

PENNSYLVANIA BULLETIN

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Agencies in this issue:

The Courts
Department of Agriculture
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Transportation
Executive Board
Fish and Boat Commission
Governor's Office
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
State Real Estate Commission
Turnpike Commission

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

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PENNSYLVANIA



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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)		58 Pa. Code (Recreation)	
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Adopted Rules			
140	15		
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3800	545		

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 1]

Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 19th day of January, 2000, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted a proposed amendment to Rule of Procedure No. 102 (Panel), as more specifically hereinafter set forth, *It Is Hereby Ordered That*:

Rule of Procedure 102 (Panel) shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

Rule 102. Definitions.

The following words and phrases when used in these rules shall have the following meanings, unless the context or subject matter otherwise requires:

* * * * *

Panel is a group of no fewer than three members of the Court appointed by the President Judge.

* * * * *

[Pa.B. Doc. No. 00-204. Filed for public inspection February 4, 2000, 9:00 a.m.]

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 5]

Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 19th day of January, 2000, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted a proposed amendment to Rule of Procedure No. 501(B), as more specifically hereinafter set forth, *It is Hereby Ordered That*:

Rule of Procedure 501(B) shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 5. TRIAL PROCEDURES

Rule 501. Appointment of Panel.

* * * * *

(B) The Panel shall consist of no fewer than three members of the Court, one of whom shall be the Conference Judge, appointed pursuant to Rule 301(B), and, whenever possible, one of whom shall be a non-lawyer elector.

[Pa.B. Doc. No. 00-205. Filed for public inspection February 4, 2000, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed Amendments Governing Post-Trial Motions; Proposed Recommendation No. 158

The Civil Procedural Rules Committee proposes the amendment of Rule of Civil Procedure 227.1 governing post-trial motions. The recommendation is being published to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than March 10, 2000 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055 Or E-Mail to civil.rules@supreme.court.state.pa.us.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 227.1. Post-Trial Relief.

(a) [After trial and upon the written Motion for Post-Trial Relief filed by any party, the court may] Every party who seeks post-trial relief shall file a written motion therefor. The court may grant relief only to a party who has filed a motion. The court may

- (1) order a new trial as to all or any of the issues; or
 - (2) direct the entry of judgment in favor of any party;
- or

- (3) remove a nonsuit; or
- (4) affirm, modify or change the decision or decree nisi; or
- (5) enter any other appropriate order.

Official Note: The motion for post-trial relief replaces the following motions and exceptions: motion for new trial, motion for judgment notwithstanding the verdict, motion upon the whole record after disagreement of a jury, motion in arrest of judgment, motion to remove a nonsuit, exceptions following the decision of the judge in a trial without jury and exceptions following the adjudication of the judge in an action in equity. However, certain rules retain the filing of exceptions, e.g., Equity Rule 1530 (exceptions to an auditor's report), Equity Rule 1534 (exceptions to a fiduciary's account), Partition Rule 1569 (exceptions to a master's report) and Divorce Rule 1920.55 (exceptions to a master's report), Support Rule 1910.12(e) (exceptions to a hearing officer's report) and Execution Rule 3136(d) (exceptions to sheriff's schedule of proposed distribution).

A party may not rely upon the motion for post-trial relief filed by another party but must file his or her own motion specifying the grounds for relief.

(b) Post-trial relief may not be granted unless the grounds therefor,

(1) if then available, were raised in pretrial proceedings or by motion, objection, point for charge, request for findings of fact or conclusions of law, offer of proof or other appropriate method at trial; and

Official Note: If no objection is made, error which could have been corrected in pre-trial proceedings or during trial by timely objection may not constitute a ground for post-trial relief.

For example, the ground that the verdict is inconsistent, which is not raised prior to the dismissal of the jury, is not deemed waived unless the inconsistency is obvious and could have been corrected.

(2) are specified in the motion. The motion shall state how the grounds were asserted in pretrial proceedings or at trial. Grounds not specified are deemed waived unless leave is granted upon cause shown to specify additional grounds.

Official Note: The ground that the verdict is contrary to the weight of the evidence need not be asserted prior to dismissal of the jury.

* * * * *
Explanatory Comment

The purpose of the proposed amendments to Rule 227.1 is two-fold. First, in *Jara v. Rexworks*, 718 A.2d 788 (Pa.Super.1998), the Superior Court invited the Civil Procedural Rules Committee to consider the issue of cautionary post-trial motions. The proposed amendments to subdivision (a) are the Committee's response to that invitation. They make clear that a party seeking post-trial relief is required to file a written motion specifying the grounds for relief. A court may only grant relief if requested in a motion. The addition to the note following subdivision (a) also emphasizes that a party seeking post-trial relief must file a motion irrespective of any post-trial motions filed by the other parties to an action.

Second, the proposed amendments to the notes following Rule 227.1(b)(1) and (2) address the difference between grounds for post-trial relief based upon an inconsistent verdict and a verdict which is contrary to the weight

of the evidence. To preserve an issue with respect to an inconsistent verdict, an objection must be raised prior to the dismissal of the jury. With respect to a verdict which is contrary to the weight of the evidence which might require a review of the record of trial before the error is discovered, there is no requirement for the issue to be raised prior to the dismissal of the jury. Consequently, the motion for post-trial relief need not state how the "weight of the evidence" ground was asserted in pre-trial proceedings or at trial as usually required by Rule 227.1(b)(2).

By the Civil Procedural Rules Committee
 REA BOYLAN THOMAS,
Chair
 [Pa.B. Doc. No. 00-206. Filed for public inspection February 4, 2000, 9:00 a.m.]

PART I. GENERAL
[231 PA. CODE CHS. 200 AND 400]
Proposed Amendment of Rule 236 Governing Notice of Orders, Decrees and Judgments; Proposed Recommendation No. 159

The Civil Procedural Rules Committee is proposing the amendment of Rule of Civil Procedure 236 to provide for notice of orders, decrees and judgments by facsimile transmission or other electronic means. The recommendation is being published to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than March 10, 2000 to Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055, or E-Mail to civil.rules@supreme.court.state.pa.us.

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

Annex A
TITLE 231. RULES OF CIVIL PROCEDURE
PART I. GENERAL
CHAPTER 200. BUSINESS OF COURTS
Rule 205.4. Temporary Provisions for Electronic Filing and Service of Legal Papers.

* * * * *

(g) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served

* * * * *

(2) by electronic transmission, other than facsimile transmission, if the parties agree thereto or an electronic mail address is included on an appearance or prior legal paper filed with the court in the action. Service is complete when the legal paper is sent. A paper served electronically is subject to the certifications set forth in subdivision (b)(1).

Official Note: * * *

See Rule 236 providing for notice of orders, decrees and judgments, and also other matters, by facsimile transmission or other electronic means.

* * * * *

Rule 236. Notice by Prothonotary of Entry of Order, Decree, or Judgment.

* * * * *

(d) The prothonotary may give the notice required by subdivision (a) or notice of other matters by facsimile transmission or other electronic means if the party to whom the notice is to be given or the party's attorney has filed a written request for such method of notification or has included a facsimile or other electronic address on a prior legal paper filed in the action.

Official Note: Rule 236 does not prescribe a particular method of giving notice. Subdivision (d) governs facsimile transmission and other electronic means if the prothonotary chooses to use such a method.

A facsimile or other electronic address set forth on letterhead is not a sufficient basis under this rule to authorize the prothonotary to give notice electronically.

Notice by facsimile transmission or other electronic means is applicable not only to decrees, orders and judgments under subdivision (a) but also to "other matters" such as the scheduling of a conference, hearing or trial or other administrative matters.

CHAPTER 400. SERVICE OF ORIGINAL PROCESS

Rule 440. Service of Legal Papers Other than Original Process.

* * * * *

(d)(1) A copy may be served by facsimile transmission if the parties agree thereto or if a telephone number for facsimile transmission is included on an appearance or prior legal paper filed with the court.

* * * * *

(3) Service is complete when transmission is confirmed as complete.

Official Note: See Rule 236 providing for notice of orders, decrees and judgments, and also other matters, by facsimile or other electronic means.

Explanatory Comment

Rule 236(a)(2) provides for the prothonotary to give written notice of the entry of an order, decree or judgment but does not prescribe the manner of giving notice. Without limiting the prothonotary in the manner of giving notice, the proposed amendment to Rule 236 adding new subdivision (d) authorizes the prothonotary to give notice by means of facsimile or other electronic transmission and describes the requirements therefor.

Proposed subdivision (d) is drafted in permissive rather than mandatory language. This permits the prothonotaries of individual counties to use facsimile or other electronic transmission as the method of notice if it is feasible in the particular county. However, the prothonotary may serve by such means only if the person to be served has either requested such service in writing or included a facsimile or other electronic address on a prior legal paper filed in the action. The provision for an agreement to be served by facsimile or other electronic

transmission is in accord with Rule 440(d) governing service by facsimile transmission and Rule 205.4(g) governing service by other electronic transmission.

New subdivision (d) extends service by facsimile or other electronic transmission to "other matters". Other matters are in addition to orders, judgments and decrees and may include court notices, scheduling notices and other matters of an administrative nature.

By the Civil Procedural Rules Committee

REA BOYLAN THOMAS,
Chair

[Pa.B. Doc. No. 00-207. Filed for public inspection February 4, 2000, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1000]

Proposed Rule 1035.10 Governing Motion to Dismiss upon Affidavit of Noninvolvement; Proposed Recommendation No. 157

The Civil Procedural Rules Committee proposes that the Rules of Civil Procedure be amended by adding new Rule 1035.10 governing a motion to dismiss upon affidavit of noninvolvement. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than March 10, 2000 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, Pennsylvania 17055 or E-Mail to civil.rules@supreme.court.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will neither constitute part of the rules of civil procedure nor be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

PLEADINGS

Rule 1035.10. Dismissal Upon Affidavit of Noninvolvement.

In an action in which an Act of Assembly provides for dismissal upon an affidavit of noninvolvement, the party seeking dismissal shall file a motion to dismiss which includes the affidavit. Upon reviewing the motion and determining that the party filing it has established a prima facie case for dismissal, the court shall enter an order scheduling a final argument and directing the plaintiff to file prior to the argument affidavits, depositions and such other evidentiary materials as would permit a jury to find that the party was involved in any activities upon which the claim is based. The final argument shall be limited to the sole issue of whether the plaintiff has met the burden.

Official Note: The following Acts of Assembly provide for dismissal of a party from an action pursuant to an

affidavit of noninvolvement: Section 7502 of the Judicial Code, 42 Pa.C.S. § 7502, relating to construction design professionals and Section 827-A of the Health Care Services Malpractice Act, 40 P. S. § 1301.827-A, relating to health care providers.

Explanatory Comment

Proposed new Rule 1035.10 sets forth a procedure to govern dismissal from an action pursuant to an affidavit of noninvolvement. Two statutes presently provide for such an affidavit: Section 7502 of the Judicial Code¹ relating to construction design professionals and Section 827-A of the Health Care Services Malpractice Act² relating to health care providers.

These statutes speak of having “the action against such construction design professional dismissed upon the filing of an affidavit of noninvolvement”³ and of causing an action against a health care provider “to be dismissed upon the filing of an affidavit of noninvolvement with the court.”⁴ The role of the court in these procedures, not specified by the statutes, would be supplied by the proposed rule.

By the Civil Procedural Rules Committee

REA BOYLAN THOMAS,
Chair

[Pa.B. Doc. No. 00-208. Filed for public inspection February 4, 2000, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 1500]

Order Adopting Amendments to Rule 1504 and Approving the Revision of the Comments to Rules 1502, 1503 and 1506; No. 259 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the January 21, 2000 amendments to Rule 1504 (Appointment of Counsel; In Forma Pauperis), and the correlative revision of the Comments to Rules 1502, 1503, and 1506, that provide for the prompt appointment of counsel in death penalty cases following the conclusion of direct appeal. The Final Report follows the Court’s Order.

Order

Per Curiam:

Now, this twenty-first day of January, 2000, upon the recommendation of the Criminal Procedural Rules Committee; this proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), 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:

- (1) Pa.R.Crim.P. 1504 is hereby amended; and

¹ 42 Pa.C.S. § 7502.
² 40 P. S. § 1301.827-A.
³ 42 Pa.C.S. § 7502(a).
⁴ 40 Pa.C.S. § 1301.827-A(a).

(2) the revisions of the Comments to Pa.Rs.Crim.P. 1502, 1503, and 1506 are approved, all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2000.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1500. POST-CONVICTION COLLATERAL PROCEEDINGS

Rule 1502. Content of Petition for Post-Conviction Collateral Relief; Request for Discovery.

* * * * *

Official Note: Previous Rule 1502 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989, and replaced by present Rules 1503 and 1505. Present Rule 1502 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; amended July 23, 1999, effective September 1, 1999; **Comment revised January 21, 2000, effective July 1, 2000.**

Comment

* * * * *

Paragraphs (A)(16) and (E) were added in 1997 to address requests for discovery. Paragraph (A)(16) requires that a request for discovery be included in the petition, if applicable. Paragraph (E) sets forth the standards for permitting discovery. Under paragraph (E)(1), which applies in all cases except on the first counseled petition in a death penalty case, no discovery is permitted at any stage of the proceedings, except upon leave of the court with a showing of exceptional circumstances. See 42 Pa.C.S. § 9545(d)(2). Under paragraph (E)(2), which applies to first counseled petitions in death penalty cases, discovery is permitted only upon leave of court for good cause shown. For purposes of paragraph (E)(2), “first counseled petition” includes petitions on which defendants have elected to proceed *pro se* pursuant to **Rule 1504(F)(1)(a).**

* * * * *

Committee Explanatory Reports:

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Final Report explaining the January 21, 2000 Comment revision cross-referencing Rule 1504(F)(1)(a) published with the Court’s Order at 30 Pa.B. 624 (February 5, 2000).

Rule 1503. Docketing and Assignment.

[(a)] (A) * * *

[(b)] (B) * * *

[(c)] (C) * * *

[(d)] (D) * * *

Official Note: Previous Rule 1503 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989, and replaced by present Rule 1504. Present Rule 1503 adopted February 1, 1989, effective July 1, 1989; amended June 19, 1996, effective July 1, 1996; amended

August 11, 1997, effective immediately; **Comment revised January 21, 2000, effective July 1, 2000.**

Comment

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The transmittal of the petition to the attorney for the Commonwealth does not require a response unless one is ordered by the judge as provided in these rules, or required by Rule 1506[(e)] (E).

* * * * *

If a defendant in a death penalty case files a petition before the trial judge has made a determination concerning the appointment of counsel as required by Rule 1504(F), the clerk must promptly forward the docketed petition to the trial judge for that determination.

Committee Explanatory Reports:

* * * * *

Final Report explaining the January 21, 2000 Comment revisions published with the Court's Order at 30 Pa.B. 624 (February 5, 2000).

Rule 1504. Appointment of Counsel; In Forma Pauperis.

[(a)] (A) Except as provided in paragraph (F), [When] when an unrepresented defendant satisfies the judge that the defendant is unable to afford or otherwise procure counsel, the judge shall appoint counsel to represent the defendant on the defendant's first petition for post-conviction collateral relief.

[(b)] (B) * * *

[(c)] (C) * * *

[(d)] (D) An appointment of counsel shall be effective throughout the post-conviction collateral proceedings, including any appeal from disposition of the petition for post-conviction collateral relief.

[(e)] (E) * * *

(F) Appointment of Counsel in Death Penalty Cases.

(1) At the conclusion of direct review in a death penalty case, which includes discretionary review in the Supreme Court of the United States, or at the expiration of time for seeking the review, upon remand of the record, the trial judge shall appoint new counsel for the purpose of post-conviction collateral review, unless:

(a) the defendant has elected to proceed pro se or waive post- conviction collateral proceedings, and the judge finds, after a colloquy on the record, that the defendant is competent and the defendant's election is knowing, intelligent, and voluntary;

(b) the defendant requests continued representation by original trial counsel or direct appeal counsel, and the judge finds, after a colloquy on the record, that the petitioner's election constitutes a knowing, intelligent, and voluntary waiver of a claim that counsel was ineffective; or

(c) the judge finds, after a colloquy on the record, that the defendant has engaged counsel who has entered, or will promptly enter, an appearance for the collateral review proceedings.

(2) The appointment of counsel shall be effective throughout the post- conviction proceedings, including any appeal from disposition of the petition for post-conviction collateral relief.

(3) When the defendant satisfies the judge that the defendant is unable to pay the costs of the post-conviction collateral proceedings, the judge shall order that the defendant be permitted to proceed in forma pauperis.

Official Note: Previous Rule 1504 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989, and replaced by Rule 1507. Present Rule 1504 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; **amended January 21, 2000, effective July 1, 2000.**

Comment

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Paragraph (F) was added in 2000 to provide for the appointment of counsel for the first petition for post-conviction collateral relief in a death penalty case at the conclusion of direct review.

Committee Explanatory Reports:

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Final Report explaining the January 21, 2000 amendments adding paragraph (F) concerning appointment of counsel published with the Court's Order at 30 Pa.B. 624 (February 5, 2000).

Rule 1506. Answer to Petition for Post-Conviction Collateral Relief.

[(a)] (A) Except as provided in paragraph [(e)] (E), an answer to a petition for post-conviction collateral relief is not required unless ordered by the judge. When the judge has not ordered an answer, the attorney for the Commonwealth may elect to answer, but the failure to file one shall not constitute an admission of the well-pleaded facts alleged in the petition.

[(b)] (B) * * *

[(c)] (C) * * *

[(d)] (D) * * *

[(e)] (E) Answers in Death Penalty Cases

(1) First Counseled Petitions

[(i)] (a) * * *

[(ii)] (b) * * *

(2) Second and Subsequent Petitions

[(i)] (a) * * *

[(ii)] (b) * * *

* * * * *

Official Note: Previous Rule 1506 adopted January 24, 1968, effective August 1, 1968; Comment revised April 26, 1979, effective July 1, 1979; rule rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; Comment revised January 28, 1983, effective July 1, 1983; rule rescinded February 1, 1989, effective July 1, 1989, and replaced by Rule 1508. Present Rule 1506 adopted February 1, 1989, effective July 1, 1989;

amended August 11, 1997, effective immediately; **Comment revised January 21, 2000, effective July 1, 2000.**

Comment

As used in the Chapter 1500 Rules, "answer" is intended to include an amended answer filed pursuant to paragraphs [(d)] (D) and [(e)] (E)(3) of this rule, except where the context indicates otherwise.

Except as provided in paragraph [(e)] (E), when determining whether to order that the attorney for the Commonwealth file an answer, the judge should consider whether an answer will promote the fair and prompt disposition of the issues raised by the defendant in the petition for post-conviction collateral relief.

Paragraph [(e)] (E)(1) was added in 1997 to require that the Commonwealth file an answer to the first counseled petition in a death penalty case. For second and subsequent petitions, paragraph [(e)] (E)(2) would apply.

"First counseled petition," as used in paragraph [(e)] (E)(1), includes petitions on which defendants have elected to proceed pro se pursuant to Rule 1504(F)(1)(a). See also the Comment to Rule 1503.

Committee Explanatory Reports:

* * * * *

Final Report explaining the January 21, 2000 Comment revisions published with the Court's Order at 30 Pa.B. 624 (February 5, 2000).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 1504 and Correlative Revisions of the Comments to Pa.Rs.Crim.P. 1502, 1503, and 1506

Appointment of Counsel in Death Penalty Cases

On January 21, 2000, effective July 1, 2000, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule of Criminal Procedure 1504 (Appointment of Counsel; In Forma Pauperis), and approved the revision of the Comments to Rules 1502, 1503, and 1506. The Rule 1504 amendment adds a new paragraph (F) to provide for the prompt appointment of counsel in death penalty cases following the conclusion of direct appeal.

Background

The Committee, at the Court's request following communications from the Third Circuit Court's Task Force on Management of Death Penalty Litigation, considered whether Rule 1504 should be amended to provide procedures for the prompt appointment of counsel in death penalty cases. The Committee concluded that such procedures would be beneficial for the defendant and the criminal justice system—by ensuring the prompt appointment of counsel to handle first petitions in capital cases, the procedures would likewise ensure that the first petition for post-conviction collateral relief in a capital case is timely filed and properly prepared, thereby minimizing, if not eliminating, second and subsequent petitions. Similarly, the procedures protect the defendant and promote judicial economy.

¹ 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.

Discussion

(1) Rule 1504

A new paragraph (F) has been added to Rule 1504 that requires the trial judge to appoint new counsel for the purpose of post-conviction collateral review at the conclusion of direct review, which includes discretionary review in the Supreme Court of the United States, in all death penalty cases, except as otherwise provided in paragraphs (1)(a)—(c). Paragraph (F)(1)(a) permits a defendant to proceed pro se or waive post-conviction collateral proceedings, but only after the trial judge conducts a colloquy on the record, and makes a finding that the defendant is competent and the election is knowing, intelligent, and voluntary.

Paragraphs (F)(1)(b) and (1)(c) set forth the exceptions to the mandatory appointment of counsel, and respect the defendant's right to counsel of his or her own choosing or to waive counsel by recognizing the possibility that a defendant may want to continue with his or her original trial counsel or direct appeal counsel or engage new counsel for collateral review. In both instances, the new procedure injects the court's supervision into the process by requiring the trial judge to conduct an on-the-record colloquy. With reference to the retention of previous counsel, the judge must determine that the defendant's election constitutes a knowing, intelligent, and voluntary waiver of an ineffective counsel claim. See Rule 1504(F)(1)(b). When the defendant intends to engage new counsel, the judge must determine that the attorney has entered, or will promptly enter, an appearance for the collateral review proceedings. See Rule 1504(F)(1)(c).

Paragraphs (F)(2) and (F)(3) parallel the procedures for all other cases in the rule. See Rule 1504(D) and (E).

(2) Correlative Comment Revisions

During the Committee's discussion about the procedures for the immediate appointment of counsel, the question arose as to what the clerk of courts should do if the defendant files a pro se petition for post-conviction collateral relief before the trial judge has had an opportunity to make a Rule 1504(F) determination. Agreeing that this issue should be addressed, the Committee added a clarifying statement to the Rule 1503 Comment advising the clerks of courts that they must promptly forward to the judge any petition that is filed before the judge appoints counsel.

Finally, the Comments to Rules 1502 and 1506 have been revised to cross-reference Rule 1504(F) concerning "first counseled petitions" in death penalty cases.

[Pa.B. Doc. No. 00-209. Filed for public inspection February 4, 2000, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 11989 1999

Order

And Now, this 10th day of December 1999, all Local Rules of Civil Procedure heretofore adopted are rescinded effective the date the new rules are effective. The new

Local Rules of Civil Procedure which follow hereto, are hereby adopted.

This Order and the new Local Rules of Civil Procedure shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven certified copies of this Order and the attachments to the Administrative Office of Pennsylvania Courts, two certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court and one with the Prothonotary of Beaver County to be kept for public inspection and copying.

By the Court

ROBERT C. REED,
President Judge

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PREFACE

The Local Rules of the Court of Common Pleas of Beaver County are intended to supplement the Pennsylvania Rules of Civil Procedure. The latter's system of numbering has been preserved. A local rule dealing with the same or related subject matter as that dealt with by a Pennsylvania Rule of Civil Procedure has been given the same number as the Pennsylvania Rule of Civil Procedure and is preceded by the letter "L" to indicate its local character. All local rules should be read in connection with the Pennsylvania Rules of Civil Procedure bearing the same numbers.

The rules of construction found in the Pennsylvania Rules of Civil Procedure shall apply to all Local Rules of the Court of Common Pleas of Beaver County.

The Local Rules may be cited as "Beaver County L.R. No. _____."

Rule L205.1. Court Action On Legal Papers.

Any party who desires court action on a legal paper and who has delivered or will deliver the paper to the Prothonotary for filing in accordance with Pa. R.C.P. No. 205.1, must cause the paper to be presented to the court for entry of the order.

Note

The paper must be presented to the court personally by or through counsel. After action is taken on the paper, the court will return the paper to counsel for filing and service. This rule does not apply to motions for summary judgment, motions for judgment on pleadings or post-trial motions.

RULE L206—MOTIONS, RULES AND PETITIONS

Rule L206A. Motion Court.

The Court will be available to receive motions and petitions at the times and in accordance with the practice which is published with the annual court calendar.

Rule L206B. Notice to Opposing Counsel.

The Court will not entertain a motion or petition in any matter unless the opposing party or his counsel has consented in writing or has received three (3) business days written notice of the intention to present the motion or petition. The motion or petition shall set forth the manner in which notice has been given, attaching a copy thereof. Counsel may present a motion or petition after oral notice only in emergency situations. Ex parte motions and petitions will not be entertained without prior notice unless notice is not possible.

Rule L206C. Presentation of Motion.

All motions and petitions, except as set forth in Rules L206D, L206F and emergency motions and petitions, shall be presented to the appropriate Judge at the time set for Motion Court. In all cases, written notice of presentation of the motion or petition shall have been

given to counsel of record or to the opposite party in compliance with Rule L20GB.

Rule L206D. Filing of Certain Motions.

All Motions For Summary Judgments, Judgment on the Pleadings and Post-trial Motions shall be filed in the office of the Prothonotary.

Rule L206E. Content of Petition or Motion.

In addition to the requirements of Pa.R.C.P. No. 206.1 et seq., a petition or motion shall set forth the history of prior judicial activity in the case. The history shall include the nature and date of prior judicial activity and the name of the judge who handled the matter.

Any Exhibit attached thereto shall be a legible photocopy or other reproduction of the original.

Rule L210. Form of Briefs.

In addition to the requirements of Pa. R.C.P. No. 210, briefs shall comply with the following requirements:

A. Except for quotations, briefs shall be double spaced on white paper size 8 1/2 × 11 inches.

B. Briefs shall contain:

1. a procedural history of the case;
2. a statement or counter-statement of facts;
3. a statement of the questions involved;
4. legible copies of any documents which are attached thereto;
5. an argument with citations to the authority relied upon. Opinions of the Appellate Courts of Pennsylvania shall be cited to the official reports of the Pennsylvania Reporter as well as to Atlantic Reporter;
6. a conclusion setting forth the requested relief sought.

Rule L211A. Oral Arguments.

The court will be available to hear oral arguments on the dates designated on the court calendar or such other dates as may be determined by the court.

Rule L211B. Argument Lists.

(1) Cases shall be placed on the argument list by Praecept of a party or by order of court. Immediately after the last day to file a praecipe for argument, the Court Administrator shall compile a list of cases to be argued. Thereafter, the Court Administrator shall assign the cases to those judges assigned to preside over civil cases, schedule the cases for oral argument, cause notice of the assignment and the time and place for oral argument to be mailed to all parties unrepresented by counsel as well as all counsel of record, and publish the assigned list in the Beaver County Legal Journal.

(2) The praecipe for argument shall be in the form approved and revised from time to time by the court. The original praecipe for argument shall be filed with the Prothonotary and a copy thereof delivered to the Court Administrator.

Rule L211C. Briefing Schedule.

(1) The moving party's brief shall be submitted to the Court Administrator and served in accordance with the following schedule:

(a) where the moving party files the praecipe for argument, not later than simultaneously therewith;

(b) where the responding party files the praecipe for argument or the court orders the matter on the argument list, at least twenty (20) business days prior to the argument date;

If the moving party fails to timely submit a brief the court may deny the relief sought or impose other sanctions.

(2) The responding party's brief shall be submitted to the Court Administrator and served at least ten (10) business days prior to the argument date provided that the moving party's brief has been timely served. If the brief is not timely submitted, the court may prohibit the responding party from presenting oral argument or may impose other sanctions.

Rule L211D. Miscellaneous Provisions.

(1) Any issue which has not been raised and properly discussed in a timely submitted brief may be deemed absolutely to have been waived.

(2) Each party will be allowed fifteen (15) minutes to present oral argument subject, however, to the court's power to limit or extend the time for argument. The time for argument shall be limited to not more than thirty (30) minutes for each side notwithstanding the existence of more than two moving or responding parties. The maximum time shall be divided between or among the moving parties or between or among the responding parties as they may decide.

(3) Oral argument will not be continued except on written motion, for cause shown. Such motion shall be subject to L206B.

Rule L212.1. Civil Actions. Certification For Trial. Time for Initiating Motions for Pre-Trial Judgment or Discovery.

A. All civil actions which are to be tried by a jury may be tried, at the earliest, during the term of trials next following the filing of a Certificate of Readiness for Trial.

Note

This provision is intended to constitute Notice required by Pa. R.C.P. No.212.1(a).

B.(1) A civil action shall be certified for trial by jury, non-jury or arbitration by filing with the Prothonotary of Beaver County a Certificate of Readiness for Trial. A copy of the Certificate of Readiness for Trial shall likewise be transmitted by the moving party to the Court Administrator of Beaver County.

(2) No case may be certified for trial without having first given at least sixty (60) days written notice of intention to do so to all other parties or their counsel of record.

(3) After a case has been certified for trial, no motion for judgment on the pleadings or for summary judgment may be filed without having first secured leave of court to do so for cause shown.

(4) After a case has been certified for trial, no discovery, including an independent medical examination, may be initiated without having first secured leave of court to do so for cause shown.

(5) Any other party may file exceptions to the certificate of readiness within ten (10) days of the filing thereof. The exceptions shall be presented to the judge assigned to receive civil motions after notice pursuant to Rule L206B has been given.

Note

The purpose of subdivision (2) is to provide parties with an opportunity to initiate appropriate pre-trial procedures prior to the certification of the case for trial. Failure to do so prior to certification for trial may result in the waiver of the right to do so under subdivisions (3) and (4).

C. Asbestos Cases

Each asbestos case will be assigned by the Court Administrator to an individual Judge as soon as it comes before the court for disposition of any pre-trial motion. The case will remain with that Judge until conclusion of all proceedings. All matters concerning that case shall be presented to and scheduled by the Judge to whom the case is assigned.

Rule L212.2. Pre-Trial Conference and Pre-Trial Statements.

A. Unless otherwise directed by the court, a pre-trial conference shall be scheduled by the Court Administrator for every case certified for jury trial. Pre-trial conferences shall be scheduled on those dates designated for that purpose on the court calendar and on such other dates as may from time to time be designated by the court.

(1) Prior to the pre-trial conference, a party shall provide the opposing party with a copy of all documents or records secured through an authorization of the opposing party. Any such documents or records not so provided may not be used at trial for any purpose.

(2) Pre-trial statements which comply with Pa. R.C.P. No. 212.2 shall be submitted to the judge assigned to conduct the pre-trial conference not later than five (5) business days prior thereto. In addition, to the requirements of Pa. R.C.P. No. 212.2, the pre-trial statement shall contain:

(a) a statement of legal and evidentiary issues which are anticipated to arise together with a citation to authority;

(b) an itemized statement of all medical and hospital and other bills and expenses claimed;

(c) an itemized statement of lost earnings and impairment of earning power together with the basis therefore.

(d) a statement, if applicable, as to the plaintiff's selection of the limited or full tort option. If a limited tort option applies, a statement to support eligibility for recovery of non-economic damages shall be included.

Note

Although Pa.R.C.P. No.212.2(5) requires the inclusion of an expert report or proper answer to interrogatory and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records nor illegible office notes are to be included.

All trial exhibits are to be marked for identification but need not be attached to the pre-trial statement.

(3) Unless excused by the court upon cause shown, the pre-trial conference shall be attended by trial counsel as well as the plaintiff, a representative of the defendant's insurance carrier who has settlement authority, a representative of the CAT Fund and any defendant whose personal approval of a settlement offer is required and has not been given.

Note

Where a liability insurance carrier, the CAT Fund or a party has given counsel written authority to settle in an amount deemed by the court to be reasonable, the court

will probably excuse attendance at the pre-trial conference. All requests to be excused should be by formal motion or petition setting forth the reasons for the request.

If trial counsel is excused by the court from attending, substitute counsel shall be equally familiar with the case and its issues or sanctions may be imposed.

(B) After the pre-trial conference has concluded, no supplemental pre-trial statement may be filed without leave of court for cause shown.

Rule L214. Trial Lists.

A. The Court Administrator shall maintain a master list of cases to be tried before a jury and a master list of cases to be tried by a judge without a jury. Cases shall be placed on either list pursuant to order of court.

B. After consultation with the court, the Court Administrator shall prepare a list of cases to call for trial before a jury from the master list. The trial list shall be prepared so as to give preference in accordance with Pa. R.C.P. No. 214 and then as the court may see fit. Cases that have not been given preference shall be listed for trial, as nearly as possible, in the chronological order in which they were placed on the master trial list.

The Court Administrator shall then mail a notice of trial to counsel for each party and to each party not represented by counsel. Notice may be by regular mail addressed to counsel or the party at the address they have endorsed on their last pleading.

C. The Court Administrator shall assign cases from the master list of non-jury cases to a judge and give notice of the assignment by regular mail to counsel for each party and each party not represented by counsel. All scheduling of such cases will be done by the assigned judge.

RULE L217—BILL OF COSTS**Rule L217A. Bill of Costs.**

Bills of costs must set forth the names of witnesses, the dates of their attendance, the number of miles actually traveled by them, and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it or his attorney that the witnesses named were actually present in Court, and that, in his opinion they were material witnesses. A copy of the bill of costs shall be served on opposing counsel pursuant to Pa. R.C.P. 440.

Rule L217B. Exceptions to Bill of Costs.

The party upon whom a bill of costs has been served waives all objections to it unless, within ten (10) days after such service, exceptions thereto are filed. Thereafter, the issue shall be determined by the Court in accordance with Pa. R.C.P. No. 206.1—206.7.

Rule L217C. Security for Costs.

Where the plaintiff resides out of the state, or is a foreign corporation, the defendant, upon filing a petition, may have a rule issued on the plaintiff to enter security for costs within twenty (20) days after notice. In the meantime, all proceedings may be stayed. Upon proof of default filed, the court may enter a judgment of non pros.

Rule L220.1. Voir Dire of Prospective Jurors.

Voir Dire of Prospective Jurors shall include the use of a written questionnaire and oral examination. Oral examination shall be conducted by an employe of Beaver County who shall be designated by the trial judge. Such oral examination shall consist of standard questions, a

established by the Court Calendar and on such other dates as may from time to time be determined by the Court.

Rule L310. Removal of Papers.

A. Permission By Judge

Except as otherwise provided herein, no original papers shall be removed from the Office of the Prothonotary without prior written permission of the court upon cause shown. No permission will be given for the removal of an original note, bond or other instrument upon which a judgment has been entered by any person other than a Judge of the court.

B. Removal of Papers By Court Officer

A referee, auditor, master, arbitrator or similar officer appointed by the court as well as judicial law clerks and other personal staff members of the court may remove papers for the purpose of the appointment for a period not to exceed ninety (90) days unless the time be extended by the court.

C. Prior to the removal of any papers from the Office of the Prothonotary, the person requesting removal shall give a receipt therefore. The receipt shall be signed by the person requesting removal and shall set forth the case caption and number, a description of the papers removed, the date of removal and the printed name of the person requesting removal.

D. The Prothonotary shall have no responsibility to transmit papers to any person or office other than the court. The responsibility to transmit documents to the sheriff for service of process or notice shall be that of the parties or their counsel.

LR400.1. Service of Original Process.

Except as provided in Pa. R.C.P. Nos. 1930.4 and 430, original process shall be served within the Commonwealth as follows:

A. By the Sheriff or a competent adult in actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and;

B. By the Sheriff of the county in which service is to occur in all other actions.

Rule L430. Service By Publication.

The Beaver County Legal Journal is designated as the publisher of legal notices in Beaver County. Unless the manner of publication of service of process or notice is otherwise specified by law or rule of court, such service or notice shall be made by publishing the same once in the *Beaver County Legal Journal* and once in a newspaper of general circulation in Beaver County.

Rule L1018.1. Notice To Defend.

The following organization shall be named in the Notice to Defend as the organization from whom legal help can be obtained.

