh, PA 15239	Turtle Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Moon Township	PAR10A467	Gustine Properties, Inc. 2100 Warton St., Suite 700 Pittsburgh, PA 15203 First Health Corp. 4141 N. Scottsdale Rd. Scottsdale, AZ 85251	UNT McClarens Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Kennedy Township	PAR10A469	Michael Homer 44 Petrie Road Coraopolis, PA 15108	Moon Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Pittsburgh	PAR10A470	Urban Redevelopment Auth. 200 Ross Street Pittsburgh, PA 15219 Mosites Cons Co. 4639 Campbells Run Rd. Pittsburgh, PA 15205	Allegheny River WWF	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAR10A471	The Home Depot Northeast Division 3096 Hamilton Blvd. South Plainfield, NJ 07080	Crouse Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Harmar Township	PAR10A473	John Hobart Miller, Inc. 1344 Freeport Road Pittsburgh, PA 15238	Deer Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAR10A474	George Wagner Daniel W. Hall P. O. Box 419 Sturgeon, PA 15082	Robinson Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAR10A479	BEHO Development Co., Inc. 506A McKnight Pk. Dr. Pittsburgh, PA 15237	Brush Creek WWF	Allegheny County CD (412) 241-7645
Beaver County New Sewickley Township	PAR100257	PA Dept. of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Crows Run WWF	Beaver County CD (724) 774-7090
Beaver County Marion Township	PAR100276	YMCA of Pittsburgh 330 Blvd. of the Allies Pittsburgh, PA 15222	Connoquenessing Cr. WWF	Beaver County CD (724) 774-7090
Beaver County Chippewa Township	PAR100277	THF Chippewa Development 2127 Innerbelt Business Center Dr., Suite 200 St. Louis, MO 63114	UNT Wallace Run WWF	Beaver County CD (724) 774-7090
Cambria County Richland Township	PAR101061	PA Dept. of Transportation 1620 N. Juniata St. Hollidaysburg, PA 16648	Solomon Run WWF	Cambria County CD (814) 472-2120
Cambria County Richland Township	PAR101062	PA Air National Guard 78 Mustang Alley Middletown, PA 17057	Little Conemaugh River WWF	Cambria County CD (814) 472-2120

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Fayette County Upper Tyrone Township	PAR10L064	Westmoreland County Industrial Development Corp. Room 601 Courthouse Square Greensburg, PA 15061	Galley Run WWF Youghiogheny River WWF	Fayette County CD (724) 438-4497
Fayette County Menallen Township	PAR10L065	The Palumbo Group 10052 Boca Circle Naples, FL 34109	Keister Hollow WWF	Fayette County CD (724) 438-4497
Fayette County Springfield Township	PAR10L066	PA Dept. of Transportation P. O. Box 459 Uniontown, PA 15401	Indian Creek CWF Stoney Run CWF	Fayette County CD (724) 438-4497
Indiana County White Township	PAR103153	Indiana Country Club 495 Country Club Road Indiana, PA 15701	UNT Ramsey Run CWF	Indiana County CD (724) 463-8547
Indiana County White Township	PAR103155	Copper Beech Townhouse Communities, L.L.P. P. O. Box 79 Boalsburg, PA 16827	Whites Run CWF	Indiana County CD (724) 463-8547
Somerset County Somerset Township	PAR106136	New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	Kimberly Run CWF	Somerset County CD (814) 445-4652
Somerset County Jenner Township	PAR106137	H. Jay Hillegas and Delores C. Hillegas 251 Gold Course Road Stoystown, PA 15563	UNTB Quemahoning Cr. CWF	Somerset County CD (814) 445-4652
Somerset County Somerset Township	PAR106138	Children's Aid Home Society of Somerset County 574 East Main Street Somerset, PA 15501	UNTB Coxes Creek WWF	Somerset County CD (814) 445-4652
Washington County North Franklin Township	PAR1W167	Washington Presbyterian Senior Care 835 South Main St. Washington, PA 15301	UNT Catfish Creek WWF Catfish Creek WWF	Washington County CD (724) 228-6774
Washington County South Franklin Township	PAR10W169	Washington County Airport 205A Airport Rd. Washington, PA 15301	Chartiers Creek WWF	Washington County CD (724) 228-6774
Washington County North Strabane Township	PAR10W170	All Saints Greek Church 610 W. McMurray Rd. Canonsburg, PA 15317	Chartiers Creek WWF	Washington County CD (724) 228-6774
Washington County California Borough	PAR10W172	Student Assoc. Inc. National Student Center 428 Hickory St. California, PA 15419-1394	Lilly Run WWF	Washington County CD (724) 228-6774
Ridgway Township Elk County	PAG048359	Barry B. and Dawn E. Bush 103 Dill Hill Johnsonburg, PA 15845	Unnamed Tributary to Clarion River	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Jefferson Township Mercer County	PAG048372	Margaret V. and James L. Starkey 59 Reno Road Hermitage, PA 16148	Tributary to Magargee Run	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
James Barr—Facility ID#59-26489 Sullivan Township Tioga County	PAG054813	James Cummings Tioga Petroleum Co., Inc. P. O. Box 158, Eighth Street Mansfield, PA 16933	Corey Creek	Northcentral Regional Office Environmental Cleanup 208 W. Third St. Ste. 101 Williamsport, PA 17701-6448 (570) 321-6550

*General Permit Type—PAG-8*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Jackson Township York County	PAR-08-3554	Jackson Sewer Corporation 3375 Horn Road Red Lion, PA 17356	N/A	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-9*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
South Hampton Township Franklin County	PAG-09-3532	Rosenberry's Septic Tank Service 8885 Pineville Road Shippensburg, PA 17257	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.*

*Location:* Berlin Township, **Wayne County**. The approved Sewage Facilities Plan Update revision provides for construction of a new 90,000 gallon per day wastewater treatment plant and reconstruction of the existing sewage collection system, including laterals to structures, to serve Beach Lake area and the immediate adjacent developed areas. The gravity collection system along S. R. 652 will also be extended approximately 600 feet west of Rosencrance Road, to serve a car wash facility, an existing tavern, and residential structures. The Depart-

ment's review of the Plan has not identified any immediate or significant environmental impacts. The Plan Update Revision was approved on November 13, 2000.

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

*Location:* Huston Township, **Centre County**

*Project Description:* This project is to construct a sewerage collection, conveyance and treatment system for the Village of Julian and Beaver Road areas of Huston Township. The project consists of mostly gravity collection and conveyance system in the Village of Julian. The portion of Julian, on the southwest side of Bald Eagle Creek, as well as the Beaver Road area, will be served by low pressure sewers and individual grinder pumps. A new 40,000 gallon per day package sewage treatment plant will be constructed at the northeast end of Julian.

Treated effluent will be discharged to Bald Eagle Creek. The total cost of the project is estimated at \$1,660,678 and 98 EDUs will initially be served.

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

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

*Project Description:* The approved plan calls for construction of conventional gravity sewers and a new 30,000 GPD recirculating sand filter treatment plant to serve the Village of Antrim in Duncan Township. Discharge will be to the South Branch of Bridge Run. "The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal."

*Location:* Abbott Township, **Potter County**.

*Project Description:* The approved plan calls for construction of new intermittent recirculating sand filters and a small diameter effluent collection system to serve 40 EDUs in the Village of Germania. Discharge is to the Germania Branch of Kettle Creek.

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

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

*Project Description:* The approved plan calls for construction of new sewers to serve the areas east, west, and south of the Borough of Westfield. Approximately 120 EDUs will be served by gravity and small diameter pressure sewers. Treatment will occur at the Westfield Borough treatment plant.

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

*Location:* Huston Township, **Clearfield County**.

*Project Description:* The approved plan calls for construction of a new 150,000 gallons per day package wastewater treatment facility to serve the Villages of Penfield, Hollywood and Tyler. Discharge of treated sewage effluent from this facility will be to a mine drainage channel just upstream of its confluence with Tyler Run, a tributary of the Bennett Branch, Sinnemahoning Creek. A new grinder pump/low pressure wastewater collection and conveyance system will be constructed for this service area.

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

*Southwest Regional Office: Regional Manager; Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Location:* **Geronimo Deep Mine Portal SFSTP**, approximately 1.3 miles south of the town of Jenners on Rt. 601. Jenner Township, **Somerset County**.

Approval of a revision to the Official Sewage Plan of Jenner Township, Somerset County. Project involves construction of a small flow sewage treatment facility to service bathroom facilities at the Geronimo Deep Mine Portal. Treated effluent is to be discharged to an unnamed tributary to Quemahoning Creek.

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

*Location:* **South Pymatuning Township, Mercer County**, South Pymatuning Township Supervisors, 3483 Tamarack Drive, Sharpsville, PA 16150.

*Project Description:* This approved project proposes construction of improvements to the sewer system to enhance flow characteristics of various sewer lines together, with more sewer cleaning maintenance. Construction activities are to be completed by the end of the year according to the plan.

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

## SAFE DRINKING WATER

**Actions taken under the Pennsylvania Safe 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.*

**Operations permit 2520100** issued on October 19, 2000, to **Happy Hollow Well No. 1**, located in Shohola Township, **Pike County**.

**Operations permit 2350057** issued on October 26, 2000, to **Jefferson Inc.**, located in Jefferson Township, **Lackawanna County**.

**Operations permit 2586246** issued on October 26, 2000, to **Silver Springs Mountain Water Company**, located in Silver Lake Township, **Susquehanna County**.

**Operations permit 2520089** issued on November 3, 2000, to **Pocono Mountain Lake Estates**, located in Lehman 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 construction permit to **Blossburg Municipal Authority**, 206 Main Street, Blossburg, PA 16912, Bloss Township, **Tioga County**. This permit authorizes construction of filter repairs and media replacement.

**Permit No. 4496031-A8.** The Department issued an Operation Permit to **Tulpehocken Spring Water Company, Inc.**, 28 Meadow Run Drive, Winfield, PA 17889, Point Township, **Northumberland County**. This permit authorizes operation of the Oak Park Bottling Plant.

## HAZARDOUS SITES CLEANUP

**Notice of Final Remedial Response Under the Hazardous Sites Cleanup Act**

**Gettysburg Foundry Specialties Company  
Cumberland Township, Adams County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304), is considering initiating a final remedial action for the Gettysburg Foundry Specialties Company (GFSC) site. Under the Department's proposed action waste disposed in two onsite pits will be excavated and transported offsite for disposal, waste remaining in the two buildings onsite will be removed and disposed, and point-of-service water treatment systems will be installed on residential wells that are impacted by contaminated groundwater and have contamination above Statewide health standards.

The GFSC site is a 49-acre parcel located in Cumberland Township, Adams County, about 4 miles south of Gettysburg on the Emmitsburg Road. The surrounding area is rural with some residential and commercial/recreational developments nearby. This area is zoned commercial. The site is located in the Marsh-Rock Creeks Watershed.

From 1957 to 1997, the plant produced aluminum ingots from recycled aluminum. The aluminum dross fine waste produced during the process and the baghouse dust produced by the facility's air pollution control system were mixed and disposed in two unpermitted onsite pits. The aluminum dross waste fines are comprised primarily of salt, dirt and aluminum oxide. It is approximately 37% salt and also contains additional metals, including arsenic, cadmium, chromium and lead. The dross waste is reactive with water and generates ammonia gas and heat when wet. The baghouse dust, generated by the air pollution control system, is designated a hazardous waste because it tests characteristically hazardous for cadmium and lead under the TCLP. The first disposal pit, used from 1968 until 1979, is about 1.75 acres in size with an average depth of 8 feet. The second disposal pit, used from 1980 until 1988, is about 2 acres in size with an average depth of 17 feet. The company filed for Chapter 11 bankruptcy on February 20, 1996 and ceased operations on March 13, 1997. The site is currently owned by C. M. Metals Gettysburg, Inc.

The Department has considered eight alternatives for the remediation of the site. Six of these alternatives pertain to the waste at the site and two are for the groundwater. The following are brief descriptions of these alternatives.

1. *No Action*: This alternative does not require the implementation of any remedial activities at the site and will serve as the baseline for comparison. Soil and groundwater conditions found during site investigation activities will not be addressed except through natural attenuation.

2. *Institutional Controls*: Access restrictions and deed restrictions on the use of the property would be implemented to restrict exposure to the constituents of concern. The installation of a perimeter property fence and posting of warning signs would also be included to minimize potential public and environmental contact with the contaminated areas. A groundwater-monitoring program would also be incorporated to provide information on possible changes in site conditions. A health advisory should be issued and the use of groundwater in the vicinity of the site should be limited. Residential wells in the vicinity of the GFSC property that have been impacted from site contaminants would be supplied bottled water to serve as a potable water supply. No other remedial activities would be implemented at the site under this alternative.

3. *Excavation and Offsite Disposal*: Waste and impacted material in excess of the Land Recycling and Environmental Remediation Standards Act (Act 2) will be excavated and removed from the site for disposal at an approved offsite facility. An estimated 33,000 cubic yards of material will be removed and disposed of from the site, with an allowance of 3,000 cubic yards to be excavated from the wetlands. The excavated area will then be backfilled and revegetated. Pit 2 will not be backfilled to its present grade, but will be regraded to follow the natural topography. It is assumed due to the mounding of the dross waste pits that approximately 50 percent of the

volume of the excavated material will need to be replaced to provide adequate drainage and prevent ponding at the site.

4. *Geomembrane Cap and Slurry Wall*: This alternative includes consolidation of the waste material and contaminated soils into the pit areas and installation of a geomembrane cap and slurry wall over and around the perimeter of the consolidation area.

5. *Asphalt Cap and Slurry Wall*: This alternative includes consolidation of the waste material into the pit areas, and installation of an asphalt cap and slurry wall over and around the perimeter of the consolidation area.

6. *In Situ Solidification*: This alternative requires the solidification of all the impacted material within the waste pit area and installation of a vegetative cover over the treated area.

7. *Groundwater Recovery/Treatment*: This option includes active groundwater recovery activities that will be used to treat groundwater conditions at the site and is intended to be incorporated with another remedial alternative, which addresses the dross waste pits and contaminated soils at the GFSC property. Groundwater will be recovered from the area surrounding dross waste pits or excavated dross waste pit area with extraction wells or a trench system, treated using an onsite metals-precipitation unit, and discharged to the creek under permit. This alternative does not include any provisions for the recovery of groundwater that has already migrated off the GFSC property.

8. *Point Source Treatment*: This option includes the active treatment of individual residential water supplies impacted by GFSC. Water supplies will be treated with reverse osmosis treatment units. This alternative does not include any provisions for the recovery of groundwater except at the point source locations where it is being extracted and used.

The Department is proposing to implement remedial Alternative 3. Under this alternative, waste and impacted material in excess of the applicable Act 2 standards will be excavated and disposed at an approved offsite facility. Under the selected remedy, the Foundry and Ball Mill Buildings will also be cleaned out. Any waste remaining in the buildings, including the material in and around equipment and machinery will be removed and disposed. This also includes any waste remaining in the Baghouse system. The Department also proposes implementing Alternative 8 for the groundwater, which involves installing point source treatment systems on residential wells that have been impacted by the Foundry and have contaminants exceeding Statewide health standards. The effectiveness, permanence, protectiveness and cost of Alternatives 3 and 8 were the reasons these alternatives were selected. The proposed responses for the site are protective of human health and the environment, comply with Applicable, Relevant and Appropriate requirements, and are technically feasible.

This notice is provided under section 506(b) of HSCA (35 P. S. § 6020.506(b)), and publication of this notice starts the administrative record period under HSCA. The administrative record which contains information about this site and which supports the Department's decision to perform this action is available for public review and comment at the Department's Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 705-4864. A copy of the administrative record is also available at the Cumberland Township Municipal Building at 1370 Fairfield Road,

Gettysburg, PA 17325 and may be reviewed between the hours of 8:30 a.m.—12 p.m. and 1 p.m.—4:30 p.m.

The administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons wishing to submit written comments regarding this action may do so by sending them to Ruth Bishop at the Harrisburg address.

The public will have an opportunity to present oral comments regarding the proposed action at the public hearing. The hearing has been scheduled for January 18, 2001 at 7 p.m. at the Cumberland Township Municipal Building at 1370 Fairfield Road, Gettysburg, PA. Persons wishing to present formal oral comments at that hearing should register by 4 p.m. on January 12, 2001 by calling Charlotte Bonafair at (717) 705-4703.

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 Charlotte Bonafair at the above number or through the Pennsylvania 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—6026.909).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**Snow Environmental, Inc.**, Aston Township, **Delaware County**. Brian R. Evans, Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil con-

taminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet Statewide health standards.

**PPL Former Distribution Pole #68752S35168**, Hatfield Township, **Montgomery County**. Lisa A. Palfey, Environmental Consultant, 1 Scotchpine Drive, Hazleton, PA 18219, has submitted a Final Report concerning remediation of site soil contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

**Kostyk/Robertson Property**, Springfield Township, **Montgomery County**. Richard D. Trimpi, P.G., Trimpi Associates, Inc., 889 Seminary Street, Pennsburg, PA 18073, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standards.

**Realen Homes**, Middletown Township, **Bucks County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, has submitted a Final Report concerning remediation of site soil contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

**Triboro Electric Company**, Doylestown Borough, **Bucks County**. Terrence J. McKenna, Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite 700, Exton, PA 19341, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide health standards.

**The Orchards**, Dublin Borough, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher LLP, 401 City Laine Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet background standards.

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

**Oley Industries, formerly Eastern Machine Products**, City of Reading, **Berks County**. Oley Industries, Inc., 426 South Aubrey Street, Allentown, PA 18105 and HydroScience, Inc., 607 Washington Street, Reading, PA 19601 have submitted a combined remedial investigation and final report concerning remediation of site soils contaminated with heavy metals, solvents, BTEX, PHCs, and PAHs, and groundwater contaminated with solvents. The report is intended to document remediation of the site to a combination of the Statewide health and site-specific standards.

**Pillowtex Site**, Hanover Borough, **York County**. EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103 and Redevelopment Authority of the County of York, 144 Roosevelt Avenue, Suite 100, York, PA 17404 have submitted a Final Report concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, pesticides, BTEX and PAHs. The report is intended to document remediation of the site to the Statewide health standard.

**Tyco Electronics Formerly Amp Inc.**, Elizabethtown Borough, **Lancaster County**. Tyco Electronics Corp., P. O. Box 3608, MS 140-42, Harrisburg, PA 17105 and



SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112 have submitted a Final Report concerning remediation of site soils contaminated with solvents. The report is intended to document remediation of site soils to the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Act (35 P. S. §§ 6026.101—6026.909) and Chapter 250 Administration of Land Recycling Program.**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department of Environmental Protection has acted upon the following plans and reports:

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

Boundary Avenue Corridor, City of York, York County. **Crispus Attucks Community Development Corporation**, 605 South Duke Street, York, PA 17403 and **York County Economic Development Corporation**, 160 Roosevelt Avenue, Suite 300, York, PA 17404 have submit-

ted a Baseline Environmental Report concerning the remediation of site soils and groundwater contaminated with lead, PHCs, BTEX, and PAHs. The report was approved by the Department on November 9, 2000.

**Palm Industrial Center**, Hereford Township, **Berks County**. Palm Partners, 404 Main Street, Pennsburg, PA 18073 and Earth Data, Inc., 924 Springdale Drive, Exton, PA 19341 have submitted a final report concerning the remediation of site soils and groundwater contaminated with PHCs and PAHs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on November 16, 2000.

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

**Dana Corporation—Building 93**, Berwick Borough, **Columbia County**. RMT, Inc., on behalf of its client Dana Corporation, 2424 West State Boulevard, Fort Wayne, IN 46808, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PHCs and PAHs. The final report demonstrated attainment of the site-specific standard and was approved by the Department on November 8, 2000.

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

**Rockwell International Corporation**, New Castle, City of, **Lawrence County**, had submitted a Final Report concerning remediation of groundwater contaminated with solvents and PAHs. The report demonstrated attainment of the site-specific standard and was approved by the Department on November 9, 2000.

## AIR QUALITY

### OPERATING PERMITS

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 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.*

**06-03110A. Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for construction/operation of a nonmetallic mineral crushing plant at the Pottstown Trap Rock Quarry in Douglass Township, **Berks County**.

**Administrative Operating Permit Amendments Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).**

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

**15-0004. Reynolds Metals Co.** (520 Lincoln Avenue, Downingtown, PA 19335) on November 13, 2000, for a Glue Laminator in Downingtown Borough, **Chester County**.

**46-0059. Handelok Bag Co.** (87 Commerce Drive, Telford, PA 18969) on November 15, 2000, for Facility VOC Sources in Telford Borough, **Montgomery County**.

**09-0015. Rohm & Haas Co.** (Route 413 & Old Route 13, Bristol, PA 19007) on November 17, 2000, for Facility VOCs/NO<sub>x</sub> RACT in Bristol Township, **Bucks County**.

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

**06-05066. Exide Corp.** (Box 13995, Reading, PA 19612) to amend their Title V Operating Permit due to change of ownership from General Battery Corp. to Exide Corp. in Muhlenberg Township, **Berks County**.

**07-05003A. Norfolk Southern Railway Co.** (200 North 4th Avenue, Altoona, PA 16001) for operation of a traction motor overhaul dust collection unit and a locomotive truck paint (surface coating) booth in Logan Township, **Blair County**. The installation and operation of the sources will increase emissions of VOCs by approximately 1.65 tons per year. Conditions will be placed in the operating permit limiting the particulate matter emissions from the traction motor overhaul dust collection unit to 0.02 gr/dscf. Conditions will be included to limit the VOC emissions from the surface coating operations to the levels specified in 25 Pa. Code § 129.52. The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating with all applicable air quality requirements.

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

**49-00003. ACF Industries—AMCAR, Milton Plant** (P. O. Box 109, Milton, PA 17847) issued a revised Title V Operating Permit on October 13, 2000, to include conditions from Plan Approval 49-00003A for operation of a new fabric collector on their grit blasting operation. This facility manufactures railroad equipment in Milton Borough, **Northumberland County**.

**49-00011. Butter Krust Baking Co., Sunbury Bakery** (249 North Eleventh Street, Sunbury, PA 17801) issued a revised Title V Operating Permit on November 16, 2000, to include conditions from Plan Approval 49-00011A for operation of a new catalytic oxidizer to control VOC emissions from two bread baking ovens. This facility is a bakery in Sunbury, **Northumberland County**.

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

**95-015. Stone Container Corp.** (Tulip and Decatur Streets, Philadelphia, PA 19136) on November 20, 2000, for a Synthetic Minor Operating Permit previously issued on December 14, 1999, to correct the permit number located in the City of Philadelphia, **Philadelphia County**.

**Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F and/or G (relating to operating permit requirements).**

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

**15-0078. Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on November 3, 2000, for operation of a Facility NO<sub>x</sub>/VOC RACT in East Whiteland Township, **Chester County**.

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

**22-03020. Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001-0278) on November 15, 2000, for a Natural

Minor Operating Permit at the Steelton Quarry in Steelton Borough, **Dauphin County**.

**22-05023. Mobil Oil Corp.** (5140 Paxton Street, Harrisburg, PA 17111) on November 16, 2000, for a Synthetic Minor Operating Permit in Swatara Township, **Dauphin County**.

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

**12-00002. GKN Sinter Metals, Inc.** (R. R. 2, Box 47, Cameron Road, Emporium, PA 15834) issued a Title V Operating Permit on October 12, 2000, for a sintered metal parts manufacturing facility that includes combustion units, sintered metal parts molding units, sintering furnaces, an oil impregnation operation, sizing operations and heat treating in Shippen Township, **Cameron County**.

**49-00033. Watsonstown Brick Co.** (P. O. Box 68, Route 405, Watsonstown, PA 17777) issued a Title V Operating Permit on October 26, 2000, for a brick manufacturing facility that includes combustion units, a brick kiln, a brick dryer, a sand dryer, brick manufacturing operations, sand mixers, raw material storage and raw material crushing and grinding operations in Delaware Township, **Northumberland County**.

**60-00004. New Columbia Joist Co.** (P. O. Box 31, Old Route 15, New Columbia, PA 17856) issued a Title V Operating Permit on November 3, 2000, for a steel joist manufacturing facility that includes combustion units, welding operations, four paint dip tanks and a vacuum coater with a natural gas fired dryer in White Deer Township, **Union County**.

**41-00016. Plastic Development Co.** (P. O. Box 4007, Williamsport, PA 17701) issued a Title V Operating Permit on November 16, 2000, for operation of their hot tub manufacturing facility, which includes gel coat/resin spraying/PVC cementing/touch up/cleanup operations and small combustion sources in Woodward Township, **Lycoming County**.

**17-00001. Reliant Energy Mid-Atlantic Power Holdings, LLC—Shawville Generating Station** (1001 Broad Street, Johnstown, PA 15907-1050) issued a Title V Operating Permit on November 7, 2000, for the Shawville electric generating station in Bradford Township, **Clearfield County**.

**41-00010. Andritz, Inc.** (35 Sherman Street, Muncy, PA 17756) issued a Title V Operating Permit on October 26, 2000, for a steel foundry and special industry machinery manufacturing facility that includes modeling operations, surface coating operations, grinding and finishing operations, combustion sources and emergency generators in Muncy Borough, **Lycoming County**.

**41-00013. Coastal Aluminum Rolling Mills** (2475 Trenton Avenue, Williamsport, PA 17701) issued a Title V Operating Permit on October 30, 2000, for an aluminum rolling and coil coating facility that includes rolling mills, coil coating lines, process heaters and ovens, and small combustion sources in the City of Williamsport, **Lycoming County**.

**41-00018. Springs Window Fashions Division, Inc.** (P. O. Box 500, Route 405, Montgomery, PA 17752-0500) issued a Title V Operating Permit on October 10, 2000, for a window blinds and shades manufacturing facility that includes several coil coating lines and associated paint mixing and cleanup operations, small combustion

sources and emergency equipment [one water pump and two generators] in Clinton Township, **Lycoming County**.

**49-00010. Fleetwood Motor Homes of PA.—Paxinos Plant** (P. O. Box 5, Paxinos, PA 17860) issued a Title V Operating Permit on October 23, 2000, for operation of their motor home manufacturing facility, which includes undercoating/gluing/sealing/cleanup operations and small combustion sources in Ralpho Township, **Northumberland County**.

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

**03-00027. Reliant Energy Mid-Atlantic Power Holdings, LLC—Keystone Power Plant** (1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050) issued a Title V Operating Permit on September 28, 2000, for operation of the power plant in Plumcreek Township, **Armstrong County**.

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

**25-00337. Custom Engineering Co.** (2800 McClelland Avenue, Erie, PA 16510) issued a Natural Minor Operating Permit for air emissions from metal fabrication, machining, and surface coating in the City of Erie, **Erie County**.

**25-00267. American Meter Co.** (920 Payne Avenue, Erie, PA 16512) issued a Natural Minor Operating Permit on November 13, 2000, for manufacturing of natural gas metering devices including surface coating in the City of Erie, **Erie County**.

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

**96-002. Tenet HealthSystem, Medical College of Pennsylvania—Main Campus and Eastern Pennsylvania Psychiatric Institute** (3300 Henry Avenue, Philadelphia, PA 19129) on October 20, 2000, for operation of a hospital in the City of Philadelphia, **Philadelphia County**. This Synthetic Minor facility's air emission sources include five emergency generators and two 650 HP Natural Gas or #6 Oil-fired Boilers, two 750 HP #4 Oil-fired Boilers and one 200 HP Natural Gas-fired Boiler.

**96-003. Tenet HealthSystem, Medical College of Pennsylvania—Queen Lane Campus** (2900 West Queen Lane, Philadelphia, PA 19129) on October 20, 2000, for operation of a hospital in the City of Philadelphia, **Philadelphia County**. This Natural Minor facility's air emission sources include one emergency generator and five #2 Oil-fired Boilers; two are rated at 225 HP, one is rated at 112 HP, and two are rated at 84 HP.

**00-002. Girard College Power Plant** (2101 South College Avenue, Philadelphia, PA 19121) on November 7, 2000, for operation of a school in the City of Philadelphia, **Philadelphia County**. This Synthetic Minor facility's air emission sources include three 725 HP Boilers and one 300 HP Boiler that can burn natural gas or No. 2 fuel oil.

**96-050. Convent of the Sisters of Saint Joseph** (9601 Germantown Avenue, Philadelphia, PA 19118) on November 7, 2000, for operation of a nonprofit religious educational institution in the City of Philadelphia, **Philadelphia County**. This Synthetic Minor facility's air emission sources include four emergency generators, two Natural Gas Fired Boilers each rated at less than 1.0

MMBTU/hr, three No. 2 Oil or Natural Gas Fired Boilers with low NO<sub>x</sub> burners; two units are rated at 600 HP and one unit is rated at 300 HP.

**95-008. PECO Energy Co.—Oregon Shop** (2610 Columbus Boulevard, Philadelphia, PA 19148) on November 8, 2000, for operation of a maintenance facility in the City of Philadelphia, **Philadelphia County** servicing and repairing equipment and power generating components for surrounding PECO Energy generating facilities. This Synthetic Minor facility's air emission sources include 13 combustion units each rated at less than 5.0 MMBTU/hr, one metal working station, two paint shop spray booths with dry panel filters, one transformer shop paint spray booth with dry panel filters, one graphic arts shop, and one gasoline storage tank and distribution with Stage I and Stage II Vapor Recovery Systems.

#### PLAN APPROVALS

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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

**46-0206. Merck & Co., Inc.** (1180 Church Road, Lansdale, PA 19446) on November 14, 2000, for operation of two 400 kW Emergency Generators in Lansdale Borough, **Montgomery County**.

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

**06-03077A. F. M. Brown's Sons, Inc.** (205 Woodrow Avenue, Sinking Spring, PA 19608-0116) on November 3, 2000, for installation of a baghouse in Sinking Spring Borough, **Berks County**.

**06-05101A. Terradyne Ceramics of PA LLC** (101 Chesley Drive, Suite 202, Media, PA 19063-1761) on November 6, 2000, for construction of a tile manufacturing facility controlled by various controls at the Morgantown Plant in New Morgan Borough, **Berks County**.

**22-03041A. Librandi's Machine Shop, Inc.** (93 Airport Drive/HIA, Middletown, PA 17057) on November 8, 2000, for construction of electroplating operations in Middletown Borough, **Dauphin County**. This source is subject to 40 CFR Part 63, Subpart N—Standards of Performance for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

**67-03096. FCI Interconnections** (25 Grumbacher Road, York, PA 17402) on November 20, 2000, for construction of a hard chromium electroplating tank controlled by a composite meshpad system in Manchester Township, **York County**. This source is subject to 40 CFR Part 63, Subpart N—Standards of Performance for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

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

**40-301-080. SPCA of Luzerne County, Inc.** (524 East Main Street, Wilkes-Barre, PA 18702) on November 14, 2000, for construction of an animal crematory in Plains Township, **Luzerne County**.

**54-313-081. Air Products & Chemicals, Inc.** (R. R. 1, Box 351, Tamaqua, PA 18252) on November 16, 2000, for

construction of the West Nitrogen Trifluoride Plant and associated air cleaning device in Rush Township, **Schuylkill County**.

**40-309-026B. Celotex Corp.** (P. O. Box 663, Pittston, PA 18640) on November 16, 2000, for modification of the product recycling system in Exeter Borough, **Luzerne County**.

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

**65-920A. Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15601) on November 6, 2000, for operation of a Portable Coal Crusher at Hoffer Surface Mine in Mount Pleasant Township, **Westmoreland County**.

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

**25-035A. Molded Fiberglass—Union City** (55 Fourth Street, Union City, PA 16438) on November 6, 2000, for construction of a paint line in Union City, **Erie County**.

**Minor Modification of Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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

**41-0007A. Coastal Aluminum Rolling Mills, Inc.** (2475 Trenton Avenue, Williamsport, PA 17701) on November 7, 2000, to extend the deadline for the performance of volatile organic compound stack testing on a cold aluminum rolling mill (#3 Mill) by 180 days in the City of Williamsport, **Lycoming County**.

**Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).**

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

**09-0046A. RJM Manufacturing, Inc.** (250 Canal Road, Fairless Hills, PA 19030) on November 7, 2000, for operation of a Surface Coater Line #3 in Falls Township, **Bucks County**.

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

**07-05001B. Appleton Papers, Inc.** (100 Paper Mill Road, Roaring Spring, PA 16673) on November 2, 2000, to authorize temporary operation of bleach plant operations controlled by a packed-column wet scrubber, covered under this Plan Approval until February 28, 2001, at the Spring Mill in Roaring Spring Borough, **Blair County**. This source is subject to 40 CFR Part 63, Subpart S—Standards of Performance for Hazardous Air Pollutants from the Pulp and Paper Industry.

**36-03031A. Paradise Custom Kitchens, Inc.** (3333 Lincoln Highway East, P. O. Box 278, Paradise, PA 17562) on November 11, 2000, to authorize temporary operation of a Binks dry panel filter booth and associated equipment, covered under this Plan Approval until March 9, 2001, in Paradise Township, **Lancaster County**.

**36-05015B. Dart Container Corp.** (60 East Main Street, Leola, PA 17540) on October 1, 2000, to authorize temporary operation of direct injection processing opera-

tions, covered under this Plan Approval until January 28, 2001, at the Leola Plant in Upper Leacock Township, **Lancaster County**.

**67-02004. P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on November 14, 2000, to authorize temporary operation of three (3) power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a venturi scrubber and softwood fiber line and causticizing area, covered under this Plan Approval until March 15, 2001, in Spring Grove Borough, **York County**.

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

**41-318-045. High Steel Structures, Inc.** (P. O. Box 10008, Lancaster, PA 17605-0008) on November 9, 2000, to extend authorization to operate a structural steel fabrication and surface coating operation on a temporary basis until March 8, 2001, in the City of Williamsport, **Lycoming County**.

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

**04-306A. BASF Corp.** (370 Frankfort Road, Monaca, PA 15061) on November 13, 2000, for operation of Latex Products Manufacturing at the Monaca Site in Potter Township, **Beaver County**.

**04-700A. Mansell Industrial Services** (1755 Pennsylvania Avenue, Monaca, PA 15061) on November 14, 2000, for operation of a Rotary Kiln Dryer at Industry Plant in Industry Borough, **Beaver County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Action 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 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 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).

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

#### Coal Permits Issued:

**17950119. Moravian Run Reclamation Co., Inc.** (605 Sheridan Drive, Clearfield, PA 16830), revision to an existing bituminous surface mine permit for a postmining change in land use from pastureland to forestland and wildlife habitat. The permit is located in Pike Township, **Clearfield County** and affects 168 acres. Receiving streams: unnamed tributaries to Little Clearfield Creek. Application received September 22, 2000. Permit issued November 14, 2000.

**17663037. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), transfer of an existing bituminous

surface mine permit from Al Hamilton Contracting Company. The permit is located in Decatur and Woodward Townships, **Clearfield County** affecting 400.5 acres. Receiving streams: Goss Run and Little Beaver Run, both to Beaver Run to Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received June 12, 2000. Permit issued November 15, 2000.

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

**03990102. Thomas J. Smith, Inc.** (R. R. 1, Box 260D, Shelocta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine located in South Bend Township, **Armstrong County**, affecting 58.0 acres. Receiving streams: Fagley Run to Crooked Creek. Application received: February 19, 1999. Permit issued: November 13, 2000.

**63900101. Amerikohl Mining, Inc./Central PA Div.** (P. O. Box 327, Top of 3 Mile Hill, Acme, PA 15610). Renewal issued for continued reclamation only of a bituminous surface mine located in Fallowfield Township and Twilight Borough, **Washington County**, affecting 43.0 acres. Receiving streams: unnamed tributary to Maple Creek and Maple Creek. Application received: August 21, 2000. Reclamation only renewal issued: November 17, 2000.

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

**17941601. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661-0225), to renew the permit for the Forcey Tipple in Bigler Township, **Clearfield County** to renew the existing coal preparation plant permit and related NPDES permit and to include property ownership revisions and additional buildings, no additional discharges. Permit issued November 8, 2000.

**32803712. Kent Coal Mining Company** (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Lewisville Recovery Plant Coal Refuse Disposal Area in Young Township, **Indiana County**, renewal for reclamation only of the existing coal refuse disposal permit, no additional discharges. Permit issued November 9, 2000.

**30753712. RAG Emerald Resources, L. P.** (P. O. Box 1020, Waynesburg, PA 15370), to transfer the permit for the Emerald Mine, Refuse Site No. 1 in Franklin Township, **Greene County** to transfer from corporation to L. P., no additional discharges. Permit issued November 14, 2000.

**33971301. Laurel Energy, L. P.** (One Energy Place, Suite 7500, Latrobe, PA 15650), to transfer the permit for the Dora No. 8 Mine in Perry Township, **Jefferson County** to transfer from Doverspike Bros. Coal Co. to Laurel Energy, L. P., no additional discharges. Permit issued November 16, 2000.

*Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

*Coal Applications Issued:*

**56950110.** Permit Renewal, **Hardrock Coal Company** (275 Saddle Ridge Road, Berlin, PA 15530), for continued operation of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 163.6 acres, receiving stream unnamed tributary to/and Flag Run, unnamed tributary to/and Casselman River, Crab Run, application received September 21, 2000, issued November 13, 2000.

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

*Small Noncoal (Industrial Minerals) Permits Issued:*

**42000804. George F. Harrier** (R. R. 2, Box 67, Eldred, PA 16731) Commencement, operation and restoration of a small noncoal topsoil operation in Otto Township, **McKean County** affecting 5.1 acres. Receiving streams: None. Application received: August 17, 2000. Permit Issued: November 13, 2000.

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

**66000810. Raymond C. Hayduk, Jr.** (P. O. Box 554, Dalton, PA 18414), commencement, operation and restoration of a bluestone quarry operation in Lemon Township, **Wyoming County** affecting 3.0 acres, receiving stream—none. Permit issued November 14, 2000.

**58000836. Warren L. Stone** (R. R. 1, Box 5, Thompson, PA 18465), commencement, operation and restoration of a small quarry operation in Thompson Township, **Susquehanna County** affecting 2.0 acres, receiving stream—none. Permit issued November 15, 2000.

**58000842. Ronald B. Kiefer** (R. R. 4, Box 59, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued November 15, 2000.

**58000848. Charles V. Ace** (R. R. 3, Box 85, Meshoppen, PA 18360), commencement, operation and restoration of a bluestone quarry operation in Auburn Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued November 15, 2000.

**58000852. William S. Mead** (R. R. 1, Box 248, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Bridgewater Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Permit issued November 15, 2000.

**35000804. Ben Telford** (R. D. 1, Box 1148, Carbondale, PA 18407), commencement, operation and restoration of a small noncoal quarry operation in Greenfield Township, **Lackawanna County**, affecting 2.0 acres, receiving stream—none. Permit issued November 17, 2000.

*Noncoal Permits Issued:*

**35840602C3. Wyoming Sand and Stone Company** (6 Wyoming Sand Road, Tunkhannock, PA 18657), renewal of NPDES Permit #PA0595012 in South Abington and Scott Townships, **Lackawanna County**, receiving stream—unnamed tributary to Griffin Pond. Renewal issued November 14, 2000.

**09840301C5. Waste Management Disposal Services of PA, Inc.** (1121 Bordentown Road, Morrisville, PA 19067), renewal of NPDES Permit #PA0614301 in Falls Township, **Bucks County**, receiving stream—unnamed tributary to Delaware River and Van Sciver Lake. Renewal issued November 14, 2000.

**7975SM1A1C4. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), correction to an existing quarry operation in Hilltown Township, **Bucks County** affecting 47.5 acres, receiving stream—Morris Run. Correction issued November 17, 2000.

**45950302C. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit #PA0613037 in Tobyhanna Township, **Monroe County**, receiving stream—Twomile Run and unnamed tributary of Trout Creek. Renewal issued November 17, 2000.