Lawyer Referral Service of the Beaver
County Bar Association
788 Turnpike Street
Beaver, PA 15009
Telephone Number: (724) 728-4888

Rule L1301—COMPULSORY ARBITRATION

Rule L1301A. These Rules apply to the following civil matters or issues which shall be submitted to compulsory arbitration under Section 7361 of the Judicial Code:

1. All civil actions, as defined in Pa. R.C.P. No. 1001(b)(1), as amended, for money damages where the amount in controversy on any claim is \$25,000.00 or less, exclusive of interest and costs. The amount in controversy shall be determined from the pleadings, by agreement of the parties or by the court.

2. Where no appearance has been entered in a civil action and the plaintiff desires to have the damages assessed in an amount not to exceed \$25,000.00.

3. Appeals from a civil judgment of a District Justice, except judgments for possession of real property.

4. By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions or waivers of defenses or proofs as are agreed upon.

Rule L1301B. Exceptions.

These rules shall not apply to the following matters:

1. Action in Ejectment;
2. Action to Quiet Title;
3. Action in Replevin, unless authorized by the court;
4. Action in Mandamus;
5. Action in Quo Warranto;
6. Action of Mortgage Foreclosure;
7. Actions upon Ground Rent;
8. Foreign Attachment; and
9. Fraudulent Debtors Attachment.

Rule L1301C. Compensation of Board.

Each member of the Board of Arbitration who has signed an award, whether as a majority or as a dissenter shall receive as compensation a fee in an amount as set by the Court from time to time by special order. In cases requiring hearings which exceed 1/2 day, the arbitrators may petition the court for additional compensation which may be granted for cause shown.

Rule L1301D. Procedure for Payment.

Upon the filing of the arbitrators' award, the Prothonotary shall certify such filing to the County Commissioners and to the County Controller together with the names of the members of the Board and an Order for payment. The County Commissioners and Controller shall thereupon pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs in the case.

Rule L1301.1. Hearing Continuances.

The Board of Arbitrators shall have the powers conferred upon them by law, including but not limited to the following:

(1) To grant continuances before the hearing convenes. In the event a party requests and secures a continuance of the hearing prior to the commencement thereof, it shall be his duty to ascertain an appropriate date and time for further hearing and to see to it that all parties and arbitrators are notified both of the continuance and of the new hearing. In the event there is a dispute as to a continuance the issue shall be submitted to the Court.

(2) To permit the amendment of any pleading. Except for good cause shown, such an amendment must be filed in writing.

Note

1. Parties are expected to make requests for continuance as soon as the need arises.

2. See Pa. R.C.P. Nos. 1303(b) and 1304(a) for the power of arbitrators to act when a party fails to appear or is not ready.

RULE L1302—ARBITRATORS

Rule L1302A. Eligibility to Serve as Arbitrators.

Only persons actively engaged in the practice of law in Beaver County shall be eligible to serve as arbitrators. For purposes of this rule, persons "actively engaged in the practice of law" is defined as: persons who regularly maintain an office in Beaver County for the practice of law; public defenders; assistant and deputy district attorneys; and judicial law clerks of the Court of Common Pleas of Beaver County.

Rule L1302B. Qualifications as Chairman.

Only persons admitted to the practice of law for at least three (3) years are eligible to serve as chairman of the Boards of Arbitrators.

Rule L1302C. List of Arbitrators.

The Court Administrator of Beaver County shall, on or before January 1 of each year, compile a list of persons eligible to serve as arbitrators and a list of persons eligible to serve as Chairmen of Boards of Arbitrators. Persons who have been determined to be eligible shall file a written consent to serve as an arbitrator or chairman with the Court Administrator. Arbitrators and chairmen shall be selected by the Court Administrator from those persons who have filed a consent to serve in accordance with L1302D.

Rule L1302D. Selection of Board.

Upon receipt of a copy of a Certificate of Readiness for trial requesting arbitration or an Order of Court referring a case to arbitration, the Court Administrator shall select two arbitrators and a chairman from the lists of eligible persons who have consented to serve and appoint them to serve as arbitrators and chairman in the case. Should an arbitrator be disqualified from serving on the case, he or she shall be replaced by the Court Administrator and appointed to the next Board for which he or she is qualified.

Rule L1302E. Notification of Appointment and Objections.

The Court Administrator shall file the appointment of the Board of Arbitrators with the Prothonotary and shall mail a copy thereof by regular mail to each arbitrator and to each party or their counsel of record. Any party may object to the composition of the Board of Arbitration for good cause shown. The filing of such objections shall operate as a stay of proceedings. The party filing such objections shall serve a copy thereof upon all other parties or their counsel and shall give notice of intention to present the objections to the Court. Failure to file such objections within ten (10) days of mailing of notice of the appointment shall operate as a waiver of the objections.

Rule L1302F. Companion Cases.

The Court Administrator shall appoint the same Board to serve as arbitrators in a companion case or cases.

Rule L1302G. Vacancies on Board—Prior to Hearing.

Should a vacancy on the Board of Arbitration occur prior to hearing for any reason, or should a member of the Board fail to attend the hearing, a member of the Board shall notify the Court Administrator who shall immediately vacate that appointment and make an appointment to fill that vacancy. The appointment of a

substitute arbitrator shall be announced to all parties or their counsel prior to commencement of the hearing. Any objection to the substitute arbitrator shall be made forthwith or be waived.

Should a member fail to appear more than two times for hearings in any cases to which he or she has been appointed, the member's name shall be removed by the Court Administrator from the list of eligible persons.

Note

The last paragraph of Rule L1302G is intended as a sanction against those members of the Bar who fail to appear for a hearing without providing advance notice thereof to the Court Administrator. It is contemplated that a member who cannot be present would notify the Court Administrator in advance, even in an emergency. In that event, the sanction would not be applicable.

Rule L1302H. Post Hearing Vacancies.

Should a vacancy on the Board of Arbitration occur after hearing but before an award is signed by all arbitrators or should a member of the Board fail or refuse to perform his duties, the award shall be signed and filed by the remaining members of the Board. If they are unable to agree they shall notify the Court Administrator who shall appoint a third member. Thereafter, the Court Administrator shall schedule a rehearing for the new Board which shall thereafter file an award.

Rule L1303. Arbitration Hearings.

The Chairman shall fix the date, time and place of arbitration hearings, which shall be held at the Beaver County Courthouse within forty-five (45) days after appointment of the Board. Notice of the hearings shall be in writing and mailed to the Arbitrators and all parties or their counsel by regular mail not less than thirty (30) days from the hearing date.

Rule L1306. Arbitrations—Timely Filing of Award.

Failure to file the award promptly as required by Pa. R.C.P. 1306 may result in the imposition of sanctions, including forfeiture of the arbitrator's fees.

Rule L1307. Arbitrations—Damages for Delay (Rescinded).

Note

The procedure for an award of delay damages by a Board of Arbitration is now governed by Pa.R.C.P. No.238(d).

Rule L1507. Equity.

When notice is required to be given under Pa. R.C.P. No. 1507, the notice shall be directed to the persons to be notified and shall state: the names of the Court and the parties; the general nature of the action and of the relief sought; briefly inform the party of the nature of his possible interest in the action; that he may appear in the action to represent his interest; and that if he fails to do so by a day certain, which shall not be less than thirty (30) days after the notice is complete, a Decree may be entered which will bind his interests in the subject matter of the action. The manner of the notice shall be fixed by the Court in each case by special order.

Rule L1703. Class Actions—Assignment to a Judge (New).

A party who commences a class action shall forthwith deliver a copy of the complaint to the Court Administrator who shall forthwith assign the case to a Judge of the Court assigned to preside over civil cases.

Rule L1901.5. Procedure for Enforcement of Protection From Abuse Orders.

A. When a defendant is arrested for violation of a Protection From Abuse Order issued by the Court or a Temporary Protection Order issued by a District Justice, the defendant shall be preliminarily arraigned by a District Justice forthwith.

B. In that event, a complaint for a violation of an existing order must be filed with the District Justice by the plaintiff in such action or by the police. The complaint shall be substantially in the form following hereto as Exhibit "A."

C. At the Preliminary Arraignment, the defendant shall be notified:

(a) that he or she is charged with indirect criminal contempt for violation of the Protection From Abuse Order. A copy of the complaint shall be given to the defendant;

(b) that a hearing will be held before a judge of the Court on the first available date; and

(c) that the defendant is entitled to be represented by counsel and, if unable to afford counsel and otherwise qualifies, counsel will be appointed.

D. Bail shall be set to insure defendant's presence at the contempt hearing in accordance with Pennsylvania Rule of Criminal Procedure No. 4004 including, without limitation, the condition that the defendant not contact the petitioner or members of the petitioner's household, or anyone with whom the petitioner then resides, directly or indirectly.

E. If the defendant is not able to post bail, he shall be committed to the Beaver County Jail. Bail may be thereafter posted through Beaver County Pre-Trial Services at the earliest appropriate time.

F. The office of the District Justice shall cause the following completed forms and bail, if entered, to be forwarded immediately to the Beaver County Court Administrator's Office, Beaver County Courthouse:

(a) complaint charging a violation of the Protection From Abuse Order;

(b) probable cause affidavit, if any; and

(c) certificate of bail and commitment.

G. Upon receipt of papers from the District Justice, the Office of the Beaver County Court Administrator will forward said papers to the appropriate Judge of the Court who will set a hearing on the contempt charge at the earliest possible time.

Rule 1906. Exhibit "A."

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY PENNSYLVANIA CIVIL ACTION—LAW

Plaintiff, :
vs. : No.
Defendant. :

COMPLAINT FOR INDIRECT CRIMINAL CONTEMPT FOR VIOLATION OF PROTECTION FROM ABUSE ORDER

I, the undersigned, do hereby state:

1. My name is _____ and I live at _____;

2. I accuse _____, who lives at _____, with violating a Protection From Abuse Order entered by Judge _____ on the _____ day of _____, _____ (attach a copy of the Order if available);

3. The date (and the day of the week) when the accused committed the offense was on or about _____;

4. The place where the offense was committed in the County of Beaver;

5. The acts committed by the accused were _____;

all of which were in violation of the Protection From Abuse Order entered in accordance with the Protection From Abuse Act, 35 P. S. § 10181, et seq.;

6. If the defendant has not already been arrested, I ask that a warrant of arrest be issued and that the accused be required to answer the charges I have made.

I verify that the statements made in the complaint are true and correct to the best of my knowledge, information and belief. I further understand that any false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date _____

(Signature of Affiant)

The above subscribed affiant personally appeared before me on _____, _____, signed the complaint in my presence and asserted that the facts therein are true and correct; and wherefore it appears that there is probable cause for the issuance of process.

(Issuing Authority) (SEAL)

MINORS AS PARTIES

Rule L2039A. Approval of Compromise and Settlement by the Court.

The Court may approve the compromise, settlement or discontinuance of an action filed on behalf of a minor or an action in which a minor has interest without a hearing provided that the petition complies with L2039B. Should the Court determine that a hearing is necessary, the Petition will be entertained pending the hearing.

Rule L2039B. Content of Petition.

A petition for leave to compromise, settle or discontinue an action in which a minor is a party, or an action in which a minor has an interest shall set forth:

(a) the facts out of which the cause of action arose;

(b) the elements of damage sustained;

(c) all expenses incurred or to be incurred, including the counsel fees requested;

(d) the facts relied upon by the adverse party; and,

(e) all circumstances relevant to the propriety of granting the petition including medical reports and records.

INCAPACITATED PERSONS AS PARTIES

Rule L2064. Approval of Compromise and Settlement by the Court.

The procedure to secure Court approval of the compromise and settlement of actions in which incapacitated persons have an interest shall be governed by L2039A and L2039B.

ACTIONS FOR WRONGFUL DEATH

Rule 2206. Approval of Compromise and Settlement of Actions for Wrongful Death.

The procedure to secure Court approval of the compromise and settlement of an action for wrongful death in which a minor or incapacitated person has an interest shall be governed by L2039A and L2039B.

DEPOSITIONS AND DISCOVERY (NEW)

Rule L4002. Place of Depositions.

Unless counsel for all parties agree otherwise, all discovery depositions shall take place in Beaver County. Depositions for use at trial may be taken outside Beaver County upon agreement of counsel or leave of court.

Note

It is contemplated that depositions will take place in the office of counsel for a party so long as the office is located in Beaver County.

Rule L4012. Discovery Motions.

No motion relating to discovery will be entertained by the court unless counsel for the parties involved shall have first conferred and attempted to resolve the issues. All such motions shall be accompanied by a written certification of counsel for the moving party. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel was unable to resolve the issues.

In the event counsel has not conferred, counsel for the moving party shall certify the reason or reasons therefore.

Rule LJA1901A. Termination of Inactive Cases.

The Court Administrator shall compile a list of inactive cases as of January 1 of each year comprised of all Civil Actions, except child custody cases, in which no steps or proceedings have been taken for two (2) years or more prior thereto.

Rule LJA1901B. Notice of Termination.

Counsel or the parties in each case listed shall be given at least thirty (30) days written notice of the date on which the case shall be terminated. That date shall be the first Monday of April each year.

Rule LJA1901C. Manner of Notice.

Said written notice shall be given in person or by regular mail to the last address of the counsel of record, or if there is no counsel of record, to the last address of the party. Where notice cannot be so given or has been returned undelivered, said notice shall be by one publication in the Beaver County Legal Journal at least thirty (30) days prior to such date. The publication may combine any number of such cases in such form as the Court Administrator may determine.

Rule LJA1901D. Content of Notice.

Said written notice shall identify the matter and shall state the date of the termination and that the matter will be terminated by Court Order for unreasonable inactivity unless at least five (5) business days prior thereto, a party or counsel file objection to such termination stating reasons why such inactivity has not been unreasonable.

Rule LJA1901E. Presentation of Objection and Content.

Objections to termination shall be in writing in the form of a motion prepared in accordance with LR206 and presented to the Court Administrator no later than five (5) business days before the scheduled termination date.

Such objections shall state whether the matter has previously been listed for termination due to unreasonable inactivity and if so, the date or dates of such listing in addition to the reasons therefor. Such objections shall also certify that the notice required by sub-section F of this rule has been given.

Rule LJA1901F. Service of Objections.

Any party or counsel filing objections to termination shall deliver a copy of the objections to all other parties interested in such matter, or their counsel of record, either personally or by regular mail at least five (5) business days prior to presentation.

Rule LJA1901G. Response to Objection.

Any party or counsel who desires to respond to an objection to termination must file a response in writing with the Court Administrator on or before the termination date. If no response is filed the objection may be sustained.

Rule LJA1901H. Disposition of Objections.

Where objections and a response to the objections have been filed, the Court Administrator will refer the case to the Court for disposition either on the pleading, or after hearing or argument.

Rule LJA1901I. Reinstatement.

Any matter terminated after notice by publication may be reinstated by the Court upon motion filed and served upon all other parties to the matter and upon good cause shown.

Rule LJA5000. Transcripts.

A. Transcripts Ordered by Court: Where a party wishes to proceed in forma pauperis, a motion shall be presented to the trial judge setting forth the reasons for such request, the specific portion or portions of the record which it is requested that the Court order transcribed and the reasons therefor. At least three business days written notice shall be given to the adverse party of the time such motion is to be presented to the trial judge. The attorney for the adverse party is to be present at the time of the motion and may make requests for additional transcription of the record, stating the reasons therefor. The Court will consider the requests and will make an appropriate order, which order and motion shall be filed of record in the office of the Prothonotary, with a copy to the Court Reporter.

B. The Court may, on its own motion, order an original or a copy of a transcript of a record or a portion thereof for its own use. All transcripts ordered for the Court shall be paid by Beaver County at the rates provided for in Pa. R.J.A. No. 5000.7 and shall be taxed as part of the record costs.

Rule LJA5000.6. Fees.

Except where the Commonwealth or a subdivision is liable for the costs, the Court Reporter shall require a deposit of one-half the estimated charge for the transcript as a condition precedent to starting transcription.

After ascertaining from the Court Reporter the amount required, the said deposit shall be paid to the Prothonotary by the party requesting the transcript.

After obtaining a receipt from the Prothonotary signifying said deposit has been made, the person making said deposit shall deliver a copy of said receipt to the Court Reporter who will then proceed with the transcript, as requested, in the manner provided pursuant to Pa. R.J.A. No. 5000 et seq.

When the transcript is completed, the Court Reporter shall notify the party requesting the same.

The completed transcript shall be delivered by the Court Reporter to the office of the Prothonotary. The transcript shall be held by the Prothonotary in a transcript escrow file and shall not be delivered to the party ordering the transcript until any balance due for the transcript has been paid to the Prothonotary. The original transcript may then be filed of record and copies thereof released to requesting parties.

All transcript payments shall be remitted by the Prothonotary to the County of Beaver. When the Court Reporter has submitted the completed transcript, the Court Reporter may then bill the County of Beaver for payment for said transcripts. The County of Beaver shall then pay the same pursuant to its present practice.

REAL ESTATE ASSESSMENT APPEALS

Rule L8000. Real Estate Assessment Appeals.

A. All appeals taken from a real estate assessment fixed by the Board of Assessment Appeals shall be presented or filed in the form of a Petition for Allowance of Appeal.

B. The Petition for Allowance of Appeal, whether initially presented to the Court or filed with the Prothonotary, shall have attached to it a proposed preliminary decree which shall provide:

1. that the appeal is allowed;
2. that the taxing authorities within whose jurisdiction the real estate is situate and the property owner, if the appellant is not the property owner, are hereby notified that leave to intervene in said appeal, if desired, must be sought in accordance with Pa. R.C.P. 2328—2330; and
3. that within five days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the Board of Assessment Appeals, the Board of Commissioners of Beaver County, the governing bodies of the school district and each municipality in which the real estate is situate, and upon the property owner, if the appellant is not the property owner.

C. If the Petition for Allowance of Appeal is initially filed in the Prothonotary's Office, the petition and proposed preliminary decree shall be presented by the appellant to the Court within five (5) days thereafter for the entry of a preliminary decree.

Rule L8001. Pre-Hearing Statement and Conference.

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

1. A summary of the facts which will be offered by oral and documentary evidence at the hearing;
2. a list of exhibits to be offered;
3. a list of the names and addresses of all witnesses to be called;
4. copies of any appraisal reports, or if no report is available, a summary of the testimony of any expert who will be called as a witness;
5. a statement of the current valuation which is the basis for the appeal;

6. a statement setting forth the appellant's position as to the correct valuation which shall include appellant's position as to correct market value, assessment ratio, and assessment;

7. a statement that there have been negotiations between the parties and a good faith attempt to settle the case;

8. the statement shall be signed by the parties or their counsel; and

9. an affidavit that service of the petition and the preliminary decree was made on all parties as required by Rule L8000B(3)

B. Upon receipt of the pre-hearing statement of the parties of record, the Court Administrator shall refer the case to a member of the Court who shall schedule a pre-hearing conference at which the parties of record and their counsel shall be present. Notice of the pre-hearing conference shall be given by the Court Administrator to all affected taxing authorities whether or not parties of record.

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

1. possible stipulations as to evidence and facts;
2. simplification of the issue; and
3. settlement.

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

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

[Pa.B. Doc. No. 00-210. Filed for public inspection February 4, 2000, 9:00 a.m.]

COMMONWEALTH COURT

Notice to the Bar

The Commonwealth Court has a limited number of books entitled *Commonwealth Court of Pennsylvania Elections Cases: January 1, 1994—December 31, 1999* available for sale. The book contains an index to reported Commonwealth Court election cases from 1970 through December 31, 1999; an index to unreported Commonwealth Court election cases from 1994 through December 31, 1999; and all unreported Commonwealth Court election cases from 1994 through December 31, 1999. This 1,000 page book is available for \$75. The book may be purchased in the Office of the Chief Clerk, Room 624, South Office Building, in Harrisburg.

DANIEL R. SCHUCKERS,
Prothonotary

[Pa.B. Doc. No. 00-211. Filed for public inspection February 4, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION [52 PA. CODE CH. 69]

Corrective Amendment to 52 Pa. Code § 69.391

The Pennsylvania Public Utility Commission (Commission) has discovered a discrepancy between the agency text of 52 Pa. Code § 69.391 (relating to general), as deposited with the Legislative Reference Bureau, and adopted at 29 Pa.B. 5616 (October 30, 1999) and the official text published and as currently appearing in the *Pennsylvania Code*. The amendment to this section at 29 Pa.B. 5616 was not codified.

Therefore, under 45 Pa.C.S. § 901: The Pennsylvania Public Utility Commission has deposited with the Legislative Reference Bureau a corrective amendment to § 69.391. The corrective amendment to § 69.391 is effective as of January 8, 2000, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of § 69.391 appears in Annex A.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

MEDIATION PROCESS

§ 69.391. General.

(a) The Commission encourages parties to seek negotiated settlements of contested proceedings in lieu of incurring the time, expense and uncertainty of litigation. To further promote the goal of obtaining negotiated settlements in the public interest, the Commission has adopted guidelines that offer the parties, in certain contested proceedings, the option of mediation.

(b) Mediation is intended to be a flexible program designed to facilitate the amicable resolution of disputes between parties. The Office of Administrative Law Judge (OALJ) manages the mediation program.

[Pa.B. Doc. No. 00-212. Filed for public inspection February 4, 2000, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 51]

Administrative Provisions

The Fish and Boat Commission (Commission) by this order amends Chapter 51 (relating to administrative provisions). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). This amendment relates to counties where the use of the field acknowledgment of guilt is authorized.

A. Effective Date

This amendment will go into effect upon publication of this order in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

This amendment is published under the statutory authority of Act 1999-41, which Governor Ridge signed on November 3, 1999. Section 5 of Act 41, among other things, limits the power of waterways conservation officers to accept field acknowledgments of guilt for summary violations as set forth in section 925 of the code (relating to acknowledgment of guilt and receipts for payment). The law went into effect on January 1, 2000.

D. Purpose and Background

This amendment is designed to implement Act 41, which provides that field acknowledgments of guilt shall be used only in counties the Commission may designate by regulation for use upon a finding that the county has summary offense procedures that differ from those used in other counties. The Commission has found that Philadelphia County is a county that uses summary offense procedures that differ from Statewide procedures.

E. Summary of Changes

The Commission has designated Philadelphia County as a county where the use of the field acknowledgment of guilt is authorized.

F. Paperwork

This amendment will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking was published at 29 Pa. B. 6116 (December 4, 1999). The Commission did not receive public comments regarding the proposal.

Findings

The Commission finds that:

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

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 51, are amended by adding § 51.8 as set forth at 29 Pa.B. 6116.

(b) The Executive Director will submit this order and 29 Pa.B. 6116 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 29 Pa.B. 6116 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-104 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 00-213. Filed for public inspection February 4, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 110]

Noxious Weeds

The Department of Agriculture (Department) proposes to amend the regulation in 7 Pa. Code § 110.1 (relating to noxious weed control list) to designate *Lythrum salicaria* (purple loosestrife), *Lythrum virgatum* and their cultivars and combinations thereof as "noxious weeds." The Department also proposes to add *Galega officinalis* (Goatsrue) and *Heracleum mantegazzianum* (Giant Hogweed) to the noxious weed control list.

Statutory Authority

Sections 3(b), 8 and 9 of the Noxious Weed Control Law (act) (3 P. S. §§ 255.3(b), 255.8 and 255.9), respectively, require the Department to establish a noxious weed control list, prescribe certain plants to be included on that list and empower the Department to adopt regulations necessary to implement the act. The proposed amendment is advanced under authority of these statutory provisions.

Need for the Regulation

There is a compelling public need to protect this Commonwealth's wetland plant and animal populations from the threat posed by nonnative purple loosestrife, cultivars of the plants and cultivars that are combinations of native and nonnative purple loosestrife species.

The addition of Giant Hogweed to the noxious weed control list is necessary to provide the Department needed authority to control and eradicate this nonindigenous plant at the locations in Crawford, Erie, McKean, Venango and Warren Counties where it has appeared. The sap of this plant can cause rashes on the skin of persons with whom it comes into contact.

The addition of Goatsrue to the noxious weed control list will provide the Department needed authority to address the presence of this nonindigenous plant at the Philadelphia area location where it has been detected. This plant is toxic to livestock.

The proposed amendment meets the other relevant regulatory criteria described in Executive Order 1996-1 ("Regulatory Review and Promulgation").

Background

Lythrum salicaria, commonly known as purple loosestrife, is a nonnative wetland plant that thrives in the absence of the insects and diseases that controlled it in Europe and Asia. It clogs waterways, crowds-out native plant species and decreases the population of animals that are dependent upon these native plant species for survival. For this reason the Department placed "*Lythrum salicaria*," commonly known as "purple loosestrife" on the noxious weed control list in § 110.1. This regulatory change was published in 27 Pa.B. 1704 (April 12, 1997) and became effective on that date.

Since *Lythrum salicaria* was added to the noxious weed control list, the need to add other *Lythrum* species and their cultivars and combinations has become apparent. There are many cultivars (cultivated varieties) of purple loosestrife that are listed under species names other than *Lythrum salicaria*. These other species and cultivars

present as great an environmental threat as does *Lythrum salicaria*. The proposed amendment addresses the threat posed by these plants.

Lythrum virgatum is a source of purple loosestrife cultivars. Like *Lythrum salicaria*, *Lythrum virgatum* is a European wetland plant that has been introduced into North America. These two species are very similar, differing in only several minor diagnostic characteristics. The two also cross pollinate freely. For these reasons, a number of plant specialists consider *Lythrum salicaria* and *Lythrum virgatum* to be the same species. The fact that these plants intercross freely has also helped to blur scientific distinctions between cultivars of the two.

Until recently, the various ornamental purple loosestrife cultivars were thought to be sterile. As such, there would be no danger these plants could naturally cross breed with *Lythrum salicaria* and pass along genetic traits which might make purple loosestrife an even greater ecological threat than it is already. Recent research, though, has shown that no purple loosestrife cultivar is sterile.

Although most cultivars are self-sterile (that is, incapable of reproducing alone), they produce large quantities of viable seed when functioning as either male or female parents in cross breeding with other cultivars and species of loosestrife. Bees and wasps are effective pollinators of loosestrife, and provide the means for cross pollination, even between plants that are a considerable distance from each other.

It is possible a relatively benign ornamental cultivar of indigenous purple loosestrife could cross breed with *Lythrum salicaria* and produce a new cultivar of purple loosestrife that combines the native species' tolerance of this Commonwealth's temperature extremes or its ability to thrive in areas other than wetlands with the aggressive growth characteristics and the disease resistant characteristics, or both, of *Lythrum salicaria*. This is not abstract speculation. Some genetic traits of *Lythrum salicaria* have already been found in cultivars of purple loosestrife.

Galega officinalis, commonly known as Goatsrue, is a nonnative plant that is on the Federal noxious weed list and is toxic to livestock. Goatsrue is only known to exist in this Commonwealth at an arboretum in the Philadelphia area.

Heracleum mantegazzianum, commonly known as Giant Hogweed, is a nonnative plant that is on the Federal noxious weed list and causes skin rashes on many persons who come into contact with it. The plant is only known to be present in this Commonwealth in Crawford, Erie, McKean, Venango and Warren Counties.

In light of the foregoing, the Department proposes to amend the regulation in § 110.1 to add all nonnative *Lythrum* species—including *Lythrum salicaria*, *Lythrum virgatum*, their cultivars and combinations thereof—as well as *Galega officinalis* and *Heracleum mantegazzianum*, to the noxious weed control list.

Section 3(c) of the act requires the Noxious Weed Control Committee hold a hearing before adding plants to the noxious weed control list. This hearing was held on August 20, 1998, at which time the Noxious Weed Control Committee voted its unanimous approval of the proposed regulation.

Persons Likely to be Affected

The act affects owners of lands upon which noxious weeds are located, as well as entities which produced or market noxious weeds. The proposed amendment will affect persons who own lands upon which the designated species, cultivars and combinations of purple loosestrife are located, and plant nurseries and similar establishments that sell or market ornamental varieties of purple loosestrife.

The amendment will also affect the Philadelphia-area arboretum where Goatsrue is known to be present.

The amendment will also affect owners of the 97 sites in Crawford, Erie, McKean, Venango and Warren Counties where Giant Hogweed is present.

Of the three plants proposed for inclusion on the noxious weed control list, only purple loosestrife cultivars are sold commercially as ornamental plants. In 1995, the Department surveyed 797 retail and wholesale plant sellers and only 39 (4.9%) handled purple loosestrife cultivars. Purple loosestrife sales were not a significant component of the business conducted by any of these 39 businesses. Since that survey, the Department has used its field personnel, trade publications and horticultural organization meetings to apprise the plant production industry of the forthcoming restrictions with respect to purple loosestrife. Most, if not all, of the businesses that once handled purple loosestrife no longer do so.

Fiscal Impact

Commonwealth

The proposed amendment would impose no costs and have no fiscal impact upon the Commonwealth.

Political Subdivisions

The proposed amendment would impose no costs and have no fiscal impact upon political subdivisions.

Private Sector

The proposed amendment would impose no costs and have no applicable fiscal impact upon the private sector. Only a small percentage of this Commonwealth's plant nurseries and similar establishments ever handled purple loosestrife. Of those that did, sales of those plants comprised only a small part of their business. As a result of the nursery industry's awareness of the environmental threat posed by purple loosestrife and the fact the proposed amendment was forthcoming, it is believed the fiscal impact of this amendment upon the private sector will be insignificant.

The inclusion of Goatsrue and Giant Hogweed on the Noxious Weed Control List is not expected to result in significant costs to the private sector. These plants are present in relatively few locations in this Commonwealth, and can be eliminated without significant expense.

General Public

The proposed amendment would impose no costs and have no fiscal impact upon the general public.

Paperwork Requirements

The proposed amendment would not result in an appreciable increase in paperwork.

Public Comment Period

The public comment period with respect to the proposed amendment is for 30 days from the date of publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 24, 2000, the Department submitted a copy of the proposed amendment to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and the Senate Standing Committees on Agriculture and Rural Affairs. In addition to submitting the proposed amendment, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has an objection to any portion of the proposed regulation, it will notify the Department within 10 days after the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by the portion of the proposed amendment with respect to which an objection is made. The Regulatory Review Act specifies detailed procedures for review of these objections by the Department, the General Assembly and the Governor prior to final publication of the proposed amendment.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Will Mountain.

Sunset/Expiration Date

Although the proposed amendment would have no sunset date, its efficacy would be reviewed on an ongoing basis.

Effective Date

The proposed amendment would take effect on the date of final adoption.

SAMUEL E. HAYES, Jr.,
Secretary

Fiscal Note: 2-117. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART V. PLANT INDUSTRY

CHAPTER 110. NOXIOUS WEEDS

§ 110.1. Noxious weed control list.

Under section 3(b) of the Noxious Weed Control Law (3 P. S. § 255.3(b)), the Noxious Weed Control Committee establishes the following noxious weed control list:

* * * * *

(2) [*Lythrum salicaria*, commonly known as purple loosestrife.] The *Lythrum salicaria* Complex: Any nonnative *Lythrum* including, *Lythrum salicaria* and *Lythrum virgatum*, their cultivars and any combinations thereof.

* * * * *

(12) *Heracleum mantegazzianum*, commonly known as Giant Hogweed.

(13) *Galega officinalis*, commonly known as Goatsrue.

[Pa.B. Doc. No. 00-214. Filed for public inspection February 4, 2000, 9:00 a.m.]

[7 PA. CODE CH. 138h]

Agricultural Land Conservation Assistance Grant Program

The Department of Agriculture (Department) proposes to amend Chapter 138h (relating to agricultural land conservation assistance grant program).

Authority

Section 7.3 of the act of June 18, 1982 (P. L. 549, No. 159) (3 P. S. § 1207.3) (act) authorizes the Department to award grants to counties for designated purposes related to the conservation of agricultural land, and empowers the Department to promulgate regulations necessary to support the grant program. It is under this statutory authority these regulatory revisions are offered.

The act requires the Department to consult with the State Agricultural Land Preservation Board (State Board) in establishing eligibility criteria for grants and in promulgating regulations necessary to administer and enforce the act. The State Board reviewed and approved these proposed regulatory revisions at its November 5, 1998 meeting.

Need for the Proposed Amendments

The Department is preparing to solicit a second round of grant applications under the Agricultural Land Conservation Assistance Grant Program (Grant Program). The proposed regulations would help to remove certain ambiguous or unnecessary language, clarify the criteria pursuant to which grants will be awarded and otherwise facilitate the distribution of grant funds to meet the underlying Legislative intent.

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

Summary of the Proposed Amendments

The proposed revisions reflect the experience the Department gained in administering the Grant Program through its first round of grant applications. The revisions are intended to remove certain ambiguous or unnecessary language, clarify the criteria pursuant to which grants will be awarded and otherwise make the Grant Program more workable.

Proposed § 138h.1 (relating to grant program objectives) would emphasize the primary purpose of the Grant Program: the protection and preservation of agricultural land. The final sentence of this section would be deleted, since the substance of that sentence is set forth in the definitions of "applicant" and "eligible county," in § 138h.2 (relating to definitions).

A new term "costs incurred" would be added in proposed § 138h.2. This term is used repeatedly in § 138h.4(c) (relating to uses of grant funds). The definition would help to clarify that costs incurred by an

applicant in the absence of a grant agreement specifically addressing those costs will not be reimbursed under the Grant Program.

Proposed § 138h.4 would accomplish several revisions:

Proposed § 138h.4(c)(1) would replace the term "spatial mapping database" with "Geographic Information Systems (GIS) database." This would make use of the most widely used and accepted term for the type of database described in that paragraph. In addition, the paragraph would reflect that a GIS database is generally available for purchase and need not be "created." The paragraph would also allow greater flexibility in terms of the resource data a GIS database would contain.

Proposed § 138h.4(c)(4) would be added to allow for up to \$2,000 of a grant to be used for the purchase of computer hardware necessary for a GIS database or to develop ordinances described elsewhere in subsection (c). The Department believes the objectives of the grant program are served when a successful applicant has the full benefit of current computer technology to implement its project.

Proposed § 138h.4(e) would allow "in-kind" or "like-kind" contributions to constitute the lesser of 20% or \$2,000 of an applicant's contribution of matching funds toward its project.

Proposed § 138h.5(b) (relating to eligibility criteria) would streamline the criteria pursuant to which grants are awarded. Applications would be evaluated but not "ranked." The "innovativeness" of a project and the availability of funds from other sources would no longer be criteria in evaluating an application. Separate criteria addressing the impact and relevance of the project would be combined. The Department believes these revisions would facilitate the evaluation process.

The proposed amendments would add a new subsection (c) to § 138h.6 (relating to applications generally). This subsection would help to facilitate the grant process by reminding an applicant to document that it is an eligible county and reminding persons acting on behalf of an eligible county to confirm their authority in this regard. The proposed revision of this section would also delete the unnecessary requirement that an applicant document it could not borrow matching funds without the grant it seeks from the Department. Subsection (e) would extend the time within which the State Board or the Secretary can request additional documentation by 20 days. This would afford a full 30 days from receipt of application materials within which to request additional documentation. This extension will be more workable—particularly in light of the meeting schedule of the State Board.

Proposed § 138h.7 (relating to filing applications) would clarify that applications must be received by the Department by 4 p.m. on the last day of the 45-day application window. This revision is prompted by the large number of eligible counties that submitted their application materials late during the Grant Program's first round of applications. The final phrase in proposed § 138h.7(b) would also address applications submitted at the end of the 45-day application window by allowing for the receipt and consideration of additional necessary documentation beyond the date the application window closes.

Proposed § 138h.8 (relating to review of applications by the State Board) would delete the requirement that all applications received within the 45-day application window be reviewed by the State Board at the same meeting. This addresses situations when additional necessary documentation for an application is not received until after the scheduled meeting of the State Board at which all other applications are considered.

Proposed § 138h.10 (relating to grant agreement) would clarify that it is possible to extend the termination date of a grant agreement if the Department and the grant recipient agree in writing, but would limit any extension to no more than 6 months. This revision is proposed in light of the experience gained by the Department in administering the first round of grant applications. Several worthy grant projects took longer to complete than the grant recipients had, in apparent good faith, anticipated. The proposed revision balances the occasional need for an extension of the grant agreement termination date with the need to administer the grants efficiently and avoid a backlog of uncompleted projects.

Persons Likely to be Affected

The proposed amendments will affect any county agricultural land preservation program seeking a grant for purposes consistent with the act.

Fiscal Impact

Commonwealth

The proposed amendments will impose no costs and have no fiscal impact upon the Commonwealth. The act, itself, allows for up to \$750,000 to be awarded in grants. The proposed amendments would not increase or decrease that sum, but would help ensure the grant funds are spent for the purposes described in the act. To date, the Department has awarded grants totaling \$145,351.84. As a result, there remains authority to award an additional \$604,648.16 in grants.

Political Subdivisions

The proposed amendments will impose no costs and have no fiscal impact upon political subdivisions. If a county seeks grant funds for a project permitted under the act, though, it must pay at least 50% of the project's costs.

Private Sector

The proposed amendments will impose no costs and have no fiscal impact on the private sector.

General Public

The proposed amendments will impose no costs and have no fiscal impact upon the general public.

Paperwork Requirements

The proposed amendments are not expected to result in an appreciable increase in paperwork. The Department has developed grant application forms which it will distribute to interested persons, and will review completed applications in consultation with the State Board. Paperwork will be minimal.

Public Comment Period

The public comment period with respect to the proposed amendments is for 30 days from the date of publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 24, 2000, the Department

submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department 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 an objection to any portion of the proposed amendments, it must notify the Department within 10 days after the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by the portion of the proposed amendments with respect to which an objection is made. The Regulatory Review Act sets forth detailed procedures for review of these objections by the Department, the General Assembly and the Governor prior to final publication of the proposed amendments.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Farmland Protection, 2301 North Cameron Street, Harrisburg, Pa. 17110-9408, Attention: Raymond C. Pickering, Director.

Sunset/Expiration Date

Although the proposed amendments would have no sunset date, their efficacy would be reviewed on an ongoing basis.

Effective Date

The proposed amendments would take effect on the date of final adoption.

SAMUEL E. HAYES, Jr.,
Secretary

Fiscal Note: 2-124. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART V-C. FARMLAND AND FOREST LAND

CHAPTER 138h. AGRICULTURAL LAND CONSERVATION ASSISTANCE GRANT PROGRAM

§ 138h.1. Grant Program objectives.

Through the awarding of grants and the placing of conditions upon how grant funds are to be spent, the Grant Program will fund projects which will increase the protection and preservation of agricultural land within this Commonwealth by encouraging the implementation and effectiveness of county programs in each eligible county. **[A grant will only be awarded to a county whose governing body has appointed an agricultural land preservation board, even though the county may not have a county program.]**

§ 138h.2. Definitions.

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

* * * * *

Costs incurred—Expenses that are permitted under a grant agreement and that have been paid by a grant recipient in expectation of reimbursement under the grant agreement and this chapter.

* * * * *

§ 138h.4. Uses of grant funds.

* * * * *

(c) Allowable expenditures of grant funds. Grant funds shall be used for one or more of the following purposes:

(1) To cover costs incurred by an applicant in [creating a spatial mapping] obtaining a Geographic Information Systems (GIS) database. The database shall [, at a minimum,] contain resource data such as: county topographic data, property boundaries, soil boundaries, soil capability classes [and], soil productivity ratings and relative values for soils.

* * * * *

(4) To cover costs up to \$2,000 incurred by an applicant in the purchase of computer hardware directly linked to achieving the purposes of paragraphs (1) and (2).

* * * * *

(e) Use of "in-kind" or "like-kind" funding. The value of in-kind or like-kind contributions shall be considered in calculating an applicant's contribution of matching funds to a project. In-kind or like-kind contributions may be counted toward an applicant's matching contribution. In-kind or like-kind contributions used for this purpose may not exceed \$2,000 or 20% of an applicant's total matching contribution, whichever is less.

§ 138h.5. Eligibility criteria.

(a) General. The following general criteria apply to applications for projects:

* * * * *

(2) Subsequent stages or upgrades [of previously completed projects for which funding has already been approved] may be considered for funding if documentation is provided to the Department to demonstrate that the stage [of the project] or upgrade [identified in the application] was not included in funding plans for earlier stages of the project.

(b) Specific. The following specific criteria will be used to evaluate [and rank] applications for funding consideration:

(1) The acceptability of costs within the proposed budget.

(2) [The availability of funding for the project from a source other than the Commonwealth.

(3)] The extent to which the project [shall impact upon the] contributes to the Commonwealth's goal of preserving agricultural [lands within this Commonwealth] land.

[(4) The relevance of the project to encouraging the preservation of agricultural lands.

(5)] (3) * * *

[(6) The value to the community of the project described in the application.

(7) The innovativeness of the project.

(8)] (4) * * *

[(9)] (5) * * *

§ 138h.6. Applications generally.

* * * * *

(c) Authorization. In addition to the application, applicants shall submit a written resolution passed by the county board authorizing the person submitting the grant application to execute the grant application on behalf of the county board.

[(c)] (d) Additional documentation. The State Board and the Secretary may require an applicant to submit additional documentation to complete or verify the application form. The additional documentation may include a letter, affidavit or other documentation, to:

(1) Verify [the legitimacy of the applicant's agricultural land preservation board] that the applicant is an eligible county.

* * * * *

[(4) Obtain from a third party which is providing matching funds to an applicant a recommendation that a grant under this chapter be awarded the applicant and verifying that its contribution of funds to the project would not be available without a grant from the Department.

(d)] (e) Request for additional documentation. If additional documentation is necessary, the State Board or the Secretary will mail a written request for additional documentation to the applicant within [10] 30 days of receipt of the application.

§ 138h.7. Filing applications.

(a) Place and time. An application for a grant under the Grant Program shall be received by the program administrator at the Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408, during the specific 45-day annual application period as advertised in the Pennsylvania Bulletin. Applications will not be accepted after 4 p.m. on the last day (day 45) of the application period. The advertisement will be published at least 30 days prior to the commencement of the application period.

(b) Incomplete or inaccurate applications. The Department will review each application and any supporting documentation that is received within the 45-day application period. If an application is found to be incomplete or inaccurate, the Department will request additional information and will discontinue further processing of the application if the documentation is not received by the Department within [the 45-day application period described in subsection (a)] 15 days from the date of the request or the close of the 45-day application period, whichever is longer.

§ 138h.8. Review of application by State Board.

(a) Transmittal of application to State Board. When the Department determines a grant application is complete and accurate, it will forward this application, together with supporting documentation submitted therewith, to the State Board for review at its next regularly scheduled meeting. [Since all applications are to be submitted and completed within the same time period, all applications for funding will be transmitted to the State Board at the same time.]

* * * * *

§ 138h.9. Notice of disposition of application.

The Department will mail to the applicant written notice of the approval or disapproval of a grant application within 30 days of [a] the State Board's decision.

This notice will be by regular mail to the address indicated by the applicant on the grant application form.

§ 138h.10. Grant agreement.

(a) **General.** After the State Board approves a grant application, and as a precondition to the Department's release of grant funds to a successful applicant, the Department and the applicant shall execute a written grant agreement which describes the terms and conditions subject to which the grant is made. This grant agreement shall contain and conform to the requirements of this chapter and applicable State laws. It shall also contain any special terms and conditions required by the State Board and the Secretary.

(b) **Extension of project completion date.** Although the project completion date set forth in the grant agreement may be extended by mutual written agreement of the Department and the grant recipient, the project completion date will not be extended more than 6 months.

§ 138h.12. Grant cancellation.

* * * * *

(b) **Failure to [establish a] obtain State Board approval of a county program.** If, within 2 calendar years of the date of the first grant agreement to that county, the grant recipient does not have a county program in place, the grant funds provided to the eligible county under this chapter shall be returned to the Department in full as described in § 138h.11(c).

[Pa.B. Doc. No. 00-215. Filed for public inspection February 4, 2000, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

[49 PA. CODE CH. 35]

Agency

The State Real Estate Commission (Commission) proposes to amend Chapter 35 by amending §§ 35.201, 35.281, 35.283, 35.284, 35.287, 35.331—35.333 and 35.336, and adding §§ 35.292, 35.311—35.316 and 35.337 as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

The amendments are proposed under the authority of sections 606—606.6 and 608.1—608.4 of the Real Estate Licensing and Registration Act (act) (63 P. S. §§ 455.606—455.606f and 455.608a—455.608d).

C. Background and Purpose

This proposal implements the act of November 24, 1998 (P. L. 908, No. 112) (Act 112). Act 112 codified the duties of licensees generally, expanded the relationships which licensees may have with consumers, and delineated mandatory provisions in written agreements and sales contracts.

To provide the most guidance to licensees, the Commission has drafted its preamble in two sections. The first section organizes statutory and corresponding proposed regulatory provisions by subject matter. The second section provides substantive interpretations of various statutory provisions.

D. Description of Proposed Amendments

Organization

The proposed amendments track statutory language. For ease of reference, the first column contains the statutory citation, the second column contains the proposed regulatory citation and the third column contains the subject matter.

<i>Statute</i>	<i>Proposed Regulation</i>	<i>Subject Matter</i>
§ 455.201	§ 35.201	Definitions
§ 455.606a(b) §§ 455.606a(b)(2)—455.606a(b)(4)	§ 35.281(a) § 35.281(b)	Contracts in writing Exceptions
§ 455.606a(a)(13)	§ 35.283	Conflicts of interest
§ 455.606a §§ 455.606a(h)—606a(i)	§ 35.292(a) § 35.292(b)—(d)	Duties of licensees Exceptions
§ 455.606 § 455.606a(c) § 455.606a(d) § 455.606a(g)	§ 35.311(a) § 35.311(b) § 35.311(c) § 35.311(d)	Permitted relationships Delegation Exception Confidentiality
§ 455.606b § 455.606a(e) § 455.606a(b)(4) § 455.606	§ 35.312(a) § 35.312(b) §§ 35.312(c)—(d) § 35.312(e)	Duties of seller's agents Exception Compensation Status of licensees
§ 455.606c § 455.606a(f) § 455.608(7) § 455.606	§ 35.313(a) § 35.313(b) § 35.313(c) § 35.313(d)	Duties of buyer's agents Exception Compensation Status of licensees

<i>Statute</i>	<i>Proposed Regulation</i>	<i>Subject Matter</i>
§ 455.606d § 455.606d § 455.606a(f)	§ 35.314(a) § 35.314(b) § 35.314(c)—(d)	Duties of dual agent Exceptions Consent
§ 455.606e(a)(1) § 455.606e(a)(2) § 455.606 § 455.606e(b) § 455.606e(a)(3)	§ 35.315(a) § 35.315(c) § 35.315(d) § 35.315(f) § 35.315(g)	Designation Confidentiality Status of licensees Duties of Designated agent Duties of broker
§ 455.606f	§ 35.316	Transaction licensees
§ 455.608a	§ 35.331	Written agreements
§ 455.608b	§ 35.333	Agreements of sales
§ 455.608c	§ 35.337	Comparative market analysis

Substantive Provisions

Current § 35.201 (relating to definitions), would be amended to include new definitions for “agency relationship,” “buyer agent,” “consumer,” “designated agent,” “dual agent,” “listing broker,” “principal,” “seller’s agent,” “sub-agent” and “transaction licensee.”

Interspersed throughout the regulations are numerous references to “broker of record.” Although the act refers to “broker,” the Commission understands that reference to be to the broker responsible for the real estate transactions and the supervision of the licensees. The Commission is cognizant that many real estate companies employ many brokers, but only one serves as a broker of record. As a result, the regulations distinguish between a broker and a broker of record.

Proposed § 35.281(a) (relating to putting contracts, commitments and agreements in writing) would contain the general rule that all sale or lease contracts, commitments and agreements wherein the consumer or principal is required to pay a fee be in writing and contain the information contained in § 35.331 (relating to written agreements generally.) Proposed subsection (b) delineates the exceptions to the general rule set forth in sections 606.1(b)(2)—606.1(b)(4) of the act.

Section 35.283 (relating to conflicts of interest) would be amended by clarifying subsection (d) and adding subsections (e) and (f) in conformity with section 606.1(a)(13) of the act. Under this new section, licensees are permitted to provide financial, title transfer, deed or document preparation, insurance, construction, repair and inspection to consumers so long as the consumer is provided with a written disclosure delineating the broker of record’s or salesperson’s financial interest. The disclosure must be provided at the time the referral is made. When there is no referral, the disclosure must be made when the broker of record or salesperson learns or should have learned of the conflict.

Section 35.284 (relating to preagreement disclosures to consumers), would be amended to delete current subsections (a) and (b) and replace them with the procedural requirements currently found in § 35.336(b)—(d) (relating to disclosure summary). These provisions are being moved so that the procedural requirements are placed in § 35.284 and the substantive requirements are placed in § 35.336. The information required by current subsections (a) and (b) are contained in the substantive provisions in the Consumer Notice in § 35.336.

Section 35.287 (relating to supervised property management assistance by salespersons), would be amended to

delete current subsection (a), dealing with appraisals. This amendment would conform the regulation with the definitions of salesperson and broker of record in section 201 of the act, in that appraisals, other than a comparative market analysis described in section 608.3 of the act, have been removed from a real estate licensee’s scope of practice.

New § 35.292(a) (relating to duties of licensees generally), would delineate the 12 duties owed to all consumers of real estate services. New subsections (b)—(d) identify the three areas where licensees are not required to act under section 606.1(h) and (i) of the act.

New § 35.311(a) would delineate the business relationships created by section 606 of the act. Subsection (b) would clarify that an agency relationship cannot be extended or delegated without the consent of the principal. Subsection (c) would clarify that an agency relationship is not created where another broker of record is compensated for assisting in the marketing and sale/lease of the property. New subsection (d) would contain the general rule that licensees may not knowingly reveal confidential information and the five exceptions to this rule.

New § 35.312 (relating to seller’s agency) and new subsections (a)—(d) would track statutory language regarding additional duties and compensation. New subsection (e) stems from the requirement in section 606 of the act that employees of the broker of record bear the same relationship with the consumer as the broker of record unless the licensee has been named as a designated agent.

Similar to new § 35.312 is new § 35.313 (relating to buyer’s agency). The additional duties delineated in section 606.3 are set forth in subsection (a). New subsections (b) and (c) of the act track the statutory requirement regarding showing competing properties and compensation. Like § 35.312(e), new subsection (d) stems from the requirement that employees of the broker of record bear the same relationship with the consumer as the broker of record unless designation has taken place.

Proposed § 35.314 would address dual agency and tracks the responsibilities mandated by section 606.4 of the act.

New § 35.315 would govern designated agency. In designated agency, a broker of record, with the consent of the principal, may designate one or more licensees to act exclusively as the agent for the seller/lessor and others to act exclusively on behalf of the buyer/lessee. Licensees

who are not designated by the broker of record would have no agency relationship with either party in the transaction.

When designated licensees in the same company represent both parties to the transaction, designated agents would be subject to the duties imposed on all licensees generally, as well as the additional duties enumerated in new subsection (f). In this situation, the broker of record would assume the status of a dual agent and would be subject to the duties of licensees generally, the duties of dual agents and the additional duties specified in new subsection (g).

The Commission believes that it would be in the best interest of both the licensee and the consumer or principal, if designation were to take place at the time the principal enters into a written agreement. Nonetheless, the Commission acknowledges that there may be circumstances (that is, death, vacation, change of employment) when up-front designation may be impossible. In these instances, not only would the broker of record be required to use reasonable care to ensure that confidential information is not disclosed, but new subsection (b) would require the broker of record to obtain the principal's written consent for the newly designated licensee as well as the principal's agreement to renunciate a previous agency relationship.

The Commission also believes that to ensure that confidential information would not be revealed, brokers of record who permit designated agency in their offices, must develop clear company policy addressing these issues.

New § 35.316 tracks the language of section 606.6 of the act. Unlike buyer's agency, seller's agency and dual agency, the relationships between transaction licensees and consumers is not an agency relationship. Transaction licensees do not act as agents or advocates for the consumer. As such, transaction licensees do not owe consumers the general duty of confidentiality. Transaction licensees would only owe a limited duty of confidentiality for the information specified in subsection (b).

Section 35.331(a) (relating to written agreements generally), would be amended to track the mandatory provisions listed in section 608.1 of the act. New subsection (b) would clarify that the Consumer Notice may be incorporated by reference in the written agreement. The Commission believes that since some of the required information will be explained to consumers in detail at the initial interview, repetition would not be necessary.

Section 35.332(d) (relating to exclusive listing agreements), would be deleted. The Commission agrees with the predrafting suggestion of the Pennsylvania Association of Realtors that since the Commission's regulations do not provide sample agreements for all real estate transactions, this sample is unnecessary.

Section 35.333 (relating to agreements of sales), would be amended to track provisions of section 608.2 of the act and clarify the applicability of this provision to sales of cemetery lots, mausoleums or cremation spaces or openings.

Section 35.336(b) and (c) (relating to the disclosure summary), would be deleted as similar provisions are contained in § 35.284.

E. Compliance with Executive Order 1996-1

In compliance with Executive Order 1996-1, the Commission extended an invitation to the following boards, associations and interested licensees and educators to

preliminarily review and comment on the Commission's draft regulatory proposal: Pennsylvania Association of Realtors; Realtors Educational Institute; Institute of Real Estate Studies; Polley Associates; Pennsylvania Cemetery and Funeral Association; Pennsylvania Bar Association; Allegheny Highland Association; Greater Allegheny-Kiski Area Board; Allegheny Valley Board; Beaver County Association; Bradford-Sullivan County Association; Bucks County Board; Butler County Association; Cambria-Somerset Association; Carbon County Association; Carlisle Association; Central Montgomery County Association; Central Susquehanna Valley Board; Central Westmoreland Board; Centre County Association; Chester County Association; Clearfield-Jefferson Association; Delaware Valley Realtors Association; East Montgomery County Association; Elk-Cameron County Board; Greater Erie Board; Fayette County Board; Franklin County Association; Greenville Area Board; Hanover-Adams County Association; Greater Harrisburg Association; Greater Hazleton Association; Huntingdon County Board; Indiana County Board; Lancaster County Association; Lawrence County Board; Lebanon County Association; Lehigh Valley Association; McKean County Association; Greater Meadville Board; Greater Mercer County Board; Mifflin-Juniata County Board; Mon Yough Association; Monongahela Valley Board; Greater Philadelphia Association; North Central Penn Board; Pike/Wayne Association; Pocono Mountains Association; Reading-Berks Association; Realtors Association of Metropolitan Pittsburgh; Schuylkill County Board; Greater Scranton Association; Tri-State Commercial and Industrial Association; Warren County Board; Washington-Greene Association; West Branch Valley Association; Westmoreland West Association; Greater Wilkes-Barre Association; York County Association; The Pennsylvania Federation of Housing Counselors and Agencies; and The Real Estate Consumer Council.

In formulating this proposal, the Commission reviewed and considered all comments and suggestions received by these and other interested parties during the regulatory development process.

F. Fiscal Impact and Paperwork Requirements

The proposed amendments should have no fiscal impact or additional paperwork requirement on the Commonwealth. This rulemaking would have a fiscal impact and additional paperwork requirement on the regulated community in that licensees would incur the cost of amending written agreements and sales contracts.

The proposed amendments should not necessitate legal, accounting or reporting requirements on the regulated community.

G. Sunset Date

The Commission reviews the effectiveness of its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 20, 2000, the Commission submitted a copy of this proposal to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposal, the Commission has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Commission in compliance with Execu-

tive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposal, it will notify the agency 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 act specifies detailed procedures for review, prior to final publication of the regulations, by the agency, 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 Judith Pachter Schuller, Counsel, State Real Estate Commission, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-568 (Agency), when submitting comments.

RITA HALVERSON, Chairperson

Fiscal Note: 16A-568. 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 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.201. Definitions.

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

* * * * *

Agency relationship—A fiduciary relationship between a broker of record or licensees employed by a broker of record and a consumer who becomes a principal.

* * * * *

Broker—An individual or entity that, for another and for a fee, commission or other valuable consideration, does one or more of the following:

* * * * *

(iii) Manages [or appraises] real estate.

* * * * *

(vi) Undertakes to perform a comparative market analysis.

(vii) Attempts to perform one of the actions listed in subparagraphs (i)—[(v)](vi).

* * * * *

Buyer agent—A licensee who enters into an agency relationship with a buyer/tenant.

* * * * *

Consumer—An individual or entity who is the recipient of any real estate service.

* * * * *

Designated agent—One or more licensees designated by the broker of record, with the consent of the principal, to act exclusively as the agent or agents for the principal to the exclusion of all other licensees employed by the broker of record.

Dual agent—A licensee who acts as an agent for the buyer/tenant and seller/landlord in the same transaction.

* * * * *

Listing broker—A broker of record who has entered into a written agreement with a seller/landlord to market property as a seller's agent, dual agent or transaction licensee.

* * * * *

Principal—A consumer who has entered into an agency relationship with a broker of record or another licensee employed by the broker of record.

* * * * *

Salesperson—An individual who is employed by a broker of record to do one or more of the following:

* * * * *

(vii) Assist a broker in managing [or appraising] property.

(viii) Perform a comparative market analysis.

Seller's agent—A licensee who enters into an agency relationship with a seller/landlord.

Subagent—A licensee, not in the employ of the listing broker, who acts or cooperates with the listing broker in selling property as a seller's/landlord's agent.

* * * * *

Transaction licensee—A licensee who, without entering into an agency relationship with the consumer, provides communication or document preparation services or performs other acts listed in the definition of "broker" or "salesperson."

Subchapter E. STANDARDS OF CONDUCT AND PRACTICE

GENERAL ETHICAL RESPONSIBILITIES

§ 35.281. Putting contracts, commitments and agreements in writing.

(a) [A licensee who acts in a representative capacity in connection with a real estate transaction shall ensure that] All sale or lease contracts, commitments and agreements [regarding the transaction that he has knowledge of, or that he reasonably should] between a broker of record, or a licensee employed by the broker of record, and a principal or a consumer who is required to pay a fee, commission or other valuable consideration shall be [expected to have knowledge of, are] in writing and contain the information specified in § 35.331 (relating to written agreements generally).

(b) [A licensee who enters into an oral open] The following are exceptions to subsection (a):

(1) Open listing [agreement shall provide] agreements may be oral if the seller or landlord is provided with a written memorandum stating the terms of the agreement.

(2) Transaction licensees or subagents cooperating with listing brokers are not required to obtain a written agreement from the seller/landlord.

(3) Transaction licensees or subagents who provide services to the buyer/tenant but are paid by the seller/landlord or listing broker shall provide, and have signed, a written disclosure statement describing the nature of the services and the fees to be paid.

* * * * *

§ 35.283. Conflict of interest.

* * * * *

(d) A [broker] licensee who is engaged in the business of financing the purchase of real or personal property, [or of] lending money on the security of real or personal property, or providing title transfer, deed or document preparation, insurance, construction, repair or inspection services, may not require [, as a condition precedent to the activities, the negotiation by the buyer through a particular insurance company of a policy of insurance or the renewal of the insurance covering the property or the person involved, with the exception of a group creditor policy] a consumer to use any of these service.

(e) If the consumer chooses to use any of the services in subsection (d), the licensee shall provide the consumer with a written disclosure of any financial interest, including a referral fee or commission, that the licensee has in the service. The disclosure shall be made at the time the licensee first advises the consumer that an ancillary service is available or when the licensee first learns that the consumer will be using the service.

(f) A licensee has a continuing obligation to disclose to a principal any conflict of interest in a reasonably practicable period of time after the licensee learns or should have learned of the conflict of interest.

§ 35.284. Preagreement disclosures to [buyer and seller] consumers.

(a) A licensee shall [disclose the following information to a prospective client-seller at the initial interview before the seller enters into a listing agreement:

(1) Whether the broker is the agent of the seller or the agent of the buyer.

(2) The broker's commission and the duration of the listing period are negotiable.

(3) The existence of a Real Estate Recovery Fund to reimburse a person who has obtained a final civil judgment against a Pennsylvania real estate licensee owing to fraud, misrepresentation or deceit in a real estate transaction and who has been unable to collect the judgment after exhausting legal and equitable remedies. Details about the Fund may be obtained by calling the Commission at (717) 783-3658.

(4) The requirement that an agreement of sale executed by the seller shall contain the zoning classification of the property, unless the property (or each parcel thereof, if subdividable) is zoned solely or primarily to permit single-family dwell-

ings] provide the disclosure summary in § 33.336 (relating to disclosure summary) to all consumers at the initial interview.

(b) A licensee shall [disclose the following information to a prospective buyer at the initial interview before the buyer enters into an agreement of sale:

(1) Whether the broker is the agent of the seller or the agent of the buyer.

(2) The existence of a Real Estate Recovery Fund to reimburse a person who has obtained a final civil judgment against a Pennsylvania real estate licensee owing to fraud, misrepresentation or deceit in a real estate transaction and who has been unable to collect the judgment after exhausting legal and equitable remedies. Details about the Fund may be obtained by calling the Commission at (717) 783-3658] provide a copy of the entire disclosure to the consumer and shall retain the signed acknowledgment for his records for 6 months, unless the consumer and the broker have entered into a business relationship. In this case, the records shall be retained under § 35.286 (relating to retention and production of records).

(c) If a consumer refuses to sign the acknowledgment, a licensee shall note the refusal on the acknowledgment and retain it as specified in subsection (b).

§ 35.287. Supervised [appraisal and] property management assistance by salespersons.

[(a) A salesperson may assist in the preparation of an appraisal by the employing broker or an associate broker, if the employing broker or associate broker:

(1) Directly supervises and controls the salesperson's work, assuming total responsibility for the contents of the appraisal documents and value conclusions. The salesperson may not arrive at an independent determination of value.

(2) Personally makes a physical inspection of the interior and exterior of the subject property.

(3) Signs the appraisal document as "appraiser" and has the salesperson sign as "assistant to appraiser."

(b)] A salesperson may assist in the management of real estate if the salesperson's work is directly supervised and controlled by the employing broker. The salesperson may not independently negotiate the terms of a lease nor execute a lease on behalf of the [lessor] landlord.

§ 35.292. Duties of licensees generally.

(a) The following duties are owed to all consumers of real estate services and may not be waived:

(1) Exercise reasonable professional skill and care.

(2) Deal honestly and in good faith.

(3) Present, in a timely manner, all offers, counteroffers, notices and communications to and from the parties in writing, unless the property is subject to an existing contract and the seller/landlord has agreed in a written waiver.

(4) Comply with the Real Estate Disclosure Act (68 P. S. §§ 1021-1036).

(5) Account for escrow and deposits funds as required by section 604(a)(5) of the act (63 P. S. § 455.604(a)(5)) and §§ 35.321—35.328 (relating to escrow requirements).

(6) Provide consumers with the disclosure summary in § 35.336 (relating to disclosure summary) at the initial interview.

(7) Disclose, in a timely manner, all conflicts of interest and financial interests as required in § 35.283 (relating to conflicts of interest).

(8) Advise the consumer to seek expert advice on matters about the transaction that are beyond the licensee's expertise.

(9) Ensure that all services are provided in a reasonable, professional and competent manner.

(10) Keep the consumer informed about the transaction and the tasks to be completed.

(11) Provide assistance with document preparation.

(12) Advise the consumer about compliance with laws pertaining to real estate transactions without rendering legal advice.

(b) A licensee is not required to conduct an independent inspection of the property.

(c) A licensee is not required to independently verify the accuracy or completeness of any representation made by the consumer to a transaction which the licensee reasonably believes to be accurate and reliable.

(d) A licensee is not liable for the acts of a consumer unless the consumer is acting at the express direction of the licensee or as a result of a representation by a licensee reasonably relied on by the consumer.

PERMITTED RELATIONSHIPS

(Editor's Note: The text in §§ 35.311—35.316 is proposed to be added. It is being printed in regular print to enhance readability.)

§ 35.311. Generally.

(a) A licensee and a consumer may enter into the relationship specified in sections 606.2—606.4 and 606.6 of the act (63 P. S. §§ 455.606b—455.606d and 455.606f).

(b) A broker of record may not extend or delegate the broker of record's agency relationship without the written consent of the principal.

(c) Compensation paid by a broker of record to another broker of record who assists in the marketing and sale/lease of a consumer's property does not create an agency relationship between the consumer and that other broker of record.

(d) A licensee in an agency relationship may not knowingly, during or following, reveal or use confidential information of the principal, except when one or more of the following apply:

- (1) The principal consented to the disclosure.
- (2) The information is disclosed to another licensee or third party acting solely on behalf of the principal.
- (3) The information is required to be disclosed under subpoena or court order.
- (4) The disclosure is necessary to prevent the principal from committing a crime.

(5) The information is used by the licensee to defend in a legal proceeding against an accusation of wrongdoing.

§ 35.312. Seller's agent.

(a) In addition to the duties required in § 35.292 (relating to duties of licensees generally), a seller's agent owes the additional duties of:

(1) Loyalty to the seller/landlord by acting in the seller's/landlord's best interest.

(2) Confidentiality, except that a licensee has a duty to reveal known material defects about the property.

(3) Making a continuous and good faith effort to find a buyer/tenant for the property except when the property is subject to an existing agreement of sale/lease.

(4) Disclosure to other parties in the transaction that the licensee has been engaged as a seller's agent.

(b) A licensee does not breach a duty to a seller/landlord by showing alternative properties to a prospective buyer/tenant or listing competing properties.

(c) A seller's agent may compensate other brokers of records as subagents if the seller/landlord agrees in writing. Subagents have the same duties and obligations to the seller/landlord as the seller's agent.

(d) A seller's agent may also compensate a buyer's agent and a transaction licensee who do not have the same duties and obligations to the seller/landlord as the seller's agent.

(e) Upon entering into a written agreement with the seller/landlord, each licensee employed by the broker of record becomes a seller's agent unless a licensee has been named, or is thereafter named, a designated agent under § 35.315 (relating to designated agency).

§ 35.313. Buyer's agency.

(a) In addition to the duties required in § 35.292 (relating to duties of licensees generally), a buyer's agent owes the additional duties of:

(1) Loyalty to the buyer/tenant by acting in the buyer's/tenant's best interest.

(2) Confidentiality.

(3) Making a continuous and good faith effort to find a property for the buyer/tenant except when the buyer is subject to an existing contract for sale/lease.

(4) Disclosure to other parties in the transaction that the licensee has been engaged as a buyer's agent.

(b) A licensee does not breach a duty to a buyer/tenant by showing a property the buyer/tenant is interested in to other buyer/tenants.

(c) A buyer's agent represents the interests of the buyer/tenant even if paid by the seller/landlord.

(d) Upon entering into a written agreement with the buyer/tenant, each licensee employed by the broker of record becomes a buyer's agent unless a licensee has been named, or is thereafter named, a designated agent under § 35.315 (relating to designated agency).

§ 35.314. Dual agency.

(a) A licensee may act as a dual agent if both parties consent in writing.

(b) In addition to the duties required in § 35.292 (relating to duties of licensees generally), a dual agent owes the additional duties of:

(1) Taking no action that is adverse or detrimental to either party's interest in the transaction.

(2) Making a continuous and good faith effort to find a buyer/tenant for the property and a property for the buyer/tenant, unless otherwise agreed.

(3) Confidentiality, except that a licensee is required to disclose known material defects about the property.

(c) A dual agent does not breach a duty to the seller/landlord by showing properties not owned by the seller/landlord to a prospective buyer/tenant or listing competing properties for sale/lease.

(d) A dual agent does not breach a duty to a buyer/tenant by showing a property the buyer/tenant is interested in to other prospective buyer/tenants.

§ 35.315. Designated agency.

(a) A broker of record, with the written consent of the principal, may designate one or more licensees to act exclusively as the agent of the seller/landlord, and designate one or more licensees to act exclusively as the agent of the buyer/tenant in the same transaction.

(b) Designation should take place at the time that the parties enter into a written agreement. Licensees may be designated after the initial designation or after a written agreement has been entered into, if the broker of record:

(1) Obtains the principal's consent, in writing, to the newly designated licensee.

(2) Obtains, when applicable, the principal's agreement to renunciate any previous agency relationship with the other licensees employed by the broker of record to the exclusion of other designated agents.

(c) Regardless of when the designation takes place, the broker of record and the designated agent shall use reasonable care to ensure that confidential information is not disclosed or used.

(d) The licensees employed by the broker of record who are not designated may not have an agency relationship with either party in the transaction.

(e) The broker of record may, provided there is a written company policy, authorize licensees employed by the broker of record to execute listing and agency contracts indicating themselves or affiliated licensees, or both, who are employed by the broker of record as the designated agents of the consumer.

(f) Each licensee employed by the same broker of record who is a designated agent in the same transaction, owes the following additional duties, in addition to those required in § 35.292 (relating to duties of licensees generally):

(1) Loyalty to the principal with whom the designated agent is acting by acting in that principal's best interest.

(2) Making a continuous and good faith effort to find a buyer/tenant for a principal who is a seller/landlord or to find a property for a principal who is the buyer/tenant except when the seller/landlord is subject to an existing contract for sale or lease or the buyer/tenant is subject to an existing contract to purchase or lease.

(4) Disclosure to a principal prior to writing or presenting an offer to purchase that the other party to the transaction is represented by a designated agent also employed by the broker.

(5) Confirmation that the broker of record is a dual agent in the transaction.

(g) In the transaction specified in subsection (f), the employing broker of record, as a dual agent, has the additional duties, in addition to those specified in § 35.292 and § 35.314 (relating to dual agents), of:

(1) Taking reasonable care to protect any confidential information disclosed to the designated licensees.

(2) Taking responsibility to direct and supervise the business activities of the designated licensees while taking no action that is adverse or detrimental to either party's interest in the transaction.

§ 35.316. Transaction licensee.

In addition to the duties required in § 35.292 (relating to duties of licensees generally), a transaction licensee shall advise the consumer that the licensee:

(1) Is not acting as an agent or advocate for the consumer and should not be provided with confidential information.

(2) Owes the additional duty of limited confidentiality in that the following information may not be disclosed:

(i) The seller/landlord will accept a price less than the asking/listing price.

(ii) The buyer/tenant will pay a price greater than the price submitted in a written offer.

(iii) The seller/landlord or buyer/tenant will agree to financing terms other than those offered.

REAL ESTATE DOCUMENTS

§ 35.331. [Listing] Written agreements generally.

(a) A [listing] written agreement [, of whatever type,] other than a sales agreement or contract, between a licensee and a principal, or between a licensee and a consumer whereby the consumer is or may be committed to pay a fee, commission or other valuable consideration may [state that] contain the following information printed conspicuously:

* * * * *

(2) [Details about the Fund may be obtained by calling the Commission at (717) 783-3658.

(3)] Payments of money received by the broker of record on account of a sale—regardless of the form of payment and the person designated as payee (if payment is made by an instrument)—shall be held by the broker of record in an escrow account pending consummation of the sale or a prior termination thereof.

[(4)] (3) The [brokers] broker of record's commission and the duration of the [listing period] agreement have been determined as a result of negotiations between the broker of record, or a licensee employed by the broker of record, and the seller/landlord or buyer/tenant.

(5) The possibility that the broker of record or any licensee employed by the broker of record may provide services to more than one party in a single transaction, and an explanation of the duties owed to the other party and the fees which the broker of record may receive for those services.

(6) A description of the licensee's conflicts of interest and a method whereby the licensee will disclose future conflicts.

(7) In an agreement between a broker of record and a seller/landlord, the broker of record's policies regarding cooperation with subagents and buyers agents, a disclosure that a buyer agent, even if compensated by the broker of record or seller/landlord will represent the interests of the buyer/tenant and a disclosure of any potential for the broker of record to act as a dual agent.