**09890303C2. Miller & Son Paving, Inc.** (1371 West Street Road, P. O. Box 161, Warminster, PA 18974), renewal of NPDES Permit #PA0594661 in Plumstead Township, **Bucks County**, receiving stream—North Branch of Neshaminy Creek. Renewal issued November 17, 2000.

**ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS**

The Department of Environmental Protection has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and Notice of final action for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Permits Issued and Actions on 401 Certifications:*

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

**E23-401.** Encroachment Permit. **Ridley Township**, 100 East MacDade Boulevard, Folsom, PA 19033-2511. To construct and maintain a 5-foot wide by 42-foot long single span pedestrian footbridge across Stoney Creek (WWF-MF). This work also includes construction and maintenance of two temporary cofferdams, and placement of riprap protection along approximately 130 feet of the right stream bank. This structure will replace an existing deteriorated bridge located approximately 200 feet north-east of the intersection of Sutton Avenue and Melrose Terrace, (Lansdowne, PA USGS Quadrangle N: 4.4 inches; W: 10.2 inches) in Ridley Township, **Delaware County**.

**E09-810.** Encroachment Permit. **Metromedia Fiber Network Services, Inc.**, One North Lexington Avenue,

4th Floor, White Plains, NY 10601. To install and maintain a fiber optic utility line crossing, consisting of two 8-inch steel pipes attached to the north side of the Pennsylvania Canal Bridge by the use of existing brackets. The crossing spans the Pennsylvania Canal (a.k.a. Delaware Canal) (WWF/TSF) and is located where the Conrail tracks cross the Canal (Trenton West Quadrangle N: 12.8 inches; W: 4.45 inches) in Morrisville Borough, **Bucks County**.

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

**E39-389.** Encroachment. **North Whitehall Township**, 3256 Levans Road, Coplay, PA 18037. To remove the existing structure and to construct and maintain a road crossing of Spring Creek, consisting of an open-bottomed cast-in-place or precast concrete box culvert, having a waterway opening of approximately 12.0 feet by 7.0 feet. The project includes placement of fill in a de minimis area of wetlands less than 0.01 acre. The structure is located along T-708 (Mulberry Street), immediately north of the intersection of T-708 and T-699 (Spring Street) (Cementon, PA Quadrangle N: 11.7 inches; W: 6.6 inches) in North Whitehall Township, **Lehigh County**.

**EA48-003NE.** Encroachment, **Francis Fehley**, 183 Lachenour Avenue, Easton, PA 18042. To remove a deteriorated masonry wall on the east side of a building in the 100-year floodway of Bushkill Creek and to stabilize and restore the work area. The project is located at 315-329 Snyder Street/248 North Third Street (Easton, NJ-PA Quadrangle N: 12.7 inches; W: 11.6 inches) in the City of Easton, **Northampton County**.

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

**E21-316.** Encroachment. **Lower Allen Township**, 1993 Hummel Avenue, Camp Hill, PA 17011. To construct and maintain an 8-inch diameter PVC pipe in an unnamed Mill Race tributary to the Yellow Breeches Creek (CWF) for the purpose of providing fire protection to the immediate area located about 30 feet from the bridge across the Mill Race on SR 0114 (Lemoyne, PA Quadrangle N: 7.7 inches; W: 4.5 inches) in Lower Allen Township, **Cumberland County**. This permit was issued pursuant to Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E31-164.** Encroachment. **Joseph Harding, Penn State University, School of Forestry Resources**, 1 Merkle Bldg., University Park, PA 16802. To construct and maintain a corrugated metal arch culvert having a span of 133 inches and a rise of 84.0 inches in Herod Run (HQ-CWF) to provide access to Penn State Forest property located on an existing private drive about 200 feet east of Guyer Road (T-532) and 0.76 mile north of SR 0305 (McAlveys Fort, PA Quadrangle N: 3.25 inches; W: 17.0 inches) in Jackson Township, **Huntingdon County**. This permit was issued pursuant to Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E34-096.** Encroachment. **Monroe Township**, R. D. 1, Richfield, PA 17086. To maintain an existing 8-foot culvert in the channel of Quaker Run (CWF) at a point immediately upstream of T-510 (Richfield, PA Quadrangle N: 6.2 inches; W: 11.3 inches) in Monroe Township, **Juniata County**. This permit was issued under

§ 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E36-694.** Encroachment. **Mark Burkhead**, PA Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a bridge of prestressed concrete I-beams and concrete abutments having a clear span of 119.5 feet on a 75° skew with an underclearance of 18.25 feet on SR 0222-004 across Mill Creek (WWF) (Lancaster, PA Quadrangle N: 0.45 inch; W: 6.08 inches) in West Lampeter Township, **Lancaster County**. This permit also includes 401 Water Quality Certification.

**E05-280.** Encroachment. **New Enterprise Stone & Lime, Inc.**, P. O. Box 77, New Enterprise, PA 16664. To construct and maintain a bridge with a single span of 32.5 feet with a minimum underclearance of 4.19 feet across Three Springs Run (HQ-CWF) in order to provide access of delivery trucks located about 1,750 feet downstream of Church Street (New Enterprise, PA Quadrangle N: 8.33 inches; W: 3.86 inches) in South Woodbury Township, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E36-697.** Encroachment. **Conoy Township**, 211 Falmouth Road, Bainbridge, PA 17052. To remove the existing structure and to construct and maintain a 71-inch by 47-inch corrugated metal arch culvert at the channel of an unnamed tributary to Conoy Creek in order to widen Chestnut Street (T-849) in Bainbridge Village (York Haven, PA Quadrangle N: 17.3 inches; W: 6.0 inches) in Conoy Township, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E12-120.** Encroachment. **Allegheny Power Company**, Route 120, R. R. 5, St. Marys, PA 15857. To remove an existing utility line and to install, operate and maintain a single pole power transmission line across three wetlands within the West Branch—Hicks Run Watershed; Beldin Hollow Run; and Portable Run. The installation of the power transmission line shall be completed when the waterways and wetlands are at seasonal low water elevations. No earthmoving activities, which includes but is not limited to excavating and grating, shall be conducted in or along the regulated waters of the Commonwealth. The project is located along the southern right-of-way of SR 0120 approximately 1.3 miles south of SR 3001 and SR 0120 intersection (West Creek, PA Quadrangle N: 15.1 inches; W: 10.5 inches) in Shippen Township, **Cameron County**. This permit was issued under section 105.13(e) "Small Projects."

**E19-205.** Encroachment. **Columbia County Commissioners**, Columbia County Courthouse, Box 380, 35 West Main Street, Bloomsburg, PA 17815. To remove an existing structure and to construct, operate and maintain a prestressed reinforced concrete spread box beam bridge to carry T-481 across West Branch, Briar Creek. The bridge shall be constructed with a minimum clear span of 30.9-feet, minimum underclearance of 3.45-feet and a skew of 87-degrees. The project is located along the northern right-of-way of SR 0093 approximately 2000-feet south of T-481 and SR 0093 intersection (Mifflinville, PA Quadrangle N: 9.9 inches; W: 11.0 inches) in North Centre Township, **Columbia County**.

**E49-235.** Encroachment. **Milton Area Industrial Development Assoc.**, 1 Arch St., Milton, PA 17847. Milton Area Industrial Development Association (MAIDA) is expanding the Milton Area Industrial Park. The industrial park expansion is located near the Marsh Road/Housels Run Road intersection in the Borough of Milton, Northumberland County (Northumberland Quadrangle N: 18.3 inches and W: 13.9 inches). Phase I of the park expansion includes widening Housels Run Road, construction of a new road, and lot preparation for industrial and commercial clients. A wetland encroachment permit is being issued to MAIDA for Phase I of the park expansion for the placement of fill in two emergent wetlands with a total area of 1.02 acres. MAIDA is required to provide a minimum of 1.31 acres of replacement wetlands on an adjacent parcel as compensation for the encroachment. MAIDA will also be constructing 4.35 acres of wetlands as advance replacement for projected Phase II encroachments of 1.11 to 2.17 acres, and placing 98.18 acres of forested wetland and wetland replacement area under a restrictive covenant to protect this area from future development, logging, and other adverse environmental impacts.

**E60-145.** Encroachment. **Union County Commissioners**, 103 South Second Street, Lewisburg, PA 17837. To repair and maintain the left abutment with a new reinforced concrete abutment. The wing walls will remain unaltered. This permit also authorizes the installation of a temporary diversion dike system, which upon completion shall be removed and the area restored to its preexisting condition or better. All water pumped from the construction/diversion area shall be directed into a sediment trap or basin, or into an appropriate vegetated filter area to prevent sediment from being discharged into any waters of the Commonwealth. This project is located 1/4 mile east on T-357 from the intersection with T-394 (Mifflinburg, PA Quadrangle N: 12.3 inches, W: 10 inches) West Buffalo Township, **Union County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

*Permits Issued:*

**E26-273.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 25.0 meters and an underclearance or 3.21 meters across Georges Creek (WWF) for the purpose of improving transportation safety and roadway standards. This permit also authorizes the placement and maintenance of bank stabilization with rock riprap along 31.5 meters of an unnamed tributary to Georges Creek (WWF) and the construction and maintenance of an outfall channel and a 450 mm outfall pipe along Georges Creek (WWF). The project is located on S. R. 3003, Section B20 (Masontown, PA Quadrangle N: 4.0 inches; W: 2.7 inches) in Springhill and Nicholson Townships, **Fayette County**.

**E32-422.** Encroachment. **Grant Township Supervisors**, 1599 Hartman Road, Marion Center, PA 15759. To operate and maintain a 6-inch depressed, 72-inch × 55-inch CMP Arch Culvert in Rairigh Run (HQ-CWF) authorized for construction under Emergency Permit No. EP3200202 for the purpose of improving transportation safety and roadway standards. The project is located on T-830, approximately 1 mile from its intersection with

S. R. 1037 (Rochester Mills, PA Quadrangle N: 5.35 inches; W: 7.35 inches) in Grant Township, **Indiana 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.*

**E20-489. Encroachment. PA Department of Conservation and Natural Resources**, Park Region No. 2, P. O. Box 387, Prospect, PA 16052-0387. To expand, rehabilitate and maintain the Jamestown Boat Livery in Pymatuning Lake east of Williamsfield Road approximately 2 miles north of S. R. 322 in Pymatuning State Park (Hartstown, PA Quadrangle N: 1.5 inches; W: 13.1 inches) in West Shenango Township, **Crawford County**, including the following:

1. Excavate approximately 0.6 acre of shoreline area above normal pool elevation of 1008 feet, including approximately 0.087 acre of wetland.

2. Dredge approximately 12,000 cubic yards of material from approximately 2 acre area to establish a minimum of 5-foot depth of water at normal pool elevation of 1008 feet.

3. Install approximately 400 linear feet of PVC sheet pile bulkhead or rock riprap shoreline protection with concrete dock bulkheads.

4. Remove the existing docks and install new floating docks to provide approximately 175 boat slips.

#### ENVIRONMENTAL ASSESSMENT

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

**D24-002EA. Environmental Assessment. Saint Marys Area Water Authority** (429 Ridgway Road, P. O. Box 33, Saint Marys, PA 15857). To breach and remove the Laurel Run Reservoir Dam across Laurel Run (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,000 feet upstream of the Route 255 bridge crossing Laurel Run

(Saint Marys, PA Quadrangle N: 1.4 inches; W: 7.2 inches). Fox Township, **Elk County**.

## SPECIAL NOTICES

### Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Quittapahilla Creek, Deep Run, and Earlackill Run Watersheds in Lebanon County

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Quittapahilla Creek, Deep Run, and Earlackill Run watersheds in Lebanon County. These TMDLs were established in accordance with the requirements of section 303(d) of The Clean Water Act. Pennsylvania's 1996 and 1998 Section 303(d) lists included surface waters in the Quittapahilla Creek, Deep Run, and Earlackill Run watersheds. The inclusion of these watersheds on the 303(d) lists was due to use impairments caused by excessive siltation, suspended solids and/or nutrients emanating from agricultural land uses in the watersheds.

The Department currently does not have water quality criteria for siltation, suspended solids or nutrients. Therefore, the Department established water quality objectives for them using a reference watershed approach. These water quality objectives were set with the expectation that they could be reasonably achieved.

The TMDLs set allowable loadings of sediment and phosphorus in the Quittapahilla Creek, Deep Run and Earlackill Run watersheds. Phosphorus was chosen as the TMDL endpoint for nutrient impairments due to its being the limiting nutrient in these watersheds. The sediment and phosphorus loadings were allocated among all land use categories present in the watersheds. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the current sediment and phosphorus loadings for the Quittapahilla Creek (including four named tributary basins), Deep Run, and Earlackill Run watersheds. Load reductions necessary in order to meet the TMDLs are also identified.

SUMMARY OF TMDL BASED LOAD REDUCTIONS IN THE QUITTAPAHILLA CREEK WATERSHED

WATERSHED	POLLUTANT	Existing Load (lbs./yr.)	TMDL (lbs./yr.)	% REDUCTION
Quittapahilla Creek	Sediment	36,740,900	9,833,734	73%
Bachman Run	Phosphorus	7,724	2,912	62%
Beck Creek	Phosphorus	7,302	3,067	58%
Killinger Creek	Phosphorus	15,028	5,055	66%
Snitz Creek	Phosphorus	7,903	4,608	42%
Deep Run	Sediment	3,252,863	2,371,186	27%
	Phosphorus	4,853	2,828	42%
Earlackill Run	Sediment	2,355,945	1,674,743	29%
	Phosphorus	3,396	1,997	41%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact: Joseph P. Hepp, Water Pollution Biologist 2, Water Management Program, Southcentral Regional Office, Pennsylvania Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4788, e-mail: hepp.joseph@dep.state.pa.us. The TMDLs can be viewed and printed from the Department's website ([www.dep.state.pa.us/dep/deputate/watermgt/WC/subjects/WQStandards/TMDL/TMDLs.htm](http://www.dep.state.pa.us/dep/deputate/watermgt/WC/subjects/WQStandards/TMDL/TMDLs.htm)). Please note that at the current time, attachments and appendices must be requested through paper mail.

Additionally, the Department will hold a public meeting to address any outstanding concerns regarding the three TMDLs listed.



The meeting will be held on December 21, 2000 in the auditorium of the Lebanon County Court House, 400 South 8th Street, Lebanon, PA 17042 beginning at 7 p.m. Any person wishing to attend the meeting should call Ms. Charlotte Bonafair at (717) 705-4703. If no person expresses an interest in attending the meeting by December 15, the meeting will not be held. In addition, any person wishing to submit official comments must do so in writing by January 31, 2001. Written comments should be sent to Joseph Hepp at the above address or by email as indicated.

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval.

[Pa.B. Doc. No. 00-2072. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on DEP's world wide web site ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the public participation center. The "July 2000 Inventory" heading is the governors list of non-regulatory documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the inventory. The "Final Documents" heading is a link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 2000.

#### *Downloading/Ordering Paper Copies of DEP Technical Guidance*

Persons can download all guidance documents from our website at [www.dep.state.pa.us](http://www.dep.state.pa.us). We strongly encourage utilizing Internet access if possible. If you do not have access to the Internet, copies of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory can be ordered by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number are listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

#### *Interim Final Technical Guidance*

DEP ID: 393-2318-005 Title: Interim Policy for Implementing the General Operating Permit Strategy for Aboveground Storage Tanks Description: The purpose of this guidance is to provide continuity and direction to DEP staff concerning the compliance with the October 11, 2000 inspection and upgrade deadline for the implementation of the General Operating Permit Program for Aboveground Storage Tanks (AST's). DEP will apply this guidance to its General Operating Permit process for large AST's (tanks with capacities greater than 21,000 gallons) and for storage tanks with capacities greater than 1,100 gallons containing highly hazardous substance(s). This only applies to tanks that were installed (constructed) and registered with the Division of Storage Tanks prior to October 11, 1997 under Chapter 245, Subchapter C (relating to permitting of underground and AST systems and facilities). Effective Date: Effective

immediately, with 30 day comment period provided. Comment Period Ends: January 2, 2000 Contact: Ray Powers at (717) 772-5809.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-2073. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Coal and Clay Mine Subsidence Insurance Board Meeting

A regular meeting of the Coal and Clay Mine Subsidence Board will take place on December 14, 2000, at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This is a change from the previously scheduled date of December 7.

Questions concerning the agenda can be directed to Lawrence Ruane at (717) 783-9590 or e-mail to [Ruane.Lawrence@dep.state.pa.us](mailto:Ruane.Lawrence@dep.state.pa.us). The agenda for this meeting will be available through the Public Participation Center on the DEP's 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 Lawrence Ruane directly at (717) 783-9590 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. 00-2074. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Request for Applications for the Governor's Award for Watershed Stewardship

To complement the Governor's Award for Environmental Excellence, applications are now being accepted for the new Governor's Award for Watershed Stewardship. The Governor's Award for Watershed Stewardship recognizes the success of the grass roots effort sparked by the Department of Environmental Protection's (DEP's) Growing Greener Initiative.

The Governor's Award for Watershed Stewardship is available for initiatives in the following categories: 1) watershed partnerships, 2) watershed assessment and planning, 3) watershed protection and restoration projects and 4) watershed demonstration, education and outreach.

Projects or programs will be awarded based on their ability to demonstrate: 1) a commitment to the protection of the environment; 2) the involvement of businesses, governmental officials and community members; 3) a commitment to the public's best interest in the execution of the initiative; 4) effective outreach to stakeholders affected by the initiative; 5) the reduction of pollution at its source over controlling waste after it is created and 6) cost effective manner in carrying out the project.

Eligible applicants include any Pennsylvania business, government agency, municipality, nonprofit organization, individual, farm or agribusiness engaged in watershed efforts. Candidates may submit only one application, which focuses on the best project or program. However, organizations with multiple branches or facilities may submit applications for each branch or facility. Some portion of the project must have been implemented during the 2000 calendar year in order to be eligible for an award. Projects that have previously received a Governor's Award for Environmental Excellence are not eligible for this award. However, organizations that are previous winners of the Governor's Award for Environmental Excellence may submit new projects for consideration.

Applications are now being accepted online at [www.dep.state.pa.us/DirectLINK](http://www.dep.state.pa.us/DirectLINK) "2001 watershed app." The deadline for submitting applications for the Governor's Awards for Watershed Stewardship to the DEP Grants Center is January 26, 2001. Applications must be postmarked by January 26. Faxed copies will not be accepted.

For more information concerning the Governor's Award for Watershed Stewardship, visit the Growing Greener website at [www.GrowingGreener.org](http://www.GrowingGreener.org), send e-mail to [GrowingGreener@dep.state.pa.us](mailto:GrowingGreener@dep.state.pa.us), or contact the DEP Grants Center at 877-PAGREEN or (717) 705-5400. Written correspondence should be addressed to DEP Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-2075. Filed for public inspection December 1, 2000, 9:00 a.m.]

### State Implementation Plan for Ozone for the Pittsburgh Ozone Nonattainment Area

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Department of Environmental Protection (DEP) is seeking public comment on a State implementation plan (SIP) revision for the Pittsburgh ozone nonattainment area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties). This SIP will revise the highway vehicle emission inventory and establish new motor vehicle emission budgets for purposes of transportation conformity. This proposed SIP includes emission reductions attributable to several State and Federal control measures already in place.

This proposal is available on the DEP Website at <http://www.dep.state.pa.us> (choose Information by Subject/Air Quality/State Implementation Plans), or through the contact persons listed in this notice.

The Department will hold a public hearing to receive comments on the SIP revision on Thursday, January 4, 2001, at 1 p.m. at the offices of the DEP Southwest Regional Office, Waterfront Room A, 500 Building, 500 Waterfront Drive, Pittsburgh, PA 15222-4745. The Department's Southwest Regional Office is located at Washington's Landing beneath the 31st Bridge along Pa. Route 28.