(8) In an agreement between a broker of record and a buyer/tenant, an explanation that the broker of record may be compensated based upon a percentage of the purchase price, the broker of record's policies regarding cooperation with listing brokers willing to pay buyer's brokers, a disclosure that the broker, even if compensated by the listing broker or seller/landlord will represent the interests of the buyer/tenant and a disclosure of any potential for the broker of record to act as a dual agent.

(b) To the extent that any of the information required in subsection (b) is set forth in the disclosure summary in § 35.336 (relating to disclosure summary), those provisions need not be repeated, but may be incorporated by reference.

§ 35.332. Exclusive listing agreements.

* * * * *

(b) An exclusive listing agreement shall contain, in addition to the requirements in § 33.331 (relating to written agreements generally):

* * * * *

(2) The commission, fees or other compensation expected on the sale or lease price.

* * * * *

§ 35.333. Agreements of sale.

(a) An agreement of sale, other than for a cemetery lot, mausoleum or cremation space or opening, shall contain, conspicuously:

* * * * *

(7) A statement [as to whether] identifying the capacity in which the broker of record, or a licensee employed by the broker of record is [the agent of the seller or the agent of the buyer] involved in the transaction and whether services have been provided to another party in the transaction.

* * * * *

(d) [The requirements in subsection (a)(1)—(5) and (9) are applicable to an] An agreement of sale for a cemetery lot or plot or a mausoleum space or opening shall contain the requirements in subsection (a)(1)—(5) and (9).

§ 35.336. Disclosure summary.

[(a)] The Disclosure Summary shall be entitled "Consumer Notice" and shall be in the following format available from the Commission office upon request by phone, fax or internet.

* * * * *

[(b) Licensees shall provide the disclosure summary to all consumers at the initial interview.

(c) Licensees shall provide a copy of the entire disclosure to the consumer and retain the signed acknowledgment for their records for 6 months, unless the consumer and the broker have entered into a business relationship whereby the records shall be retained under § 35.286 (relating to retention and production of records).

(d) If a consumer refuses to sign the acknowledgment, licensees shall note the refusal on the acknowledgment and retain it for their records as specified in subsection (c).]

§ 35.337. Comparative market analysis.

(a) A comparative market analysis shall contain the following statement printed conspicuously and without change on the first page:

This analysis has not been performed in accordance with the Uniform Standards of Professional Appraisal Practice which requires valuers to act as unbiased, disinterested third parties with impartiality, objectivity and independence and without accommodation of personal interest. It is not to be construed as an appraisal and may not be used as such for any purpose.

(b) A licensee who is also licensed as an appraiser under the Real Estate Appraisers Certification Act (63 P. S. §§ 457.1—457.19) and who prepares a comparative market analysis that satisfies the Uniform Standards of Professional Appraisal Practice is not required to place the disclosure on the analysis.

[Pa.B. Doc. No. 00-216. Filed for public inspection February 4, 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 Conservation and Natural Resources

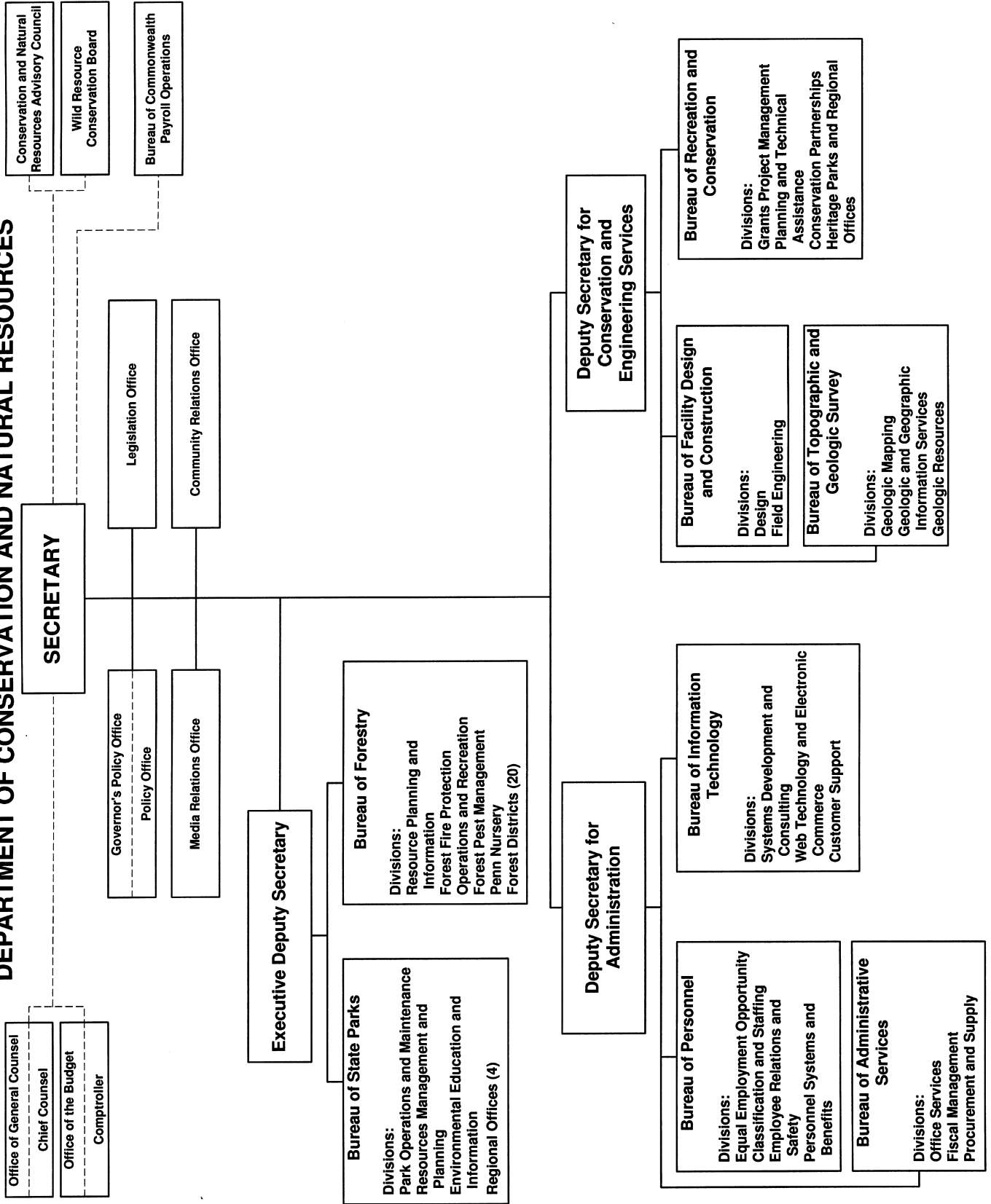
The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective January 18, 2000.

The organization chart at 30 Pa.B. 650 (February 5, 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 has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 00-217. Filed for public inspection February 4, 2000, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



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 January 25, 2000.

BANKING INSTITUTIONS

Holding Company Acquisition

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-24-00	Three Rivers Bancorp, Inc., Monroeville, to Acquire 100% of the Voting Shares of Three Rivers Bank and Trust Company, Monroeville, From USBANCORP, Inc., Johnstown	Monroeville	Filed

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-21-00	Earthstar Bank Upper Southampton Twp. Bucks County <i>Agent</i> Walter L. Tillman, Jr. Straw-Tillman Internet Venture, LLC 109 Cypress Lane Lower Gwynedd, PA 19102	111 Second Street Pike Upper Southampton Twp. Bucks County	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-18-00	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	White Horse Village 535 Gradyville Rd. Newtown Square Delaware County (Limited Service Facility)	Approved
1-18-00	Jonestown Bank & Trust Company Jonestown Lebanon County	Lebanon Valley Brethren Home 1200 Grubb Street Palmyra Lebanon County (Limited Service Facility)	Filed
1-18-00	The Madison Bank Blue Bell Montgomery County	Summit Square Shopping Center Route 413 and Doublewoods Road Langhorne Bucks County	Approved
1-21-00	Citizens & Northern Bank Wellsboro Tioga County	3461 Route 405 Highway Muncy Muncy Creek Township Lycoming County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-24-00	Somerset Trust Company Somerset Somerset County	To: 1416 Scalp Avenue Richland Township Cambria County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 3220 Elton Road Richland Township Cambria County	

SAVINGS INSTITUTIONS**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
1-25-00	The Home Building & Loan Association of Minersville Minersville Schuylkill County	Certificate of Election for Voluntary Dissolution filed. Effective as of the close of business January 25, 2000.

CREDIT UNIONS

No activity.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-218. Filed for public inspection February 4, 2000, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

PA 0024066. Sewage, **West Grove Borough Authority**, 117 Rosehill Avenue, P. O. Box 61, West Grove Borough.

This application is for renewal of an NPDES permit to discharge treated sewage from West Grove Borough STP in West Grove Borough, **Chester County**. This is existing discharge to Middle Branch White Clay Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.250 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	4.8		9.6
(11-1 to 4-30)	14.4		28.8
Total Residual Chlorine			
(issuance through year 2)	1.0	2.0	2.5
(Year three through expiration)	0.5	1.0	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

Other Conditions:

The EPA waiver is in effect.

Conditions for future permit modification.

Effective disinfection.

PA 0057924. Sewage, **Joyfor Joint Venture**, 1604 Walnut Street, Philadelphia, PA 19103.

This application is for issuance of an NPDES permit to discharge treated sewage from the Joyfor Joint Venture WWTP in Newtown Township, **Delaware County**. This is a proposed discharge to an unnamed tributary to Crum Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 50,000 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Ammonia (as N)			
(5-1 to 10-31)	5.5		11.0
(11-1 to 4-30)	16.5		33.0
Phosphorus as P			
(4-1 to 10-31)	2.0		4.0
Total Residual Chlorine	0.23		0.76
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

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

PA 0088226. Sewage, SIC: 4952, **South Woodbury Township**, R. D. 1, Box 246, New Enterprise, PA 16664.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Yellow Creek, in South Woodbury Township, **Bedford County**.

The receiving stream is classified for high quality, cold water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Saxton Borough located in Bedford County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.25 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	10	15	20
NH ₃ -N			
(5-1 to 10-31)	1.5	—	3.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(11-1 to 4-30)	4.5	—	9.0
Total Phosphorus	1.0		2.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliforms		200/100 ml as a geometric average	
(5-1 to 9-30)		29,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

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

PA 0110116. Sewerage Waste, SIC: 4952, **Reynold Feger**, 97 Powells Ridge Road, Halifax, PA 17032.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Fiddlers Run from the Hut Restaurant in Lower Mahanoy Township, **Northumberland 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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Co. located at Dauphin on Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0026 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	50.0
TSS	30.0	60.0
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 at all times	
Total Cl ₂ Residual	2.0	4.6

Other Conditions: None

The EPA waiver is in effect.

PA 0028100. Sewerage, SIC: 4952, **Turbotville Borough Authority**, P. O. Box 264, Turbotville, PA 17772-0264.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary to Warrior Run in Turbotville Borough, **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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton approximately 10 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.136 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Ammonia-N			
(6-1 to 10-31)	6	9	12
(11-1 to 5-31)	18	27	
Total Zinc	report	report	
Total Cl ₂ Residual	0.53		1.74
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

PA 0020800. SIC: 4952. **White Deer Township Sewer Authority**, P. O. Box 90, West Milton, PA 17886.

This proposed action is to renew the existing NPDES permit. The discharge of treated sewage is at the same location on the unnamed tributary of the West Branch Susquehanna River (locally known as Dog Run) in White Deer Township, **Union County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton, PA, 3 miles below the discharge.

The proposed effluent limits for Outfall 001 based on the existing design flow of 0.6 mgd are:

Discharge Parameter	Concentration (mg/l)		
	Average Monthly	Average Weekly	Instantaneous Maximum
pH (Std Units)	within the range 6.0 to 9.0		
Total Cl ₂ Residual*	0.24		0.79
CBOD ₅	25	40	50
TSS	30	45	60
NH ₃ -N			
(6-1 to 10-31)	2.5	3.8	5.0
(11-1 to 5-31)	7.5	11	15
*TRC limit effective 3 years after permit effective date.			
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

Other Conditions:

1. Total Residual Chlorine Limitation Condition

The EPA waiver is in effect.

PA 0228192. Sewerage, SIC: 4952, **Wallaceton—Boggs Township Municipal Authority**, P. O. Box 97, West Decatur, PA 16878.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage wastewater to Laurel Run in Boggs Township, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001 based on a design flow of 0.125 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
TSS	30	45	60
Ammonia-N			
(6-1 to 10-31)	12	18	24
Total CL ₂ Residual	0.8		2.5
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

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

PA 0095494. Sewage, **Robert E. Huber**, 960 Pike Run Drive, Coal Center, PA 15423.

This application is for renewal of an NPDES permit to discharge treated sewage from the Robert E. Huber Single Residence Sewage Treatment Plant in California Borough, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.0004 mgd.

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

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

The EPA waiver is in effect.

PA 0098922. 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 Big Knob 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 Pine 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: ARCO Chemical Company Plant on the Ohio River.

Outfall 001: existing discharge, design flow of 0.016 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 ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.0			6.0
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 (1st month—36th month)	monitor and report			
(37th month—expiration)	0.02			0.05
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0046337. Sewage, **Colonial Village Subdivision**, Bargain Road, McKean Township Supervisors, P. O. Box 62, McKean, PA 16426.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to Thomas Run in McKean Township, **Erie County**. This is an existing discharge.

The receiving water is classified as high quality, cold water and migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no potable water supply (PWS) considered during the evaluation until it reaches Lake Erie.

The proposed effluent limits for Outfall 001 based on average design flow of 0.028 mgd are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31)	3.5	7
(11-1 to 4-30)	10.5	21
Phosphorus as "P"	1.0	
Total Residual Chlorine	0.5	

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

PA 0102792. Sewage. **Bernie's Mobile Home Park**, (Bernard) McKruit Mobile Home Park, 347 Edgewood Drive, Cabot, PA 16023-9704.

This application is for renewal of an NPDES Permit, to discharge treated waste to an Unnamed Tributary to Little Buffalo Creek in Winfield Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: high-quality trout stocked fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is New Kensington Municipal Authority on the Allegheny River located at river mile 20.9 and is located 12.0 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.013 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	3	6
(11-1 to 4-30)	9.0	18
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4	3.3
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0035718—Amendment No. 1. Industrial waste, SIC: 2022. **John Koller & Son, Inc.**, Fairview Swiss Cheese, 1734 Perry Highway, Fredonia, PA 16124.

This application is for amendment of an NPDES Permit, to discharge treated sewage, treated industrial waste, noncontact cooling water and stormwater to an unnamed tributary to Otter Creek in Fairview Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Consumers Water Company on Otter Creek located at Mercer, approximately 10 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.0196 mgd, are:

Outfall No. 001 Interim Limits

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
BOD ₅	57	130	143
TSS	87	194	218
NH ₃ -N (5-1 to 10-31)	3.5		8.5
(11-1 to 4-30)	11		27.5
Fecal Coliform* (5-1 to 9-30)	200/100 ml		
(10-1 to 4-30)	2,000/100 ml		
Total Residual Chlorine	0.5		1.2
pH	6.0 to 9.0 at all times		

XX—Monitor and report on monthly DMRs.

The proposed discharge limits, based on a design flow of 0.05 mgd, are:

Outfall No. 001 Final Limits

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
BOD ₅	54	126	135
TSS	81	188	203
NH ₃ -N			
(5-1 to 10-31)	2.5		6.3
(11-1 to 4-30)	7.5		18.8
Fecal Coliform*			
(5-1 to 9-30)		200/100 ml	
(10-1 to 4-30)		2,000/100 ml	
Total Residual Chlorine	0.5		1.2
pH		6.0 to 9.0 at all times	

XX—Monitor and report on monthly DMRs.

The proposed discharge limits, based on a design flow of n/a mgd, are:

*Outfall No. 002**

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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This outfall shall consist of stormwater runoff only.

*-Refer to Part C Special Condition concerning stormwater outfalls.

The proposed discharge limits, based on a design flow of n/a mgd, are:

*Outfall No. 003**

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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This outfall shall consist of stormwater runoff only.

*-Refer to Part C Special Condition concerning stormwater outfalls.

1. Effluent Chlorine Minimization condition.
2. Effective Disinfection during swimming season.
3. Stormwater only outfalls condition.
4. Requirement to submit Construction Progress Reports.

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0052779	AL Wulff 206 River Road Gladwynne, PA 19035	Montgomery County Limerick Township	Schuylkill River	TRC
PA0031666	Concord Country Club P. O. Box 68 Concordville, PA 19331	Delaware County Concord Township	UNT to West Branch of Chester Creek	TRC
PA0055689	Danny R. Hawkins 485 Camp Rockhill Road Quakertown, PA 18951	Bucks County Richland Township	UNT to Butler Creek	TRC
PA0036412	Tel Hai Retirement Community Box 190 Honeybrook, PA 19344	Chester County Honeybrook Township	Two Log Run	

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0086185	Washington Township Sewer Authority R. R. 1, Box 440A Elizabethville, PA 17023	Dauphin County Washington Township	Wiconisco Creek	TRC
PA0085707	Cocalico Valley Poultry Farms 1095 Mt. Airy Road Stevens, PA 17578-9791	Lancaster County West Cocalico Township	UNT to Indian Run	TRC
PA0020249	Roaring Spring Municipal Authority 616 Spang Street Roaring Spring, PA 16673	Blair County Taylor Township	Halter Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law (Part II Permits)

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.100).

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

WQM Permit No. 1500401. Sewerage. **Unionville Chadds Ford School District**, Applicant is requesting approval for the construction of an onlot sanitary sewage disposal system to serve the proposed Pocopson Elementary School located in Pocopson Township, **Chester County**.

WQM Permit No. 2399415. Sewerage. **Southco, Inc.**, 210 North Brinton Lake, Concordville, PA 19331. Applicant is requesting approval for the construction and operation of sewage treatment plant to serve Southco, Inc. WWTP located in Concord Township, **Delaware County**.

WQM Permit No. 1599422. Sewerage. **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460. Applicant is requesting approval to modify the

existing treatment facilities for the purpose of re-rating the plant capacity located in Schuylkill Township, **Chester County**.

WQM Permit No. 4600401. Sewerage. **Upper Perkiomen School District**, Stanley M. Kurtz Education Center, 201 West Fifth Street, East Greentown, PA 18041. Applicant is requesting approval to replace the existing 4,000 gpd extended aeration package treatment plant with 10,000 gpd to serve the Marlborough Elementary School WWTP located in Marlborough Township, **Montgomery County**.

WQM Permit No. 4600402. Sewerage. **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936. Applicant is requesting approval for the construction and operation to replace approximately 4460 LF of sanitary sewer pipe in Line Street located in Montgomery Township, **Montgomery County**.

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

A. 0200401. Sewerage, **George Kraynik, Jr.**, 1599 Warrendale-Bayne Rd., Baden, PA 15005. Application for the construction and operation of a small flow sewage treatment plant to serve the Kraynik Residence located in Marshall Township, **Allegheny County**.

A. 0400401. Sewerage, **Eugene DeMarco**, 155 Scott Street, New Brighton, PA 15066. Application for the

construction and operation of a small flow sewage treatment plant to serve the DeMarco Residence located in Daugherty Township, **Beaver County**.

A. 6500402. Sewerage, **Bruce E. Horton**, R. D. 1, Box 749, New Alexandria, PA 15670. Application for the construction and operation of a small flow sewage treatment plant to serve the Horton Residence located in Derry Township, **Westmoreland County**.

A. 6569411-A1. Sewerage, **Orin Bache**, Wen-Dell Mobile Home Park, R. D. 3, Box 58, Ruffsedale, PA 15679. Application for the modification and operation of a sewage treatment plant and sewers and appurtenances to serve the Wen-Dell Mobile Home Park located in East Huntingdon Township, **Westmoreland County**.

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

WQM Permit No. 2000401. Sewerage, **Vernon Township, Conneaut Drive Sewer Extension**, 16678 McMath Avenue, Meadville, PA 16335. This project is for a pump station and sewer extension to serve 16 residential lots in Vernon Township, **Crawford County**.

WQM Permit No. 2000402. Sewerage, **Edward E. and Charlotte J. Sternby**, 16963 Park Avenue Extension, Saegertown, PA 16433. This project is for the construction of a Single Residence Sewage Treatment Plant in East Fairfield Township, **Crawford County**.

INDIVIDUAL PERMITS

(PAS)

NPDES INDIVIDUAL

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

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

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

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

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

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

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

NPDES Permit PAS10-D113. Stormwater. **Fieldstone Farm of Sladek Road**, 60 East Court Street, Plumstead, PA, has applied to discharge stormwater from a construction activity located in Plumstead Township, **Bucks County**, to Paunacussing Creek.

NPDES Permit PAS10-G402. Stormwater. **Phoenixville Area School District**, 1120 South Gay Street, Phoenixville, PA 19460, has applied to discharge stormwater from a construction activity located in Schuylkill Township, **Chester County**, to Unnamed Tributary to Pickering Creek.

NPDES Permit PAS10-G403. Stormwater. **Liberty Property Limited Partnership**, 65 Valley Stream Parkway, Malvern, PA 19355, has applied to discharge stormwater from a construction activity located in Tredyfrin Township, **Chester County**, to Valley Creek.

NPDES Permit PAS10-G404. Stormwater. **Sts. Peter and Paul Parish School**, 1325 Boot Road, West Chester, PA 19380, has applied to discharge stormwater from a construction activity located in East Goshen Township, **Chester County**, to Unnamed Tributary to Ridley Creek.

NPDES Permit PAS10-T017-R. Stormwater. **Vesterra Corporation**, 585 Skippack Pike, Suite 200, Blue Bell, PA 19422, has applied to discharge stormwater from a construction activity located in Worcester Township, **Montgomery County**, to Zacharias Creek.

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

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

NPDES Permit PAS10Q188. Stormwater. **Hoover Avenue Development Company**, Gary Assetto, 4500 Bath Pike, Bethlehem, PA 18017, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

NPDES Permit PAS10Q190. Stormwater. **Penn's Chase, Inc.**, Margaret O. Dissinger, 1150 S. Cedar Crest Blvd., Allentown, PA 18103-7909, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

NPDES Permit PAS10Q189. Stormwater. **Charles J. Danweber**, 3650 Schoeneck Road, Macungie, PA 18062, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

Luzerne County Conservation District, District Manager, 485 Smith Pond Road, Lehman, PA 18627-0250, (717) 674-7991.

NPDES Permit PAS10R035. Stormwater. **Can Do, Inc.**, One South Church St., Hazleton, PA 18201, has applied to discharge stormwater from a construction activity located in Butler Township, **Luzerne County**, to an Unnamed Tributary to Nescopeck Creek.

Wayne County Conservation District, District Manager, Ag Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.

NPDES Permit PAS107417. Stormwater. **Clinton Dennis**, Roseview Estates, Box 252, Rt. 191, Equinunk, PA 18417, has applied to discharge stormwater from a construction activity located in Berlin Township, **Wayne County**, to Holbert Creek.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.

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

NPDES Permit PAS-10-C041. Stormwater. **Quaker Hill Development Company**, R. D. 1, Box 1325, Mohnton, PA, has applied to discharge stormwater from a construction activity located in Robeson Township, **Berks County**, to Beaver Run. (HQ-CWF)

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (841) 332-6942.

NPDES Permit PAS10E070. Stormwater. **South Pike Square, LP**, 100 Highland Avenue, Cheswick, PA 15024, has applied to discharge stormwater from a construction activity located in Buffalo Township, **Butler County**, to Buffalo Creek, Little Buffalo Creek.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Further-

more, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

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

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Former Shapiro Steel Co., City of Wilkes-Barre, **Luzerne County**. James D. Hayward, Jr., Deputy Administrator, City of Wilkes-Barre, 40 E. Market Street, Wilkes-Barre, PA 18711 has submitted a Notice of Intent to Remediate concerning the characterization and remediation of site soils found to have been contaminated by polychlorinated biphenyls (PCBs), lead and other metals. The applicant proposes to remediate the site to meet the Special Industrial Areas standard. A summary of the Notice of Intent to Remediate was reportedly published in *The Citizens' Voice* on September 13, 1999.

Sun Pipeline Company—Hess Mountain Site, Holenback Township, **Luzerne County**. Tiffani L. Doerr, Associate Geologist, Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19342 submitted a Notice of Intent to Remediate (on behalf of her client, Sunoco, Inc., 4041 Market Street, Aston, PA 19014) concerning the remediation of site groundwater found to have been contaminated with petroleum hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylene) compounds. The applicant proposed to remediate the site to meet the Statewide health standard. This is a correction to a previous notice that incorrectly listed the site as being located in Conyngham Township.

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

John Root Property, formerly Eby's Service Station, East Petersburg Borough, **Lancaster County**. Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603 has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PHCs. 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 Lancaster *New Era and Intelligencer Journal* on December 28, 1999.

Pennfield Farms, Bethel Township, **Lebanon County**. Pennfield Farms, P. O. Box 70, Fredericksburg, PA 17026 has submitted a Notice of Intent to Remediate site soils contaminated with sulfuric acid. The applicant proposes to remediate the site to meet the site-specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on November 28, 1999. This notice corrects a previously published notice.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121 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).

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

28-03026A: Gish Logging, Inc. (P. O. Box 282, Fort Loudon, PA 17224), for operation of a wood-fired boiler controlled by a mechanical fly ash collector in Metal Township, **Franklin County**. The boiler is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

28-309-003: Tarco Roofing Materials, Inc. (8650 Molly Pitcher Highway North, Greencastle, PA 17225) for operation of a saturated felt production line controlled by a fabric filter and a regenerative thermal oxidizer in Antrim Township, **Franklin County**. The saturated felt production line is subject to 40 CFR Part 60, Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

67-03045A: ACCO Chain and Lifting Products Division, FKI Industries, Inc. (76 ACCO Drive, York, PA 17402) for operation of a steel wire drawing operation in York Township, **York County**.

Notice of Intent to Issue Title V Operating Permits

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

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

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

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

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

09-00037: CMS Gilbreth (3001 State Road, Croydon, PA 19021) in Bristol Township, **Bucks County**. The facility's major emission points include: flexographic and rotogravure printing presses, electroplating operations

and air pollution control devices which emit major levels of volatile organic compounds (VOCs).

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

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

TVOP-04-00043: Centria—United Coaters (Ambridge Plant) (1510 Merchant Street, Ambridge, PA 15003) in Ambridge, **Beaver County**. This facility manufactures coated metal stock using a coil coating process. This process is the main source of volatile organic compound (VOC) emissions from the facility. Also emissions occur from cleanup and mixing areas along with three Cleaver Brooks Steam Boilers and the operation of an incinerator that control the coil coating process. The facility has the potential to emit greater than 50 tons of the following pollutant: volatile organic compound (VOC).

65-00858: American Video Glass Co. (777 Technology Drive, Mt. Pleasant, PA 15666-2715) in East Huntingdon Township, **Westmoreland County**. The facility's major sources of emissions include two glass furnaces, three annealing lehrs, two funnel dryers, two hot water boilers, a chrome plating line and a caustic stripping line.

PLAN APPROVALS

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

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

06-03080: FM Brown's Sons, Inc. (P. O. Box 153, Fleetwood, PA 19522) for a flour mill controlled by a fabric collector in Fleetwood Borough, **Berks County**.

21-05031A: Community Refuse Service, Inc. (142 Vaughn Road, Shippensburg, PA 17257) for replacement/installation of an air pollution control device on the municipal waste landfill gas collection system at the Cumberland County Landfill in Hopewell and North Newton Townships, **Cumberland County**.

38-05002A: Alcoa Inc. (3000 State Drive, Lebanon, PA 17042) for installation of an air pollution control device on the No. 26 Shear at the Lebanon Works in South Lebanon Township, **Lebanon County**.

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

PA-61-004B: Electralloy, a G. O. Carlson, Inc. Co. (175 Main Street, Oil City, PA 16301) for construction of a granular stainless steel production facility (atomized water combined with molten steel) at a Title V facility in Oil City, **Venango County**.

PA-43-280A: Chevron, Inc. (7320 West Market Street, Mercer, PA 16137) for modification to increase emissions at the surface coating operation in Lackawannock Township, **Mercer County**.

PA-10-267B: Three Rivers Aluminum Co., Inc. (71 Progress Avenue, Cranberry Township, PA 16066) for installation of a two-tone coating process line in Cranberry Township, **Butler County**. This installation will result in an increase of VOC emissions of 15.6 tpy based on a 12-month rolling average. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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 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 submit-

ting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Mining Applications Received:

03870701. T.J.S. Mining, Inc., R. D. 2, Box 260D, Shelocta, PA 15774, to revise the permit for the TJS Coal Refuse Disposal Area No. 2 Extension in Plumcreek Township, **Armstrong County** to revise an existing coal refuse disposal permit to add coal ash disposal, no additional discharges. Application received December 6, 1999.

33991301. Rosebud Mining Company, R. D. 9, Box 379A, Kittanning, PA 16201, to operate the McGregor Mine in Porter Township, **Jefferson County** to permit and operate a new bituminous underground coal mine, unnamed tributary to Mahoning Creek. Application received December 13, 1999.

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

61783001. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous surface and auger operation in Scrubgrass and Allegheny Townships, **Venango** and **Butler Counties** affecting 125.0 acres. Receiving streams: Unnamed tributary to Little Scrubgrass Creek. Application received January 14, 2000.

16803030. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous surface operation in Toby Township, **Clarion County**, affecting 105.0 acres. Receiving streams: Unnamed tributaries to Wildcat Run. Application received January 14, 2000.

16713004. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous surface and tiple refuse disposal operation in Limestone Township, **Clarion County**, affecting 304.0 acres. Receiving streams: Four unnamed tributaries to Piney Creek. Application received January 14, 2000.

10890115. Mahoning Mining, Inc. (P. O. Box 171, Slippery Rock, PA 16057). Renewal of an existing bituminous surface and tiple refuse disposal operation in Brady and Worth Townships, **Butler County** affecting 114.0 acres. Receiving streams: Unnamed tributary to Hogue Run. Application for reclamation only. Application received January 18, 2000.

16753059. R.E.M. Coal Co., Inc. (R. D. 3, Box 369, Brookville, PA 15825). Renewal of an existing bituminous surface and tiple refuse disposal operation in Limestone Township, **Clarion County** affecting 962.0 acres. Receiving streams: Two unnamed tributaries to Poe Run. Application received January 20, 2000.

33830117. Gurosik Coal Co., Inc. (800 Brandy Camp Road, Kersey, PA 15846). Renewal of an existing bituminous surface operation in Plumcreek Township, **Jefferson County** affecting 31.2 acres. Receiving streams: Unnamed tributary to Five Mile Run to Five Mile Run. Application received January 21, 2000.

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

17940124. Ed Hanslovan Coal Co., Inc. (R. D. 2, Box 230, Morrisdale, PA 16858), renewal of an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 68.3 acres. Receiving streams: unnamed tributary of Emigh Run to Emigh Run; Emigh Run to Moshannon Creek; Moshannon Creek to West Branch Susquehanna River; and unnamed tributary to Alder Run to Alder Run; Alder Run to West Branch Susquehanna River. Application received January 12, 2000.

17860134. Ryan Brothers Coal Company (P. O. Box 177, Hyde, PA 16843), major revision to an existing bituminous surface mine permit for a change in land use from forestland to cropland/land occasionally cut for hay on a portion of a 52.3 acre permit located in Knox Township, **Clearfield County**. Application received January 13, 2000.

17840107. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Greenwood and Ferguson Townships, **Clearfield County** affecting 579 acres. Receiving streams: West Branch Susquehanna River; and unnamed tributaries of Watts Creek to Watts Creek; and Watts Creek; Watts Creek to Little Clearfield Creek, Little Clearfield Creek to Clearfield Creek; Clearfield Creek to West Branch Susquehanna River. Application received January 20, 2000.

17860144. Power Operating Co., Inc. (P. O. Box 25, Osceola Mills, PA 16666), renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 324 acres. Receiving streams: unnamed tributary to Moshannon Creek and Shimmel Run. Application received January 20, 2000.

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

11773017. Permit Renewal for reclamation only, **Wesott Inc.** (P. O. Box 328 Carrolltown, PA 15722), for continued restoration of a bituminous surface mine in Elder Township, **Cambria County**, affecting 91.5 acres, receiving stream unnamed tributaries to Brubaker Run, application received January 14, 2000.

56000101. Cooeny Brothers Coal Company (Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous surface-auger mine in Paint Township, **Somerset County**, affecting 119.2 acres, receiving stream Shade Creek and Stony Creek River and their associated tributaries, application received January 12, 2000.

32823070. Permit Revision, **John R. Zenzi, Jr.** (P. O. Box 287, Anita, PA 15711), for a land use change from forestland to pastureland on the lands of H. Ray Pifer in Canoe and Banks Townships, **Indiana County**, affecting 470.7 acres, receiving stream two unnamed tributaries to Canoe Creek, application received January 18, 2000.

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

03783046R. C. H. Snyder Company (P. O. Box 1022, Kittanning, PA 16201). Renewal application received for continued reclamation of a bituminous surface auger mine located in Washington Township, **Armstrong County**, affecting 1,214.0 acres. Receiving streams: Hul-ling Run, Glade Run, and Limestone Run to the Allegheny River. Renewal application received: January 13, 2000.

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

Noncoal Applications Received

4880501C2. Sreebs Slate & Stone Co., Inc., (6596 Sullivan Trail, Wind Gap, PA 18091), renewal of NPDES Permit PA0121681 in Plainfield Township, **Northampton County**, receiving stream—Little Bushkill Creek. Application received January 12, 2000.

8274SM5A1C4. D. M. Stoltzfus & Son, Inc. (P. O. Box 84, Talmage, PA 17580-0084), renewal of NPDES Permit PA0123480 in Fulton Township, **Lancaster County**, receiving stream—Octorara Creek. Application received January 13, 2000.

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

26900305R. Carbon Fuel Resources, Inc. (200 College Drive, Lemont Furnace, PA 15456). Renewal application received for continued reclamation of a large noncoal surface mine located in Luzerne Township, **Fayette County**, affecting 32.5 acres. Receiving streams: unnamed tributary to Dunlap Creek. Renewal application received: January 19, 2000.

26900303R. Carbon Fuel Resources, Inc. (200 College Drive, Lemont Furnace, PA 15456). Renewal application received for continued reclamation of a large noncoal surface mine located in Redstone Township, **Fayette County**, affecting 12.0 acres. Receiving streams: Saltlick Run to Dunlap Creek. Renewal application received: January 19, 2000.

04801003R. G. B. Sand Company, Inc. (1050 Frew Mill Road, New Castle, PA 16101). Renewal application received for continued reclamation of a large noncoal (sand and gravel) mine located in Big Beaver Township, **Beaver County**, affecting 37.8 acres. Renewal application received: January 20, 2000.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

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

E15-627. Encroachment. Mr. and Mrs. Roosevelt Hairston, Jr., 34th Street and Civic Center Boulevard, Philadelphia, PA 19104, and **Donald Reimenschneider**, East Whiteland Township, 209 Conestoga Road, Frazer, PA 19355-1699. To install and maintain an 8-inch (maximum diameter) concrete sleeve across Valley Creek (EV) to facilitate the temporary installation and maintenance of a 3-inch (maximum diameter) force main to provide sewer service to a proposed single family dwelling at Lot No. 2. This sleeve will also be utilized in the foreseeable future by East Whiteland Township to install and maintain a 4-inch (maximum diameter) force main for municipal use which will replace the aforementioned temporary force main. The site is located approximately 180 feet south of the intersection of Conestoga Road (S. R. 0401) and Hillbrook Circle (Malvern USGS Quadrangle N: 9.85 inches; W: 10.65 inches) in East Whiteland Township, **Chester County**.