Persons wishing to present testimony at the hearing should contact Connie Cross, (717) 787-9495 (P. O. Box 8468, Harrisburg, PA 17105) to reserve a time. If a time is not reserved, witnesses will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies at the hearing. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Wick Havens at the telephone above. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written comments should be sent to Arleen Shulman, Chief, Mobile Sources Section, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 no later than noon on January 10, 2001.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 00-2076. Filed for public inspection December 1, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, December 13, 2000, at 10 a.m., in Room 505 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or if persons with a disability who desire to attend the meeting and require an auxiliary aid service or other accommodation to do so, please contact Joseph May at (717) 772-5298, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-2077. Filed for public inspection December 1, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH and DEPARTMENT OF STATE

### Application of Abortion Control Act to Abortions Induced by Drugs

Notice is hereby given that Commonwealth agencies under the Governor that have responsibility under the

Abortion Control Act (ACA) (18 Pa.C.S. §§ 3201—3220) to interpret those provisions of the ACA that pertain to abortions, for which they are responsible to satisfy or implement, to apply to abortions induced by drugs.

An “abortion” is defined in the ACA as follows:

“Abortion.” The use of any means to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purpose of the [ACA], abortion shall not mean the use of an intrauterine device or birth control pill to inhibit or prevent ovulation, fertilization or the implantation of a fertilized ovum within the uterus. 18 Pa.C.S. § 3203.

This definition must be read to implicitly include an intent requirement under *American College of Obstetricians and Gynecologists, Pennsylvania Section v. Thornburgh*, 737 F.2d 283 (1984), *aff'd*, 476 U.S. 747 (1986).

With respect to abortions induced by drugs, the Department of Health (DOH) and the Department of State (DOS) interpret provisions of the ACA that pertain to abortions, for which they are responsible to implement, as follows:

#### Department of Health

*18 Pa.C.S. § 3207. Abortion facilities.*

This section gives DOH the authority to adopt regulations with respect to the performance of abortions and with respect to facilities in which abortions are performed. A physician who intends to perform an abortion by providing or prescribing drugs must do so only in a facility that is registered with DOH to perform abortions. This section also requires any entity that chooses to operate a facility at which abortions will be performed to first file a report with DOH as described in that section. DOH has labeled the report form the “Abortion Facility Registration Form.”

*18 Pa.C.S. § 3208. Printed information.*

This section requires DOH to prepare and distribute printed materials that, except in the case of a medical emergency, in the course of securing informed consent to an abortion must be made available to a woman and, unless judicial bypass procedures are followed, must also be made available to other persons such as a parent or guardian when the woman is adjudicated to be incapacitated or is under 18 years of age and not emancipated.

The United States Food and Drug Administration (FDA) recently approved the use of mifepristone to induce an abortion. The FDA approval is accompanied by several restrictions. One of the restrictions is that mifepristone may not be provided under a prescription; it may only be dispensed. DOH will supplement the printed material it has already developed with materials developed by the FDA pertaining to the use of mifepristone to induce an abortion and the medical risks commonly associated with that use. DOH will distribute those materials to all facilities registered with DOH to perform abortions and any other person who requests those materials from DOH. These and other materials developed by the FDA which are pertinent to the use of mifepristone to induce abortions may be accessed at <http://www.fda.gov/cder/drug/infopage/mifepristone/>.

*18 Pa.C.S. § 3213. Prohibited acts.*

Subsection (c) of this section provides that DOH is to adopt regulations to assure that prior to the performance of an abortion the maternal Rh status shall be determined and that anti-Rh sensitization prophylaxis shall be provided to a woman at risk of sensitization unless she refuses. DOH has adopted 28 Pa. Code § 29.33(6) and (7) to address these matters. These provisions are to be satisfied before a drug is provided to or prescribed for a woman for the purpose of inducing an abortion, except as otherwise permitted under subsection (c).

*18 Pa.C.S. § 3214. Reports.*

This section requires the filing of various reports with DOH. They include:

#### Report of Induced Termination of Pregnancy (18 Pa.C.S. § 3214(a) and (b))

A facility is required to file a report with DOH for every abortion performed. This applies to an abortion that is performed as the result of a physician providing or prescribing a drug for a woman at the facility. As needed, DOH will update the form and instructions for completing the form and will send the updates to all hospitals and all freestanding facilities registered with DOH to perform abortions.

#### Abortions: Pathological Examinations (18 Pa.C.S. § 3214(c) and (d))

Tissue that is removed when an abortion is performed or induced is to be subjected to a pathological examination and a report to DOH may be required. Pathological examination and reporting requirements differ based upon whether the abortion is performed during or after the first trimester of pregnancy. When a drug is used to induce an abortion, fetal and other tissue may be expelled by the woman at a place other than the abortion facility. If no tissue is removed by the physician there is no duty to file a report. However, the reporting requirement does apply if tissue is removed by the physician following an abortion or attempted abortion induced by mifepristone or any other drug.

#### Abortions: Quarterly Facility Reports (18 Pa.C.S. § 3214(f))

A facility is required to file a quarterly report with DOH of all abortions performed in the facility. This applies to an abortion that is performed as the result of a physician providing or prescribing a drug for a woman at the facility.

#### Report of Maternal Death (18 Pa.C.S. § 3214(g))

This report is to be filed with DOH for all maternal deaths that occur in this Commonwealth arising out of pregnancy, childbirth or abortion. The reporting requirement applies when a drug induces the abortion as well as to a maternal death arising from continued pregnancy or childbirth and occurring after an induced abortion has been attempted but not completed.

#### Abortions: Report of Complications (18 Pa.C.S. § 3214(h))

A physician is to file this report with DOH if the physician provides medical treatment or care to a woman due to a complication resulting, in the good faith judgment of the physician, from the woman having undergone an abortion or attempted abortion. The reporting requirement applies when the abortion or attempted abortion was induced by a drug.

### Department of State

The following provisions apply to licensed health care professionals. Violations of these provisions constitute unprofessional conduct and may lead to the imposition of disciplinary sanctions by the appropriate licensing board in the Department of State.

#### *18 Pa.C.S. § 3204. Medical consultation and judgment.*

This section provides that an abortion shall be performed only by a physician, and only after the physician has either determined in the physician's best clinical judgment that the abortion is necessary, or receives what the physician reasonably believes to be a written statement signed by another physician (hereinafter called the "referring physician") certifying that in that physician's best clinical judgment the abortion is necessary.

Except in a medical emergency where there is insufficient time before the abortion is to be performed, the physician who is considering performing the abortion or the referring physician is to have a private medical consultation with the woman upon whom the abortion may be performed, in a place and at a time and or a duration reasonably sufficient to determine whether, based upon the physician's best clinical judgment, the abortion is necessary.

In complying with the aforementioned requirements, in determining whether an abortion is necessary the physician's best clinical judgment may be exercised in light of all factors relevant to the well-being of the woman, but an abortion sought solely because of the sex of the unborn child shall not be considered a necessary abortion.

The provisions of this section apply to a physician providing or prescribing for a woman a drug to induce an abortion. This section prohibits the physician who is considering performing the abortion or the referring physician from delegating to another person the performance of any of the requirements of this section.

A physician who violates this section is guilty of unprofessional conduct and is subject to discipline under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, depending upon the act under which the physician is licensed. For a first offense, the State Board of Medicine or the State Board of Osteopathic Medicine may prescribe such penalty as it deems appropriate. For a second offense, the board shall suspend the physician's license for at least 90 days. For a third offense, the board shall revoke the physician's license.

#### *18 Pa.C.S. § 3205. Informed consent.*

This section prohibits a physician from performing or inducing an abortion without securing the voluntary and informed consent of the woman upon whom the abortion is to be performed. Certain exceptions to securing the informed consent of the woman upon whom the abortion is to be performed are afforded under 18 Pa.C.S. § 3206 (relating to parental consent) for a woman who is adjudicated to be incapacitated or is less than 18 years of age and is unemancipated.

Except in the case of a medical emergency, the consent is voluntary and informed only if the following are satisfied:

1. At least 24 hours prior to the abortion the physician who is considering performing the abortion or the referring physician has orally informed the woman of the probable gestational age of the unborn child at the time the abortion would be performed; the medical risks associated with carrying her child to term; and the nature

of the proposed procedure or treatment and of those risks and alternatives to the procedure or treatment that a reasonable person would consider material to the decision of whether or not to undergo the abortion.

2. At least 24 hours prior to the abortion, the physician who is considering performing the abortion or the referring physician, or a qualified physician assistant, health care practitioner, technician or social worker to whom the responsibility has been delegated by either physician, has informed the woman that DOH publishes written materials that describe the unborn child and list agencies that offer alternatives to abortion and that she has a right to review the printed material and that a copy will be provided to her free of charge if she chooses to review it; that medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials published by DOH; and that the father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion (in cases of rape this information may be omitted).

3. A copy of the DOH-printed materials has been provided to the woman if she chooses to view them.

4. The woman certifies in writing, prior to the abortion, that the information required to be provided to her pursuant to the preceding paragraphs has been provided.

In addition to the informed consent requirements, this section requires that when a medical emergency compels the performance of an abortion, the physician is to inform the woman, prior to the abortion if possible, of the medical indications supporting the physician's judgment that an abortion is necessary to avert the woman's death or a substantial and irreversible impairment of a major bodily function of the woman.

The provisions of this section apply to a physician providing or prescribing for a woman a drug to induce an abortion. This section prohibits the physician who is considering performing the abortion or the referring physician from delegating to another person the performance of any of the requirements of this section, except as expressly stated in this section.

A physician who violates this section is guilty of unprofessional conduct and is subject to discipline under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, depending upon the act under which the physician is licensed. For a first offense, the State Board of Medicine or the State Board of Osteopathic Medicine may prescribe such penalty as it deems appropriate. For a second offense, the board shall suspend the physician's license for at least 90 days. For a third offense, the board shall revoke the physician's license. No physician shall be guilty of violating this section for failing to furnish the information required to secure the informed consent of the woman to an abortion if the physician can demonstrate, by a preponderance of the evidence, that the physician reasonably believed that the furnishing of the information would have resulted in a severely adverse effect on the physical or mental health of the patient.

#### *18 Pa.C.S. § 3206. Parental consent.*

This section provides that in addition to the informed consent requirements of 18 Pa.C.S. § 3205 (relating to informed consent), when a woman is adjudged to be an incapacitated person under 20 Pa.C.S. § 5511, or is less than 18 years of age and unemancipated, a physician may be required to secure the informed consent of an addi-

tional person. The duty to secure that additional informed consent does not apply in the case of a medical emergency and under other circumstances explained in this section. Also, if judicial bypass procedures afforded by this section are pursued, neither the informed consent of the woman who is adjudged to be an incapacitated person or is less than 18 years of age and unemancipated, nor of any other person, will be required if the court determines that the woman is not mature and capable of giving informed consent or if the woman does not claim to be mature and capable of giving informed consent, and the court determines that the performance of the abortion would be in the best interests of the woman.

The provisions of this section apply to a physician providing or prescribing for a woman a drug to induce an abortion. This section prohibits the physician who is considering performing the abortion or the referring physician from delegating to another person the performance of any of the informed consent requirements of this section, except as expressly stated in this section or 18 Pa.C.S. § 3205.

A physician who performs an abortion upon an unemancipated woman less than 18 years of age or a woman adjudged to be incapacitated, either with knowledge or reckless disregard that she is an unemancipated woman less than 18 years of age or a woman adjudged to be incapacitated, and who intentionally, knowingly or recklessly fails to perform any of the requirements of this section imposed upon the physician is guilty of unprofessional conduct and the license of the physician shall be suspended for at least three months under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, depending upon the act under which the physician is licensed. For a second offense the State Board of Medicine or the State Board of Osteopathic Medicine shall also suspend the physician's license for at least 90 days. For a third offense the board shall revoke the physician's license.

*18 Pa.C.S. § 3210. Determination of gestational age.*

This section provides that except in a case of a medical emergency that prevents compliance with the section, no abortion is to be performed or induced unless the physician who is considering performing or inducing the abortion or the referring physician has first made a determination of probable gestational age of the unborn child. In making that determination, the physician is required to make such inquiries of the patient and perform or cause to be performed such medical examination and tests as a prudent physician would consider necessary to make or perform in making an accurate diagnosis of gestational age.

If an abortion occurs, the physician who performs or induces the abortion is to report on forms provided by DOH the type of inquiries made and the type of examinations and tests utilized to determine the gestational age of the unborn child and the basis for the diagnosis or gestational age. The form DOH provides for this purpose is the Report of Induced Termination of Pregnancy form.

The provisions of this section apply to a physician providing or prescribing for a woman a drug to induce an abortion. This section prohibits the physician who is considering performing the abortion or the referring physician from delegating to another person the performance of any of the requirements of this section, except as expressly stated in this section.

A physician who violates this section is guilty of unprofessional conduct and the license of the physician

shall be suspended for at least 3 months under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, depending upon the act under which the physician is licensed. For a second offense, the State Board of Medicine or the State Board of Osteopathic Medicine shall also suspend the physician's license for at least 90 days. For a third offense, the board shall revoke the physician's license.

*18 Pa.C.S. § 3213. Prohibited acts.*

Subsection (c) of this section provides that DOH is to adopt regulations to assure that prior to the performance of an abortion the maternal Rh status shall be determined and that anti-Rh sensitization prophylaxis shall be provided to a woman at risk of sensitization unless she refuses. DOH has adopted 28 Pa. Code § 29.33(6) and (7) to address these matters.

DOH regulations 28 Pa. Code § 29.33(6) and (7) apply to a physician providing or prescribing for a woman a drug to induce an abortion.

Except in the case of a medical emergency or when in the judgment of the physician there exists no possibility of Rh sensitization, a physician who intentionally, knowingly, or recklessly fails to conform to 28 Pa. Code § 29.33(6) and (7) is guilty of unprofessional conduct and is subject to discipline under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, depending upon the act under which the physician is licensed. For a first offense, the State Board of Medicine or the State Board of Osteopathic Medicine may prescribe such penalty as it deems appropriate. For a second offense, the board shall suspend the physician's license for at least 90 days. For a third offense, the board shall revoke the physician's license.

*18 Pa.C.S. § 3214. Prohibited acts.*

This section requires the filing of various reports with DOH. They include:

**Report of Induced Termination of Pregnancy  
(18 Pa.C.S. § 3214(a) and (b))**

A facility is required to file a report with DOH for every abortion performed. This applies to an abortion that is performed as the result of a physician providing or prescribing a drug for a woman at the facility.

A physician's duty to file this report and provide information necessary for the completion of the report will vary depending upon the type of facility involved. For example, a physician who engages in medical practice as a sole proprietor and registers his or her office with DOH to provide abortion services will have full responsibility for completing and filing the form, while a physician who performs an abortion in a hospital will only have responsibility for providing certain information needed to complete the form.

A physician who willfully fails to file this report, keep records necessary to complete the report or supply information that is required to complete the report, when the physician has an obligation to file the report, keep such records or supply such information, is guilty of unprofessional conduct and is subject to discipline under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, depending upon the act under which the physician is licensed. For a first offense, the State Board of Medicine or the State Board of Osteopathic Medicine may prescribe such penalty as it deems appropriate. For a second offense, the board shall suspend the physician's license for at least 90 days. For a third offense, the board shall revoke the physician's license.

**Abortions: Pathological Examinations  
(18 Pa.C.S. § 3214(c) and (d))**

Tissue that is removed when an abortion is performed or induced is to be subjected to a pathological examination and a report to DOH may be required.

The requirements of subsections (c) and (d) apply if tissue is removed by the physician following an abortion or attempted abortion induced by mifepristone or any other drug.

A physician who willfully fails to file a required pathological report, keep records necessary to complete the report or supply information that is required to complete the report, when the physician has an obligation to file the report, keep such records or supply such information, is guilty of unprofessional conduct and is subject to discipline under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, depending upon the act under which the physician is licensed. For a first offense, the State Board of Medicine or the State Board of Osteopathic Medicine may prescribe such penalty as it deems appropriate. For a second offense, the board shall suspend the physician's license for at least 90 days. For a third offense, the board shall revoke the physician's license.

**Abortions: Quarterly Facility Reports  
(18 Pa.C.S. § 3214(f))**

A facility is required to file a quarterly report with DOH of all abortions performed in the facility.

This report is to include abortions induced by a drug if the physician secures the information that is needed for the physician to conclude that an abortion has occurred.

A physician's duty to file this report and provide information necessary for the completion of the report will vary depending upon the type of facility involved. For example, a physician who engages in medical practice as a sole proprietor and registers his or her office with DOH to provide abortion services will have full responsibility for completing and filing the form, while a physician who performs an abortion in a hospital will only have responsibility for providing certain information needed to complete the form.

A physician who willfully fails to file this report, keep records necessary to complete the report or supply information that is required to complete the report, when the physician has an obligation to file the report, keep such records or supply such information, is guilty of unprofessional conduct and is subject to discipline under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, depending upon the act under which the physician is licensed. For a first offense, the State Board of Medicine or the State Board of Osteopathic Medicine may prescribe such penalty as it deems appropriate. For a second offense, the board shall suspend the physician's license for at least 90 days. For a third offense, the board shall revoke the physician's license.

**Abortions: Report of Complications  
(18 Pa.C.S. § 3214(h))**

A physician is to file this report with DOH if the physician provides medical treatment or care to a woman due to a complication resulting, in the good faith judgment of the physician, from the woman having undergone an abortion or attempted abortion.

The reporting requirement applies when the abortion or attempted abortion was induced by a drug.

A physician who willfully fails to file this report, keep records necessary to complete the report or supply information that is required to complete the report, when the physician has an obligation to file the report, keep such records or supply such information, is guilty of unprofessional conduct and is subject to discipline under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, depending upon the act under which the physician is licensed. For a first offense, the State Board of Medicine or the State Board of Osteopathic Medicine may prescribe such penalty as it deems appropriate. For a second offense, the board shall suspend the physician's license for at least 90 days. For a third offense, the board shall revoke the physician's license.

A person with a disability who wants to obtain a copy of this notice in an alternative format (that is, large print, audiotape or Braille) should contact the Office of the Deputy Secretary for Quality Assurance, Department of Health, 805 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-1078. Speech or hearing impaired persons may use V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*  
*Department of Health*  
KIM PIZZINGRILLI,  
*Secretary*  
*Department of State*

[Pa.B. Doc. No. 00-2078. Filed for public inspection December 1, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Miners Memorial Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Miners Memorial Medical Center has requested an exception to § 107.2 of the 28 Pa. Code which requires that medical staff shall be limited to physicians and dentists.

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: DDITLOW@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 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. 00-2079. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Application of Northeastern Rehabilitation Associates, P.C. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Northeastern Rehabilitation Associates has requested an exception to 28 Pa. Code § 571.1.

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: DDITLOW@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 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. 00-2080. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Application of The Pottsville Hospital and Warne Clinic for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Pottsville Hospital and Warne Clinic has requested an exception to § 51.23 of the 28 Pa. Code which requires PET scanning services to be provided only in a hospital which complies with the regulations of the Department.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, telephone: (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: DDITLOW@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 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. 00-2081. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Approved Drugs for ALS Ambulance Services

Under 28 Pa. Code §§ 1005.11(b) (relating to drug use, control and security) and 1007.7(c) (relating to licensure and general operating requirements), that the following drugs are approved for use by advanced life support (ALS) ambulance services and may be administered by EMT-paramedics, prehospital registered nurses and health professional physicians when use of those drugs is permitted by the applicable Department approved regional medical treatment protocols:

1. Adenosine
2. Albuterol
3. Amiodarone
4. Aminophylline
5. Aspirin
6. Atropine Sulfate
7. Benzocaine or Benzocaine/Tetracaine (for topical use only)
8. Bretylium
9. Calcium Chloride
10. Dexamethasone Sodium Phosphate
11. Diazepam
12. Diltiazem
13. Diphenhydramine HCL
14. Dobutamine
15. Dopamine
16. Droperidol \*
17. Epinephrine HCL
18. Furosemide
19. Glucagon
20. Heparin Intravenous (Drip) (for interfacility transports, only)
21. Heparin Lock Flush
22. Hydrocortisone Sodium Succinate
23. IIB/IIIA Inhibitors (for interfacility transports only)
  - a. Abciximab (Reopro)
  - b. Eptifibatide (Integrelin)
  - c. Tirofiban (Aggrastat)
24. Intravenous Electrolyte Solutions
  - a. Dextrose
  - b. Lactated Ringer's
  - c. Sodium Chloride
  - d. Normosol
25. Isoproterenol HCL
26. Lidocaine HCL
27. Magnesium Sulfate
28. Meperidine
29. Metaproterenol
30. Midazolam
31. Morphine Sulfate
32. Naloxone HCL

33. Nitroglycerin Intravenous (Drip) (for interfacility transports, only)
34. Nitroglycerin Ointment
35. Nitroglycerin Spray
36. Nitroglycerin Sublingual Tablets
37. Nitrous Oxide
38. Oxytocin
39. Procainamide
40. Sodium Bicarbonate
41. Sterile Water for Injection
42. Terbutaline
43. Verapamil

\* = Addition or change since last publication

An air ambulance service may use drugs, medications and solutions in addition to those identified in the list upon securing the written approval of the Department of Health in accordance with 28 Pa. Code § 1001.4 (relating to exceptions).

A health professional may administer drugs in addition to those permitted by the applicable regional transfer and medical treatment protocols and the Statewide BLS medical treatment protocols, provided the health professional has received approval to do so by the ALS service medical director of the ambulance service, and has been ordered to administer the drug by the medical command physician.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Robert Gaumer, at the Pennsylvania Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, Pennsylvania, 17120, (717) 787-8740 or telephone V/TT: (717) 783-6154 for speech or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-2082. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Rate Adjustment

Under 42 Pa.C.S. § 6152 (P. L. 1458, No. 145, as amended) the Secretary of Health is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. Under 42 Pa.C.S. § 6152.1, the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program.

The Secretary is directed to base such adjustments on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 30, 1999 through October 30, 2000, the consumer price index was 3.4%.

Accordingly, the Secretary provides notice that, effective January 1, 2001, the following payments may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

Search and retrieval of records:	Not to exceed \$15.91
Amount charged per page for pages 1-20:	\$1.07
Amount charged per page for pages 21-60:	\$0.80
Amount charged per page for pages 61-end:	\$0.27
Amount charged per page for microfilm copies:	\$1.59
Flat fee for production of records to support claims under Social Security Act or claims under other federal or state financial needs based benefits programs	\$20.15

Any questions or inquiries concerning this notice should be sent to: James T. Steele, Jr, Deputy Chief Counsel, Office of Legal Counsel, 825 Health and Welfare Building, Harrisburg, PA 17108, or call V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-2083. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Application of UPMC Presbyterian South Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian has requested exceptions to the following chapters and sections of the 28 Pa. Code:

- Chapter 553. Ownership, Governance and Management
  - § 553.3. Governing body responsibilities.
  - § 553.4. Other functions.
    - § 553.4(d). Pertaining to the medical staff.
  - § 553.31. Administrative responsibilities.
- Chapter 555. Medical Staff.
- Chapter 557. Quality Assurance and Improvement.
- Chapter 559. Nursing services.
  - § 559.2 Director of nursing.
- Chapter 561. Pharmaceutical Services.
  - § 561.21. Principle.
  - § 561.23. Use of controlled substances and other drugs.
- Chapter 563. Medical Records.
  - § 563.12. Form and content of record.
- Chapter 567. Environmental Services.
  - § 567.32. Policies and procedures.

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, (717) 783-8980, Fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.



Those persons who wish to comment on this exception request may do 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 to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 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. 00-2084. Filed for public inspection December 1, 2000, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sale certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 409—City of Pittsburgh, Allegheny County. This parcel contains approximately 14,525 square feet or 0.333 acre of vacant land situated along the northerly side of East Ohio Street and the northwesterly side of Chestnut Street, 23rd Ward, City of Pittsburgh, Allegheny County. The property will be sold in "as is condition". The estimated fair market value of the parcel is \$44,000.00. It has been determined that it is no longer needed for present or future transportation purposes.

Interest public entities are invited to express their interest in purchasing the site within thirty (30) calendar days from the date of publication of this notice to: Raymond S. Hack, District Engineer, Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-2085. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Finding

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to provide a new bridge to carry Township Road (T-562) over Mill Creek. The bridge location lies completely within State Game Land No. 74. The effect of this project on the State

game land will be mitigated by measures to minimize harm to the resource. Measures include:

1. Revegetating the areas disturbed during construction. Revegetation is to be done under the guidance of the PA Game Commission's Land Management Officer.

2. The contractor is to allow access to the existing parking areas along T-562 at the project site if construction takes place during hunting season.

I have considered the environment, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the reconstruction of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-2086. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Retention of Engineering Firms for Local Projects

#### Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties Project Reference No. 02001AG0001

Notice is hereby given that approximately twenty-five (25) Municipalities in cooperation with the Department of Transportation, Engineering District 2-0, will retain engineering firms to perform one or more of the following tasks concerning municipality owned bridges:

1. Prepare studies and plans for the replacement of municipality owned bridges.

2. Perform construction inspection and construction support services for municipality owned bridge replacement/rehabilitation projects. To perform an NBIS initial inspection upon completion.

Separate Letters of Interest will be required for Tasks 1 and Task 2.

The firm(s) selected under Task 1 will be required to conduct final design to include preliminary alignment and accompanying data for Step 9: final alignment; type, size, and location drawings; drainage design; hydrologic and hydraulic report; the Department of Environmental Resources Waterway Permits; Army Corps of Engineers 404 Permits; bridge foundation reports and soils boring; right-of-way plans; erosion control plans with narrative; maintenance and protection of traffic plans; structure drawings; pavement design; and construction plans, specifications and estimates. A conventional field survey will be required. Upon completion of final design phase, the firm may be required to perform shop drawing review, alternate design review, general engineering services during construction, NBIS initial inspection, and other services as outlined in Task 2.

The firm(s) selected under Task 2 will be required to perform construction inspection services for municipality owned bridge replacement projects. The firms may also be required to perform construction consultation services and shop drawing review and approval. The firm(s) may be required to hold a preconstruction conference, keep records and document the construction work, prepare current and final estimates for payment to the construc-

tion contractor, obtain compliance with labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during construction or rehabilitation. Perform NBIS initial inspection upon completion.

The Letter of Interest for Task 2 should include the resumes of a maximum of 5 TCI's and 5 TCIS's. The qualifications and experience required of the firm's inspectors will be established jointly by the Department and the municipality.

Any technical questions concerning the requirements of this project or any questions concerning the submittal of the Letter of Interest should be directed to Mr. C.D. Lynn, P.E., District 2-0, at (814) 765-0581.

### General Requirements and Information

Firms interested in performing any of the above services are invited to submit two (2) copies of a Letter of Interest (L.O.I.) for each work task they are interested in to:

Pennsylvania Department of Transportation  
Engineering District 2-0  
George M. Khoury, P.E., District Engineer  
1924-30 Daisy Street, P. O. Box 342  
Clearfield, PA 16830

The cover letter should not be more than two (2) pages. Firms will be selected for an individual project or a group of projects. Interested firms should indicate the counties, type of project, and size of projects in which they are interested. All L.O.I. will be kept on record for use by municipalities selecting consultants for a period of one year from the date of this advertisement. There are no Disadvantaged Business Enterprise (DBE) requirements for this advertisement, but DBE participation may be required on the individual project.

Preference will be given to small firms for this project. A small firm will be considered as a firm of less than 100 people. The total number to include all offices within and outside Pennsylvania. Any small firm that utilizes a sub-consultant that is not considered a small firm will not be given preferential consideration. Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms, and other engineering firms who have not previously performed work for the Department of Transportation. Each L.O.I. must include in the heading, the firm's legal and fictitious (if applicable) name, the firm's Federal Identification Number and the Project Reference Number indicated in this advertisement.

A Standard Form 254, "Architect-Engineer and Related Services Questionnaire", not more than two (2) months old as of the date of this advertisement must be submitted for the firm, each party to a joint venture and for each subconsultant the firm is proposing to use and for the performance of professional services regardless of whether the sub-consultant is an individual, or a company. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project", and a two (2) year work load projection graph for the firm and each sub-consultant.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed sub-consultants and the type of work or services they will perform on the project.

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include with each Letter of Interest a copy of their registration to do business in the Commonwealth as provided by the Department of State.

The Department currently limits its participation in the direct remuneration of principals or consultant employees performing work on project to \$55 per hour or their actual audited remuneration, whichever is less.

The following factors, listed in their order of importance, will be considered by the municipalities during their evaluation of the firms submitting a L.O.I.:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

To be considered for projects that will need an engineering firm in the immediate future the L.O.I. and the required forms should be submitted by January 31, 2001. However, L.O.I.'s submitted after that date and during the calendar year 2001 will be accepted. All L.O.I.'s will be kept on file for a year from the last advertised date.

Various sections of the L.O.I. should be prominently tabbed or identified to ease the analysis of the submission.

The assignment of the above services will be made to one of the firms responding to this notice, but the municipalities and the Department of Transportation reserves the right to reject all L.O.I. submitted, to cancel the solicitations requested under this notice, and/or to re-advertise solicitation for these services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-2087. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Retention of Engineering Firms

### Centre and Blair Counties Project Reference No. 08430AG2642

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twenty-nine (29) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

1. S.R. 0220, Section A10, Centre and Blair Counties Local Name: Route 220 Relocation (Structures) This project involves the construction of structures for a four-lane limited access highway on new alignment approximately 8.9 miles in length with fourteen (14) structures (three single span dual bridges, and three multi-span dual bridges, and one partial multi-span dual bridge).

2. S.R. 0220, Section B10, Centre and Blair Counties  
Local Name: Route 220 Relocation (Paving) This project involves the paving of a four-lane limited access highway on new alignment approximately 8.9 miles in length with the mainline pavement type being plain cement concrete.

3. S.R. 0022, Section C10, Centre and Blair Counties  
Local Name: Route 220 Relocation (Grading) This project involves the grading of a four-lane limited access highway on new alignment approximately 8.9 miles in length with approximately 6.5 million cubic yards of excavation, one culvert, one retaining wall.

Department policy requires firms providing construction inspection services to have a Federal Acquisition Regulation (FAR) field overhead rate established. The Department's current policy (SOL-430-91-34) requires a firm to submit their proposed field and office cost allocation approach, before the beginning of the fiscal year where the separate overhead rates would apply. This approach must comply with the provisions set forth in Part 31 of the Federal Acquisition Regulations (48 CFR Chapter 1) which governs the determination of the eligibility of costs making up the firm's Direct and Indirect Costs.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- b. Past Performance.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Number of available inspectors in each payroll classification.
- e. Number of NICET certified inspectors in each payroll classification.
- f. Ability to provide CPM scheduling.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

Part I—S.R. 0220, Section A10

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	8 (5)
Technical Assistant—1 (TA-1) (NICET Highway Construction Level 1 or equivalent)	2 (0)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

Part II—S.R. 0220, Section B10

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	8 (5)
Technical Assistant—1 (TA-1) (NICET Highway Construction Level 1 or equivalent)	2 (0)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

Part III—S.R. 0220, Section C10

<i>Classification</i>	<i>No. of Inspectors</i>
The same compliment of inspectors could be assigned to Section C10.	Same as Section B10.

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- \* One TCI must have a CDS certification.
- \* One TCI must have a concrete certification.
- \* One TCI must have a bituminous field certification.

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2001:

<i>Payroll Classification Rate Reimbursement Inspection</i>	<i>Maximum Hourly Payroll Per Hour of (Year 2001)</i>
(TCM-2)	\$27.43
(TCM-1)	\$24.03
(TCIS)	\$21.05
(TCI-Materials)	\$18.16
(TCI)	\$17.65
(TA-1)	\$14.28
(TA)	\$12.13

If applicable, the maximum straight time hourly payroll rate for subsequent calendar years will be established at the scope of work meeting.

The maximum hourly payroll rate is the maximum hourly rate paid to an employee in a specific Department Payroll classification. The Department reserves the right to negotiate hourly payroll rates of compensation of individuals based on knowledge, experience and education up to the payroll classification maximum hourly payroll rate.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment:

- 1 Nuclear Densometer Gauge/License
- 1 Vehicle for the Transportation of Nuclear Gauge
- 5 Cellular Phones

The Department will directly reimburse the selected engineering firm for the above equipment, for use by the consultant inspection staff at their actual cost not to exceed the maximum direct reimbursement shown below.

- \* Nuclear Densometer @ \$660.00 each Maximum/month Gauge
- \* Vehicle for Gauge @ \$650.00 each Maximum/month
- \* Cell Phone Usage\* As per invoice

If the equipment is self-owned, reimbursement will be based on actual cost of ownership not to exceed the

maximum allowable. If equipment is from an outside supplier, the engineer must secure a minimum of three (3) written quotes. The Department reserves the right to request additional quotes.

\* Cost of phone and activation fees are not eligible for direct reimbursement

The Department will reimburse for actual miles driven on the project as directed by the Department, and a maximum of \$32.50/day for either mileage to and from the work site or lodging. An inspector will not be reimbursed for a combination of the two during the same day. Mileage will be reimbursed for the most direct route from the inspector's residence or the Consultant's office, whichever is less, to the project site and return at the lesser of the maximum mileage rate established by the Commonwealth or the firm's current policy. The first 15 miles each day of an inspector's commute from and to his/her residence or the consultant's office to the work location is considered normal commuting travel and will not be eligible for mileage reimbursement. Lodging will be reimbursed at a maximum rate of \$32.50/day, in lieu of mileage, but receipts for all costs must be provided to the Department with the Engineer's invoice. Lodging will only be reimbursed for employees whose home or headquarters is more than 65 miles from the project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-2, TCM-1 and/or TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

Part I—S.R. 0220, Section A10

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	2
TCI-M	2
TCI	10

Part II—S.R. 0220, Section B10

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	3
TCI-M	2
TCI	10

Part I—S.R. 0220, Section C10

<i>Classification</i>	<i>No. of Resumes</i>
The same compliment of inspectors could be assigned to Section C10.	Same as Section B10.

No resumes are required for the TA-1 and TA Classifications.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of four (4) pages (8 1/2" x 11", one sided), including any transmittal sheets, plus an organizational chart (up to 11" x 17" size) and additional resumes, if applicable. Any number and/or page size beyond these

maximums will not be reviewed by the Department. See the General Requirements and Information Section for additional Letter of Interest conditions.

The Letter of Interest submission shall be sent to:

Mr. George M. Khoury, P.E., District Engineer  
 Engineering District 2-0  
 1924-30 Daisy Street, P. O. Box 342  
 Clearfield, PA 16830

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Vasco A. Ordenez, P.E., District 2-0, at (814) 765-0439.

**Allegheny, Beaver and Lawrence Counties  
 Project Reference No. 08430AG2643**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately eleven (11) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

Group Jobs 2001: 111-01-7135-1, 111-01-7135-2, 111-01-7135-3, 111-01-7135-4, 111-01-7135-5, 111-01-7135-6, 112-01-7135-1, 114-01-7135-1.

These Group Jobs involve milling, resurfacing, base repairs, manual patching, shoulders and bituminous gutters, drainage, guide rail and maintenance and protection of traffic to various state routes in Engineering District 11-0, that is Allegheny, Beaver and Lawrence Counties.

Department policy requires firms providing construction inspection services to have a Federal Acquisition Regulation (FAR) field overhead rate established. The Department's current policy (SOL-430-91-34) requires a firm to submit their proposed field and office cost allocation approach, before the beginning of the fiscal year where the separate overhead rates would apply. This approach must comply with the provisions set forth in Part 31 of the Federal Acquisition Regulations (48 CFR Chapter 1) which governs the determination of the eligibility of costs making up the firm's Direct and Indirect Costs.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- b. Past Performance.
- c. Understanding of Department's requirements, policies, and specifications.

d. Number of available inspectors in each payroll classification.

e. Number of NICET certified inspectors in each payroll classification.

f. Ability to provide CPM scheduling.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	7 (5)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, sub field of Highway Construction, or sub field of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum hourly payroll rate for each Department Payroll Classification for calendar year 2000 shall be as shown:

<i>Payroll Classification</i>	<i>Maximum Straight Time Hourly Payroll Rate (Year 2000)</i>
(TCIS)	\$20.34
(TCI)	\$17.05
(TA)	\$11.72

If applicable, the maximum straight time hourly payroll rate for subsequent calendar years will be established at the scope of work meeting.

The maximum hourly payroll rate is the maximum hourly rate paid to an employee in a specific Department Payroll classification. The Department reserves the right

to negotiate hourly payroll rates of compensation of individuals based on knowledge, experience and education up to the payroll classification maximum hourly payroll rate.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The firm selected will be required to supply the following equipment:

*Quantity Item*

1	Nuclear Densometer Gauges/License
1	Vehicle for Transporting Nuclear Gauge
7	Cellular Phones (for Engineer's employees only)

The Department will directly reimburse the selected engineering firm for the above equipment, for use by the consultant inspection staff at their actual cost not to exceed the maximum direct reimbursement shown below.

- Vehicle for Gauge @ \$650.00 each Maximum/month
- Nuclear Densometer @ \$660.00 each Maximum/month Gauge
- Cell Phone Usage\* As per invoice

If the equipment is self-owned, reimbursement will be based on actual cost of ownership not to exceed the maximum allowable. If equipment is from an outside supplier, the engineer must secure a minimum of three (3) written quotes. The Department reserves the right to request additional quotes.

\* Cost of phone and activation fees are not eligible for direct reimbursement

The Department will reimburse for actual miles driven on the project as directed by the Department, and a maximum of \$32.50/day for either mileage to and from the work site or lodging. An inspector will not be reimbursed for a combination of the two during the same day. Mileage will be reimbursed for the most direct route from the inspector's residence or the Consultant's office, whichever is less, to the project site and return at the lesser of the maximum mileage rate established by the Commonwealth or the firm's current policy. The first 15 miles each day of an inspector's commute from and to his/her residence or the consultant's office to the work location is considered normal commuting travel and will not be eligible for mileage reimbursement. Lodging will be reimbursed at a maximum rate of \$32.50/day, in lieu of mileage, but receipts for all costs must be provided to the Department with the Engineer's invoice. Lodging will only be reimbursed for employees whose home or headquarters is more than 65 miles from the project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS

positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	3
TCI	9
TA	3

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided (any pages beyond 3 will not be reviewed by the Department), plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Raymond S. Hack, P.E., District Engineer  
Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
Attention: Design Development Unit

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Bob Collins, P.E., phone number: (412) 429-4928, fax number: (412) 429-4933.

**Philadelphia County  
Project Reference No. 08430AG2644**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately seven (7) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S.R. 0063, Section NW4, Route 63, Woodhaven Road, Philadelphia County.

This project involves construction of ground mounted and structure mounted sound barriers, installation of guide rail, and other miscellaneous construction items.

Department policy requires firms providing construction inspection services to have a Federal Acquisition Regulation (FAR) field overhead rate established. The Department's current policy (SOL-430-91-34) requires a firm to submit their proposed field and office cost allocation approach, before the beginning of the fiscal year where the separate overhead rates would apply. This approach must comply with the provisions set forth in Part 31 of the Federal Acquisition Regulations (48 CFR Chapter 1) which governs the determination of the eligibility of costs making up the firm's Direct and Indirect Costs. The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized expe-

rience in Maintenance and Protection of Traffic, sound barriers, and guide rail installation.

b. Understanding of Department's requirements, policies, and specifications.

c. Number of available inspectors in each payroll classification.

d. Number of NICET certified inspectors in each payroll classification.

e. Ability to provide one (1) "CDS" operator or person capable of inputting data into a personal computer (TCIS Classification).

f. Past performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications. If the contractor's work schedule changes, additional inspectors may be required. At this time, the number of inspectors required for this project is as follows:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	4 (3)
Technical Assistant—1 (TA-1) (NICET Highway Construction Level 1 or equivalent)	1 (0)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum hourly payroll rate for each Department Payroll Classification for calendar year 2001 shall be as shown:

<i>Payroll Classification</i>	<i>Maximum Straight Time Hourly Payroll Rate (Year 2001)</i>
(TCIS)	\$21.05
(TCI)	\$17.65
(TA-1)	\$14.28
(TA)	\$12.13

If applicable, the maximum straight time hourly payroll rate for subsequent calendar years will be established at the scope of work meeting.