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

E45-383. Encroachment. Resorts USA, Inc., P. O. Box 447, Bushkill, PA 19324. To remove the existing water intake structure and construct and maintain a new water intake structure consisting of three submersible pumps in Sand Hill Creek (HQ-CWF) for the purpose of providing water to the existing irrigation system and snow making operation. The project is located at the Fernwood Golf Course, approximately 600 feet downstream of River Road, just east of the intersection of S. R. 1016 and S. R. 0209 (Bushkill, PA Quadrangle N: 14.3 inches; W: 3.5 inches), Middle Smithfield Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E45-384. Encroachment. Borough of Stroudsburg, 7th and Sarah Streets, Stroudsburg, PA 18360. To place and maintain fill in the 100-year floodplain of Pocono Creek (HQ-CWF) associated with the Borough of Stroudsburg pool renovation project. The project is located adjacent to Stroudsburg Area High School, just north of the intersection of Main Street and Dreher Avenue (Stroudsburg, PA-NJ Quadrangle N: 20.0 inches; W: 10.9 inches), Borough of Stroudsburg, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

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

E67-681. Encroachment. Kingsley Equities, Richard Kingsley, R. D. 1, Box 131AA, Seven Valleys, PA 17360. To place fill in a de minimis area of wetlands equal to 0.04 acre adjacent to an unnamed tributary to the Little Conewago Creek (TSF) for the purpose of constructing proposed manufacturing/warehouse facility on Lot 96 of

the Orchard Business Park located west of Expresso Way (York Haven, PA Quadrangle N: 9.5 inches; W: 17.0 inches) in East Manchester Township, **York County**.

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

E14-366. Encroachment. **Calibre Boalsburg Associates II, Limited Partnership**, 100 North Patterson Street, State College, PA 16801. To construct and maintain the permanent outfall of a 15-inch diameter HDPE stormwater pipe with associated endwall and riprap apron on the right bank of Spring Creek located approximately 650 feet upstream of the S. R. 45 crossing of Spring Creek (State College, PA Quadrangle, N: 4.9 inches; W: 5.0 inches) in Harris Township, **Centre County**. This project proposes to discharge stormwater to Spring Creek, which is designated a High Quality—Cold Water Fishery.

E14-368. Encroachment. **Spring Township Supervisors**, 1309 Blanchard St., Bellefonte, PA 16823-8625. To remove the existing structure and to construct and maintain a twin cell precast box culvert with two clear spans of 15-foot and a minimum underclearance of 5-foot 9-inches in Logan Branch located at the intersection of T-423 (Coal Shed Road) and S. R. 0144 (Bellefonte, PA Quadrangle N: 2.7-inches; W: 1.5-inches) in Spring Township, **Centre County**. The project proposes to insignificantly impact 150 linear feet of Logan Branch and permanently impact 60 linear feet of Logan Branch, which is classified as a Cold Water Fishery.

E18-292. Encroachment **Lamar Township Supervisors**, R. R. 1, Box 135A-1, Mill Hall, PA 17751. To remove the existing bridge deck and to construct and maintain a new superstructure consisting of steel I-beams with a nail-laminated timber deck and bituminous paving on new reinforced concrete bearing seats with a clear span of 8,170 mm and a skew of 75° left ahead and a curb-to-curb width of 4,100 mm and an underclearance of 1,630 mm over Long Run (Mill Hall, PA Quadrangle N: 15.35 inches; W: 10.15 inches) in Lamar Township, **Clinton County**. The project will not impact on wetlands while impacting approximately 80 feet of waterway. Long Run is a High Quality—Cold Water Fisheries stream.

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

E26-266. Encroachment. **Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012. To construct and maintain two waste treatment tanks, two sludge drying beds, and related appurtenances to treat the wastewater generated at the water treatment plant located along the Monongahela River (WWF) at Mile Point 45.9 (Fayette City, PA Quadrangle N: 18.95 inches; W: 12.8 inches) in Fayette City Borough and Washington Township, **Fayette County**.

E02-1286. Encroachment. **K.A.F.M., Incorporated**, 141 Valleyview Drive, Library, PA 15219. To construct and maintain an entertainment complex, boat launching ramp, a floating boat docking facility and walkway in the channel of and along the right bank of the Monongahela River located approximately 6,000 feet upstream from the Monongahela City Bridge (Monongahela, PA Quadrangle N: 12.9 inches; W: 3.8 inches) in Forward Township, **Allegheny County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

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

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

Permits Issued

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

NPDES Permit No. PA0051497. Industrial waste. **Lenape Forge, Inc.** 1334 Lenape Road, West Chester, PA 19382-2096. Is authorized to discharge from a facility located in Pocopson Township, **Chester County** into Brandywine Creek.

NPDES Permit No. PA0057827. Sewage. **Eugene McKenna**, 131 Germany Hollow Road, Honeybrook, PA 19320. Is authorized to discharge from a facility located in West Brandywine Township, **Chester County** to an unnamed tributary to Indian Run.

NPDES Permit No. PA0050911. Sewage. **Upper Perkiomen School District**, 201 West Fifth Street, East Greenville, PA 18041. Is authorized to discharge from a facility located at Marlborough Elementary School in Marlborough Township, **Montgomery County** into Green Lane Reservoir.

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

NPDES Permit PA-0063975. Sewerage. **Thompson Borough**, Water Street, Thompson, PA 18465 is autho-

rized to discharge from a facility located in Thompson Borough, **Susquehanna County**, to Starrucca Creek.

Permit No. 4599403. Pocono Valley Personal Care, R. R. 1, Box 1416, Stroudsburg, PA 18360. Permit to construct and operate a sewage treatment facility, located in Hamilton Township, **Monroe County**.

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

Permit No. PA0085936. Industrial waste. **Petroleum Products Corporation** (Eldorado Petroleum Storage Terminal), 900 Eisenhower Blvd., P. O. Box 2621, Harrisburg, PA 17105 is authorized to discharge from a facility located in Allegheny Township, **Blair County** to the receiving waters named Beaverdam Branch Juniata River.

Permit No. PA0081884—T1. Sewerage. **Cuttin' Company, LLC.** (Biggerstaff Restaurant), P. O. Box 3038, Gettysburg, PA 17325 is authorized to discharge from a facility located in Straban Township, **Adams County** to the receiving waters named unnamed tributary of Beaverdam Creek.

Permit No. PA0026972 Amendment 3. Sewerage. **Exeter Township,** Berks County Authority, 400 Hanover Street, Birdsboro, PA 19508-9181 is authorized to discharge from a facility located in Exeter Township, **Berks County** to the receiving waters named Schuylkill River.

Permit No. 0184407-T. Sewerage. **Cuttin' Company, LLC.** (Biggerstaff Restaurant), P. O. Box 3038, Gettysburg, PA 17325. This permit approves the construction of Sewage Treatment Facilities in Straban Township, **Adams County**.

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

NPDES Permit No. PA0114821 A1 Amendment. Sewerage. **Gregg Township Municipal Authority,** P. O. Box 192, Allenwood, PA 17810-0192. The Department amendment the NPDES Permit to consist with the rerated of the sewage treatment plant to increase annual average flow. This is consistent with the Township's Act 537 official sewage plan. Facility located at Gregg Township, **Union County**.

WQM 6099402. Sewerage. **Gregg Township Municipal Authority,** P. O. Box 192, Allenwood, PA 17810-0192. Rerate of the existing sewage treatment plant has been approved to increase mgd's annual average flow for the planned expansion project. Facility located at Gregg Township, **Union County**.

WQM 5399401. Sewerage. **Ulysses Municipal Authority,** 522 Main Street, Ulysses, PA 16948-0392. Permission granted to expand and upgrade existing wastewater treatment facility. The facility will serve the Borough of Ulysses and portions of Ulysses Township. Facility located at Ulysses Borough, **Potter County**.

WQM 5999404. Sewerage. **William Freeman,** R. R. 5, Box 297A, Wellsboro, PA 16901. Permission granted to construct a single residence treatment facility located at Delmar Township, **Tioga County**.

WQM 1499411. Sewerage. **Gerald and Mary Wilson,** 137 Wilson Lane, Port Matilda, PA 16870. Permission granted to construct a single residence sewer treatment system. Facility located at Worth Township, **Centre County**.

WQM 1798402-A1. Sewerage. **Girard Township Municipal Authority,** P. O. Box 36, LeContes Mills, PA

16850. Permission granted to amend sewage collection and treatment system for Girard Township, **Clearfield County**.

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

NPDES Permit No. PA0098001. Industrial waste. **Koppers Industries, Inc.,** 436 Seventh Avenue, Pittsburgh, PA 15219-1800 is authorized to discharge from a facility located at the Clairton Plant, Clairton, **Allegheny County** to receiving waters named Peters Creek.

NPDES Permit No. PA0098558. Sewerage. **Wilson Fox—Fox Den Acres Campground, Inc.,** R. D. 1, New Stanton, PA 15672 is authorized to discharge from a facility located at Fox Den Acres Campground, Hempfield Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Sewickley Creek.

NPDES Permit No. PA0216208. Sewerage. **John F. Kotun,** 319 Anderson Hozak Road, Clinton, PA 15026 is authorized to discharge from a facility located at Superior Mobile Home Court STP, Raccoon Township, **Beaver County** to receiving waters named Swale to Unnamed Tributary of Service Creek.

NPDES Permit No. PA0216623. Sewerage. **Joseph J. and Dolores H. Hajas,** R. R. 4, Box 296, Blairsville, PA 15717 is authorized to discharge from a facility located at Evergreen Restaurant and Lounge STP, Derry Township, **Westmoreland County** to receiving waters named Drainage Swale to Unnamed Tributary of Stony Run.

Permit No. 2699210. Industrial waste. **Municipal Authority of the Township of Washington.** Construction of wastewater treatment facilities located in Fayette City Borough, **Fayette County** to serve Municipal Authority of the Township of Washington Water Treatment Plant.

Permit No. 0499403. Sewerage. **Jack W. Schweiger,** 259 Church Road, Fombell, PA 16123. Construction of Single Resident Sewage Treatment Plant located in Franklin Township, **Beaver County** to serve Schweiger Single Resident STP (Timber Creek Farms Plant No. 5).

Permit No. 6599412. Sewerage. **George Tetteris,** R. D. 5, Box 39, Mt. Pleasant, PA 15666. Construction of Single Resident Sewage Treatment Plant located in Mt. Pleasant Township, **Westmoreland County** to serve Tetteris residence.

Permit No. 6599416. Sewerage. **Westmoreland County Industrial Development Corporation,** North Main Street, Suite 601, Greensburg, PA 15601-2405. Construction of Sanitary Collection Sewers located in Unity Township, **Westmoreland County** to serve Westmoreland Air Park.

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

NPDES Permit No. PA0100048. Sewerage. **Spectrum Control, Inc.,** 8061 Avonia Road, Fairview, PA 16415 is authorized to discharge from a facility located in Fairview Township, **Erie County** to an unnamed tributary to Brandy Run.

NPDES Permit No. PA0001252. Industrial waste. **Air Products and Chemicals, Inc., GEG—Environmental W1402,** 7201 Hamilton Boulevard, Allentown, PA 18195-1501 is authorized to discharge from a facility located in Greenwood Township, **Crawford County** to an unnamed tributary to Conneaut Outlet.

NPDES Permit No. PA0221147. Sewage. **Country Line Café**, 3808 Perry Highway, Hadley, PA 16130 is authorized to discharge from a facility located in Sandy Creek Township, **Mercer County** to an unnamed tributary to Sandy Creek.

NPDES Permit No. PA0100951. Industrial waste. **Pennsylvania Electric Company, d/b/a GPU Energy**, Shannon Road Ash Disposal Site, 2800 Pottsville Pike, Reading, PA 19640 is authorized to discharge from a facility located in Harborcreek Township, **Erie County** to Four Mile Creek.

WQM Permit No. 6299415. Sewage. **Glade Township Municipal Authority**, 99 Cobham Park Road, Warren, PA 16365. This project is for a pump station and sewer extensions to serve areas in Glade Township, **Warren County**.

WQM Permit No. 4299408. Sewerage, **Tracy L. Kio SRSTP**, 301 Mill Street, Port Allegany, PA 16743. Construction of Tracy L. Kio SRSTP located in Liberty Township, **McKean County**.

WQM Permit No. 2099416. Sewerage, **James C. and Katherine A. Rothbrust SRSTP**, 11602 State Highway 98, Meadville, PA 16335. Construction of James C. and Katherine A. Rothbrust SRSTP located in Vernon Township, **Crawford County**.

WQM Permit No. 4399430. Sewerage. **Bruce E. and Christine S. Henderson SRSTP**, 328 Lyons Road, Stoneboro, PA 16153. Construction of Bruce E. and Christine S. Henderson SRSTP, located in Lake Township, **Mercer County**.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G386	Brandolini Companies 1301 Lancaster Avenue Berwyn, PA 19312	Westtown Township Chester County	Unnamed Tributary to Ridley Creek

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth; (2) NOIs for coverage under General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, man-

agement practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department has acted on the following requests for coverage under the specified General Permit as follows:

List of General Permit Type

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site

*List of
General Permit Type*

PAG-9 General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

PAG-10 General Permit for Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Edgmont Township Delaware County	PAR10-J159	Garden Hills, Inc. 129 Pennsylvania Avenue Wayne, PA	Crum Creek	Department of Environmental Protection, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428 (610) 832-6130
Upper Providence Township Montgomery County	PAR10-T591	Quaker Group Development, LP 593 Bethlehem Pike Suite 5 Montgomeryville, PA 18936	Schuylkill River	Department of Environmental Protection, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428 (610) 832-6130
New Hanover Township Montgomery County	PAR10-T569	Gambone Brothers Development Co. P. O. Box 287 Fairview Village, PA	Unnamed Tributary of Minister Creek	Department of Environmental Protection, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428 (610) 832-6130
Erie County Harborcreek Township	PAR10K150	Sidley Mack, Inc. P. O. Box 10 7123 Madison Road	Sevenmile Creek	Erie Conservation Dist. 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Erie County Fairview Township	PAR10K152	Paul Luciano 7950 Palmer Drive Fairview, PA 16415	Trout Run	Erie Conservation Dist. 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Armstrong County Cowanshannock Township Manor Township Rayburn Township Valley Township	PAR10B031-1	PennDot District 10-0 P. O. Box 429 Route 286, South Indiana, PA 15071	Garrets Run	Armstrong County CD (724) 548-3413
Beaver County New Sewickley Township	PAR100264	The Buncher Company 5600 Forward Ave. P. O. Box 81930 Pittsburgh, PA 15217	North Fork of Big Sewickley Creek	Beaver County CD (724) 774-7090
Fayette County South Union Township	PAR10L050	Thomas P. Licciardi P. O. Box 2031 Uniontown, PA 15401	Jennings Run	Southwest Regional Office (412) 442-4315
Fayette County South Union Township	PAR10L053	Louis Agostini Spartan Construction Co. P. O. Box 986 Uniontown, PA 15401	Lick Run	Southwest Regional Office (412) 442-4315
Fayette County Lower Tyrone Township	PAR10L054	Bureau of Abandoned Mine Reclamation, DEP P. O. Box 8476 Harrisburg, PA 17105	Laurel Run	Southwest Regional Office (412) 442-4315

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant's 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 Bullskin Township	PAR10L055	Bureau of Abandoned Mine Reclamation, DEP P. O. Box 8476 Harrisburg, PA 17105	Jacobs Creek Mounts Creek	Southwest Regional Office (412) 442-4315
Washington County North Strabane Township	PAR10W051	Meadowbrook Heights Joint Venture Eileen L. Moore 3901 Washington Road McMurray, PA 15317	UNT to Chartiers Creek	Washington County CD (724) 228-6774
Washington County Mount Pleasant Township	PAR10W152	Cherry Valley Lake Development Corporation P. O. Box 273 Atlasburg, PA 15004	Cherry Valley Lake Raccoon Creek	Washington County CD (724) 228-6774
Straban Township Adams County	PAR-10-0097	L. L. Lawrence Builders, Inc. 1 Barnhart Drive Hanover, PA 17331	Rock Creek	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Amity Township Berks County	PAR-10-C294	Forino Development Co. John Smith Vice President 555 Mt. Home Road Sinking Spring, PA 19608	Monocacy Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Exeter Township Berks County	PAR-10-C303	Kurt Falkenberg, Partner P. O. Box 85 Limekiln, PA 19535	Tributary to Owatin Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Penn Township Berks County	PAR-10-C307	Harry J. O'Neill, III 1420 Clarion Street Reading, PA 19601	Licking Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Greenfield Township Blair County	PAR-10-0690	Claysburg Church of God Roy L. Whetzel R. D. 1 Box 933 Claysburg, PA 16625	Frankstown Branch Juniata River	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Logan Township Blair County	PAR-10-0686	WXI/Alt Real Estate Ltd. Jeff Schattinger c/o GMH Associates 353 W. Lancaster Avenue Wayne, PA 19087	UNT to Spring Run	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Lower Paxton Township Dauphin County	PAR-10-I220	Paxtonia Associates 7300 Derry Street Harrisburg, PA 17111	Beaver Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAR-10-I221	Township of Derry 235 Hockersville Road Hershey, PA 17033	Swatara Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAR-10-I207	McNaughton Company 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Beaver Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

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>
Bucks County Bensalem Township	PAR600048	Franklin Metals 818 Highland Avenue Bensalem, PA 19020	Poquessing Creek	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Blair County Allegheny Township	PAR803575	Consolidated Freightways—Altoona P. O. Box 3010 Menlo Park, CA 94026-3010	Beaverdam Branch to the Juniata River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lititz Borough	PAR113516	NTN-BCA Corporation P. O. Box 1400 401 West Lincoln Avenue Lititz, PA 17543-7020	Lititz Run via Santo Domingo Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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>
Montour County Valley Township	PAG044815	Elwood J. Carper 180 Liberty Valley Rd. Danville, PA 17821	Mausers Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Tioga County Delmar Township	PAG045078	William Freeman R. R. 5, Box 297A Wellsboro, PA 16901	UNT to Wilson Ck.	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Centre County Worth Twp.	PAG045082	Gerald and Mary Wilson 137 Wilson Ln. Port Matilda, PA 16870	Laurel Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming County Eldred Twp.	PAG045084	Gary E. Winter 142 Winter Lane Cogan Station, PA 17728	Mill Ck.	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Bradford County Ridgebury Twp.	PAG045076	William Summerville P. O. Box 171 Wellsburg, NY 14894-0171	UNT to Trout Ck.	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Beaver County Franklin Township	PAG046185	Jack W. Schweiger 259 Church Road Fombell, PA 16123	Camp Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Mt. Pleasant Township	PAG046194	George Tetteris R. D. 5, Box 39 Mt. Pleasant, PA 15666	Unnamed Tributary of Brush Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Liberty Township McKean County	PAG048646	Tracy L. Kio 301 Mill Street Port Allegany, PA 16743	Tributary of Portage Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Vernon Township Crawford County	PAG048648	James C. and Katherine A. Rothbrust 11602 State Highway 98 Meadville, PA 16335	Unnamed Tributary to Watson Run	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Lake Township Mercer County	PAG048647	Bruce E. and Christine S. Henderson 328 Lyons Road Stoneboro, PA 16153	Unnamed Tributary to Little Shenango River	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>
Mobil Service Station #15-GDX Bucks County Doylestown Twp.	PAG 050014	Mobil Oil Corporation 93 Old York Road, Suite I-518 Jenkintown, PA 19046	Pine Run	Southeast Region Water Management (610) 832-6130
Armstrong County Manor Township	PAG056137	United Refining Company of Pennsylvania P. O. Box 599 Warren, PA 16365	Unnamed Tributary of Garretts Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-7

<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>
Philadelphia County City of Philadelphia	PAG070004	Philadelphia Water Department Biosolids Management Unit 4th Floor Aramark 1101 Market Street Philadelphia, PA 19107-2994	None	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130

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>
Montgomery County Douglass Township	PAG080004	Mobile Dredging and Pumping Company 3100 Bethel Road Chester, PA 19013-1488	Standhardt Farm 203 Oberholtzer Road	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<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>
Eden Township Lancaster County	PAG-08-0001	CDR Mid Atlantic 59 South Third Street P. O. Box 70 Oxford, PA 19363	G. Preston LeFeore Farm 716 Kirkwood Pike Quarryville, PA 17566	DEP Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
	PAG-08-0002			
	PAG-08-0003			
	PAG-08-0008			
	PAG-08-0009			
	PAG-08-2201			
	PAG-08-2203			
	PAG-08-3501			
	PAG-08-3515			
	PAG-08-3517			
PAG-08-3522				
PAG-08-3825				
Dublin Township Huntingdon County	PAG-08-3543	Shade Gap Area Joint Mun. Auth. Wastewater Treatment Facility P. O. Box 185 Shade Gap, PA 17255	N/A	DEP Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-9

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Fulton Township Lancaster County	PAG-09-3518	William H. Davis & Sons 341 Snyder Hollow Road New Providence, PA 17560	Nolt Farm 433 Black Barron Road Peach Bottom, PA	DEP Southcentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

SAFE DRINKING WATER

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

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

Permit No. 4699511. Public water supply. **Horsham Water and Sewer Authority**, 617 Horsham Road, Horsham, PA 19044. A permit has been issued to the Horsham Water and Sewer Authority granting permission to install an aeration system for the removal of carbon dioxide from well No. 3 and to modify well stations 3 and 7 in Horsham Township, **Montgomery County**.

Type of Facility: Public Water Supply System, *Consulting Engineer:* Carroll Engineering Corporation, 949 Easton Road, Warrington, PA 18976, *Permit to Construct Issued:* January 6, 2000.

HAZARDOUS SITES CLEAN-UP

Under the Act of October 18, 1988

Notice of an Opening of an Administrative Record

Notice of a Remedial Action under the Hazardous Sites Cleanup Act

Yost Road Case

Whitpain Township, Montgomery County

The Department of Environmental Protection (Department), under the Hazardous Sites Cleanup Act (35 P. S.

§§ 6020.101—6020.1304) (HSCA), has completed an investigation of the ground water contamination discovered in certain private water supply wells located along Yost Road, in Whitpain Township, Montgomery County. The comprehensive investigation confirmed the presence of trichloroethylene (TCE) and tetrachloroethylene (PCE) contamination in these wells, in excess of the Medium Specific Concentrations (MSCs), established under the Land Recycling and Environmental Remediation Standards Act (Act 2), 25 Pa. Code, Chapter 250, (35 P. S. §§ 6026.101—6026.909). These standards can be reviewed under Appendix A/Table 1, of the act.

On May 3, 1999, the Department directed its contractor, Ogden Environmental and Energy Services (Ogden), to complete a comprehensive investigation of the ground water quality in the area of Yost Road. The emphasis of the investigation was placed on an accurate delineation of all private wells in the area and the purpose for which they are being used. Based on that information, Ogden completed sampling of all said wells, in order to determine the extent of the contamination. The investigation confirmed the presence of the aforementioned contamination in several private water supply wells.

This Remedial Action is considered the Department's preferred alternative. It would consist of the extension of public water service to all affected wells along Yost Road. Residents along Yost Road, who currently utilize a private water supply well for potable purposes, but whose wells are not impacted by the contamination, would also be

given the opportunity to connect to the public water service. The Department considers this as the preferred alternative because it is necessary to protect the public health and safety in accordance with the HSCA.

Due to the close proximity of the existing public water lines, the Department determined that this preferred remedial alternative, if ultimately chosen and implemented, under the authority of sections 501(a) and 505(c) of HSCA, would be the most permanent, protective and cost effective alternative for the site. The Department considered two other alternatives. The first, an interim response involving the installation of whole-house carbon filters, was considered and rejected, due to the more permanent, protective and cost effective advantages of the preferred alternative, asserted in the previous paragraph. Furthermore, the preferred alternative eliminates the need for protracted operation and maintenance of filters. The second alternative considered, no action, was rejected, because it would not have addressed or resolved the threat to public health associated with the contamination at issue.

The Administrative Record (AR), which contains the information that forms the basis for and documents the selection of this response action, is available for public review and comment from 8:15 a.m. to 12 noon and 1:15 p.m. to 3:30 p.m., at Department offices located at 555 North Lane, Conshohocken, PA 19428. A second copy of this AR, will also be made available for public inspection at the Wissahickon Public Library, located at 650 Skip-pack Pike, Blue Bell, PA, from 10 a.m. to 9 p.m., Monday through Thursday and from 10 a.m. to 5 p.m., Friday and Saturday. The library is also open from 1 p.m. to 4 p.m. on Sunday.

Written comments concerning the Department's preferred remedial response alternative, as asserted above and the information contained in the Administrative Record will be accepted in person, if delivered, or by mail, if postmarked on or before May 5, 2000. Written comments should be directed to the attention of Michael Timcik, PADEP Project Officer, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428, (610) 832-6202.

In addition, the public will have the opportunity to present oral comments at a public hearing. The public hearing has been scheduled for 7 p.m., on Wednesday, March 22, 2000, at the Whitpain Township Municipal Building. The municipal building is located at 960 Wentz Road, Blue Bell, PA. Persons wishing to present oral comments should register on or before March 22, 2000, by calling the Department's Community Relations Coordinator, John Gerdemann, at (610) 832-6228.

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 John Gerdemann or the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department may accommodate their needs.

The Department is providing this Notice under section 506(b) of the HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period on the administrative record, as provided under the act.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Sun Pipeline Company—Hess Mountain Site, Hollenback Township, **Luzerne County**. Jennifer Stafford, Project Manager/Hydrogeologist, Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19342 has submitted a Final Report (on behalf of her client, Sunoco, Inc., 4041 Market Street, Aston, PA 19014) concerning the remediation of site groundwater found to have been contaminated with petroleum hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylene) compounds. The report was submitted to document remediation of the site to meet the Statewide health standard. This is a correction to a previous notice that incorrectly listed the site as being located in Conyngham Township.

Pennsylvania Power & Light Company (PP&L)—Distribution Pole #43466S49590 (Bacon Street), City of Pottsville, **Schuylkill County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The report was submitted to document remediation of the site to meet Statewide health standard.

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

Pennfield Farms, Bethel Township, **Lebanon County**. Pennfield Farms, P. O. Box 70, Fredericksburg, PA 17026 has submitted a Final Report concerning remediation of site soils contaminated with sulfuric acid. The report is intended to document remediation of the site to the site specific standard.

Distribution Pole 15526S31704. Carlisle Borough, **Cumberland County**. PP&L, Inc. Two North Ninth Street, Allentown, PA 18101-1179 has submitted a Final Report concerning remediation of soils contaminated with PCBs. The report is intended to document remediation of the site 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—6027.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediations Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has acted upon the following plans and reports:

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

Ladd Hanford User Auto Coral, North Lebanon Township, **Lebanon County**. Frederick Laurenzo, Frederick Chevrolet, Cadillac, Olds, Geo, Inc., 1505 Quentin Road, Lebanon, PA 17042 has submitted a Final Report concerning remediation of site soils contaminated with solvents, BTEX and PHCs, and a Remedial Investigation/Final Report concerning remediation of groundwater contaminated with solvents, BTEX and PHCs. These reports demonstrated attainment of the Statewide health standard for soils and the attainment of the site-specific standard for groundwater. The reports were approved by the Department on January 20, 2000.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Permit I. D. No. 100022. Chrin Brothers Sanitary Landfill, Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. A major permit modification approval of Closure Areas 1, 2 and 3 Overlay, which includes an extension of the previously permitted Setcer-Highwall landfill disposal area located in Williams Township, **Northampton County**, including the construction of additional disposal area above the existing old unlined landfill. In addition, this permit modification authorizes the extension of the disposal area along the base of Fill Area 4 and construction of a leachate management system sump in the area of the existing quarry and stone processing area. The permit was issued in the Regional Office on January 6, 2000.

AIR QUALITY

OPERATING PERMITS

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP2-21-05029A: Sunoco, Inc. (R&M) (1801 Market Street-15/10PC, Philadelphia, PA 19103-1699) for

construction/operation of an ethanol storage tank controlled by an internal floating roof located in Hampden Township, **Cumberland County**.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

38-03003A: Bayer Corp. (400 West Stoeber Avenue, Myerstown, PA 17067) on January 21, 1999, for operation of an Accela Cota tablet spray coater controlled by a Torit fabric collector in Myerstown Borough, **Lebanon County**.

38-03010A: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) on January 24, 1999, for operation of a stone crushing plant controlled by wet suppression in South Lebanon Township, **Lebanon County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

22-02004A: Hershey Chocolate USA (19 East Chocolate Avenue, Hershey, PA 17033) on January 24, 2000, issued a revised RACT Operating Permit for operation of chocolate candy and confectionery manufacturing at the Hershey East Plant in Derry Township, **Dauphin County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

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

TVOP-17-00015: Permagrain Products, Inc. (115 Reactor Road, Karthaus, PA 16845) for a Title V Operating Permit on January 4, 2000, for operation of a wood treatment and wood flooring manufacturing facility which includes two boilers, one furnace, seven storage tanks, wood finishing operations, wood impregnation operations and waste polymerization operations in Girard and Covington Townships, **Clearfield County**.

TVOP-18-00005: CNG Transmission Corp., Finnefrock Station (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222) for a Title V Operating Permit on January 4, 2000, for operation of a natural gas transmission station which includes four natural gas fired engines, two boilers, one heater and nine storage tanks in Leidy Township, **Clinton County**.

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

OP-04-0600: MJ Mining Co. (1021 Whitestown Road, Butler, PA 16001) on January 4, 2000 for operation of coal crushing and screening at Mine 1 in Greene Township, **Beaver County**.

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

PA-25-983A: Rupp Auto Livery (303 East 32nd Street, Erie, PA 16504) on December 31, 1999, for operation of a crematory incinerator in Erie, **Erie County**.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

OP-23-0014A: Kimberly-Clark Tissue Co. (Front and Avenue of the States, Chester, PA 19013) on January 18, 2000, for facility VOC/NOx RACT in Chester Township, **Delaware County**.

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

21-05009: PP&L Martins Creek, LLC (2 North Ninth Street, Allentown, PA 18101) for a change of ownership of a combustion turbine site in Lower Allen Township, **Cumberland County**.

22-05011: PP&L Martins Creek, LLC (2 North Ninth Street, Allentown, PA 18101) for a change of ownership of a combustion turbine site in the City of Harrisburg, **Dauphin County**.

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contaminate sources and associated air cleaning devices.

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

PA-09-0080: Milford Enterprises, Inc. (200—300 Commerce Drive, Quakertown, PA 18951) on January 18, 2000, for operation of a wood finishing in Milford Township, **Bucks County**.

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

28-03029: Cumberland Valley Animal Shelter (2325 County Road, Chambersburg, PA 17201) on January 21, 2000, for installation of an ERS Animal Crematory in Guilford Township, **Franklin County**.

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

24-315-009A: Willamette Industries, Inc. (100 Center Street, Johnsonburg, PA 15845) on January 14, 2000, for modification of Plan Approval No. 24-315-009 (pump bleach plant) in Johnsonburg, **Elk County**.

Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

OP-14-0007A: Cerro Metal Products Co. (P. O. Box 388, Bellefonte, PA 16823) on January 18, 2000, to extend the deadline for the performance of stack testing on a natural gas-fired brass billet furnace until July 31, 2000, in Spring Township, **Centre County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

PA-15-0086: Bakery Feeds (97 West Brook Drive, Honey Brook, PA 19344) on January 18, 2000, for operation of a bakery waste recycling operation in West Brandywine Township, **Chester County**.

23-318-001E: Congoleum Corp. (Ridge Road and Yates Avenue, Marcus Hook, PA 19061) on January 18, 2000, for operation of a surface coating operation in Trainer Borough, **Delaware County**.

PA-23-0032A: DELCORA (3201 West Front Street, Chester, PA 19013) on January 18, 2000, for operation of two 8-stage incinerators in City of Chester, **Delaware County**.

PA-46-0036: Ford Electronics and Refrigeration LLC (2750 Morris Road, Lansdale, PA 19446) on January 18, 2000, for operation of Selective Soldering Machine No. 6 in Worcester Township, **Montgomery County**.

15-301-086: Pet Memorial Services Corp. (319 West-town Road, Suite Q, West Goshen, PA 19380) on January 18, 2000, for operation of a cremator for animal remains in West Goshen Township, **Chester County**.

23-312-206: Sunoco, Inc. (R&M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on January 18, 2000, for operation of a gasoline storage tank in Marcus Hook Borough, **Delaware County**.

PA-09-0005: 3M Co. (2201 Green Lane, Bristol, PA 19007) on January 18, 2000, for operation of an adhesive formulation process in Bristol Township, **Bucks County**.

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

41-305-009C: Keystone Filler & Mfg. Co. (214 Railroad Street, Muncy, PA 17756) on January 12, 2000, for operation of a carbon products pneumatic conveying system and associated air cleaning device (a filter/receiver) on a temporary basis until May 11, 2000, and for installation of an air cleaning device (a fabric collector) on a rotary coal dryer (#4 dryer) until May 11, 2000, in Munch Creek Township, **Lycoming County**.

08-318-024A: Masonite Corp. (P. O. Box 311, Towanda, PA 18848) on January 14, 2000, for operation of a hardboard products surface coating operation (Coating II) on a temporary basis until May 13, 2000, in Wycox Township, **Bradford County**.

08-399-047: Osrsm Sylvania Products, Inc. (Hawes Street, Towanda, PA 18848) on January 14, 2000, for operation of a CVD phosphor coater and associated air cleaning device (a catalytic oxidizer) on a temporary basis until May 13, 2000, and construction of a second CVD coater until May 13, 2000, and to extend the deadline for the performance of stack testing on the two CVD coaters until May 13, 2000, in North Towanda Township, **Bradford County**.

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

PA-63-632A: American Iron Oxide Production (Foster Plaza 7, 661 Andersen Drive, Pittsburgh, PA 15220) for operation of acid regeneration plant at Allenport in Allenport Borough, **Washington County**.

63-307-027: American Iron Oxide Production (Foster Plaza 37, 661 Andersen Drive, Pittsburgh, PA 15220) for operation of iron oxide production at Allenport Plant in Allenport Borough, **Washington County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Mining Permits Issued

17831601. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847), to renew the permit for the Belford Siding in Karthaus Township, **Clearfield County**, no additional discharges. Permit issued January 7, 2000.

03870701. TJS Mining, Inc., R. D. 1, Box 260D, to renew the permit for the CRD #2 in Plumcreek Township, **Armstrong County** to revise to add 60.5 acres, Dutch Run. Permit issued January 10, 2000.

30831303. RAG Cumberland Resources, Inc. (R. D. 3, Box 184, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whitely Township, **Greene County** to revise the post mining land use at the No. 3 Shaft Portal, no additional discharges. Permit issued January 18, 2000.

30841307. RAG Emerald Resources Corp. (P. O. Box 1020, 145 Elm Drive, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** to revise the post mining land use at No. 4 Portal Shaft, no additional discharges. Permit issued January 18, 2000.

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

16910104. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824) Renewal of an existing bituminous strip, auger and coal ash placement operation in Madison Township, **Clarion County** affecting 304.3 acres. Receiving streams: Unnamed tributary to Catfish Run and

unnamed tributary to the Allegheny River. Application received: September 20, 1999. Permit Issued: January 18, 2000.

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

65960111. Sosko Coal Co., Inc. (R. D. 3, Box 330, Mt. Pleasant, PA 15666). Permit revised to change the land use from forestland to pastureland at a bituminous surface/auger mining site located in East Huntingdon Township, **Westmoreland County**, affecting 53.5 acres. Receiving streams: unnamed tributaries of Buffalo Run to Buffalo Run. Application received: November 16, 1999. Revision issued: January 21, 2000.

65840119. M. B. Energy, Inc. (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Permit revised to add 12.3 acres and to mine through and relocate an unnamed tributary to Stony Run at an existing bituminous surface/auger mine and limestone removal/portable stone crusher facility located in Derry Township, **Westmoreland County**, affecting 643.7 acres. Receiving streams: unnamed tributary of Stony Run and unnamed tributaries of McGee Run to Conemaugh Run. Application received: August 17, 1999. Revision issued: January 24, 2000.

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

Small Noncoal (Industrial Mineral) Permits Issued

59990803. Robert Dinger (R. R. 3, Box 91A, Columbia Crossroads, PA 16914), commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Sullivan Township, **Tioga County** affecting 5 acres. Receiving streams: unnamed tributary to Elk Run. Application received November 16, 1999. Permit issued January 13, 2000.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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, 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.

E46-839. Encroachment Permit. **Horsham Township**, 1025 Horsham Township, Horsham, PA 19044. To maintain and modify an existing bridge by extending the bridge deck 10.5 feet upstream and to realign a 60-foot section of the stream channel just upstream of the aforementioned bridge that spans Pennypack Creek (TSF-MF). This bridge has a single clear span of approximately 25 feet, a minimum underclearance of approximately 6.5 feet and a skew of 78 degrees. The modified structure will have equivalent hydraulic dimensions as the existing structure. This project is associated with roadway improvements along Dresher Road and is located about 300 feet south of its intersection with Horsham Road (S. R. 463) (Ambler USGS Quadrangle N: 9.9 inches; W: 1.3 inches) in Horsham Township, **Montgomery County**.

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

E35-316. Encroachment. **Baptist Bible College**, P. O. Box 800, Clarks Summit, PA 18411-0888. To construct and maintain a 6-inch diameter intake and a 6-inch diameter outfall structure within a 5.2 acre lake. The project will utilize the lake as a heat sink for an air conditioning system for a proposed, 1,600 seat auditorium. The project is located at the Baptist Bible College approximately 3,500 feet east of the intersection of S. R. 0407 and S. R. 0006/11 (Scranton, PA Quadrangle N: 22.1 inches; W: 8.5 inches) in Clarks Summit Borough, **Lackawanna County**.

E40-524. Encroachment. **Burtam/Gardner, Inc.**, 1140 Route 315, Wilkes-Barre, PA 18711. To construct and maintain: a road crossing of Gardner Creek and adjacent wetlands, consisting of a precast concrete arch bridge, having a span of 32 feet and an underclearance of 8 feet; two 15-inch HDPE stormwater outfall structures along Gardner Creek; and three utility line stream crossings of Gardner Creek (4-inch P. E. gasoline, 8-inch DIP waterline and 8-inch PVC sanitary sewerline), for the purpose of providing access and utilities to a proposed professional office park on a 24-acre parcel. The project includes a temporary road crossing of Gardner Creek. The overall project will impact approximately 90 feet of channel and a de minimis area of wetlands equal to 0.02 acre. The project is located approximately 500 feet east of the intersection of S. R. 0315 and S. R. 2039 (Westminster Road) (Pittston, PA Quadrangle N: 7.0 inches; W: 4.5 inches) in Jenkins Township, **Luzerne County**.

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

E67-672. Encroachment. **Weis Market, Inc.**, Store #92, 1000 South Second Street, Sunbury, PA 17801. To remove

an existing structure and to construct and maintain 68 linear feet of twin 11-inch by 47-inch corrugated metal pipe arches under the existing entrance drive and to relocate approximately 350 linear feet of downstream channel to provide flood carrying capacity in an unnamed tributary to the Little Conewago Creek (TSF) and to construct and maintain a 6-foot extension of the upstream end of a 3-foot by 5-foot box culvert immediately downstream of the relocated channel for a proposed sidewalk in association with expansion of the existing Weis Market Store #92 located west of Emig Mill Road across from Grandview Avenue (West York, PA Quadrangle N: 19.4 inches; W: 9.0 inches) in Dover Township, **York County**. 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.

E14-353. Encroachment. **Haines Township**, P. O. Box 244, Aaronsburg, PA 16820-0244. To construct and maintain 45 linear feet of stream relocation and streambank stabilization. The work consists of two sections of stream, first is 27 feet long and the second is 18 feet long. This permit authorizes the relocation and the stabilization utilizing gabion mattresses. This permit also authorizes fill to be placed behind the slope protection to restore the eroded bank. This project is located at the intersection of Cemetery Road and Pine Creek Road 1.1 miles north on Jackson Hill Road from the intersection of Cemetery Road and Jackson Hill Road (Woodward, PA Quadrangle N: 11.2 inches; W: 16.3 inches) Haines Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-336. Encroachment. **Bingham Township**, R. R. 2, Box 557, Genesee, PA 16923. To operate and maintain a steel superstructure bridge 16 feet wide with a minimum underclearance of 7 feet and a clear span of 30 feet with concrete abutments over the Genesee River located on T-408, 100 feet east of the intersection of T-408 with SR 1001 (Ulysses, PA Quadrangle N: 11.3 inches; W: 7.5 inches) in Bingham Township, **Potter County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

[Pa.B. Doc. No. 00-219. Filed for public inspection February 4, 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) at the Public Participation Center. The "2000 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 2000.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Draft Guidance—Substantive Revision

DEP ID: 562-2000-001 Title: Projects and Activities under the Environmental Good Samaritan Act Description: This guidance defines the process for approving projects and participants for the protection from liability as described under the Environmental Good Samaritan Act of 1999. Anticipated Effective Date: March 11, 2000; Comment Period Ends: March 4, 2000; Contact: Evan Shuster at (717) 787-5103, fax number is (717) 783-4675, or E-mail at Shuster.Evan@dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-220. Filed for public inspection February 4, 2000, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Solicitation of Letters of Interest; Printing and Publication of *Pennsylvania Code* and *Pennsylvania Bulletin*

Before developing a work statement for a new contract for the printing and publication (both on paper and online) of the *Pennsylvania Code* and *Pennsylvania Bulletin*, the Department of General Services (Department) is seeking letters of interest from firms that would be interested in the contract. The *Pennsylvania Bulletin* is the official, weekly gazette of Pennsylvania state government which contains proposed rules and regulations, state contract notices and other documents. The *Pennsylvania Code* is the official codification of rules and regulations issued by Pennsylvania agencies.

The contract will require the contractor to edit legal documents for style and correctness and to compose pages after the raw data is received from Commonwealth executive, legislative and judicial agencies. The contractor will be responsible for creating various finding aids, reading judicial opinions and creating annotations and notes of decision. The contractor will provide binders, lifters, spine cards and divider sheets that conform to the present binders issued for the *Pennsylvania Code*.

The contractor will print and mail paper copies of both the *Pennsylvania Code* and *Pennsylvania Bulletin*, perform subscription fulfillment duties and obtain postal permits for mailing the publications. Subscription fulfill-

ment duties include adding and deleting subscriptions from the mail list and receiving payment from subscribers.

The contractor will also be required to create and maintain on an existing website electronic versions of the *Pennsylvania Code* and *Pennsylvania Bulletin* that conform to the printed versions of the publications. The paper and electronic copies must both be updated at the same time, once a week in the case of the *Pennsylvania Bulletin* and once a month in the case of the *Pennsylvania Code*.

A document management system for these publications currently exists and it should be maintained, revised or newly created. The system allows for Commonwealth agencies to transmit documents to the Legislative Reference Bureau electronically. The Legislative Reference Bureau then reviews them and sends them electronically to the contractor. The system should also have the ability to store archival information.

The letters of interest must notify the Department of the firm's interest in competing for the contract and also:

1. Identify the firm, including:
 - a. Contractor name
 - b. Contractor address
 - c. Contractor telephone number
 - d. Contractor fax number, and
 - e. Contractor E-mail address.
2. Describe the firm's capabilities for performing the contract.
3. Discuss how the firm would undertake to perform the contract.
4. Identify how the firm would be paid for the performance of the work.

Please submit letters of interest, no later than February 18, 2000, to John Hefelfinger, Bureau of Purchases, Department of General Services, 414 North Office Building, Harrisburg, PA 17125.

Letters of interest can be sent by mail or faxed to John Hefelfinger at (717) 783-6241. Questions may be directed to John Hefelfinger at (717) 787-2389.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-221. Filed for public inspection February 4, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Retention of Engineering Firms

York County Project Reference No. 08430AG2494

The Department will retain an engineering firm to provide preliminary engineering and traffic studies for interchange and secondary road improvements for S. R. 0083, Section 026. The study area is along Interstate 83 and includes the following interchanges:

- Exit 6, S. R. 8009, Queen Street
(S. R. 0074 over I-83)

- Exit 7, S. R. 8011, Mount Rose Avenue
(S. R. 0124 over I-83)
- Exit 8, S. R. 8013, Market Street
(S. R. 0462 under I-83)

The interchanges are located in the City of York, York, Springettsbury and Spring Garden Townships, York County. The study boundary area will include S. R. 1033 and S. R. 3023 to the west, U.S. 30 to the north, S. R. 0024 to the east and S. R. 0074 to the south. The study area along I-83 is approximately five (5) miles in length and two (2) miles in width. Additionally, the major secondary routes, for example: S. R. 0074, S. R. 0124, S. R. 0462, S. R. 2003, S. R. 2005, S. R. 3023, S. R. 2002, S. R. 1003 will be studied. Special emphasis will be placed on reducing traffic congestion at Exit 7 on S. R. 0124. The intent of the project is to determine the existing traffic situation and define improvements to meet the future transportation needs in this corridor.

The selected firm will be required to provide a variety of services, which include the following: develop project mapping; traffic data collection; analysis of existing conditions; determine effects of growth; performing origin and destination studies; development of traffic models; preparation of needs analysis report; conduct alternatives analysis; develop and study improvement alternatives; construction cost estimating; recommendation reports; public agency coordination; project scoping with stakeholders; forming advisory groups; public meetings; public workshops; newsletters; internet web site; and any other services required to determine the existing traffic situation and define improvements to meet the future transportation needs in this corridor.

The Department is seeking a firm with expertise in all areas of traffic analysis.

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. An ability to provide innovative solutions to complex problems.
- b. Experience in all traffic related areas and highway cost estimating.
- c. Specialized experience and technical competence with similar projects.
- d. Past record with respect to cost control, work quality and ability to meet schedules.
- e. The project team including subconsultants.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, limited to ten (10) resumes, one page each maximum, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E., District Engineer
Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
Attention: Mr. Doug Murphy

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. Doug Murphy, District 8-0, at (717) 783-3773.

Allegheny County
Project Reference No. 08430AG2495

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately thirty-four (34) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

1. S. R. 0051, Sections A45 and A47, Allegheny County
Local Name: TR 51/Lebanon Church-Provost (A45)
TR 51/Bansman St. to Mattide St. (A47)

This project involves milling and resurfacing with SUPERPAVE from Lebanon Church Road to Mattide Street in The Borough of Whitehall and the City of Pittsburgh.

2. S. R. 0028, Sections A321 and A32, Allegheny County
Local Name: PA 28/Ravine Street to Blawnox (A31)
PA 28/Blawnox to Powers Run (A32)

This project consists of the resurfacing, restoration and rehabilitation of S. R. 0028 in the Township of O'Hara and the Boroughs of Aspinwall and Sharpsburg. Roadway work includes guiderail updates and correction of known high accident areas. Bridge work includes crack sealing, joint repairs, seismic retrofits, scour countermeasures and painting.

3. S. R. 0079, Section A08, Allegheny County
Local Name: I-79/PA 60 to Neville Island
This project includes concrete pavement patching and a bituminous overlay on I-79 from the Route 60 Interchange to the southern abutment of the Neville Island Bridge. The acceleration and deceleration ramps at the Groveton Interchange will be brought up to meet current design criteria. Preventive maintenance will also be performed on four (4) mainline structures. Guiderail, signing and lighting will all be updated at the Groveton Interchange. This project is located in the Townships of Robinson and Kennedy.

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 ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in milling, resurfacing, SUPERPAVE, concrete patching, guiderail, structures, painting, signing and lighting, and Maintenance and Protection of Traffic. (Reference for each inspector should be made available upon request).

b. Understanding of the Department's requirements, policies and specifications.

- c. Past Performance.

d. Number of NICET certified inspectors in each payroll classification.

e. Number of available inspectors in each payroll classification.

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 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)	5 (5)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	21 (16)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	7 (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, 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 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI)	\$36.53
(TA)	\$25.12

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

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 at no direct cost to the Department:

3	Nuclear Densometer Gauges/License (at point of need when needed)
1	Paint Test Kit
21	Two-Way Radios
9	Cellular Phones
3	Cameras (2 Digial, 1 Data-Back)

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-1 and 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>
TCM-1	1
TCIS	6
TCI	25

No resumes are required for the TA Classification.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Raymond S. Hack, P.E., District Engineer
Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
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: Mr. Brian A. Krul, District 11-0, at (412) 429-3801.

**Allegheny, Beaver and Lawrence Counties
Project Reference No. 08430AG2496**

The Department will retain an engineering firm for an Open-End Contract for various geotechnical engineering services, preliminary engineering, environmental studies and/or final design services on various projects located in Engineering District 11-0. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The required services may encompass a wide range of design, review and consultation efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), Capital Improvement Projects (bridges or roadways), maintenance type remediation and minor location studies. The maximum amount of the Open-End Contract will be \$2.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- Understanding of Department's requirements, design manuals, policies and specifications.
- Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms shall be considered.
- Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on Open-End Contracts.
- Location of consultant in respect to the District. This will include ability/provisions for quick responses to District requests.
- Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants, etc.

The firm may be required to perform, but will not be limited to, the following geotechnical engineering services: review of geotechnical work performed by private engineering firms; perform geotechnical design for major Department designed projects; perform geotechnical investigations under a Health and Safety Plan; develop Health and Safety Plans (HASP) for projects; investigate and prioritize slope movements and other geologic hazards for future programming; install and/or monitor geotechnical instruments; perform geophysical investigations; geotechnical consultation during and after construction; review projects developed by local municipalities; drilling inspection in accordance with D.M. 4/D.M. 1 qualifications and criteria; review of wetland designs from a geological and geotechnical perspective; emergency response to geologic hazards; review and comment on

Department procedures and documents; review of right-of-way relinquishments; investigate tunnels and design any necessary remediations; review of requests of mine variances; review of permit requests; prepare man-hour loading analyses; investigate stability of retaining systems; develop specifications; water quality sampling and evaluation; review erosion and sedimentation plans from a geological or geotechnical perspective; develop experimental work plan activities and other research activities; review preliminary area reconnaissances (PAR's), initial site assessments (ISA'S), preliminary site investigations (PSI'S), detailed site investigations (DSI'S) and waste management plans; prepare and review pavement designs; respond to requests from maintenance for various types of investigations; develop and administer subsurface boring sampling and testing contracts; perform stability analyses of slopes and retaining structures; preparation of erosion and sedimentation plans; perform scour analyses and developing remedial solutions; review of contour grading plans; review of storm water management plans; develop remediation schemes for acid mine drainage (AMD) problems; and preparation of geotechnical engineering reports. These services may include, but not be limited to, the following specific items: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; perform related field surveys; plot topography and cross sections.

Most of the drilling and testing services will be provided by the Department through separate service purchase contracts with other contractors. However, the firm may be required to assist with letting separate non-professional contracts for drilling and soil, rock and water testing. The soil and rock testing must be performed at an AASHTO Materials Reference Laboratory (AMRL) accredited laboratory and the water testing must be performed at a Pennsylvania Department of Environmental Resources certified laboratory. Some tests may be required to be performed under a HASP.

The primary services to be provided are geotechnically related; however, other services may be required and they may include, but not be limited to, the following items: prepare submissions and materials necessary for the Department to prepare the application to Public Utility Commission (PUC) and the PUC field conference; attend and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; develop right-of-way plans; prepare type, size and location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; prepare traffic control plans and narrative; investigate utility and property involvement; prepare and disseminate right-of-entry letters; prepare prints and information required for a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; make all necessary contact with railroad officials for any railroad-related costs estimates, permits, insurance, approvals and other required information; alternatives using benefit/cost analysis; document geotechnical study activities and findings; attend coordination and status meetings with District personnel and prepare minutes; and construction plans, specifications including special provisions and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The firm may be required to perform any or all of the following environmental studies: air quality; surface wa-

ter and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; hazardous waste; visual quality; socioeconomic; cultural; Section 4(f) and Section 106 documents; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; meeting minutes; public meetings and hearing presentations; handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) evaluations; mitigation plans and reports; and wetland and floodplain findings.

The firm may also be required to perform any or all of the following in order to ensure a complete investigation has been performed: plans and lists of areas where soil, rock and water will be impacted and demolition will occur during proposed construction activities.

The services identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related scope of work will be outlined for each individual Work Order developed under this Open-End Contract.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Raymond Hack, P.E., District Engineer
Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017

Attention: Mr. Joel C. Bowman, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. William R. Adams, P.E., District 11-0, at (412) 429-4919.

**Northumberland and Union Counties
Project Reference No. 08430AG2497**

This advertisement replaces the advertisement for Project Reference No. 08430AG2420 published in the Pennsylvania Bulletin on October 2, 1999. No Engineering firm will be selected from Project Reference No. 08430AG2420.

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately twenty-two (22) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects in 1) Union County; S.R. 0080, Section 055 and 2) Northumberland County; S.R. 0080, Sections 052 and 039; S.R. 0147, Section 62A, and S.R. 0147, Section 062.

The projects listed above consist of the following activities.

Projects, in order of letting:

1. *S. R. 0080, Sections 052 and 039—October 1999 Letting*
Construction will take approximately thirty-four (34) months

Limits: Eastbound and Westbound Interstate 80—from approximately 1.0 km east of the S. R. 0015 interchange to approximately 1.5 km west of the Limestoneville interchange, covering a length of 2.7 km.

Eastbound and Westbound Interstate 180 and Northbound and Southbound S. R. 0147 from approximately 2.1 km north of Milton on S. R. 0147 at Muddy Run to approximately 1.3 km west of the S. R. 0180/80 interchange at the McEwensville interchange, covering a length of 2.7 km.

Roadway construction on Interstate 80 involves widening the two (2) lanes, eastbound and westbound from the western limit to approximately 1.8 km east of the S. R. 0180 interchange to three (3) lanes using gyratory asphalt. From this point to the eastern limit of work, the existing concrete is rubblized, or reconstructed and gyratory mix placed as the pavement course. On S. R. 0147, S. R. 0180, and the interchange ramps, the pavements are repaired as needed, and overlaid with gyratory asphalt.

Bridge construction involves; widening the substructure and replacing the superstructure for the 10 span structures over the Susquehanna River, replacing the structures over the Conrail Railroad with single span bridges, replacing the structures over S. R. 0180 with three (3) span bridges, and widening the structures over Muddy Run.

2. *S. R. 0147, Section 62A—Letting December 1999*

Construction will take approximately eight (8) months

Limits: From approximately 0.7 km north of S. R. 0642 interchange to approximately 1.4 km north of the S. R. 0254 interchange, covering a length of 2.2 km.

Work involves new construction of three structures along the future northbound alignment of S. R. 0147, along with associated minor roadway and earthwork.

Structure No. 1 is a single span over Limestone Run.

Structure No. 2 is a single span over S. R. 0254.

Structure No. 3 is a single span over Red Hill Road.

3. *S. R. 0080, Section 055—Letting January 2000*

Construction will take approximately thirty-two (32) months

Limits: Eastbound and Westbound Interstate 80—from approximately 1.4 km west of the S. R. 0015 interchange, near Dietrich Hill Road, to approximately 1.2 km east of the S. R. 0015 interchange at the Susquehanna River, covering approximately 2.7 km.

Northbound and Southbound S. R. 0015—from approximately 1.0 km south of the S. R. 0080 interchange, near the New Columbia interchange, south of Dietrich Hill Road, covering approximately 2.0 km.

Roadway construction on Interstate 80 involves widening the existing two (2) lanes to three (3) lanes from 1.0 km west of the S. R. 0015 interchange to the eastern limit of work, utilizing gyratory asphalt. On S. R. 0015, the roadway will be completely recon-

structed to provide underclear at the Interstate 80 overpass. The ramps at the S. R. 0015/0080 interchange will be patched and overlaid.

Structure work occurs on I-80, as follows; the structures over Dietrich Hill Road, will be raised, and a new deck placed. The structures over S. R. 0015 and over S. R. 1011 the North Shore Railroad will be widened.

4. *S. R. 0147, Section 062—Letting June 2000*

Construction will take approximately twenty-two (22) months

Limits: Northbound and Southbound—from approximately 1.8 km south of the intersection with S. R. 0045 to 2.1 km north of the intersection with S. R. 0254, covering a distance of 10.3 km.

Roadway construction involves placing earthwork, drainage, and gyratory pavement for the new northbound lanes and ramps at four interchanges. Work also includes overlaying of the existing southbound lanes with gyratory pavement and reconstruction of S. R. 0045 in the immediate vicinity of the S. R. 0045 interchange.

Structure work includes construction of one new structure over S. R. 0045 northbound, removal of one existing southbound structure approximately 2.4 km south of the S. R. 0642 interchange, and rehabilitation of the existing southbound structure over S. R. 0254.

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 ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete and asphalt paving, drainage, wetlands, CPM schedule monitoring and computer documentation system.

b. Understanding of Department's requirements, policies, and specifications.

c. Number of NICET and NECEPT certified inspectors in each payroll classification.

d. Number of available inspectors in each payroll classification.

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 Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	7 (5)
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)	9 (6)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (2)

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.

A total of eight (8) inspectors assigned to this project must be certified by the Northeast Center of Excellence for Pavement Technology (NECEPT) as a Field Technician. Clearly indicate which inspectors meet this requirement.

Since a large bridge is included in this project, two (2) TCIS's and two (2) TCI's to be assigned to the bridge must have a climbing ability.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI-Materials)	\$37.65
(TCI)	\$36.53
(TA)	\$25.12

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

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 at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License*
- 1 Vehicle for the Transportation of Nuclear Gauge*

* at point of need when needed

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-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>
TCM-1	3
TCIS	9
TCI-M	2
TCI	11

No resumes are required for the TA Classification.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Paul E. Heise, P.E., District Engineer
Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754

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. John P. Ryan, P.E., District 3-0, at (570) 368-4233.

**Lebanon County
Project Reference No. 08430AG2498**

The Department will retain an engineering firm for a multi-phase agreement to provide preliminary studies, environmental studies, preliminary engineering and final design for S. R. 0501, Section 006, a two-lane relocation of S. R. 0501. The project will bypass the village of Schaeferstown, Heidelberg Township, Lebanon County. The project limits are from approximately one-mile north to

one-mile south of Schaefferstown on S. R. 0501. The estimated construction cost of the improvements is approximately \$6.7 million.

The selected firm will be required to provide a variety of engineering services including, but not limited to the following: design development; alternate analysis; environmental studies and documentation; interagency permits; roadway design; structure design; grading design; geometric design; signal and signing design; drainage design; utility coordination; right-of-way coordination; surveying; construction cost estimating; construction scheduling; public meeting and agency coordination; geotechnical engineering; plans preparation; proposal preparation; pavement design; traffic analysis; maintenance of traffic design and coordination; and any other services required to complete the preliminary studies, environmental studies, preliminary engineering and final design for S. R. 0501, Section 006.

The design of this project will be developed using English units.

Welcom Open Plan software will be used for project management and tracking.

A project specific Quality Development Plan will be prepared for the project.

The Department is seeking a large, multi-disciplined firm with environmental, geotechnical, highway design, and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence with similar projects.
- b. An ability to provide innovative solutions to complex technical problems.
- c. Experience in Environmental Assessment Preparation.
- d. Experience in highway design, structure design, geotechnical design, and hydrological/hydraulic analysis and design.
- e. Past record with respect to cost control, work quality, and ability to meet schedules.
- f. The project team including subconsultants.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E., District Engineer
Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
Attention: Mr. Doug Murphy

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. Doug Murphy, District 8-0, at (717) 783-3773.

**Request for Consulting Services for an Open-End Contract for Bridge Inspection
Project Reference No. 083430AG2499**

The Department will retain an engineering firm for an open-end contract to perform statewide periodic NBIS bridge safety inspections for designated bridges and structures on the State System throughout the Commonwealth. The contract will be for a period of sixty (60) months from the date of execution with projects assigned on an as-needed basis. The maximum amount of this open-end contract will be \$2,000,000. Method of payment will be Cost Per Unit of Work.

The selected firm will be required to provide all necessary professional and non-professional services, work, material and equipment necessary to inspect/re-inspect and evaluate the condition of state owned bridges and structures at various locations. The firm will provide updated inspection reports including a bridge load capacity rating/re-rating and/or posting recommendation as warranted. Structure inventory and appraisal data, and completed Bridge Management System coding sheets are also to be furnished. Inventory and operating ratings based on existing conditions for AASHTO and PDT loadings using the Department's computer programs and/or other programs with prior approval when the Department's program is not applicable, may be required.

Firms responding to this solicitation shall provide the following additional information in their letter of interest:

1. Indicate the lead person or sub-consultant on each of the expert service elements and indicate the qualifications and experience of the lead person or sub-consultant specifically related to each expert service area. List NBIS certification credentials and PA Bridge Safety Inspection courses taken by staff.
2. Indicate how the firm will provide "on demand" response for urgent problems. In the recent past, 200-500 bridges have been inspected per year under similar contracts. Due to variability of inspection schedules and emergencies, this work is not anticipated to be evenly distributed throughout a year or duration of contract.
3. Indicate internal procedures for timeliness of report submission, cost containment and quality assurances.
4. Indicate computer capabilities including PDT programs and other software.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Specialized technical expertise and experience of the individuals committed to this project.
- b. Capabilities of the qualified proposed team to address the bridge inspection, load rating evaluations and recommendations, and related aspects identified in the advertisement.

c. Prior technical successes and timeliness in performing work with the Department, especially on bridge inspection related work.

d. Available staffing and "on demand" response capabilities in the event of emergencies.

e. Location, cost containment and quality assurance program.

The engineering services identified above are the general work activities that can be expected under the contract.

Project management will be by the Bridge Quality Assurance Division, Bureau of Design. Engineering inspections will be directed by the respective District Office.

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and three (3) additional resumes. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. R. Scott Christie, P.E.
Chief Bridge Engineer
Bureau of Design
555 Walnut Street, 7th Floor
Harrisburg, PA 17101-1900

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. Suresh Dadhania, P.E., at (717) 787-3590.

**Bucks and Montgomery Counties
Project Reference No. 08430AG2500**

The Department will retain a Design Management/Engineering firm to provide project management services and preliminary ITS design for S. R. 0202, Section 700 which includes the following three (3) design sections: Section 701, 711, and 721. The project is the relocation of U.S. 202 onto a four (4) lane limited access freeway. The limits of the project covered by this contract include just south of PA 63 in Upper Gwynedd Township, Montgomery County to the existing PA 611 Bypass in Doylestown Township, Bucks County. Three (3) consulting firms will be retained to perform the preliminary and final design that will be managed under this contract. The total length of the project is approximately nine (9) miles and contains approximately thirty (30) structures. This project will be financed with Federal and State funds and will be subject to federal review and oversight in accordance with federal aid regulations (23CFR, Chapter 1). The estimated construction cost is \$180 million.

This advertisement replaces the advertisement for Project Reference No. 08430AG2361 published in the Pennsylvania Bulletin on June 5, 1999. No Design Management/Engineering firm will be selected from Project Reference No. 08430AG2361.

Firms involved in the pre-final and/or final design for S. R. 202, Sections 701, 711, and/or 721 as a prime or sub-consultant are not precluded from submitting or inclusion in a letter of interest for this assignment, but their involvement must exclude them or any sub-consultants to them from review of design deliverables on the design section(s) on which they are involved. The Department will make other arrangements to provide

review of design deliverables on specific sections if necessary to avoid a conflict of interest.

The selected firm will be required to provide engineering management and review services during the design phase of the project and to provide sufficient staff to assist the Department in adequately maintain project coordination and schedule for design through bidding of the construction contracts. Other tasks required include, but are not limited to: review of design submissions; hydraulic reports; type, size and location submissions; final bridge plans and computations; geotechnical reports and submissions; preliminary and final right-of-way plans; design drawings; special provisions; specifications and estimates prepared by other consulting engineering firms; conduct design review meetings and plan checks; review environmental items of work; coordinate required permit applications; standardize design details; coordinate design and right-of-way acquisition activities; coordinate all traffic control plans to provide optimum traffic flow; coordinate with municipalities, municipal authorities and utilities by means of periodic meetings; prepare master timetables to coordinate all phases of the project; monitor schedules to assure compliance with the master schedule; evaluate all value engineering submissions and make recommendations to the District Administrator. Tasks also include public involvement, development of project newsletters; ITS design, and environmental permit review and tracking, development of a traffic management plan, congestion mitigation strategies, preparation of materials for a project web site, and responding to public inquiries both through written and e-mail correspondence.

The selected firm will also be required to develop an overall preliminary and final ITS Design Plan for the three (3) sections of Section 700 and PA 309 from Sumneytown Pike to PA 313 including the development of necessary communication system and develop cost estimates.

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), required information, 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
700 Geerdes Boulevard
King of Prussia, PA 19406-1525
Attention: Mr. Randy Wanger, P.E.

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable Letters of Interest:

a. Specialized experience and technical competence of the firm. The specific experience of the project manager, and the individuals who constitute the firms team will be considered. Previous experience on similar projects will be considered.

b. Indication of how the firm will provide management services and the response capabilities to Department and customer requests.

c. Past record of performance in meeting deadlines, cost containment, work quality, and capability of coordination efforts between the Department, consultants, community, disciplines.

d. Location of the consultant with respect to the District.

The shortlisted firms will be required to make an oral presentation to the District with or after the submission of their technical proposals.

The selected firm will be required to provide a full-time permanent staff of qualified and experienced professional engineers and support personnel required to maintain project control. In addition to the full-time staff, other in-house specialists may be required to assist with specific work tasks encountered. The Department must approve the individual who will head the Design Management Team.

The District will announce the firms that have been shortlisted at an open public meeting to be held in the Engineering District 6-0 Office on Tuesday, February 29, 2000 at 10:00 A.M. Please specify a contact person in the letter of interest submission.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

Any technical questions concerning the requirements for this project should be directed to: Mr. Randy Wanger, District 6-0, at (610) 964-6548.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the Pennsylvania Bulletin.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the

right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-222. Filed for public inspection February 4, 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. 02000AG0001

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 Task 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 and NBIS initial inspection.

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 construction 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 for this project and any questions concerning the submit-

tal of the Letter of Interest should be directed to: Mr. David 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 interest 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 projects, 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 is no Disadvantaged Business Enterprise (DBE) requirements for this advertisement, but DBE participation may be required on an 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" will also be required.

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 projects 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 first submitting 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.

The L.O.I. and required forms should be submitted as soon as possible. Updated information may be submitted if the Engineer desires to present additional information concerning the firm's capabilities.

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. 00-223. Filed for public inspection February 4, 2000, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Review

Executive Order 1996-1, which was signed by Governor Ridge on February 6, 1996, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the eighth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this date.			
AGING			
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	July 2001, as proposed.	This regulation is being reviewed for consolidation with regulations from DPW and DOH with the intent to publish as part of regulations to be proposed as Adolescent and Adult Day Center Licensing Regulations. Review is also occurring as a result of passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 15 Protective Services For Older Adults	September 2000, as final.	This regulation is being reviewed as a result of passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and Executive Order 1996-1.	Robert Hussar 717-783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	July 2002, as proposed.	Review is continuing as part of a Departmental evaluation in response to Executive Order 1996-1. The review will be coordinated with the Adult Residential Facilities initiative being led by the Office of Licensing and Regulatory Management, Department of Public Welfare.	Robert Hussar 717-783-6207

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PA Code Title VI Chapter 3 Fair Hearings and Appeals	July 2001, as proposed.	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and as a result of Executive Order 1996-1. The completion of any proposed changes is dependent on the promulgation of final adult protective services regulations.	Robert Hussar 717-783-6207
<i>AGRICULTURE</i>			
Agricultural Land Conservation Assistance Grant Program 7 Pa. Code Chapter 138h	February 2000, as proposed.	This regulation will amend current regulations to refine the criteria pursuant to which the Department awards grants for farmland protection projects of Statewide scope. The proposed regulation was approved by the Office of Attorney General on January 4, 2000.	Raymond Pickering (717) 783-3167
“Clean and Green” Regulations 7 Pa. Code Chapter 137	May 2000, as proposed. No later than April 30, 2001, as final.	Act 156 of 1998 revised the “Clean and Green” Law (72 P. S. §§ 5490.1—5490.13) and afforded the Department until April 30, 2001 by which to promulgate regulations to implement these revisions. The regulations will promote uniform and consistent interpretation and enforcement of the Act Statewide.	Raymond Pickering (717) 783-3167
Agricultural Conservation Easement Purchase Program	July 2000, as proposed.	Act 138 of 1998 amended the Agricultural Area Security Law by permitting local government unit participation in agricultural conservation easement purchases. The regulations at 7 Pa. Code Chapter 138e must be revised to implement this statutory change.	Raymond Pickering (717) 783-3167
Consolidation/Update of Retail Food Store Regulations	September 2000, as proposed.	This regulation would provide the retail food industry needed and requested guidance for the safe handling of food. The Food Act (31 P. S. §§ 20.1—20.18) is the statutory basis for this regulation.	Lenchen Radle (717) 772-3234
Maple Products	July 2000, as proposed.	This regulation is required by the Maple Products Act (3 Pa. C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Lenchen Radle (717) 772-3234
Harness Racing Commission	March 2000, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Jorge M. Augusto, Esquire (717) 787-8744

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Land application of soil and groundwater contaminated with agricultural chemicals	June 2000, as proposed.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. § 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands. Numerous comments have been received with respect to drafts of this regulation, and will be addressed as the regulation proceeds.	Phillip M. Pitzer (717) 772-5206
Farm Safety and Occupational Health Grant Program	February 2000, as proposed.	This regulation is needed to replace an existing statement of policy published in the March 16, 1996 <i>Pennsylvania Bulletin</i> . This regulation would formalize the statement of policy by which the Farm Safety and Occupational Health Grant Program operates. The Program awards grants to fund projects to increase the knowledge and awareness of farm safety measures and occupational health issues among the Commonwealth's rural youth. The proposed regulation is currently under review at the Office of Attorney General.	Phillip M. Pitzer (717) 772-5206
Farm Safety Tuition Assistance Grant Program	February 2000, as proposed.	This regulation will establish a program to provide individual grants of up to \$100 toward tuition charged by an approved farm safety course provider. The proposed regulation is currently under review at the Office of Attorney General.	Phillip M. Pitzer (717) 772-5206
Farm Safety Developmental and Instructional Program	February 2000, as proposed.	This regulation will establish a program to provide grants totaling up to \$30,000 for the development or implementation of farm safety courses. The proposed regulation is currently under review at the Office of Attorney General.	Phillip M. Pitzer (717) 772-5206
Sustainable Agriculture Grant and Loan Programs	May 2000, as final.	This regulation establishes grant and loan programs to implement "best management practices." These programs are required under the Sustainable Agriculture Act (3 P. S. §§ 2101—2107). The final regulation is currently under review by the Office of General Counsel.	John Tacosky (717) 772-5217
Fruit Tree Improvement Program	December 2000, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 787-5609

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Certification of Virus-Tested Geraniums	July 2000, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa.Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 787-5609
Dog Law	March 2000, as proposed.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 21, 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. § 459-10 et seq.) is the statutory basis for this regulation.	Richard Hess (717) 787-4833
Domestic Animals	October 2000, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	John Enck, DVM (717) 772-2852
Pseudorabies Disease 7 Pa. Code Chapter 10	September 2000, as proposed.	The planned revisions of this chapter will assist the Department in attaining "Pseudorabies-free" status under the joint Federal-State Industry Pseudorabies Eradication Program, and will bring the current regulation into greater conformity with the requirements of the Domestic Animal Law.	John Enck, DVM (717) 772-2852
Brucellosis Vaccination	February 2000, as proposed.	This proposed regulation will address advances in vaccination technology. The proposed regulation is currently under review at the Office of Attorney General.	John Enck, DVM (717) 772-2852
Equine Infectious Anemia and Brucellosis Testing Techniques	March 2000, as proposed.	This proposed regulation will address advances in testing for the referenced animal diseases.	John Enck, DVM (717) 772-2852
Aquaculture Development	July 2000, as proposed.	The Aquacultural Development Law requires the Department to develop an "Aquaculture Development Plan" through regulation.	Leo Dunn (717) 783-8462
<i>BANKING</i>			
Continuing education regulations for residential first mortgage lender and broker industry.	June 2000, as final.	The Mortgage Bankers and Brokers Act (MBBA) is Act 90 of 1989, and has been amended by Act 131 of 1998. Amended section 4(e) of the MBBA provides that the Secretary of Banking shall delineate the requirements for continuing education regulations for licensees (that is, mortgage bankers, mortgage brokers, and loan correspondents) by regulation within three years of the effective date (February 19, 1999) of the amendments to the MBBA. Therefore, continuing education regulations are required to be promulgated by February 19, 2002.	Carter D. Frantz (717) 787-1471