The maximum hourly payroll rate is the maximum hourly rate paid to an employee in a specific Department Payroll classification. The Department reserves the right to negotiate hourly payroll rates of compensation of individuals based on knowledge, experience and education up to the payroll classification maximum hourly payroll rate.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing on structures during construction of sound walls.

The firm selected will be required to supply the following equipment:

<i>Quantity</i>	<i>Item</i>
{6}	Cellular Phones (for Engineer's employees only)

The Department will directly reimburse the selected engineering firm for the above equipment, for use by the consultant inspection staff at their actual cost not to exceed the maximum direct reimbursement shown below.

- Cell Phone Usage\* As per invoice

If the equipment is self-owned, reimbursement will be based on actual cost of ownership not to exceed the maximum allowable. If equipment is from an outside supplier, the engineer must secure a minimum of three written quotes. The Department reserves the right to request additional quotes.

\* Cost of phone and activation fees are not eligible for direct reimbursement

The Department will reimburse for actual miles driven on the project as directed by the Department, and a maximum of \$32.50/day for either mileage to and from the work site or lodging. An inspector will not be reimbursed for a combination of the two during the same day. Mileage will be reimbursed for the most direct route from the inspector's residence or the Consultant's office, whichever is less, to the project site and return at the lesser of the maximum mileage rate established by the Commonwealth or the firm's current policy. The first 15 miles each day of an inspector's commute from and to his/her residence or the consultant's office to the work location is considered normal commuting travel and will not be eligible for mileage reimbursement. Lodging will be reimbursed at a maximum rate of \$32.50/day, in lieu of mileage, but receipts for all costs must be provided to the

Department with the Engineer's invoice. Lodging will only be reimbursed for employees whose home or headquarters is more than 65 miles from the project.

The goal for Disadvantage Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for the TCIS position, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	2
TCI	5
TA-1	0
TA	0

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided (any pages beyond 3 will not be reviewed by the Department), plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Andrew L. Warren, District Administrator  
Engineering District 6-0  
7000 Geerdes Blvd.  
King of Prussia, PA 19406-1525

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Nas Aini, phone number (610) 205-6691, fax number (610) 205-6672.

**Luzerne County  
Project Reference No. 08430AG2645**

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately thirteen (13) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on S.R. 2005, Section 371, Carey Avenue Bridge, Luzerne County.

This project involves the replacement of the existing Carey Avenue Bridge on new alignment between Hanover Township and Larksville Borough. The replacement structure will be upstream of the existing bridge and will carry two lanes of traffic in each direction. Work will also include widening of Traffic Route 11, roadway approach work, traffic signalization, signing, drainage and guide rail. The Department is utilizing the Modified Turn-key process for this project whereby the contractor will prepare final design plans from the Department's conceptual plans.

Department policy requires firms providing construction inspection services to have a Federal Acquisition Regulation (FAR) field overhead rate established. The Department's current policy (SOL-430-91-34) requires a firm to submit their proposed field and office cost allocation approach, before the beginning of the fiscal year

where the separate overhead rates would apply. This approach must comply with the provisions set forth in Part 31 of the Federal Acquisition Regulations (48 CFR Chapter 1) which governs the determination of the eligibility of costs making up the firm's Direct and Indirect Costs.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- Number of available inspectors in each payroll classification.
- Number of NICET and NECEPT certified inspectors in each payroll classification.
- Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- Understanding of Department's requirements, policies and specifications.
- Past Performance.

A minimum of two (2) TCI's must be certified by the Northeast Center of Excellence for Pavement Technology (NECEPT) as Field Technicians in concrete and bituminous. Letters of Interest must clearly indicate which inspectors meet this requirement.

At least one Transportation Construction Inspector (TCI) assigned to this contract must be certified in the Department's Construction Documentation System (CDS). Clearly indicate which inspector(s) meet this requirement in the Letter of Interest.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector— Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	10 (10)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (1)



The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum hourly payroll rate for each Department Payroll Classification for calendar year 2000 shall be as shown:

<i>Payroll Classification</i>	<i>Maximum Straight Time Hourly Payroll Rate (Year 2000)</i>
(TCIS)	\$20.34
(TCI-Materials)	\$17.55
(TCI)	\$17.05
(TA)	\$11.72

If applicable, the maximum straight time hourly payroll rate for subsequent calendar years will be established at the scope of work meeting.

The maximum hourly payroll rate is the maximum hourly rate paid to an employee in a specific Department Payroll classification. The Department reserves the right to negotiate hourly payroll rates of compensation of individuals based on knowledge, experience and education up to the payroll classification maximum hourly payroll rate.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment:

<i>Quantity</i>	<i>Item</i>
2	Cellular Phones (for Engineer's employees only)
2	Pagers
10	Paint Test Medical Kits

The Department will directly reimburse the selected engineering firm for the above equipment, for use by the consultant inspection staff at their actual cost not to exceed the maximum direct reimbursement shown below.

- Cell Phone Usage\* As per invoice
- Pagers As per invoice
- Paint Inspection Medical Tests As per invoice

If the equipment is self-owned, reimbursement will be based on actual cost of ownership not to exceed the maximum allowable. If equipment is from an outside supplier, the engineer must secure a minimum of three written quotes. The Department reserves the right to request additional quotes.

\* Cost of phone and activation fees are not eligible for direct reimbursement

The Department will reimburse for actual miles driven on the project as directed by the Department, and a maximum of \$32.50/day for either mileage to and from the work site or lodging. An inspector will not be reimbursed for a combination of the two during the same day. Mileage will be reimbursed for the most direct route from the inspector's residence or the Consultant's office, whichever is less, to the project site and return at the lesser of the maximum mileage rate established by the Commonwealth or the firm's current policy. The first 15 miles each day of an inspector's commute from and to his/her residence or the consultant's office to the work location is considered normal commuting travel and will not be eligible for mileage reimbursement. Lodging will be reimbursed at a maximum rate of \$32.50/day, in lieu of mileage, but receipts for all costs must be provided to the Department with the Engineer's invoice. Lodging will only be reimbursed for employees whose home or headquarters is more than 65 miles from the project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-2, TCM-1 and/or TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	2
TCI-M	2
TCI	12
TA	2

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided (any pages beyond 3 will not be reviewed by the Department), plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Charles M. Mattei, P.E., District Engineer  
 Engineering District 4-0  
 Oneill Highway  
 Dunmore, Pa. 18512  
 Attn: David Skrocki, P.E.  
 Assistant District Engineer-Construction

The Letter of Interest submission for this project reference number must be received at the address listed

above by 4:00 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Joseph Chilek, P.E., Construction Services Engineer, phone number (570) 963-4033, fax number (570) 963-4954.

#### General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

For District projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The letter of interest must include full disclosure of any potential conflict of interest by the prime or any subconsultant based on Engineering Involvement Restrictions Guidelines as established in Strike-off Letter No. 433-00-02 published March 27, 2000. If there are no potential conflicts you shall include the following statement: "I have reviewed Strike-off Letter No. 433-00-02 and determine that there are no potential conflicts of interest for anyone on this project team."

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project,

firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposed DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Letters of Interest for will be considered non-responsive and eliminated from further consideration for any of the following reasons:

1. Letters of Interest not received on time.
2. Project of interest is not identified.
3. An Annual Qualification Package for the prime consultant and all subconsultants is not on file with the organization receiving the Letter of Interest.
4. Conflict of Interest evaluation statement is not included.
5. A Disadvantaged Business Enterprise (DBE) participation goal is established for the Project Reference Number but no DBE/WBE is identified and no good faith effort is included.
6. Firm submitted a Letter of Interest on more than one (1) Joint Venture or a firm submitted a Letter of Interest as a prime and was also included as a subconsultant, to another firm. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm, or firms, involved.

In addition to the above reasons, a Letter of Interest for Construction Inspection Services will be considered non-responsive for any of the following reasons:

1. Prime consultant or any subconsultant does not have a Federal Acquisition Regulation (FAR) Audit Field Overhead Rate on file with the Department.
2. Using an individual's resume without including a letter granting the individual's approval for TCIS and higher positions.
3. Exceeding the maximum number of resumes in a payroll classification.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicita-

tions requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-2088. Filed for public inspection December 1, 2000, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Cancellation of Meeting

The December 19, 2000, Environmental Quality Board meeting has been canceled. The next meeting of the Board is scheduled for January 16, 2001, at 10 a.m. in Room 105 of the Rachel Carson State Office Building (RCSOB), Harrisburg.

JAMES M. SEIF,  
*Chairperson*

[Pa.B. Doc. No. 00-2089. Filed for public inspection December 1, 2000, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Designations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) is designating the following waters as subject to Chapter 65 (relating to special fishing regulations), effective January 1, 2001:

#### 58 Pa. Code § 65.4a. All-Tackle Trophy Trout.

The following water is designated to be regulated and managed under the All-Tackle Trophy Trout Program and is added to the list of waters subject to these regulations (58 Pa. Code § 65.4a):

<i>County</i>	<i>Water</i>	<i>Description</i>
Somerset/ Fayette	Youghiogheny River	From the confluence with Ramcat Run downstream to the Route 381 Bridge at Ohiopyle, a distance of 9 miles.

#### 58 Pa. Code § 65.5. Catch-and-Release Areas.

The following water is designated to be regulated and managed as a Catch-and-Release Area and is added to the list of waters subject to these regulations (58 Pa. Code § 65.5):

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Clinton	Fishing Creek	From the State Game Lands #295 Boundary located 300 yards downstream of the upstream SR 2002 bridge downstream to a point 1.3 miles upstream of the lower SR 2002 bridge, a distance of 2.0 miles.

#### 58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas.

The following water is designated to be regulated and managed under the Delayed Harvest Artificial Lures Only Program and is added to the list of waters subject to these regulations (58 Pa. Code § 65.6):

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Clarion	Piney Creek	From the SR 2016 bridge downstream to 0.2 mile upstream of the SR 0066 bridge, a distance of 1.2 miles.

#### 58 Pa. Code § 65.7. Trophy Trout Program.

The following stream section is removed from the list of waters regulated and managed under the Trophy Trout Program:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Clinton	Fishing Creek	From the State Game Lands #295 Boundary located 300 yards downstream of the upstream SR 2002 bridge downstream to a point 1.3 miles upstream of the lower SR 2002 bridge, a distance of 2.0 miles.

The limits of Fishing Creek that are currently regulated and managed under the Trophy Trout Program are now described as follows:

From the private lane bridge at the Tylersville Fish Culture Station downstream to the State Game Lands #295 Boundary located 300 yards downstream of the upstream SR 2002 bridge, a distance of 0.9 mile.

From a point 1.3 miles upstream of the lower SR 2002 bridge to Flemings Bridge (SR 2004), a distance of 2.1 miles.

#### 58 Pa. Code § 65.9. Big Bass Special Regulations.

The following lake is designated to be regulated and managed under the Big Bass Special Regulations and is added to the list of waters subject to these regulations (58 Pa. Code § 65.9):

<i>County</i>	<i>Water</i>
Northampton	Minsi Lake

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 00-2090. Filed for public inspection December 1, 2000, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 16, 2000, and took the following action:

*Regulations Approved:*

Environmental Quality Board #7-347: Universal Waste Rule—Addition of Mercury-Containing Devices (amends 25 Pa. Code Chapters 261a, 266b, 268a and 270a).

*Commissioners Voting:* John R. McGinley, Jr., Chairperson, by Phone, Alvin C. Bush, Vice Chairperson, Arthur Coccodrilli, Robert J. Harbison, III, John F. Mizner

Public Meeting held  
November 16, 2000

*Environmental Quality Board Universal Waste Rule—Addition of Mercury-Containing Devices; Regulation No. 7-347*

On February 3, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 261a, 266b, 268a and 270a. The proposed regulation was published in the February 26, 2000 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on October 24, 2000.

This rulemaking will add “mercury-containing devices” to the list of universal wastes. The EQB has concluded that listing mercury-containing devices as universal waste will encourage recycling of mercury-containing devices without increasing risk to the environment or public.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. §§ 6018.105, 6018.401—6018.403 and 6018.501) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commissioner:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-2091. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Notice of Comments Issued

Section 5(d) and (g) of the Regulatory Review Act (71 P. S. § 745.5(d) and (g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (75 P. S. § 745.5a(h) and (i)).

The Commission issued Comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

*Final-Form  
Submission  
Deadline*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
7-345	Environmental Quality Board Host Municipality Fund Allocation	11/16/00	10/16/02

### Environmental Quality Board Regulation No. 7-354 Host Municipality Fund Allocation November 16, 2000

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Environmental Quality Control Board (EQB) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by October 16, 2002, the regulation will be deemed withdrawn.

#### 269a.221. Allocation of the Fund.—Statutory authority.

This section implements section 305(e) of the act (35 P. S. § 6020.305(e)), which, in part, lists the four criteria upon which the distribution of funds is to be based and requires that all four criteria be considered. The act does not authorize the deletion of any of these criteria.

The proposed amendment deletes two of the statutory criteria from the existing regulation. These criteria are contained in subsection (d)(1)(i), relating to the toxicity, mobility and other characteristics of the hazardous waste and subsection (d)(1)(ii), relating to the proximity of the facility to persons or natural resources which would be endangered by the escape of the hazardous waste from the facility.

We object to the deletion of criteria mandated by section 305(e) of the act. Therefore, these two criteria should be restored in the final-form regulation.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-2092. Filed for public inspection December 1, 2000, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; James R. Donofrio; Doc. No. SC00-11-017

Notice is hereby given of the Order to Show Cause issued on November 17, 2000, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the referenced matter. Violation of the following is alleged: sections 604 and 639 of the Insurance Department Act of 1921 (40 P. S. §§ 234 and 279); and 31 Pa. Code §§ 37.46 and 37.47.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); Special

Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-2093. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Application for Approval to Redomesticate

Reliant Insurance Company, a Michigan stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Michigan to the Commonwealth of Pennsylvania. The filing was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 et seq. Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-2094. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68)

in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

The administrative hearings will be held in the Insurance Department's Offices in Pittsburgh, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Frederick D. Wagner; file no. 00-303-71537; Liberty Mutual Insurance Group; doc. no. P100-11-014; January 12, 2001, 3:15 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-2095. Filed for public inspection December 1, 2000, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by Section 2 of the act of October 19, 1995 (P. L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban

Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 16, 2000, that the salaries covered by that law shall be increased by 2.0% effective January 1, 2001. The following chart sets out the agency head position, the salary prior to the adjustment, the percentage amount of the adjustment, and the new salary:

**COLA Adjustment for Elected and Appointed Officials Receiving Salaries Contained in Act 1995-51**

COLA ADJUSTMENT IS BASED ON THE PERCENT CHANGE IN THE CPI-U FOR PA-DE-NJ-MD, CMSA, FOR THE 12 MONTH PERIOD ENDING NOVEMBER 2000

<i>Position</i>	<i>Salary Prior to 1/1/2001</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2001</i>
Governor	\$135,559	2.0%	\$138,270
Lieutenant Governor	\$113,870	2.0%	\$116,147
State Treasurer	\$112,785	2.0%	\$115,041
Auditor General	\$112,785	2.0%	\$115,041
Attorney General	\$112,785	2.0%	\$115,041
Large Agency Head	\$108,448	2.0%	\$110,617
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$103,025	2.0%	\$105,086
Secretary of Aging			
Secretary of Community & Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation & Natural Resources			
Small Agency Head	\$97,603	2.0%	\$99,555
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Liquor Control Board			
Chairman	\$55,091	2.0%	\$56,193
Member	\$52,922	2.0%	\$53,980
Civil Service Commission			
Chairman	\$44,057	2.0%	\$44,938
Member	\$44,057	2.0%	\$44,938
State Tax Equalization Board			
Chairman	\$18,979	2.0%	\$19,359
Member	\$17,622	2.0%	\$17,974
Milk Marketing Board			
Chairman	\$17,622	2.0%	\$17,974
Member	\$16,945	2.0%	\$17,284
Securities Commission***			
Chairman	\$29,651	2.0%	\$30,244
Member	\$27,050	2.0%	\$27,591
Athletic Commission			
Chairman	\$14,235	2.0%	\$14,520
Member	\$13,556	2.0%	\$13,827
Board of Pardons			
Member	\$12,472	2.0%	\$12,721
Board of Claims			
Chairman	\$91,962	2.0%	\$93,801
Member	\$87,626	2.0%	\$89,379
Public Utility Commission			
Chairman	\$105,525	**	\$107,586
Member	\$103,025	2.0%	\$105,086

<i>Position</i>	<i>Salary Prior to 1/1/2001</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2001</i>
Environmental Hearing Board*			
Chairman	\$105,525	*	\$107,586
Member	\$103,025	*	\$105,086

\*: The Environmental Hearing Board is not contained in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

\*\* : Act 1995-51 requires that the PUC Chairman shall receive \$2,500/yr. more than PUC Members.

\*\*\*: Per Act 1998-51.

ROBERT BITTENBENDER,  
*Secretary*

[Pa.B. Doc. No. 00-2096. Filed for public inspection December 1, 2000, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (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 December 26, 2000, as set forth at 52 Pa. Code § 3.381 (relating to the applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00117320, Folder 2. Keith F. Martinelli** (156-408 Tannersville Plaza, Tannersville, Monroe County, PA 18372)—persons, in airport transfer service, from points in the counties of Carbon, Monroe and Pike, to airports located in Pennsylvania.

**A-00117335. Exeter Ambulance Association** (30 Fairlane Road, Reading, Berks County, PA 19606), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in the county of Berks, and from points in said county, to points in Pennsylvania, and vice versa. *Attorney:* Douglas M. Wolfberg, 5002 Lenker Street, Suite 202, Mechanicsburg, PA 17055.

**A-00117346. New Age, Inc.** (39 East High Street, Womelsdorf, Berks County, PA 19567), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points in the counties of Berks, Lancaster and Lebanon, and from points in said counties, to points in Pennsylvania, and vice versa. *Attorney:* Russell W. Scianna, P. O. Box 7622, Reading, PA 19603.

**Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.**

**A-00111153, Folder 3. Absolute Limousine Service, Inc.** (1115 Farragut Street, Pittsburgh, Allegheny County, PA 15206), a corporation of the Commonwealth of Pennsylvania—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

[Pa.B. Doc. No. 00-2097. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Telecommunications Without Hearing

**A-310580F0005; A-310580F0006; A-310215F2000; A-310459F2000. BLT Technologies, Inc., Touch 1 Long Distance, Inc. and MCI Worldcom Communications, Inc.** Joint Application of BLT Technologies, Inc., Touch 1 Long Distance, Inc., and MCI Worldcom Communications, Inc., for approval of the merger of BLT Technologies and Touch 1 Long Distance into MCI Worldcom Communications, and for BLT Technologies and Touch 1 Long Distance to abandon telecommunications services in PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before December 18, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* MCI Worldcom Communications, Inc., BLT Technologies, Inc., Touch 1 Long Distance, Inc.

*Through and by Counsel:* Kathleen Misturak-Gingrich, Esquire, Eckert Seamans Cherin and Mellott, 213 Market Street, 8th Floor, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2098. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Telecommunications

**A-310448F0003. Verizon Pennsylvania Inc. and A.R.C. Networks, Inc.** Joint Petition of Verizon Pennsylvania Inc. and A.R.C. Networks, Inc. for approval of Amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and A.R.C. Networks, Inc., by its counsel, filed on November 10, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of Amendment No. 2 to the Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and A.R.C. Networks, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2099. Filed for public inspection December 1, 2000, 9:00 a.m.]

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### Telecommunications

**A-310886F0002. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Cardinal Communications of Pennsylvania, Inc. d/b/a Broadslate Networks of Pennsylvania, Inc.** Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Cardinal Communications of Pennsylvania, Inc. d/b/a Broadslate Networks of Pennsylvania, Inc. for approval of Amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Cardinal Communications of Pennsylvania, Inc. d/b/a Broadslate Networks of Pennsylvania, Inc., by its counsel, filed on November 10, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of Amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Cardinal Communications of Pennsylvania, Inc. d/b/a Broadslate Networks of Pennsylvania, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2100. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Telecommunications

**A-310838F0002. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone.** Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone for approval of Amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone, by its counsel, filed on November 10, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of Amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Cavalier Telephone Mid-Atlantic, LLC, d/b/a Cavalier Telephone Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2101. Filed for public inspection December 1, 2000, 9:00 a.m.]

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### Telecommunications

**A-310738F0002. Verizon Pennsylvania Inc. and D & E Systems, Inc.** Joint Petition of Verizon Pennsylvania Inc. and D & E Systems, Inc. for approval of Amendment No. 4 to the Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and D & E Systems, Inc., by its counsel, filed on November 10, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of Amendment No. 4 to the Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and D & E Systems, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2102. Filed for public inspection December 1, 2000, 9:00 a.m.]



## Telecommunications

**A-310535. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Network Access Solutions Corporation.** Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Network Access Solutions Corporation for approval of Amendment No. 1 to the Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Network Access Solutions Corporation, by its counsel, filed on November 13, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of Amendment No. 1 to the Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Network Access Solutions Corporation Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2103. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Telecommunications

**A-310692F0002. Verizon Pennsylvania Inc. and NorthPoint Communication, Inc.** Joint Petition of Verizon Pennsylvania Inc. and NorthPoint Communication, Inc. for approval of Amendment No. 1 to the Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and NorthPoint Communication, Inc., by its counsel, filed on November 13, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of Amendment No. 1 to the Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and NorthPoint Communication, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2104. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Telecommunications

**A-310743F0002. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and PaeTec Communications, Inc.** Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and PaeTec Communications, Inc. for approval of Amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and PaeTec Communications, Inc., by its counsel, filed on November 10, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of Amendment No. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and PaeTec Communications, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2105. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Telecommunications

**A-310946F0002. Verizon Pennsylvania Inc. and Pathnet, Inc.** Joint Petition of Verizon Pennsylvania Inc. and Pathnet, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Pathnet, Inc., by its counsel, filed on November 10, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Pathnet, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2106. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Telecommunications

**A-310894F0002. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and SBC Telecom, Inc.** Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and SBC Telecom, Inc. for approval of Amendments Nos. 1, 2 and 3 to the Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and SBC Telecom, Inc., by its counsel, filed on November 10, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of Amendments Nos. 1, 2 and 3 to the Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and SBC Telecom, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2107. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Telecommunications

**A-310836F0002. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and 2nd Century Communications.** Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and 2nd Century Communications for approval of a Replacement Interconnection Agreement in the form of adoption of an Interconnection Agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and 2nd Century Communications, by its counsel, filed on November 13, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and 2nd Century Communications Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2108. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Telecommunications

**A-310415F0003. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and UniDial Communications, Inc.** Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and UniDial Communications, Inc. for approval of Amendments Nos. 1 and 2 to the Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and UniDial Communications, Inc., by its counsel, filed on November 13, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of Amendments Nos. 1 and 2 to the Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and UniDial Communications, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2109. Filed for public inspection December 1, 2000, 9:00 a.m.]

## Telecommunications

**A-311037. United Telephone Company of Pennsylvania d/b/a Sprint and Arch Wireless Holdings, Inc. and Mobile Communications Corporation of America.** Joint Petition of the United Telephone Company of Pennsylvania d/b/a Sprint and Arch Wireless Holdings, Inc. and Mobile Communications Corporation of America for approval of a Commercial Mobile Radio Services Interconnection Agreement under sections 251, 252 and/or 332, as applicable, of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and Arch Wireless Holdings, Inc. and Mobile Communications Corporation of America, by its counsel, filed on November 14, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Arch Wireless Holdings, Inc. and Mobile Communications Corporation of America Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2110. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Telecommunications

**A-310593. United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-Reconex.** Joint Petition of the United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-Reconex for approval of a Resale Agreement under sections 251 and 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-Reconex, by its counsel, filed on November 14, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and 1-800-Reconex Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2111. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Transfer Control Without Hearing

**A-310401 F0003. Worldcom, Inc. and Intermedia Communications, Inc.** Joint Application of Worldcom, Inc. and Intermedia Communications, Inc., for approval to transfer control of Intermedia Communications, Inc., to Worldcom, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before December 18, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Worldcom, Inc., Intermedia Communications, Inc.

*Through and by Counsel:* Kathleen Misturak-Gingrich, Esquire, Eckert Seamans Cherin and Mellott, 213 Market Street, 8th Floor, Harrisburg, PA 17101.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2112. Filed for public inspection December 1, 2000, 9:00 a.m.]

### Water Service Without Hearing

**A-212285 F0080. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to begin to offer, render, furnish or supply water service to the public in an additional portion of Plymouth Township, Montgomery County, Pennsylvania.

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 December 18, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania-American Water Company

*Through and by Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-2113. Filed for public inspection December 1, 2000, 9:00 a.m.]

## STATE ATHLETIC COMMISSION

### Public Meetings for 2001

The State Athletic Commission of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2001, under Section 103 of the State Athletic Code, 5 Pa.C.S. § 101 *et seq.* All meetings will be held in Room 301, North Office Building, Harrisburg, Pennsylvania 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows:

February 26, 2001  
April 30, 2001  
June 25, 2001  
August 27, 2001  
October 29, 2001  
December 17, 2001

Individuals having questions regarding these meetings should contact the State Athletic Commission at (717) 787-5720.

GREGORY P. SIRB,  
*Executive Director*

[Pa.B. Doc. No. 00-2114. Filed for public inspection December 1, 2000, 9:00 a.m.]

## STATE BOARD OF VOCATIONAL REHABILITATION

### Public Meeting

The State Board of Vocational Rehabilitation will hold its next public meeting in Erie.

*Location:* Bel-Aire Hotel  
2800 West 8th Street  
Erie, PA 16505-4084

*Date:* December 6, 2000

*Time:* 10:30 a.m.—12 noon (Executive Session)—closed to public  
1 p.m.—3 p.m. (Public Session)

Persons who require any special arrangements (including a sign language interpreter or alternate format), should call Nancy Dutchko at (717) 787-1112 or (800) 442-6351.

JOHNNY BUTLER,  
*Secretary*

[Pa.B. Doc. No. 00-2115. Filed for public inspection December 1, 2000, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

December 13, 2000	Beverly H. Gaglione (Purchase Out-of-State Service Credit)	1 p.m.
December 20, 2000	Dennis McKee (Member contesting assigned Federal Income Tax Distribution Code, IRS Form 1099R)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code, Part II unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 00-2116. Filed for public inspection December 1, 2000, 9:00 a.m.]

## STATE SYSTEM OF HIGHER EDUCATION

### Invitation to Bid

The State System of Higher Education, Office of the Chancellor, wishes to secure the services of a claims administrator to provide dental and vision plan administration services for certain employees of the organization. The request for proposal (RFP) and preproposal conference will provide interested vendors with sufficient information to prepare and submit proposals to the Office of the Chancellor for consideration. Please call (717) 720-4160 to request a copy of the RFP document. No commission or broker fees are payable under this contract. The pre-proposal conference will be held December 21, 2000, with responses to the RFP due by 4:30 p.m. on January 8, 2001.

JAMES H. MCCORMICK,  
*Chancellor*

[Pa.B. Doc. No. 00-2117. Filed for public inspection December 1, 2000, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide

#### Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

### Commodities

**1267110** Caps, Blauer Style #9152 Gore-Tex Black Winter Cap with Ear Flaps. No Substitute. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**8252560** Bucket, Right Side Dump (Loader Attachment) without couplar system. 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

**1237230** Land Clearing Machinery. Reference: Blount Model Hydro-AX 721E. No Substitute. For a copy of bid package fax request to (717) 787-0725.

**Department:** Game Commission  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1278200** Equipment for Cessna 208B Aircraft. For a copy of bid package fax request to (717) 787-0725.

**Department:** State Police  
**Location:** New Cumberland, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1273110** Folders, File, Vertical, Gray Pressboard. For a copy of bid package fax request to (717) 787-0725.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1263210** Keys, Stoker, 3/4" Gray Iron, ASTM A 319, Grade I, Type D. For a copy of bid package fax request to (717) 787-0725.

**Department:** Public Welfare  
**Location:** Wernersville, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**1243230** Seed Drill, No-Till, Grass/Grain/Small, 7 Ft. Great Plains Model 705NT No Substitute. For a copy of bid package fax request to (717) 787-0725.

**Department:** Game Commission  
**Location:** Various, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

## SERVICES

### 02—Agricultural Services

**E 6210** Services required for ground application of herbicides on approximately 3,872 acres in various state forest areas throughout Pennsylvania to eliminate competing understory vegetation. Herbicide application to be applied between July 1, 2001 and September 30, 2001. Bid could result in 3 individual contracts.

**Department:** Conservation and Natural Resources  
**Location:** Various areas throughout PA  
**Duration:** 07/01/2001 thru 06/30/2002  
**Contact:** Corinna Walters, (717) 783-0733

**2000-SHRIMP** Cans (312) Brine Shrimp Eggs, Artemia Cysts, Premium Grade, Guaranteed Min. Hatch Rate of 85%. 16 Oz., Vacuum Packed Tins.

**Department:** Fish and Boat Commission  
**Location:** PA Fish & Boat Commission Central Warehouse Robinson Lane Pleasant Gap, PA 16823  
**Duration:** Delivery required within 30 days after receipt of order.  
**Contact:** Kathi Tibbott, (814) 359-5131

**04—Audio/Video, Telecommunications Services**

**5104** STATE CORRECTIONAL INSTITUTION AT MAHANAY IS SEEKING BIDDERS FOR COAX PLENUM AND STRANDED PLENUM WIRE. VENDORS SHOULD REQUEST BID PACKAGE IN WRITING BY MAIL OR FAX 570-621-3096 TO THE ATTENTION OF THE PURCHASING AGENT.

**Department:** Corrections  
**Location:** STATE CORRECTIONAL INSTITUTION AT MAHANAY, 301 MOREA ROAD, SCHUYLKILL COUNTY, FRACKVILLE, PA 17932  
**Duration:** DELIVERY 10-15 DAYS AFTER ORDER RECEIVED BY VENDOR.  
**Contact:** ANN M GAVALA, PURCHASING, (570) 773-2158 EXT 422

**05—Barber/Cosmetology Services & Equip.**

**000033** YDC New Castle is seeking the services of a licensed barber or cosmetologist to provide haircuts, on site, for male students residing at the institution. Please call for a specification package, 724-656-7310. Minority and women business enterprises are invited to submit bids for this service. The tentative start date for the contract is 7-1-2001 and a 60 month contract is being offered.

**Department:** Public Welfare  
**Location:** Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101  
**Duration:** 60 months. (7-1-2001 to 6-30-2006)  
**Contact:** Thomas E. Mateja, PA, (724) 656-7310

**09—Construction & Construction Maintenance**

**DGS553-32DBC** PROJECT TITLE: Design, Construct and Test a New Emissions Control/Particulate Collection System for a Boiler Plant. BRIEF DESCRIPTION: The purpose of this Request for Proposal is to secure design, construction and testing services necessary to complete modifications to the existing Boiler Plant to provide a particulate collection system. The modifications required under this RFP shall permit and accommodate firing with either anthracite or bituminous coal on each of the three existing boilers. The collection system must be approved by the Pennsylvania Department of Environmental Protection (PADEP) and demonstrate compliance with the allowable emissions criteria. The Design/Build Contractor will be the turnkey contractor for this project. ESTIMATED RANGE: \$500,000.00 to \$1,500,000.00. Design, Build and Construct. PLANS DEPOSIT: \$75.00 per set Payable to: COMMONWEALTH OF PA. This price is non-refundable. Contact the office listed below to arrange for delivery of documents. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th & Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: THURSDAY, JANUARY 18, 2001 AT 2:00 P.M. A Pre-Proposal Conference has been scheduled for Tuesday, December 19, 2000 at 10:00 A.M. The conference will be held at the Boiler Plant Building on the grounds of Selinsgrove Center. The facility is located in Selinsgrove, Snyder County. Specific directions to the site may be obtained by contacting Fred Karns, Tel: 717/772-2083. All contractors who have secured contract documents are invited and urged to attend this Pre-Proposal Conference. All questions regarding the RFP or to clarify matters concerning the Proposers responsibilities must be submitted in writing to Norm Klinikowski, tel: 717/783-2593, FAX: 717/772-2036, by no later than 5:00 P.M., Thursday, January 4, 2001. Only firms requesting the RFP will receive a copy of all submitted questions and answers.

**Department:** General Services  
**Location:** Selinsgrove Center, Selinsgrove, Snyder County, Pennsylvania  
**Duration:** ON OR BEFORE December 31, 2002  
**Contact:** CONTRACT & BIDDING UNIT, (717) 787-6556

**FDC-104-919** Repair deteriorated concrete surfaces; grout injection of cracks; seal joints in dam spillway at Chapman State Park in Warren County. NOTE: Requests for Bid Documents will be taken ON or AFTER December 4, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Pleasant Township  
**Duration:** Complete all work by October 31, 2001  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-422-637** Miscellaneous Dam Repairs at Nockamixon State Park in Bucks County. Work includes sluice gate maintenance; gate stem work; chain link fencing; cast-in-place concrete; chemical grout injection; stainless steel ladder; epoxy painting; fall prevention system. NOTE: Requests for Bid Documents will be taken ON or AFTER December 4, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Nockamixon Township  
**Duration:** Complete all work by August 31, 2001  
**Contact:** Construction Management Section, (717) 787-5055

**14—Engineering Services & Consultation**

**08430AG2642** To provide supplementary construction inspection and documentation services on S.R. 0220, Sections A10, B10 and C10 in Centre and Blair Counties. Details concerning this project may be found under Department of Transportation - Retention of Engineering Firms in the Pennsylvania Bulletin, or www.statecontracts.com under via Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 2-0  
**Duration:** Thirty (30) days after construction completion  
**Contact:** N/A, N/A

**08430AG2643** To provide supplementary construction inspection staff for various projects in Engineering District 11-0, that is Allegheny, Beaver and Lawrence Counties. Details concerning this project may be found under Department of Transportation - Retention of Engineering Firms in the Pennsylvania Bulletin, or www.statecontracts.com under via Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Thirty (30) days after construction completion  
**Contact:** N/A, N A

**08430AG2644** To provide supplementary construction inspection staff for S.R. 0063, Section NW4 in Philadelphia County. Details concerning this project may be found under Department of Transportation - Retention of Engineering Firms in the Pennsylvania Bulletin, or www.statecontracts.com under via Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Thirty (30) days after construction completion  
**Contact:** N/A, N A

**08430AG2645** To provide supplementary construction inspection staff for S.R. 2005, Section NW4 in Luzerne County. Details concerning this project may be found under Department of Transportation - Retention of Engineering Firms in the Pennsylvania Bulletin, or www.statecontracts.com under via Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 4-0  
**Duration:** Thirty (30) days after construction completion  
**Contact:** N/A, N A

**02001AG0001** Approximately twenty-five (25) Municipalities in cooperation with the Department will retain engineering firms to provide studies and plans for bridge replacement; construction inspection and support services and NBIS initial inspection upon completion for various municipality owned bridges. Details concerning this project may be found under Department of Transportation - Retention of Engineering Firms in the Pennsylvania Bulletin, or www.statecontracts.com under via Retention of Engineering Firm Data.

**Department:** Transportation  
**Location:** Engineering District 2-0  
**Duration:** Various  
**Contact:** N/A, N A

## 15—Environmental Maintenance Services

**OSM 17(7230)101.1** Abandoned Mine Land Reclamation, Cooper Settlement West involves approximately 208,000 c.y. grading, 490 l.f. corrugated polyethylene pipe, 205 l.f. pvc pipe and 28 acres seeding. Federal funds are available for this project from the \$20.1 million Abandoned Mine Land Grant. This project issues December 1, 2000; payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Cooper Township, Clearfield County  
**Duration:** 280 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**BF 422-101.1** Abandoned Mine Land Reclamation, W. A. Cotterman Coal, involves approximately 20 acres selective grading, 1,800 c.y. ditch excavation, 500 s.y. erosion control mats and blankets, 1,305 s.y. rock lining with filter material and 20 acres seeding. This project issues December 1, 2000; payment in the amount of \$10.00 must be received before bid documents will

**Department:** Environmental Protection  
**Location:** Toby Township, Clarion County  
**Duration:** 280 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

## 17—Financial & Insurance Consulting & Services

**IFB No. 00-1-010** This contract will arrange for the statewide auditing of campaign expense reports of candidates and their political committees after each election. Services must be performed by a certified public accountant.

**Department:** State  
**Location:** 116 Pine Street, Harrisburg, PA 17101  
**Duration:** One Year  
**Contact:** Kathye Bilyeu, (717) 787-3945

## 18—Firefighting Services

**SP 1116000-002** Contractor shall provide fire extinguisher service, hydrostatic pressure tests, and annual preventative maintenance checks to conform with state and local fire codes on fire extinguishers.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Ave., P.O. Box 99901, Pittsburgh, PA 15223  
**Duration:** July 01, 2001 to June 30, 2004  
**Contact:** Carol Schaeffer/Purchasing Agent, (412) 761-1955

## 19—Food

**BID INQUIRY #1044** Fresh Fruit and Vegetables. Bids will be done on a monthly basis for deliveries beginning January 1, 2001 through December 31, 2001. Bid package available from Purchasing Office at the institution.

**Department:** Corrections  
**Location:** STATE CORRECTIONAL INSTITUTION - FRACKVILLE, 1111 ALTAMONT BOULEVARD, FRACKVILLE, PA 17931  
**Duration:** JANUARY 1, 2001 TO DECEMBER 31, 2001  
**Contact:** MARY LOU NEVEROSKY, PURCHASING AGENT, (570) 874-4516, EXT.112

**BID INQUIRY #1045** Foodstuffs, including but not limited to meat, fish, poultry, (including turkey products) frozen vegetables, fresh eggs, cheeses, margarine, (excluding all milk), waffles, pizza, ice cream, and protein alternative products. Bids will be done on a monthly basis for deliveries beginning January 1, 2001 through December 31, 2001. Bid package available from Purchasing Office at the institution.

**Department:** Corrections  
**Location:** STATE CORRECTIONAL INSTITUTION - FRACKVILLE, 1111 ALTAMONT BOULEVARD, FRACKVILLE, PA 17931  
**Duration:** JANUARY 1, 2001 TO DECEMBER 31, 2001  
**Contact:** MARY LOU NEVEROSKY, PURCHASING AGENT, (570) 874-4516, EXT.112



**21—Hazardous Material Services**

**SP 1116000-001** Contractor shall properly label, remove, transport and dispose of waste oil, dibasic ester (Aliphatic Dibasic Acid Esters), waste gasoline, waste perchloroethylene, waste PERC filters and any other waste deemed hazardous.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Ave., P.O. Box 99901, Pittsburgh, PA 15223  
**Duration:** July 01, 2001 to June 30, 2004  
**Contact:** Carol Schaeffer/Purchasing Agent, (412) 761-1955

**22—HVAC**

**SP# 00783030** Replace existing single-phase, 3-wire electrical distribution panelboards in the Administration Building, Dormitories "A" and "B" and School Annex Building with three-phase, 4-wire panelboards. The contract shall include the furnishing of all labor, materials, equipment, tools, and supervision to replace the panelboards. Request a bid package via fax 570-459-3851; Attn: Susan E. Wilkinson Business Manager

**Department:** Public Welfare  
**Location:** Youth Forestry Camp No. 2, Hickory Run State Park, RR#1 Box 82 (Route 534), White Haven, PA 18661  
**Duration:** 6/30/01  
**Contact:** Susan E. Wilkinson, (570) 443-9524

**084S33** Electrical Maintenance and repairs at the York County Maintenance Building and at surrounding stockpile locations in various locations throughout York County. All requests for bid packages must be received via Fax at 717 854-6773 Attn: Vicki Mays, or by telephone 717 848-6230 extn. 312 8am to 4:30pm, Monday thru Friday.