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendment to eliminate the restriction on a banking institution taking pledges of stock or capital securities of its affiliates or the corporation which owns or controls the capital stock of the institution.	There is no set date because the Department is evaluating the necessity of such proposed regulations.	The existing regulation at 10 Pa. Code § 13.41 was adopted in 1970. At present, national banks are permitted to make loans secured by stock or capital securities of their affiliates and/or their holding company. For competitive purposes, the Department is considering amending its regulation to permit Pennsylvania state-chartered banking institutions to make loans secured by stock or capital securities of their affiliates and/or their holding company. Section 311(c) of the Banking Code, 7 P. S. § 311(c), clearly may be interpreted to permit such an amendment to the regulation at 10 Pa. Code § 13.41. Mortgage Bankers and Brokers Act.	Carter D. Frantz (717) 787-1471
Amendments to the Leeway Investments regulations for Pennsylvania state-chartered banking institutions.	There is no set date because the Department is evaluating the necessity of such proposed regulations.	The existing leeway investments regulations are located at 10 Pa. Code §§ 27.1—27.4 and have been effective since March 9, 1974. These regulations were promulgated pursuant to authority stated in sections 103(a), 307, 311(d)(vi) and 504(b)(x) of the Banking Code of 1965, as amended, 7 P. S. §§ 103(a), 307, 311(d)(vi) and 504(b)(x), and can be amended pursuant to the same statutory authority. Leeway investments are made by Pennsylvania state-chartered banks in stock, bonds, notes, or debentures of corporations formed to promote the public welfare and community development, expand the economy, or provide for social reform.	David H. Bleicken (717) 787-1471
“Other investments” regulations for Pennsylvania state-chartered banking institutions.	There is no set date because the Department is evaluating the necessity of such proposed regulations.	Sections 103(a) and 315(g) of the Banking Code of 1965, as amended, 7 P. S. §§ 103(a) and 315(g), provide authority for the Department to promulgate regulations to allow Pennsylvania state-chartered banking institutions to make investments not otherwise authorized by the Banking Code. The Department has evaluated the need for such regulatory guidance and authority in the context of modernizing investment authority for Pennsylvania state-chartered banking institutions.	Reginald S. Evans (717) 787-1471
BUDGET			
No regulations being developed or considered at this date.			
COMMUNITY & ECONOMIC DEVELOPMENT			
Commercial Motion Picture Sales; Tax Exemption Certificate 12 Pa.Code Chapter 33	Spring 2000, as final with proposed rulemaking omitted.	The regulation will prescribe a Pennsylvania Exemption Certificate (FORM REV-1220) as the form to be used by producers of commercial motion pictures, who are qualified to take advantage of the PA Sales and Use Tax exclusion provided by Section 204(54) of the Tax Reform Code of 1971.	Jill B. Busch (717) 720-7314
COMMISSION ON CRIME AND DELINQUENCY			
Constables' Education and Training Board	May 2000, as proposed	A regulation is needed to implement the authority of Act 1994-44, 42 Pa.C.S. §§ 2944—2948, as to program content and administration of basic training and continuing education, standards for certification to carry firearms in the performance of constable duties, and qualifications for schools and instructors.	Stephen Spangenberg (717) 705-3693 ext. 3040

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Deputy Sheriffs' Education and Training Board—Revisions to 37 Pa. Code Chapter 421	April 2000, as proposed	Revision is needed to expand the hours of basic training and continuing education as authorized by Act 1998-10, and adjust content accordingly pursuant to the Deputy Sheriffs' Education and Training Act, 71 P. S. §§ 2105—2106.	Stephen Spangenberg (717) 705-3693 ext. 3040
Bureau of Victims' Service, Victims Compensation Division (formerly Crime Victim's Compensation Board)—Revisions to 37 Pa. Code Chapter 191	June 2000, as proposed	Substantial revisions are needed to reflect elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by section 4 of Act 1997-57; and citation changes resulting from Act 1998-111 and its relocation of the Crime Victims Act (the Act). The Act at 18 P. S. § 11.312(3) gives the Bureau of Victims' Service the authority, subject to the approval of PCCD, to promulgate suitable regulations to carry out the purposes of Chapter 7 of the Act, relating to crime victims compensation. Also to be considered for revision are current rules that may be obsolete due to the effects of inflation (e.g. the monetary ceilings for funeral expenses) or which limit the Bureau's flexibility in carrying out the purposes of the Act (e.g., formulas for computation of loss of earnings and loss of support)	Lynn Shiner (717) 783-5153 ext. 3210
CONSERVATION & NATURAL RESOURCES			
Conservation of Native Wild Plants	June 2000, as proposed.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Bob Hill/Chris Firestone (717) 787-3444
CORRECTIONS			
Review and/or revision of all current Department of Corrections regulations contained in Title 37 of the <i>Pennsylvania Code</i> .	Summer 2000, as proposed.	The purpose of the review is to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Commissioner of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	J.D. Shutt (717) 975-4860

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
EDUCATION			
<p>22 Pa. Code Chapter 155—Board of State College and University Directors—Personnel</p> <p>Chapter 161—School Administrators Handbook</p> <p>Chapter 181—Mentally Retarded Exceptional Children</p> <p>Chapter 251—Postsecondary Education Planning Commission—Rules & Regulations</p> <p>Chapter 329—Computation of Subsidy</p>	<p>July 2000, as proposed or final-omitted, as appropriate.</p>	<p>Chapter 155—This chapter was issued under Section 2 of the Act of February, 1970 (P. L. 24, No. 13) (24 P. S. § 20-2002) (Repealed). It was adopted June 12, 1975, 5 Pa. B. 1548.</p> <p>Chapter 161—Statutory authority for this chapter is 71 P. S. § 352.</p> <p>Chapter 181—Taken from the <i>Pennsylvania Bulletin</i> (Vol. 3, No. 39-9/15/73, p. 2069), the authority was contained in the Act of January 14, 1970, P. L. (1969) 468 (24 P. S. § 13-1372).</p> <p>Chapter 251—The Postsecondary Education Planning Commission, formerly known as the 1202 Commission and also known as the 1203 Commission, was authorized by 20 U.S.C., Section 1143 and established by the Governor upon recommendation of the State Board of Education through its resolution of March 15, 1974.</p> <p>Chapter 329—This chapter provided procedures for calculating the instruction subsidy described in Sections 2502, 2502.5 and 2502.6 of the School Code.</p>	<p>Ernie Helling (717) 787-5500</p>
<p>Special Education Services and Programs 22 Pa. Code, Chapter 14 and 22 Pa. Code, Chapter 342</p>	<p>May 2000, as proposed.</p>	<p>These regulations are necessary to establish procedures for the identification of students who are in need of special education services and programs and to set forth requirements and procedures for the delivery of those services and programs. The review of these current regulations will focus on current federal and state law regarding special education services and programs to ensure compliance, consistent and accurate terminology and application of existing provisions. These regulations will be published as a single regulation, Chapter 14. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) (24 P. S. §§ 1-101—26-2606-B).</p>	<p>Peter Garland (717) 787-3787</p>
<p>Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 31, 36, 40, 42</p>	<p>May 2000, as proposed.</p>	<p>These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No.14), Article XXVI-B, §§ 26-2601-B—26-2606-B.</p>	<p>Peter Garland (717) 787-3787</p>

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Gifted Education 22 Pa. Code, Chapter 16	March 2000, as final.	These regulations establish separate rules for programs and services for gifted students apart from those established for other special needs students. Special education regulations (Chapters 14 and 342) are largely driven by federal action. Gifted education is a state program. Separation of enabling regulations will permit greater efficiency and effectiveness in program operations. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Certification of Professional Personnel 22 Pa. Code, Chapter 49	May 2000, as final omitted.	Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999, which requires continuing professional development for all certificated educators. Since these revisions are necessary to incorporate a statutory change, they will be promulgated as final rulemaking with the public comment phase omitted.	Peter Garland (717) 787-3787
Institutional Preparation of Professional Educators 22 Pa. Code, Chapter 354	March 2000, as final.	These standards will provide general requirements for programs, which prepare professional educators in the Commonwealth. Pennsylvania colleges and universities must meet these standards to obtain or retain Pennsylvania Department of Education approval to conduct professional educator programs leading to Pennsylvania certification. These regulations are being promulgated under authority of 22 Pa. Code, Chapter 49.	Ron Simanovich (717) 783-9252
College and University Security 22 Pa. Code, Chapter 33	April 2000, as final.	These regulations govern the responsibility of institutions of higher education for the provisions of college and university security information and the collection and reporting of crime statistics. Revisions are necessary to incorporate provisions for the establishment of and access to daily campus crime logs. These regulations are promulgated under authority of the College and University Security Information Act (P. L. 443, No. 73) (24 P. S. §§ 2502-1—2502-5).	Peter Garland (717) 787-3787
Program Standards and Eligibility Criteria for the Higher Education Opportunity Act 22 Pa. Code, Chapter 44	April 2000, as final.	These regulations establish program requirements and eligibility criteria for Act 101 programs in colleges and universities. Revisions update eligibility criteria to reflect current income levels. These regulations are promulgated under authority of (P. L. 423, No. 101 §§ 3 and 4) (24 P. S. §§ 2510-303 and 2510-304).	Peter Garland (717) 787-3787
Community Colleges 22 Pa. Code, Chapter 35	March 2000, as proposed.	These regulations govern the establishment and operation of community colleges and technical institutes. Revisions to reflect current practice are proposed in the formula calculating Full-Time Equivalent (FTE) Enrollments for reimbursement purposes. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Charter School Services and Programs for Children With Disabilities 22 Pa. Code, Chapter 703	March 2000, as proposed.	The proposed regulations are promulgated to facilitate compliance with Federal statute, regulation and court decrees that apply in the Commonwealth to children with disabilities. The purposes of proposed Chapter 703 are to develop procedures for special education in charter schools and adopt by reference applicable Federal regulations.	Timothy Daniels (717) 705-2343
EMERGENCY MANAGEMENT AGENCY			
4 Pa. Code Chapter 120b-d "Public Safety Emergency Telephone Program"	July 2000, as final.	Required by Public Safety Emergency Telephone Act	Mark Goodwin 717-651-2010
4 Pa. Code Chapter 118 "Reductions of Major Water Use in the Delaware River Basin Drought Emergency Area"	October 2000, as proposed.	Needed to improve and streamline administration of regulations	Mark Goodwin 717-651-2010
4 Pa. Code Chapter 119 "Prohibition of Nonessential Water Uses in a Commonwealth Drought Emergency"	October 2000, as proposed.	Needed to improve and streamline administration of regulations	Mark Goodwin 717-651-2010
4 Pa. Code Chapter 120 "Local Water Rationing Plans"	October 2000, as proposed.	Needed to improve and streamline administration of regulations	Mark Goodwin 717-651-2010
ENVIRONMENTAL HEARING BOARD			
25 PA Code Chapter 1021	Spring 2000, as proposed.	The Environmental Hearing Board and its Procedural Rules Committee are considering proposing new rules of procedure relating to the following: electronic filing and service of legal documents, appointment of hearing examiners, referral of pro se parties to pro bono counsel, and substitution of parties to proceedings before the Board. The Board intends to propose regulations relating to one or more of these subjects during the year 2000. The legal basis for these regulations is section 5 of the Environmental Hearing Board Act (35 P. S. § 7515).	Mary Anne Wesdock 717-565-5245
ENVIRONMENTAL PROTECTION			
Chapters 92, 93, 95, 96 & 97— Water Quality Amendments Clean Streams Law	May 2000, as final.	These revisions address several of the principles of the Regulatory Basics Initiative and Executive Order 1996-1. The revisions reorganize these chapters into permitting, water quality standards and implementation chapters respectively and will make several modifications to the programs. DEP published an Advance Notice of Final Rulemaking with an additional public comment period that ended on November 17, 1999. The comment period included three public informational meetings and three public hearings. The Water Resources Advisory Committee (WRAC) will review the final rulemaking, and the Agricultural Advisory Board (AAB) will also be briefed.	Carol Young, 717-787-9637

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Stream Redesignations—Buck Hill Creek, et al. Clean Streams Law	April 2000, as final.	This final rulemaking package includes recommendations resulting from the evaluation of a petition for Buck Hill Creek (Monroe Co.) as well as a number of special protection redesignation requests from the Pennsylvania Fish and Boat Commission and one from a DEP regional office. It also contains a recommended use designation for a stream currently missing from Chapter 93. The package was approved as proposed rulemaking by the EQB on January 20, 1998. A public comment period closed June 3, 1998.	Bob Frey, 717-787-9637
Stream Redesignation—Trout Run Clean Streams Law	April 2000, as final.	This is a final recommendation for Trout Run in Westmoreland County. The evaluation of the stream was initiated as a result of a petition. The proposed recommendation was approved by the EQB on January 20, 1998. The public comment period closed on June 3, 1998, but was reopened from July 11 through September 15, 1998, in response to significant interest and requests for a public hearing. A public hearing was held on September 1, 1998.	Bob Frey, 717-787-9637
Stream Redesignations Clean Streams Law	Dates undetermined.	DEP is currently reviewing 37 streams for potential redesignation. Evaluations are being undertaken in response to petitions, requests from the Pennsylvania Fish and Boat Commission, and DEP regional offices. A public notice of assessment for each stream will be published with a request for fact-finding information prior to a Department recommendation to redesignate. Following the issuance of a draft evaluation report for each stream, and if a redesignation is proposed, the stream recommendations will be presented to the EQB either individually or as part of a group of streams. Until the draft evaluation report for each stream is developed and comments from petitioners and affected municipalities are received, dates for EQB consideration of the streams cannot be projected.	Bob Frey, 717-787-9637
Chapter 109—Disinfectants and Disinfection Byproducts Rule Safe Drinking Water Act	August 2000, as proposed.	This proposal will incorporate the provisions of the Federal Disinfectants and Disinfection Byproducts Rule, promulgated in December 1998, into the Safe Drinking Water regulations in Chapter 109. The rule regulates disinfection practices at public water systems by implementing standards to eliminate or minimize harmful byproducts of disinfection treatment processes in public drinking water. The Technical Assistance Center for Small Water Systems (TAC) and WRAC are reviewing drafts of the proposal.	Ed Rawski, 717-783-3796

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 109—Interim Enhanced Surface Water Treatment Rule Safe Drinking Water Act	August 2000, as proposed.	This proposal will incorporate the provisions of the Federal Interim Enhanced Surface Water Treatment Rule, promulgated in December 1998, into the Safe Drinking Water regulations in Chapter 109. The rule applies to public water systems that serve 10,000 or more people and that use surface water or ground water under the direct influence of surface water. Implementation of the rule will significantly reduce the level of <i>Cryptosporidium</i> in finished drinking water supplies through improvements in filtration. The filtration provisions of the rule are expected to increase the level of protection from other pathogens, as well.	Ed Rawski, 717-783-3796
Chapter 109—Consumer Confidence Report Rule and Revisions to Public Notification Safe Drinking Water Act	Contingent on EPA action.	This proposal will incorporate into DEP's Safe Drinking Water regulations the provisions of the Federal Consumer Confidence Report (CCR), which was promulgated in August 1998, and the soon-to-be promulgated revisions of the Federal Public Notification regulations. The rules expand and clarify requirements that deal with the public's right to know what is in the water they receive from a regulated public water supplier. The CCR rule requires that an annual report be prepared by every community water system and distributed to their customers and consumers. The revisions to the public notification regulations will simplify how all types of public water systems issue notice to consumers when a violation or similar event that can affect health occurs at the system. Because the two rules are closely related, they will be combined as one proposal. The TAC and WRAC will review drafts of the proposal.	Jeffrey Gordon, 717-772-4018
Chapter 105, Dam Safety and Waterway Management Clean Streams Law, Dam Safety and Encroachment Act	December 2000, as proposed.	Revisions will be proposed to simplify and clarify the regulations, streamline the process for minor wetland encroachments, establish discretion to issue expedited permit decisions during site visits, simplify the application fee schedule, and clarify the Chapters 105 and 106 programs by consolidating rules and procedures for stream channels, floodways and floodplains into one regulation. The Wetlands Protection Advisory Committee (WetPAC) is thoroughly reviewing the issues. The AAB is also being briefed on developments.	Ken Reisinger, 717-787-6827
Waste Oil Amendments Solid Waste Management Act	July 2000, as final.	This proposal consolidates the requirements for the management of used oil into one chapter. DEP discussed issues raised during the public comment period with the Solid Waste Advisory Committee (SWAC) in September 1999. SWAC will review the draft final amendments.	Scott Walters, 717-787-7381
Universal Waste Rule— Addition of Mercury Devices Solid Waste Management Act	October 2000, as final.	The Universal Waste Rule allows certain hazardous wastes to be managed under requirements that are less prescriptive than full RCRA hazardous waste Subtitle C regulation. This proposal adds mercury-containing devices to the list of wastes managed as universal wastes. Mercury devices were petitioned for inclusion by Advanced Environmental Recycling Corporation in August 1997. The draft final rulemaking will be reviewed by SWAC.	Rick Shipman, 717-787-6239

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Municipal Waste Amendments Solid Waste Management Act	July 2000, as final.	This proposal changes the environmental assessment requirements to evaluate known and potential environmental harms vs. social and economic benefits; includes revisions to ICW permit by rule and general permit requirements; includes standards for nuisance minimization and control; modifies the closure requirements and assessment and abatement standards for consistency with Act 2 regulations and federal Subtitle D criteria; and revises isolation distances, facility design and operating standards, and leachate sampling requirements. The draft final rulemaking will be reviewed by SWAC.	Bill Pounds, 717-787-7564
Residual Waste Amendments Solid Waste Management Act	July 2000, as final.	This proposal changes the definition of waste and related terms to be similar to the solid waste definitions in RCRA Subtitle C; revises definitions and final closure standards for consistency with Act 2 regulations; allows for industry-wide coproduct determinations and recycling of scrap metal; revises performance standards for odor, noise and other nuisance control; revises isolation distances; modifies the environmental assessment requirements; revises the permit application fee and simplifies the approval process for demonstration facilities; revises the facility design and operating standards for composting facilities to be more performance based; revises leachate sampling requirements and modifies the attenuating soil requirements at landfills to allow for equivalency modeling based upon site specific conditions. The draft final regulations will be reviewed by SWAC.	Bill Pounds, 717-787-7564
Chapter 250—Land Recycling Program Amendments Land Recycling and Environmental Remediation Standards Act Solid Waste Management Act	April 2000, as proposed.	These amendments will clarify the existing regulations and update several provisions to reflect current science. The revisions are necessary to provide clear direction to those undertaking the cleanup of a contaminated site and the cleanup standards they must meet. DEP has been working with the Cleanup Standards Scientific Advisory Board (CSSAB) in developing this proposal.	Dave Hess, 717-783-7816
Storage Tank and Spill Prevention Program— Integration of Act 2 Provisions Land Recycling and Environmental Remediation Standards Act	April 2000, as proposed.	This proposal integrates the provisions of the Land Recycling and Environmental Remediation Standards Act (Act 2 of 1995) into Chapter 245 (Administration of the Storage Tank and Spill Prevention Program). The proposal will make definitional changes in Subchapter A for consistency between the two programs. In Subchapter D, the proposal will incorporate procedures for selecting and attaining one or more of the Act 2 remediation standards into the corrective action process for regulated storage tanks, eliminating language that was based on implementation of the Department's Groundwater Protection Strategy which was in effect when Subchapter D was adopted in 1993.	Charles Swokel, 717-783-7509

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Host Municipality Fund Allocation Amendments Hazardous Sites Cleanup Act	May 2000, as proposed.	This proposal clarifies the eligibility requirements for a host municipality to receive a one-time payment from the Host Municipalities Fund. It also modifies the allocation formula for distribution of the one-time payment to replace the Hazardous Waste Site Ranking System established by EPA in Appendix A of 40 CFR 300 with a simpler, less costly and more appropriate method. The proposal clarifies several ambiguities in the existing regulations and responds to recent litigation initiated by a municipality that is host to a commercial hazardous waste treatment facility.	Rick Shipman, 717-787-6239
Nitrogen Oxides (NOx) SIP Call Air Pollution Control Act	June 2000, as final.	This proposal is necessary for Pennsylvania to adopt a NOx reduction program for large stationary sources to achieve the emission reductions necessary for Pennsylvania and other states to achieve the National Ambient Air Quality Standards (NAAQS) for ozone. DEP published an Advance Notice of Final Rulemaking (ANFR) on January 22, 2000, with a 30-day public comment period open through February 22. The final amendments will be reviewed by the Air Quality Technical Advisory Committee (AQTAC).	Dean Van Orden, 717-787-4310
Emissions of Nitrogen Oxides (NOx) from Combustion Units and Process Heaters Air Pollution Control Act	December 2000, as proposed.	As one of the recommendations of the Southeast Pennsylvania Stakeholders Working Group to achieve additional NOx reductions, this proposal would require operators of certain combustion units and process heaters with rated heat inputs between 100 million and 250 million Btus (MMBtus) per hour to implement NOx reduction programs. Facilities would be required to meet an emission reduction program that has a cost effectiveness of less than \$3,000 per ton. This proposal is estimated to affect approximately 10 facilities with 35 to 40 units in the Southeast Pennsylvania area. The AQTAC will review a draft of the proposal.	Terry Black, 717-787-2030
New Source Review Air Pollution Control Act	Contingent on EPA action.	The Department's existing new source review regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits. The Department will incorporate proposed changes in the Federal new source review requirements as necessary. Drafts of the proposal will be reviewed by the AQTAC. EPA has proposed in its draft new source review (NSR) regulations a number of mechanisms related to generation and use of Emission Reduction Credits (ERC's), and the use of an "area wide" plantwide applicability limit (PAL) to address trading issues. The proposed rules were issued in July 1996; however, EPA has not yet issued final rules.	Terry Black, 717-787-2030

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to Chapter 129—Generic Equivalencies and Case-by-Case Exemptions from VOC Emission Limitations Air Pollution Control Act	November 2000, as proposed	This proposal will adopt provisions to allow operators of certain volatile organic compound (VOC) sources to average emissions to demonstrate compliance with the VOC emission limitations in Section 129.52. The proposal will also allow operators of certain surface coating processes to obtain an exemption from the requirements of this section if they can demonstrate that compliance is not possible or cost effective.	Terry Black, 717-787-2030
Amendments to Chapter 127—Public Notice Requirements Air Pollution Control Act	October 2000, as proposed.	This proposal amends several sections in Chapter 127 to clarify the timing and content of notices pertaining to receipt and issuance of plan approvals, operating permit applications and minor permit modifications. The amendments also specify where notices must be published.	Terry Black, 717-787-2030
Radiological Health (Chapters 215, 217, 219, 220, 224, 225, 226, 230 and 232) Radiation Protection Act	March 2000, as proposed.	The Department is updating its regulations for the control of radioactive material in preparation for becoming an Agreement State with the U.S. Nuclear Regulatory Commission (NRC). One of the NRC requirements for the agreement is to have and maintain compatible regulations with the NRC. The proposed regulations address industrial radiography, well logging, irradiators, medical uses, transportation and packaging, protection standards and licensing. The Department consulted with the Radiation Protection Advisory Committee (RPAC) in developing these regulations.	William Kirk, 717-783-9730
Chapter 240, Radon Certification Radon Certification Act	May 2000, as proposed.	DEP is proposing to amend Section 240.306 to reduce the number of hours from 16 to 8 that are required on an annual basis for participation in Department-approved continuing education training for radon testing or mitigation. The change will reflect current industry practices in surrounding states and is supported by members of the Pennsylvania certified radon community.	Michael Pyles, 717-783-3594
Storage, Handling and Use of Explosives Explosives Act, Surface Mining Control and Reclamation Act (SMCRA), and Noncoal SMCRA	March 2000, as proposed.	Amendments are being proposed to reflect changes that have occurred in the industry and the experience DEP has gained in implementing the program since the regulations in Chapters 210 and 211 were developed in 1972. The amendments will address requirements which are needlessly more stringent and burdensome than federal requirements; will incorporate technological advances resulting from research on the effects of blasting on structures; and will enhance DEP's ability to prevent issuance of blasters' licenses to previous violators. DEP conducted public outreach meetings from September through December 1998.	Michael Getto, 717-783-9892
Chapter 90—Coal Refuse Disposal Activities Coal Refuse Disposal Control Act, Surface Mining Conservation and Reclamation Act, Clean Streams Law	April 2000, as proposed.	This proposal will update Chapter 90 and conform it to the Coal Refuse Disposal Control Act amendments of 1994. It will incorporate new requirements pertaining to site selection, permitting and performance standards and consolidate existing permitting and water supply replacement requirements applicable to coal refuse disposal activities into Chapter 90.	Tom Callaghan, 717-783-8845

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 207—Underground Noncoal Mines General Safety Law	September 2000, as proposed.	This proposal will consolidate the regulatory provisions implementing Section 2(f) of the General Safety Law, which regulates worker safety in noncoal mines, into Chapter 207 (Noncoal Mines). Most of these provisions were promulgated by the Department of Labor and Industry over 30 years ago and are found at Title 34, <i>Pennsylvania Code</i> , Chapter 33. DEP's Chapter 207 addresses the use of explosives at noncoal mines and has not been amended since its adoption in 1972. The amendments will address effective safety practices in noncoal mines based on changes in the industry and DEP's administration of the program. DEP proposes to incorporate by reference the U.S. Mine Health and Safety Administration's (MSHA) regulations found at 30 CFR Part 57 and add provisions to address certification of foremen as well as the licensing and duties of blasters.	Richard Stickler, 724-439-7469
Solvent Cleaning Operations Air Pollution Control Act	August 2000, as final.	The Southwest and Southeast Ozone Stakeholder Working Groups recommended that DEP adopt programs to reduce VOC emissions from degreasing operations. A stakeholder group consisting of degreaser manufacturers and operators, solvent suppliers and environmental groups met several times over an eight-month period to develop the proposal. The proposed regulations, published on August 28, 1999, with three public hearings, establish additional requirements for solvent cleaning operations and new requirements for operations not presently regulated by the provisions of Section 129.63. The AQTAC reviewed a draft of the proposed rulemaking and will review a draft of the final rulemaking before the EQB considers it.	Terry Black, 717-787-4310
Amendments to Radiological Health Chapter 218, Fees Radiation Protection Act	August 2000, as proposed.	DEP is reconsidering its fee structure for registrations, licenses, and inspections of radiation-producing machines and radioactive material. Current fees no longer cover the registration, licensing and inspection costs required by regulation. In addition, DEP's responsibilities will expand to include more complex licensing and inspection when Pennsylvania becomes an Agreement State. With Agreement State status, DEP will assume responsibility for licensing and oversight of decommissioning of a number of sites formerly licensed by the Nuclear Regulatory Commission (NRC). Authority for actual cost recovery will need to be established in the regulations. The RPAC will review drafts of the proposed rulemaking.	William Kirk, 717-783-9730
Amendments to Chapter 78 (Oil and Gas Wells) Oil and Gas Act, Clean Streams Law, Solid Waste Management Act	April 2000, as proposed.	The proposed revisions will clarify several sections relating to drilling, casing and cementing standards; requirements for drilling through gas storage reservoirs; plugging requirements; bonding requirements; and environmental performance standards. The Oil and Gas Technical Advisory Board reviewed the draft amendments.	James Erb, 717-772-2199

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
GENERAL SERVICES			
Surplus State Property 4 Pa. Code, Chapter 41	Fall 2000, as proposed.	With the enactment of the Commonwealth Procurement Code (Act 57 of 1998) this Chapter must be substantially amended. Further, there is a need for review and revision of these regulations to implement improvements in the transfer and disposition of state surplus property.	Barbara L. Shelton (717) 787-5295
Responsibility 4 Pa. Code Chapter 60	Spring 2000, as proposed.	This chapter must be amended to conform with the legislative changes produced by Act 57.	Gary F. Ankabrandt (717) 783-1982
Instructions to Bidders 4 Pa. Code, Chapter 61	Spring 2000, as proposed.	This Chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the Department as well as bidders.	Merle H. Ryan (717) 787-7095
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	Spring 2000, as proposed.	See comment for Chapter 61.	Merle H. Ryan (717) 787-7095
State Art Commission 4 Pa Code, Chapter 65	Fall 2000, as proposed.	The legislation creating the State Art Commission has sunsetted.	Merle H. Ryan (717) 787-7095
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Fall, 2000, as proposed.	The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61.	Merle H. Ryan (717) 787-7095
Contract Compliance 4 Pa. Code, Chapter 68	Fall 2000, as proposed.	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	John R. McCarty (717) 783-8720
Methods of Awarding Contracts 4 Pa. Code, Chapter 69	Summer 2000, as proposed.	With the enactment of the Commonwealth Procurement Code (Act 57) it is necessary to conform this Chapter with the changes in the law and to address other procurement areas affected by Act 57.	Barbara L. Shelton (717) 787-5295
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Fall 2000, as proposed.	Amendments are required because parking locations have been changed.	James W. Martin (717) 783-5028
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Fall 2000, as proposed.	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses.	Gary F. Ankabrandt (717) 783-1982
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code, Chapter 81	Fall 2000, as proposed.	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the <i>Pennsylvania Code</i> . The <i>Pennsylvania Code</i> contractor is now responsible for the <i>Pennsylvania Code</i> subscriptions. New regulations will be developed to address sales of Commonwealth publications in general.	John R. McCarty (717) 783-8720
First Amendment Rights 4 Pa. Code, Chapter 86	Fall 2000, as proposed.	The amendment will extend coverage of the statement of policy to the Philadelphia State Office Building, Pittsburgh State Office Building, Scranton State Office Building, and Reading State Office Building.	Gregory C. Santoro (717) 787-5599