**Department:** Transportation  
**Location:** 1920 Susquehanna Trail North, York, PA 17404  
**Duration:** 2 year period beginning 5-1-2001 with an option to renew for one additional 2 year period.  
**Contact:** Vicki Mays, (717) 848-6230 x 312

**080S56** Plumbing service work at Roadside Rest Area Sites 47&48. Sites are located on Interstate 81 Northbound and Southbound in East Hanover Township Dauphin County. Specifications for this work are available upon request.

**Department:** Transportation  
**Location:** Roadside Rest Sites 47&48, Interstate 81 Northbound and Southbound, East Hanover Township, Dauphin County  
**Duration:** One Year with renewals by mutual consent  
**Contact:** John T. Kennedy, P.E., (717) 787-4776

**1375007163** On call electrical services.

**Department:** Military Affairs  
**Location:** PA Air National Guard, Willow Grove Naval Air Station, Willow Grove, PA  
**Duration:** 1 Feb 01 - 30 Sep 03  
**Contact:** Vicky Lengel, (717) 861-8579

**1381001239** On call electrical services.

**Department:** Military Affairs  
**Location:** West Chester Armory, 226 N High St, West Chester, PA  
**Duration:** 1 Feb 01 - 30 Sep 03  
**Contact:** Vicky Lengel, (717) 861-8579

**SP3500014324** Provide heating, ventilation and air conditioning (HVAC) services, on an as-needed basis, for the Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, as well as other DEP-occupied facilities within a 20-mile radius of the Capitol Complex, Harrisburg, PA.

**Department:** Environmental Protection  
**Location:** Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and within a 20-mile radius of the Capitol Complex, Harrisburg, PA.  
**Duration:** Through June 30, 2002, with option to renew.  
**Contact:** Sharon Peterson, (717) 787-2471

**63-0038** West Chester University of PA of the State System of Higher Education is soliciting sealed bids for Project 63-0038 - Residence Hall LAN Project - Phase 1. The work includes fiber-optic vertical risers and copper horizontal data wiring for Goshen and McCarthy Halls and all work associated with data closets and equipment. The complete system will extend from existing fiber-optic cable in the buildings basements to jacks in individual bedrooms. Data closets will be constructed on nearly every floor will be cored for conduit installation, fiber installed in conduit and copper installed in cable tray, conduit and in exposed metal raceway. Racks will be installed with switches, hubs and patch panels in each data closet - which will be air-conditioned. The University will supply the horizontal copper data cabling, copper data patch cords, copper data voice patch panels, jacks, face plates, switches and hubs. There will be three prime contractors - General, HVAC and electrical. Work to be completed during the summer 2001. A site visit will be conducted at 9:00 a.m. on December 15, 2000 meeting on the first floor of Goshen Hall. Bids are due and will be publicly opened at 11:00 a.m. on January 9, 2001.

**Department:** State System of Higher Education  
**Location:** West Chester University, Goshen and McCarthy Halls, West Chester, PA 19383  
**Duration:** Summer 2001  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**23—Janitorial Services and Supply Rental: Interior**

**Bid #8208** Furnish all equipment, materials and labor to perform janitorial services THREE (3) times a week, including emptying waste baskets, clean lavatories, sweep floors, vacuum carpets, dust furniture at the Skippack Station. Detailed Work Schedule & Bid must be obtained from Facility Management Division, 717-783-5484.

**Department:** State Police  
**Location:** Skippack Station, 2047C Bridge Road, Schwenksville, PA 19473  
**Duration:** 3/1/01 to 6/30/04  
**Contact:** Donna Enders, (717) 783-5484

**24—Laboratory Services, Maintenance & Consulting**

**RFP No. 00-R-004** The Commonwealth is interested in securing and retaining the services of a qualified and credentialed contractor to administer all aspects of our forensic toxicology drug screening program.

**Department:** State  
**Location:** 116 Pine Street, Harrisburg, PA 17101  
**Duration:** Five years  
**Contact:** Kathy Bilyeu, (717) 787-3945

## 28—Mailing Services

**IFB No. 00-I-009** To arrange for the Department's Corporation Bureau to conduct a decennial census of every corporation or other association that is registered with the Bureau and has not filed with the Department from January 1, 1990 through December 31, 2000, to determine their continued existence.

**Department:** State  
**Location:** 116 Pine Street, 2nd Floor Harrisburg, Pennsylvania 17101  
**Duration:** One year  
**Contact:** Kathy Bilyeu, (717) 787-3945

## 29—Medical Services, Equipment Rental and Repairs

**RFP 25-00** Contractor to assist the Department of Public Welfare and the HealthChoices managed care organizations (MCO's) with making information related to the provider network easily accessed in a user friendly format; contractor will also develop education materials about the needs of the disabled; contractor will develop outreach and educational materials to help consumers understand how they can positively advocate their needs; and contractor will assess the Americans with Disabilities Act related to accessibility of the HealthChoices Southwest and Lehigh/Capital provider networks for the disabled. Interested vendors may obtain a copy of the RFP by faxing their request to 717-787-3560.

**Department:** Public Welfare  
**Location:** Scope of work will initially involve the following counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington, Westmoreland, Adams, Berks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, Perry, and York Counties. Future expansion will include the rest of the state.  
**Duration:** The initial term will be effective for a three (3) year period. The Department reserves the right to renew the contract for one(1) additional two(2) year period.  
**Contact:** Ed Blandy, Purchase Agent, (717) 772-4883

## 33—Property Maintenance & Renovation

**SP00882126 REPAIR: SECTIONS OF RESILIENT FLOORS, BLDG #1** - Contractor to remove all sheet flooring in areas to be replaced with new tile to prepare the subfloor. The existing base is to remain. To provide new resilient tile, edging, and reducers in accordance with manufacturer's recommendations. Work shall include Fifth Floor Corridor cleaning of the base and replacement of sheet flooring. To apply floor leveling compound to level the concrete floor prior to installing new tile.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** To be completed on 6/1/2001 from the effective date of the contract.  
**Contact:** Jennifer Karper, Financial Mgr., (717) 749-4012

**50010-000-00-AS-2** (Relocation of Reception Desk (Curiosity Corner, Phase I) Demolition of existing walls & electrical. Construction of new walls & ceilings. New electrical work within existing museum. A pre-bid meeting will be held on Tuesday, December 19, 2000 at 9:00 am at the Reception Desk on the ground floor of the State Museum Building, for all firms interested in submitting bids for the project. For directions contact the Project Manager, Galen Brown at (717) 783-9930. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 --ATTENTION: Judi Yingling (717) 772-2401. All proposals are due on Friday, January 5, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 .

**Department:** Historical and Museum Commission  
**Location:** The State Museum of PA., 300 North Street, Harrisburg, PA 17120  
**Duration:** January 1, 2001 to October 31, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**SP00882122 REPAIR/REPLACE: ROOF, BLDG #01** - Contractor to supply all labor, scaffolding, tools, materials, equipment, and appurtenances to repair/replace a portion of roofing on the building specified. To remove existing membrane roofing or built-up roof, insulation and all related flashing material, down to the concrete deck. To furnish and install a minimum of 1-1/2" thick foam to the roof. To apply foam at edges, penetrations, and existing flashing on parapet walls, and seal all new foam exposed to sunlight with an elastomeric coating and broadcast granular over the elastomeric coating.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** To be completed on 6/1/2001 from the effective date of the contract.  
**Contact:** Jennifer Karper, Financial Mgr., (717) 749-4012

**080S57** Mowing along secondary state-owned highways throughout Franklin County Pennsylvania.

**Department:** Transportation  
**Location:** State owned highways throughout Franklin County Pennsylvania.  
**Duration:** One year contract with renewals by mutual consent.  
**Contact:** John T. Kennedy, P.E., (717) 787-4776

**00671040** Supply all labor, tools, materials, equipment and appurtenances to repair/replace a portion of shingle roofing at Norristown State Hospital's building #23.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** 120 days from effective date of contract.  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

**SP 1106000-009** Contractor will furnish all labor, materials and equipment necessary to install bituminous paving repairs and sealing, complete in place, to various locations inside and outside of the institution's perimeter wall.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Ave., P.O. Box 99901, Pittsburgh, PA 15233  
**Duration:** Upon award of bid till June 30, 2001  
**Contact:** Carol Schaeffer/Purchasing Agent, (412) 761-1955 Ext. 291

**00674-000-99-AS-5** Project involves removal and disposal of asbestos containing materials in the lower level of the maintenance barn of Daniel Boone Homestead. In addition project includes temporary removal and reinstallation of piping unit heaters, garage door tracks and other items; new ceiling furring, rigid insulation board and cement board and cement board panels; new lighting. For directions to the site contact the Project Manager at (717) 787-6944 or the site at (610) 582-4900. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, 400 North Street, Plaza Level, Harrisburg, PA 17120-0053--ATTENTION: Judi Yingling (717) 772-2401. All proposals are due on Tuesday, December 19, 2000 at 11:45 am. Bid opening will be held in the Commonwealth Keystone Building, PA. Historical & Museum Commission, Division of Architecture, Room N118, 400 North Street, Plaza Level, Harrisburg, PA 17120-0053

**Department:** Historical and Museum Commission  
**Location:** Daniel Boone Homestead, 400 Daniel Boone Road, Birdsboro, PA 19508  
**Duration:** January 1, 2001 to October 31, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**50010-000-00-AS-3** (Relocation of Reception Desk (Curiosity Corner, Phase I) Demolition of existing walls & electrical. Construction of new walls & ceilings. New electrical work within existing museum. A pre-bid meeting will be held on Tuesday, December 19, 2000 at 9:00 am at the Reception Desk on the ground floor of the State Museum Building, for all firms interested in submitting bids for the project. For directions contact the Project Manager, Galen Brown at (717) 783-9930. All interested bidders should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 --ATTENTION: Judi Yingling (717) 772-2401. All proposals are due on Friday, January 5, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 .

**Department:** Historical and Museum Commission  
**Location:** The State Museum of PA., 300 North Street, Harrisburg, PA 17120  
**Duration:** January 1, 2001 to October 31, 2001  
**Contact:** Judi Yingling, (717) 772-2401

**SU-00-07** Shippensburg University is seeking vendors interested in submitting proposals for window cleaning for the time frame beginning April 2001 through October 31, 2001. Window cleaning to be performed twice ( Spring & Fall) during this time frame at various buildings located at Shippensburg University campus. Interested vendors should be able to clean 3rd and 4th floor elevations. To be added to the bidders list please FAX your request to ATTN: Pam King at (717) 477-4004, by January 2, 2001. Bid packages to be sent out late January 2001. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 15237  
**Duration:** April 1, 2001 through October 31, 2001  
**Contact:** Pamela A. King, (717) 477-1121

### 35—Real Estate Services

**MRB 35:1** State-owned real estate for sale—Marvine Refuse Bank Property. The Department of Environmental Protection will accept sealed bids for the purchase of approximately 17 acres of land located along Boulevard Avenue in the City of Scranton, Lackawanna County. The parcel is irregular in shape and unimproved. Only surface estate and mine refuse material thereon are being sold. The land is zoned IG General Industrial/Commercial. Bids are due January 24, 2001. Bidding documents can be obtained upon request from the Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, PO Box 8476, Harrisburg, PA 17105-8476, telephone 717-783-2267.

**Department:** Environmental Protection  
**Location:** Bureau of Abandoned Mine Reclamation, 5th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301  
**Duration:** N/A  
**Contact:** Scott Johnson, (717) 783-2267

**RFP-2000-1** The Bureau of State Parks is releasing a Request for Proposal for the Property Management Agreement for approx. 110 residential properties located within Evansburg State Park, Montgomery County. Duties include in part preparing occupancy agreements, inspecting properties for repairs, collecting rents, interviewing prospective tenants, serving as liaison between the occupants and the Bureau of State Parks. Proposals are due January 5, 2001.

**Department:** Conservation and Natural Resources  
**Location:** Evansburg State Park, 851 May Hall Road, Collegeville, PA 19426-1202  
**Duration:** Five years with option of five more  
**Contact:** Ken Burkholder, (717) 787-2129

**93139** LEASE SPACE TO THE COMMONWEALTH OF PA Proposals are invited to provide the Department of Labor and Industry with 6,839 useable square feet of office space in Lackawanna County, PA. with a minimum parking for 13 vehicles, in the Scranton City Limits. Downtown locations will be considered. For more information on SFP #93139 which is due on January 16, 2001, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call 717-787-4394.

**Department:** Labor and Industry  
**Location:** Room 505, North Office Building, Harrisburg, PA 17125  
**Contact:** Jennings Ward, (717) 787-7412

**93144** LEASE SPACE TO THE COMMONWEALTH OF PA Proposals are invited to provide the Department of Transportation with 1,867 useable square feet of office space in Dauphin County, PA. with a minimum parking for 12 vehicles, in the city limits of Harrisburg. Downtown locations will be considered. For more information on SFP #93144 which is due on December 18, 2000 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call 717-787-4394.

**Department:** Transportation  
**Location:** 505 North Office Building, Harrisburg, Pa 17125  
**Contact:** Jennings Ward, (717) 787-7412

**93143** LEASE SPACE TO THE COMMONWEALTH OF PA Proposals are invited to provide the Department of Labor and Industry with 2,110 useable square feet of office space in Lancaster County, PA. with a minimum parking for 10 vehicles, in the city limits of Lancaster. For more information on SFP #93143 which is due on January 16, 2000 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call 717-787-4394.

**Department:** Labor and Industry  
**Location:** 505 North Office Building Harrisburg, Pa 17125  
**Contact:** Jennings Ward, (717) 787-7412

**93140** LEASE SPACE TO THE COMMONWEALTH OF PA Proposals are invited to provide the Department of Labor and Industry with 20,110 useable square feet of office space in Dauphin County, PA. with a minimum parking for 20 vehicles, in the city limits of Harrisburg. Downtown locations will be considered. For more information on SFP #93140 which is due on January 16, 2000 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call 717-787-4394.

**Department:** Labor and Industry  
**Location:** 505 North Office Building, Harrisburg, Pa 17125  
**Contact:** Jennings Ward, (717) 787-7412

### 36—Sanitation

**SP1375007162** Sewage sludge testing, removal, transport and disposal from Imhoff, resettling and receiving tanks.

**Department:** Military Affairs  
**Location:** Sewage Treatment Plant, Ft Indiantown Gap, Annville, PA 17003  
**Duration:** 1 Feb 01 - 30 Sep 03  
**Contact:** Vicky Lengel, (717) 861-8579

### 37—Security Services & Equipment

**203** Cheyney University is seeking qualified vendor to provide unarmed security services for the residence halls and special events. Interested vendors shall fax their request to the Office of Contracts, 610-399-2128, to be put on bidder's list.

**Department:** State System of Higher Education  
**Location:** Cheyney and Creek Roads, Cheyney, PA 19319-0200  
**Duration:** One year with renewal options.  
**Contact:** Antonia Williams, (610) 399-2360

### 39—Miscellaneous

**000034** YDC New Castle is seeking a qualified refuse service to provide solid waste and refuse removal from all buildings that are located on the institutional grounds. Please call for a specification package, 724-656-7310. Minority and women business enterprises are invited to submit bids for this service. The tentative start date for the contract is 7-1-2001 and a 60 month contract is being offered.

**Department:** Public Welfare  
**Location:** Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101  
**Duration:** 60 months. (7-1-2001 to 6-30-2006)  
**Contact:** Thomas E. Mateja, PA, (724) 656-7310

**2-2-00042** Contractor shall provide and install Fiberglass Utility Beds on (2) PA. Department of Transportation Crew Cab Chassis with dual rear wheels. Installation shall be performed at contractor's location. Successful bidder must pick up and deliver trucks to and from PennDOT Garage Facility located at Washington Avenue & Hall Street, Hyde, PA.

**Department:** Transportation  
**Location:** Washington Avenue & Hall Street, Hyde, PA  
**Duration:** 01/01/01 thru 12/31/01  
**Contact:** Debbie Swank or Jake Bacher, (814) 765-0524

**1103500012** VENDOR TO PROVIDE ALL MATERIALS, EQUIPMENT AND LABOR TO RE-LINE BOILER PLANT COAL DISCHARGE POND WITH A 45 ML REINFORCED POLYPROPYLENE LINER WITH POLYPROPYLENE BATTENS, STAINLESS STEEL STUDS AND FORMED NEOPRENE.

**Department:** Corrections  
**Location:** STATE CORRECTIONAL INST. GRATERFORD, BOX 246, OFF ROUTE 29, GRATERFORD, PA 19426  
**Duration:** 6 MONTHS  
**Contact:** KELLY RICHARDSON, (610) 489-4151

**E 6225** Gypsy Moth/Native Insects Suppression Project. Aerial application of insecticides of approximately 172,005 acres over certain populated and nonpopulated forested areas in various counties in the Commonwealth of Pennsylvania to prevent defoliation of high value trees by the gypsy moths. This will result in multiple awards.

**Department:** Conservation and Natural Resources  
**Location:** Various counties in Pennsylvania  
**Duration:** Approximately April 15, 2001 through June 30, 2001  
**Contact:** Corinna Walters, (717) 783-0733

**1000-Ed. Dist. Learning** The contractor shall provide in-house post-secondary vocational or business-related educational Certificate program services via Distance Learning to incarcerated adults at the State Correctional Institutions Albion, Cambridge Springs and Pittsburgh. The classes shall be for accredited courses as approved by the Middle States Association of Colleges and Schools, the Accrediting Council for Independent Colleges and Schools, the Accrediting Council for Continuing Education and Training, the Distance Education and Training Council, or the Accrediting Commission of Career Schools and Colleges of Technology.

**Department:** Corrections  
**Location:** SCI Albion, SCI Cambridge Springs and SCI Pittsburgh Contact: Department of Corrections, Central Office, 2520 Lisburn Road, Camp Hill, PA 17011  
**Duration:** Estimated 60 months with an anticipated start date of March 1, 2001.  
**Contact:** Linda Malinak, (717) 975-4931

**10972001** CONTRACTOR TO PROVIDE ALL PERSONNEL, EQUIPMENT AND MATERIAL TO HIGH PRESURE WATER CLEAN ALL BOILER TUBES IN THREE (3) BOILERS AT MAYVIEW STATE HOSPITAL'S POWER PLANT FACILITY. CONTRACTOR ALSO TO REMOVE AND REINSTALL BAFFLES IN STEAM DRUM.

**Department:** Public Welfare  
**Location:** MAYVIEW STATE HOSPITAL, 1601 MAYVIEW ROAD, BRIDGEVILLE, PA 15017-1599  
**Duration:** 07-01-01 THROUGH 06-30-06  
**Contact:** FRED MOLISEE, (412) 257-6215

**ED-265304** VENDOR TO PROVIDE TO THE STATE CORRECTIONAL INST. GRATERFORD VARIOUS SCHOOL FURNISHINGS AND SUPPLIES ON AN AS NEEDED BASIS.

**Department:** Corrections  
**Location:** STATE CORRECTIONAL INST. GRATERFORD BOX 246, OFF ROUTE 29, GRATERFORD, PA 19426  
**Duration:** 1 YEAR  
**Contact:** KELLY RICHARDSON, (610) 489-4151

[Pa.B. Doc. No. 00-2118. Filed for public inspection December 1, 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:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
6505-08	12/01/00	Mead Johnson Nutritionals	75,000.00
6505-08	12/01/00	Ross Products/div Abbott Labs, Inc.	75,000.00
6505-08	12/01/00	Scientific Hospital Supplies/d/b/a SHS North America	75,000.00
1131350-01	11/20/00	Endless Mountain Water Co.	42,720.00
1144200-01	11/20/00	CDS Analytical, Inc.	20,985.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1145200-01	11/20/00	Hirtech, Inc.	62,101.00
1159118-01	11/20/00	Safety League	159,315.20
8252460-01	11/20/00	Apple Automotive Group Inc., d/b/a Apple Ford	2,024,353.00
8252460-02	11/20/00	Maguire's Ford of Hershey, Inc.	1,787,820.15
8252460-03	11/20/00	Hertrich Fleet Services, Inc.	323,649.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 00-2119. Filed for public inspection December 1, 2000, 9:00 a.m.]