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Death Benefits for Survivors of Firemen and Law Enforcement Officers—4 Pa. Code, Chapter 89	Fall 2000, as proposed.	Since Act 101 of June 24, 1976 (P. L. 424) was amended by Act 161 of 1994 (P. L. 1373), the regulations must be amended to reflect the legislative changes.	James W. Martin (717) 783-5028
HEALTH			
Emergency Medical Services 28 Pa. Code § 1001.1 et seq.	May 2000, as final.	The amendments to existing regulations will enhance the operation of the Emergency Medical Services system in the Commonwealth. Pursuant to the Emergency Medical Services Act, 35 P. S. §§ 6921—6938.	Kenneth E. Brody 717-783-2500
Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	August 2000, as final-omitted.	Repeal of chapters on health planning (Federal program and certificate of need), as statutory authority for both chapters has terminated. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure—General Administrative Chapter & General and Special Hospitals. 28 Pa. Code § 101.1 et seq.	August 2000, as proposed.	The amendments to existing regulations will update the licensure standards for general and special hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	James T. Steele, Jr. 717-783-2500
Home Health Care Agencies 28 Pa. Code § 601.1 et seq.	No publication anticipated in the next six months.	The amendments to existing regulations will provide for consistency with federal conditions of participation in Medicare programs. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	Carol Somerset-Griffie 717-783-2500
Birth Centers 28 Pa. Code § 501.1 et seq.	No publication anticipated in the next six months.	The amendments to existing regulations will incorporate proposed newborn screening regulations. Pursuant to the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	Carol Somerset-Griffie 717-783-2500
Pediatric Extended Care Centers	No publication anticipated in the next six months.	Pursuant to Act 54 of 1999, effective 11/23/99, the Department may adopt and publish rules and regulations to implement the provisions of the Act.	Carol Somerset-Griffie 717-783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	March 2000, as proposed.	The amendments to existing regulations will make them consistent with current public health practices for the control of communicable and other reportable conditions. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Yvette M. Kostelac 717-783-2500
School Health Immunization 28 Pa. Code § 23.83	March 2000, as proposed.	The amendments to existing regulations will add to the list of immunizations required for school entry and for entry into the seventh grade consistent with recommendations by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. Pursuant to section 1303a of the Public School Code of 1949, 24 P. S. §§ 1-101, 13-1303a; the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1, 521.16; the Administrative Code of 1929, 71 P. S. §§ 51, 532(g), 541(b), and 541(c.1); and the Hepatitis Prevention Act 35 P. S. §§ 630.1, 630.2.	Yvette M. Kostelac 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Managed Care Regulations 28 Pa. Code § 9.1 et seq.	July 2000, as final.	The amendments to existing regulations will amend Chapter 9, Managed Care Organizations, Subchapter A, Health Maintenance Organizations, Subchapter D, PHOs and POs and IDs, and Subchapter E, Quality Health Care Accountability and Protection. Pursuant to the Health Maintenance Organization Act, 40 P. S. §§ 1551—1567; and Article XXI of the Insurance Company Law of 1921, as added by the Act 68 (1998) amendment of that law, 40 P. S. §§ 991.2101—991.2193.	Yvette M. Kostelac 717-783-2500
Personnel Administration in County Health Departments 28 Pa. Code § 13.1 et seq. State Aid to Local Health Departments 28 Pa. Code § 15.1 et seq.	No publication anticipated in the next six months.	The amendments to existing regulations will make them consistent with current local health administration practices. Pursuant to the Local Health Administration Law, 16 P. S. §§ 12001—12028.	Grace R. Schuyler 717-783-2500
Organized Camps and Campgrounds 28 Pa. Code § 19.1	No publication anticipated in the next six months.	These regulations are being considered for review and updating in part because of the transfer of authority for certain environmental regulations from the former Department of Environment Resources to the Department of Health. Pursuant to 71 P. S. § 532 and 71 P. S. § 1340.101 et seq.	Grace R. Schuyler 717-783-2500
Environmental Health Assessment 28 Pa. Code § 17.1 et seq.	No publication anticipated in the next six months.	These regulations are being considered for review and updating in part because of the transfer of authority for certain environmental regulations from the former Department of Environment Resources to the Department of Health. Pursuant to 71 P. S. § 532 and 71 P. S. § 1340.101 et seq.	Grace R. Schuyler 717-783-2500
Public Bathing Place Lifeguard Requirements 28 Pa. Code § 18.1; § 18.42	March 2000, as final.	The amendments to existing regulations will provide lifeguard requirements for recreational swimming establishments, and add requirements for lifeguard certification and factors to be considered in determining adequate lifeguard coverage. Pursuant to Act 75 of 1998, P. L. 531, amending 35 P. S. §§ 672—680 (the Public Bathing Law).	Grace R. Schuyler 717-783-2500
Special Supplemental Food Program for Women, Infants and Children (WIC Program) 28 Pa. Code § 1101 et seq.	May 2000, as proposed.	Revisions to State WIC regulations necessary to comply with changes in the Federal regulations (7 CFR 246) relating to sanctions, disqualification actions and civil money penalties. Federal regulations require State compliance by May 17, 2000. Concurrent with the changes mandated by new Federal regulations, the Department also is conducting a full review of all aspects of WIC Program operation contained in the State regulations.	Lesa E. Tressler 717-783-2500
Head Injury Program 28 Pa. Code § 4.1 et seq.	April 2000, as final.	These new regulations will facilitate the implementation of this program. Pursuant to the Emergency Medical Services Act, 35 P. S. § 6934(e).	Tanya Leshko 717-783-2500
Health Facility Licensure—Hospice 28 Pa. Code § 651.1 et seq.	No publication anticipated in the next six months.	These new regulations will establish standards for the licensure and regulation of health care facilities falling within the definition of "hospice." Pursuant to Act 95 of 1998, amending the Health Care Facilities Act, 35 P. S. § 448.101 et seq.	Tanya Leshko 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Hearing Aid Sales Registration 28 Pa. Code § 25.201 et seq.	May 2000, as proposed.	The amendments to existing regulations will prescribe continuing education requirements for hearing aid fitters and update regulations regulating hearing aid sales. Pursuant to Act 153 of 1998, amending the Hearing Aid Sales Registration Act, 35 P. S. § 6700-101 et seq.	Tanya Leshko 717-783-2500
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			
INFRASTRUCTURE INVESTMENT AUTHORITY			
Pennsylvania Infrastructure Investment Authority Financial Assistance, 25 Pa. Code Chapter 963, Chapter 965, Water Pollution Control Revolving Fund	Summer 2000, as proposed.	The need for these amendments are twofold: First certain amendments to Chapter 963 will notify the public of certain less onerous regulatory requirements for obtaining a Letter of No Prejudice. Second, certain other amendments to existing regulations are necessary to clarify and inform the public of current agency policy, procedure and program requirements. The grant of authority to amend 25 Pa. Code Chapters 963 and 965 is set forth in Section 6(4)(i) of the Pennsylvania Infrastructure Investment Authority Act, 35 P. S. § 751.6(4)(i).	Brion Johnson (717) 783-6798 Jayne B. Blake (717) 783-6776
INSURANCE			
Allocation of Joint Expenses, 31 Pa. Code, Chapter 3, §§ 3.1—3.6	March 2000, as proposed.	Repeal needs to be effective 01/01/2001 to be consistent with NAIC codified accounting practices and procedures.	Peter J. Salvatore, 717-787-4429
Miscellaneous (Relating to Uniform Classification of Expenses), 31 Pa. Code, Chapter 11, §§ 11.1—11.7	March 2000, as proposed.	Repeal §§ 11.4-6 and amend § 11.7 to be effective 01/01/2001 to be consistent with NAIC codified accounting practices and procedures.	Peter J. Salvatore, 717-787-4429
Stock Ownership Statements, 31 Pa. Code, Chapter 21, §§ 21.1—21.103	October 2000, as proposed.	Amend to update requirements relating to Stock Ownership Statements consistent with NAIC model language.	Peter J. Salvatore, 717-787-4429
Proxies, Consents and Authorizations, 31 Pa. Code, Chapter 23, §§ 23.1—23.96	October 2000, as proposed.	Amend to update requirements relating to Proxies, Consents and Authorizations consistent with NAIC model language.	Peter J. Salvatore, 717-787-4429
Acquisitions of Capital Stock (Insurance Company Holding Law) , 31 Pa. Code, Chapter 25, §§ 25.1—25.23	July 2000, as final.	Amend to be consistent with 1993 amendments to the authorizing statute and to eliminate unnecessary filing requirements	Peter J. Salvatore, 717-787-4429
Advances to Mutual, Stock and Life Companies (NEW Chapter 105a)	December 2000, as proposed.	New regulation to address surplus notes issued by mutual stock and life companies consistent with authorizing statute adopted in 1992.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Assigned Risk Plan, 31 Pa. Code, Chapter 33, § 33.29	July 2000, as final.	Repeal current regulation and replace regulation with new chapter (31 Pa. Code, Chapter 67a) to be consistent with Pennsylvania Assigned Risk Plan	Peter J. Salvatore, 717-787-4429
Surplus Lines, Chapter 35, §§ 35.1—35.22	February 2000, as final.	Repeal current regulations, 31 Pa. Code, Chapters 35 (and Chapter 123) and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Producer Licensing, 31 Pa. Code, Chapter 37, §§ 37.1—37.84	July 2000, as proposed.	Amend 31 Pa. Code, Chapter 37, Agent Certificates of Qualification and Broker Licenses, consistent with statutory amendments in Act 72 of 1996 and 40 of 1997.	Peter J. Salvatore, 717-787-4429
Producer Licensing, 31 Pa. Code, Chapter 39, §§ 39.1—39.22	July 2000, as proposed.	Amend Chapter 39 relating to continuing education for agents and brokers consistent with statutory amendments in Act 72 of 1996.	Peter J. Salvatore, 717-787-4429
Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1—51.61	May 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Special Rules of Administrative, Practice and Procedure, 31 Pa. Code, Chapter 56, §§ 56.1—56.3	April 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Objections and Procedure for Hearings on Reports of Examination, 31 Pa. Code, Chapter 58, §§ 58.1—58.3	October 2000, as proposed.	Repeal to eliminate outdated, unnecessary requirements consistent with the new examination law adopted in 1992 (40 P. S. §§ 323.1—323.8).	Peter J. Salvatore, 717-787-4429
Cancellations and Refusal to Renew Homeowners Insurance, 31 Pa. Code, Chapter 59, §§ 59.1—59.13	June 2000, as proposed.	Amended language to regulation and statute is being drafted pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Notices for and Appeals of Cancellations and Refusals to Renew Automobile Insurance Policies, 31 Pa. Code, Chapter 61, §§ 61.1—61.14	June 2000, as proposed.	Modify regulation consistent with the statute (40 P. S. § 1008.1 et seq.). The regulations provide guidance to automobile insurers relating to cancellations and nonrenewals of certain automobile insurance policies, and the available administrative process to secure an administrative review of such terminations.	Peter J. Salvatore, 717-787-4429
Uninsured Motorist Coverage, 31 Pa. Code, Chapter 63, §§ 63.1—63.3	September 2000, as proposed.	Amend pursuant to Executive Order 1996-1 and pending filing before the Department.	Peter J. Salvatore, 717-787-4429
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1—64.14	August 2000, as final.	Repeal pursuant to Executive order 1996-1.	Peter J. Salvatore, 717-787-4429
Charter Amendments, 31 Pa. Code, Chapter 65, §§ 65.21—65.26	June 2000, as proposed.	Amend to eliminate outdated, unnecessary provisions relating to minimum capital and surplus requirements pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21—28	May 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Pennsylvania Assigned Risk Consumer Protections, (NEW Chapter 67a)	July 2000, as final.	Amend pursuant to Executive Order 1996-1. This will replace 31 Pa. Code § 33.29.	Peter J. Salvatore, 717-787-4429
Life Insurance Illustrations (New)	June 2000, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1—81.9	March 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Variable Life Insurance, 31 Pa. Code, Chapter 82, §§ 82.1—82.91	July 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Disclosure in Solicitation of Life Insurance, 31 Pa. Code, Chapter 83, §§ 83.1—83.57	June 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Variable Annuity & Accumulation Contracts, 31 Pa. Code, Chapter 85, §§ 85.1—85.40	July 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Premium & Retirement Deposit Fund, 31 Pa. Code, Chapter 86, §§ 86.1—86.12	February 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42	April 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Individual Accident & Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1—88.195	July 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Accident and Health Insurance Regulation, 31 Pa. Code, Chapter 89, §§ 89.1—89.11 and § 89.17	April 2000, as proposed.	Changes will be promulgated regarding the deregulation of rates and forms filings for accident and health insurance, as a result of Act 159 of 1996. Changes will be made pursuant to the health care provisions of the Federal Health Insurance Portability and Accountability Act of 1996.	Peter J. Salvatore, 717-787-4429
Preparation of Forms, etc., 31 Pa. Code, Chapter 89, §§ 89.12—89.16, 89.18—89.62 and 89.101	May 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Medicare Supplement, 31 Pa. Code, Chapter 89, §§ 89.777, 89.890 and Appendix E	April 2000, as final.	Amend regulation to add Medicare Select provisions.	Peter J. Salvatore, 717-787-4429
Separate Accounts for Principle and Interest Guarantees, 31 Pa. Code, Chapter 90a, §§ 90a.1—90a.31	July 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Cash Advances to Insurance Companies 31 Pa. Code, Chapter 105, §§ 105.1—105.2	December 2000, as proposed.	Amend to reflect statutory amendments adopted in 1992 and 1995 and to eliminate outdated, unnecessary provisions relating to cash advancements to insurance companies pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Public Adjusters, 31 Pa. Code, Chapter 115, §§ 115.1—115.8	July 2000, as proposed.	The regulation was initially promulgated to clarify the requirements of public adjuster contracts. The authorizing statute, Act 72, was amended in 1983 (63 P. S. §§ 1601—1608), and the Insurance Department seeks to modify Chapter 115 to be consistent with the revised statutory language. Additionally, three sections have been proposed for deletion since they mirror the Act.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Discounting Workers' Compensation Loss Reserves, 31 Pa. Code, Chapter 116, §§ 116.1—116.9	July 2000, as final.	Blend regulations on discounting of loss reserves into one regulation consistent with Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Discounting Medical Malpractice Loss Reserve, 31 Pa. Code, Chapter 118, §§ 118.1—118.6	July 2000, as proposed.	Blend regulations on discounting of loss reserves into one regulation consistent with Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Surplus Lines, 31 Pa. Code, Chapter 123, §§ 123.1—123.63	February 2000, as final.	Repeal current regulations, 31 Pa. Code, Chapters 123 (and Chapter 35) and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429
Surplus Lines, 31 Pa. Code, (NEW Chapter 124, §§ 124.1—124.10)	February 2000, as final.	Repeal two current regulations, 31 Pa. Code, Chapters 35 and 123 and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429
Management Contracts or Exclusive General Agent Agreements, 31 Pa. Code, Chapter 127, §§ 127.1—127.8	September 2000, as proposed.	Amend pursuant to Executive Order 1996-1	Peter J. Salvatore, 717-787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12	September 2000, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	April 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10	July 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Securities Held Under Custodial Agreements, 31 Pa. Code, Chapter 148, §§ 148.1—148.4	June 2000, as proposed.	Amend to eliminate unnecessary forms, add uniform requirements relating to custodial agreements and duties of custodians and update provisions relating to permissible custodians.	Peter J. Salvatore, 717-787-4429
Continuing Care Providers, 31 Pa. Code, Chapter 151, §§ 151.1—151.14	December 2000, as proposed.	Amend to be consistent with 1996 statutory amendments relating to the order of distribution of assets in insolvencies and to provide for the voluntary surrender of a certificate of authority.	Peter J. Salvatore, 717-787-4429
Health Maintenance Organizations, 31 Pa. Code, Chapters 301, §§ 301.1—301.126	July 2000, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund—Fee Regulation, 25 Pa. Code, Chapter 971, §§ 971.1—971.4	March 2000, as proposed.	Repeal the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). This will be combined with Chapters 973 and 975 into a new regulation, Chapter 977.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Underground Storage Tank Indemnification Fund—Fee Collections Regulation, Chapter 973, §§ 973.1—973.12	March 2000, as proposed.	Repeal the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). This will be combined with Chapters 971 and 975 into a new regulation, Chapter 977.	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund—Voluntary Heating Oil Tank Program, 25 Pa. Code, Chapter 975, §§ 975.1—975.6	March 2000, as proposed.	Repeal the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF). This will be combined with Chapters 971 and 973 into a new regulation, Chapter 977	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund—Claims Regulation, 25 Pa. Code, (NEW Chapter 977)	March 2000, as proposed.	Requires underground storage tank owners be in compliance with certain leak detection standards in order to obtain claims coverage from the Underground Storage Tank Indemnification Fund. The proposed regulation establishes requirements for owners to file such claims. This will combine most of 25 Pa. Code, Chapters 971, 973 and 975.	Peter J. Salvatore, 717-787-4429
LABOR AND INDUSTRY			
Workers' Compensation Bureau, Workers' Compensation Judges, and Workers' Compensation Appeal Board regulations at 34 Pa. Code Chapters 131, 121, and 111.	Spring 2000, as final.	These rules have not been updated in many years; they need to reflect the changes in the law and practice of workers' compensation.	Thomas J. Kuzma (717) 783-4467
Work-place Safety Committee Certification; Evaluation of Accident/Illness Prevention Services & Programs of Insurers and Self-insureds; Qualifications of Accident/Illness Prevention Service Providers 34 Pa. Code Chapter 129	Spring 2000, as final.	The rulemaking implements the health and safety provisions of Article X of the Workers' Compensation Act. The proposed rulemaking specifies the safety committee certification application and renewal processes, and it establishes the necessary program components and evaluation criteria for accident and illness prevention programs maintained or provided by licensed insurers and self-insured employers. In addition, the regulation ensures the uniform application of the provisions of Article X; amends sections 123.202 pertaining to the qualifications of vocational experts; and, amends section 125.133(c)(4) and 125.155 (a) of the self-insurance regulations.	Len Negley (717) 772-1917
Underground Storage Facilities	October 2000, as proposed.	This regulation will address requirements for natural or man-made caverns used for LPG storage.	James Varhola (717) 787-3329
Dry Cleaning	May 2000, as proposed.	Dry Cleaning Law, Act of December 19, 1990, P. L. 1327, No. 214, 35 P. S. § 1270.1 et seq. This proposal will regulate the construction, operation and maintenance of dry cleaning plants.	Edward Leister (717) 787-3323
Elevators and Lifting Devices	May 2000, as proposed.	The new regulation will amend the current standards to include ANSI/ASME A17.1, B20.1 and other national consensus standards. There is a need to update standards to bring them in line with national standards.	James Varhola (717) 787-3329
Pennsylvania Minimum Wage Act, Food Service Incentive Program Regulations	Spring 2000, as proposed.	The Department is required to promulgate new regulations to implement the new "Food Service Incentive Program" added, via amendment to the Minimum Wage Act and signed into law on December 21, 1998.	Richard Lengler (717) 772-9192

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Unemployment Compensation Regulations, Title 34. Labor & Industry Regulations	Fall 2000, as proposed.	The proposed regulation will clarify the meaning of reasonable assurance as it applies to the eligibility of the employes of educational institutions during regularly scheduled non-school periods. Under Section 402.1 of the PA UC Law, a school employe is not eligible for benefits based on school employment during a regularly scheduled non-school period when the individual performed services for a school employer prior to the break and has a reasonable assurance of performing such services following the break.	Jeri Morris (717) 787-6337
Asbestos Occupations Accreditation and Certification	June 2000, as proposed.	Act of December 19, 1990, P. L. 05, No. 194, 64 P. S. §§ 2101—2112. This regulation established the Department's worker certification and training provider accreditation program. It also sets up training course requirements. It is based on the Environmental Protection Agency's model plan.	Sharon Lawson (717) 772-3396
Uniform Construction Code (UCC) regulations. Act 45 of 1999.	May 2000, as proposed.	Act 45 of 1999, providing for a uniform statewide building code, requires the Dept. of L&I to promulgate regulations. Because this measure in effect repealed the Dry Cleaning Law, Elevator Law and Fire & Panic Act, the regulations pursuant to each (including those for Personal Care Homes), will be addressed through regulations for Act 45.	Edward L. Leister (717) 787-3323
MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND			
Payment and Collection of Fund Surcharge 31 Pa. Code §§ 242.1 et seq.	June 2000, as proposed.	This regulation will clarify and update the basis upon which the Medical Professional Liability Catastrophe Loss Fund's surcharge is to be paid. The regulation will be consistent with the statute as it relates to the procedure for levying, payment and collection of the surcharge. The regulation will clarify the guidelines and requirements governing proper administrative and financial operations of the Fund, and will provide uniform procedures to be used in conducting mediation. Statutory authority 40 P. S. § 1301.701 et. seq.	Kenneth J. Serafin 717-783-3770
MILITARY AND VETERANS AFFAIRS			
State Veterans Home 43 Pa. Code Section 7.1 et seq.	July, 2000, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Eclenus Wright, Jr. 717-861-8503
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
16 Pa. Code Chapters 81, 83, 85, 87 and 91	Spring 2000, as proposed.	These regulations are in the process of review as a result of Executive Order 1996-1.	James B. Allen (717) 787-2065
PROBATION AND PAROLE			
Definitions 37 Pa. Code, Chapters 61.1—75.4	Summer 2000, as proposed.	Definitions amended pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
No regulations being developed or considered at this date			

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PUBLIC WELFARE			
Child Protective Services Law 55 Pa. Code Ch. 3490	June 2000, as proposed.	This regulation incorporates the amendments to the Child Protective Services Law as a result of Act 127 of 1998. The major changes include: convening of an investigative team for the investigation of suspected child abuse; increased communication between county agencies and law enforcement officials; increased requirements for multi-disciplinary teams; increasing the length of time unfounded reports are retained; and expanded reporting requirements by county agencies to law enforcement officials.	Tom Vracarich (717) 783-2209
Child Day Care Services 55 Pa. Code Chs. 3271, 3281, 3291	May 2000, as proposed.	This regulation is proposed in response to Governor's Executive Order 1996-1 and to strengthen health and safety requirements in the regulation. The regulation will impact child day care centers, group day care homes and family day care homes. 55 Pa. Code, Chapter 3300, Specialized Day Care Service for Children with Disabilities, will be rescinded in order to comply with the provisions of the Americans With Disabilities Act.	Tom Vracarich (717) 783-2209
Medical Assistance estate recovery 55 Pa. Code Ch. 258	March 2001, as final.	This regulation will codify the department's collection practices to recover correctly paid Medical Assistance from the estates of certain deceased recipients age 55 or older who receive Medical Assistance for nursing facility care, home and community based services, and related hospital prescription drug services. Changes effective August 15, 1994 and are the result of OBRA' 93, Act 1994-49, and Act 1995-20.	Tom Vracarich (717) 783-2209
Continuation of Medical Assistance throughout pregnancy. 55 Pa. Code Chs. 140, 181	December 2000, as final-omitted.	This regulation codifies the provision that Medical Assistance coverage will be continued for pregnant women throughout their pregnancy and postpartum period, regardless of changes in family income that occur after the authorization of MA or cash assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Emergency Assistance Program 55 Pa. Code Chs. 141, 147, 289	September 2000, as final.	This regulation eliminates the allocation of emergency assistance for housing under the cash grant line. Funding for this purpose will be transferred to the Office of Social Programs. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Exclusion of Resources—Medical Assistance children 55 Pa. Code Chs. 140, 178	September 2000, as final omitted.	This regulation codifies the provision that resources are excluded in the Medical Assistance eligibility determination process for supplemental security income (SSI) related, general assistance (GA) related, and TANF-related persons under 21 years of age and for SSI-related, TANF-related, and GA-related families with children under 21 years of age. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Workfare/Community Service 55 Pa. Code Chs. 166, 275	July 2000, as proposed.	The revisions clarify who may be assigned and the priority and factors to be considered in making Workfare program assignments, define responsibilities of county assistance offices and project operators regarding participation expenses and program requirements, and provide for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation package. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
General Assistance Restructure—Act 1994-49 55 Pa. Code Chs. 141, 145, 147, 166, 171, 178, 181	June 2000, as final omitted.	This regulation incorporates provisions of Act 1994-49 including acceptance of written verification of medical disability for chronically needy non-financial eligibility determination; 60-day residency requirement; savings designated for educational purposes; and certain medical services which are no longer compensable expenses. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Elimination of transitionally needy component of general assistance program 55 Pa. Code Ch. 141	June 2000, as final omitted.	This regulation codifies the elimination of cash assistance payments to persons in the GA-Transitional Needy (“TN”) category. References to both the TN and chronically needy (CN) components are deleted since there is no longer a need to differentiate between GA program requirements. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35—General eligibility changes 55 Pa. Code Chs. 125, 141, 168, 171, 175, 177, 181, 183	June 2000, as final omitted.	This regulation codifies statutory changes to eligibility conditions for General Assistance benefits, including the following: expanding the eligibility determination period to 30 days; establishing a period of residency; imposing ineligibility periods based on welfare fraud convictions; limiting Medically Needy Only/Medical Assistance (“MNO/MA”) eligibility to certain groups; and revising the methodology used to determine eligibility for retroactive MNO/MA. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Elimination of PACE requirement 55 Pa. Code Ch. 181	October 2000, as final-omitted.	This regulation codifies the elimination of the deduction from income for the PACE program and the mandate to enroll in the PACE program as required by Title XIX. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Real property liens 55 Pa. Code Chs. 101, 121, 177, 183, 257, 297	December 2000, as proposed.	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. The Department intends to rescind 55 Pa. Code Chapter 257, regarding Reimbursement. Instead, the Department will propose a new chapter governing reimbursement policy for cash assistance recipients and applicants who own personal property. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Criminal history 55 Pa. Code Chs. 125, 133, 141	December 2000, as final-omitted.	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs, and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35—Provisions Effective March 3, 1997 55 Pa. Code Chs. 105, 125, 133, 140, 141, 145, 151, 153, 165, 168, 177, 178, 181, 183, 187, 255	August 2000, as final-omitted.	This regulation incorporates provisions of the TANF program implemented 3/3/97 by NORC including establishing RESET; requiring applicants and recipients to enter into an agreement of mutual responsibility with the department; and further defining Title IV-D cooperation requirements and procedures for TANF and GA applicants and recipients. Act 1996-35 provisions applicable to the TANF program may not be implemented until federal approval is received. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Medical support rights 55 Pa. Code Ch. 187	December 2000, as proposed.	This regulation will require Medical Assistance applicants/ recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Annuity rule 55 Pa. Code Ch. 178	December 2000, as final-omitted.	This regulation codifies the provision that in addition to the current provision permitting the institutionalized spouse to provide part of his monthly income to the community spouse whose income is below the minimum monthly maintenance needs allowance, either the institutionalized spouse or their representative may file an appeal and seek an administrative order permitting the protection of additional resources to enable the community spouse to purchase an annuity that will generate sufficient income to bring her income up to the minimum monthly maintenance needs allowance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Intentional Program Violations 55 Pa. Code Chs. 255, 275, 501	June 2000, as final-omitted.	This regulation incorporates federal mandates by the U.S. Department of Agriculture and the U.S. Department of Health and Human Services that individuals found to have committed an intentional program violation is subject to an immediate disqualification penalty regardless of the individual's current eligibility status for benefits. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client groups.	Tom Vracarich (717) 783-2209
Food Stamp Disqualification Penalties 55 Pa. Code Ch. 501	December 2000, as final-omitted.	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from six months to one year for the first violation and from one year to two years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
TANF Clean-up 55 Pa. Code, various chapters—not defined at this time	July 2001, as proposed.	This proposed regulation incorporates the provisions of the final Federal TANF regulations, 64 FR 17720 (April 12, 1999) which made changes affecting the implementation of the TANF program. The proposed regulations include a modification to the definition of assistance to provide that non-recurrent, short-term benefits and many supports for low-income families are considered non-assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chs. 1101, 1121, 1123, 1147, 1241	November 2000, as final-omitted.	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance (Medical Assistance) State Plan. This regulation will be reviewed by the medical assistance advisory committee (MAAC) which includes representatives of professional provider associations, providers, the health law project, the welfare rights organization, consumers, and client advocacy groups.	Tom Vracarich (717) 783-2209
Medical Assistance case management services 55 Pa. Code Ch. 1239	January 2001, as final-omitted.	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
General Assistance Restructure—Act 1994-49 55 Pa. Code Chs. 1101, 1121, 1149	November 2000, as final-omitted.	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service; and (3) prescription drugs except legend birth control drugs. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinue coverage—infertility 55 Pa. Code Chs. 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	November 2000, as final-omitted.	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Residential Treatment Facilities (RTF) for mental health services 55 Pa. Code Chs. 1157, 1165	January 2001, as final-omitted.	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Pharmaceutical services drug coverage 55 Pa. Code Ch. 1121	November 2000, as final-omitted.	This regulation provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
\$150 deductible for General Assistance recipients 55 Pa. Code Ch. 1101	November 2000, as final-omitted.	This regulation implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and X-ray services for General Assistance and General Assistance-related Medical Assistance recipients. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Early Intervention Services 55 Pa. Code Chs. 4225, 4226	June 2000, as proposed.	This regulation will establish program regulations for early intervention services in keeping with the Federal regulations under the Individuals with Disabilities Education Act (IDEA) and Act 212 of 1990. Early intervention services regulations are called for by the Legislative Budget and Financing Committee Report on early intervention services.	Tom Vracarich (717) 783-2209
MH Wraparound 55 Pa. Code Ch. 1154	January 2001, as final-omitted.	This final regulation codifies requirements necessary to receive reimbursement for medically necessary outpatient wraparound mental health services for individuals under 21 years of age with a diagnosis of mental illness or emotional disturbance. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Family Planning 55 Pa. Code Ch. 1101	November 2000, as final-omitted.	This final regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Physician Assistant/Midwife 55 Pa. Code Ch. 1141	November 2000, as final-omitted.	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Ch. 1150	November 2000, as final-omitted.	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
D&A Clinics 55 Pa. Code Ch. 1223	November 2000, as final-omitted.	This final regulation revises the enrollment policy for outpatient drug and alcohol clinics. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Capital Component Payment for Replacement Beds 55 Pa. Code Ch. 1187	January 2001, as proposed.	This regulation codifies the existing statement of policy. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
Intergovernmental Transfer 55 Pa. Code Ch. 1187	December 2000, as final-omitted.	This regulation will extend the county nursing facility Transition Rates according to the Intergovernmental Transfer Agreement. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
New Definition of "Emergency Medical Condition" 55 Pa. Code Chs. 1101, 1141, 1150, 1221	October 2000, as final-omitted.	This final regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Definition of Medically Necessary 55 Pa. Code Ch. 1101	July 2000, as proposed.	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
REVENUE			
Application of P. L. 86-272 and De Minimis Standards 61 Pa. Code § 151.31	Fall 2000, as proposed.	Public Law 86-272 (15 U.S.C.A. §§ 381—3840) restricts a state from imposing a net income tax on income derived within its borders from interstate commerce if the only business activity of the company within the state consists of the solicitation of orders for sales of tangible personal property, which orders are to be sent outside the state for acceptance or rejection, and, if accepted, are filled by shipment or delivery from a point outside the state. This proposal describes the Department's policy regarding the application of P. L. 86-272 with regard to corporate net income tax and capital stock-franchise tax.	Douglas A. Berguson 717-787-1382
Books, Publications and Advertising Materials 61 Pa. Code §§ 31.3, 31.29, 48.2 and 48.3	Winter 2000, as final.	The Department is amending §§ 31.3, 31.29, 48.2 and 48.3 in response to statutory changes, inquiries from the public and to address the Pennsylvania Supreme Court's decision in <i>Haller v. Department of Revenue</i> , 556 Pa. 289, 728 A.2d 351 (1999), cert. denied, 120 S. Ct. 325 (1999).	Douglas A. Berguson 717-787-1382
Commercial Motion Pictures 61 Pa. Code § 32.38	Spring 2000, as final.	The regulation will address section 2 of Act 7-1997, section 204(54) (72 P. S. § 7204(54)) regarding the sales and use tax exclusion for the sale at retail to or use by a producer of commercial motion pictures of any tangible personal property directly used in the production of a feature-length commercial motion picture distributed to a national audience.	Douglas A. Berguson 717-787-1382
Computer Software, Hardware and Related Transactions 61 Pa. Code § 31.33	Winter 2000, as proposed.	Pursuant to Act 7-1997, various types of computer services are no longer subject to sales and use tax on or after July 1, 1997. However, certain computer related transactions remain subject to tax.	Douglas A. Berguson 717-787-1382
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21	Spring 2000, as proposed.	The regulation will address the file-by-phone (TeleFile) program. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Douglas A. Berguson 717-787-1382
Lawn Care Services 61 Pa. Code §§ 55.6 and 60.2	Summer 2000, as final.	This regulation will address Act 22-1991 (72 P. S. §§ 7201(k)(17), (o)(15) and (jj)) relating to lawn care services.	Douglas A. Berguson 717-787-1382
Partial Refunds For Bad Debts 61 Pa. Code §§ 33.3 and 33.5	Spring 2000, as proposed.	This proposal addresses section 247.1 of the TRC (72 P. S. § 7247.1) relating to partial refund of sales tax attributed to bad debts.	Douglas A. Berguson 717-787-1382
Payments for Employee Welfare Benefit Plans and Cafeteria Plans 61 Pa. Code §§ 101.1, 101.6 and 101.7	Spring 2000, as final.	The amendments to §§ 101.1, 101.6, and 101.7 are being added to explain how employee welfare benefit programs and other wage and salary supplemental programs are taxed and to implement amendments to section 301(d) of the Tax Reform Code of 1971 (72 P. S. § 7306(d)) under Act 7-1997.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Supplemental Unemployment Benefit Plan 61 Pa. Code §§ 101.1 and 101.6	Summer 2000, as proposed.	This regulatory amendment will provide an explanation of the meaning and scope of the exclusion from compensation in section 301(d)(vi) of the TRC (72 P. S. § 7301(d)(vi)) for employer or labor union payments for supplemental unemployment programs. The proposed changes will address the tax treatment of programs offered to provide supplemental benefits to employees terminated from service as a result of layoff, workforce reduction, plant closings or other involuntary terminations.	Douglas A. Berguson 717-787-1382
Termination Pay, Severance Pay and Early Retirement Incentive Programs 61 Pa. Code §§ 101.1 and 101.6	Summer 2000, as proposed.	This regulatory change will clarify the taxation of termination pay, severance pay, early retirement incentive programs and programs offered by employers to provide benefits to employees in addition to those in qualifying retirement plans upon separation from service. This regulation also interprets section 301(d) of the TRC (72 P. S. § 7301(d)) regarding Federal insurance benefits paid under the Railroad Retirement Act and guaranteed payments to a partner of a partnership for services to the partnership are excluded from compensation.	Douglas A. Berguson 717-787-1382
Utility Gross Receipts Tax 61 Pa. Code §§ 160.21—160.43	Fall 2000, as final.	The Department intends to clarify the changes to the utility gross receipts tax brought about by utility deregulation (Act 138-1996) codified in Title 15 and Title 66. This regulation will also provide guidance and clarity to out-of-state businesses and the emerging industry.	Douglas A. Berguson 717-787-1382
Withholding of Tax 61 Pa. Code §§ 113.2, 113.3, 113.3a, 113.3b, 113.3c, 113.4, 113.4a, 113.7 and 121.16	Spring 2000, as proposed.	The Department is proposing amendments to various withholding regulatory sections, including requiring an employer who is required to file 250 or more withholding statements, to forward to the Department the reconciliation statement with such withholding statements via electronic or magnetic media as specified in the instructions of the Department. In addition, § 121.16 is amended to delete language relating to the filing of a W-2 with Form PA-40 as evidence of taxes withheld.	Douglas A. Berguson 717-787-1382
Vending Machines 61 Pa. Code § 31.28	Summer 2000, as final.	This regulation sets forth the Department's position on Act 45-1998 as it relates to vending machines.	Douglas A. Berguson 717-787-1382
SECURITIES COMMISSION			
Licensing Regulations 64 Pa. Code Chapters 301—404	March 2000, as proposed.	The Commission plans to amend a number of licensing regulations to conform them to the state preemption provisions of the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
"Employee benefit plans" 64 Pa. Code § 202.070	March 2000, as proposed.	The Commission plans to amend this regulation to delete obsolete language.	G. Philip Rutledge (717) 783-5130
"Registration by coordination" 64 Pa. Code § 205.021	March 2000, as proposed.	The Commission plans to amend this regulation to revise Form 205	G. Philip Rutledge (717) 783-5130
"Registration by qualification" 64 Pa. Code § 206.010	March 2000, as proposed.	The Commission proposes to amend this regulation to revise Form 206	G. Philip Rutledge (717) 783-5130

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
"Charges for Commission publications" 64 Pa. Code § 602.060	March 2000, as proposed.	The Commission now issues a quarterly bulletin and annual report free of charge and plans to delete the current charge for these publications.	G. Philip Rutledge (717) 783-5130
STATE			
Corporations Bureau	Summer 2000, as proposed.	The Corporations Bureau will delete references by name to the Governor, Secretary of the Commonwealth and Director of the Corporation Bureau on its sample filing forms and to the docketing statement promulgated by the Department pursuant to 15 Pa.C.S. § 133. Changes in administration render such references obsolete.	Michael Frick, (717) 787-1057
Bureau of Commissions, Elections and Legislation	Winter 2000, as proposed.	The Department proposes to eliminate outdated references to campaign finance reporting forms. The amendments will be proposed pursuant to the Campaign Expense Reporting Law (25 P. S. § 3241 et seq)	Richard Filling, (717) 787-5280
State Athletic Commission 58 Pa. Code, Chapter 21	Winter 2000, as proposed.	Comprehensive revisions to 58 Pa. Code will reflect statutory changes to the Pennsylvania Athletic Code and changes in commission procedures. The regulations will be promulgated pursuant to the Pennsylvania Athletic Code (5 Pa. C.S.A. § 101 et seq).	Greg Sirb (717) 787-5720
Navigation Commission for the Delaware River and Its Navigable Tributaries—13 Pa. Code Ch. 201—209.	Winter 2000, as proposed.	Proposed comprehensive revisions will enhance navigational safety, eliminate obsolete regulations and reflect statutory changes pursuant to 55 P. S. § 31 and 71 P. S. § 670.2(4).	L. Lawrence Boyle (717) 787-6458
Bureau of Professional and Occupational Affairs—Schedule of Civil Penalties for Act 48—State Boards of Accountancy, Architects, Auctioneers, Professional Engineers, Land Surveyors and Geologists, and Dentistry—49 Pa. Code, Chapter 43.	April 2000, as final.	The regulations provide for civil penalties for violations pertaining to the conduct or operation of a business or facility licensed by the Boards. Statutory authority: 63 P. S. § 2205(a).	Beth Sender Michlovitz (717) 783-7200
State Board of Auctioneer Examiners—chedule of Fees—49 Pa. Code § 1.41.	February 2000, as proposed.	The regulation revises the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: 63 P. S. § 734.6.	Linda Dinger (717) 783-3397
State Board of Barber Examiners—General Revisions— 49 Pa. Code, Chapter 3.	April 2000, as proposed.	The Board proposes to revise and update its entire chapter and repeal antiquated provisions. Statutory authority: 63 P. S. § 566.4(b).	Sara Sulpizio (717) 783-3402
Verification/Certification Fees—49 Pa. Code § 3.103.	April 2000, as final.	This regulation apportions costs of providing Board services to specific applicants and licensees Statutory authority: Section 14 of the Barber License Law, 63 P. S. § 564.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Chiropractic— Sexual Misconduct—49 Pa. Code § 5.54.	Summer 2000, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. Statutory authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	Deb Smith (717) 783-7156
Application Fees—49 Pa. Code § 5.6.	February 2000, as proposed.	This regulation apportions costs of providing Board services to specific applicants and licensees. Statutory authority: 63 P. S. §§ 625.302(3) and 625.1101.	
State Board of Cosmetology Application Fees—49 Pa. Code § 7.2	June 2000, as final.	The regulation amends the Board's fee schedule by revising fees to reflect the actual cost incurred by the Board to provide the following services: licensure of cosmetologist, manicurist or cosmetician; licensure of cosmetology, manicurist or cosmetician shop; licensure of cosmetology school, licensure by reciprocity; registration of cosmetology apprentice; approval of cosmetology school supervisor; change in cosmetology shop (inspection required); and reinspection of cosmetology shop. New fees are added to include reinspection of cosmetology school; certification of student or apprentice training hours; certification of examination scored; and verification of licensure, registration permit or approval. Statutory authority: 63 P. S. § 522(a).	Sara Sulpizio (717) 783-7130
State Architects Licensure Board—Fees—49 Pa. Code § 9.3.	Spring 2000, as final.	The regulation revises the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: 63 P. S. §§ 34.6(d) and 34.11.	Dorna Thorpe (717) 783-1404
Completion of Architectural Work Initiated by a Deceased Architect—49 Pa. Code Chapter 9.	Summer 2000, as proposed.	The new regulation is needed because the current regulations pertaining to the architect's seal do not provide adequate guidance as to allowable procedures for completion of a deceased architect's work. Statutory authority: 63 P. S. §§ 34.6(b), 34.6(d) and 34.12.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Accountancy—Continuing Education Program Sponsors—49 Pa. Code §§ 11.1, 11.4, 11.64—11.65, 11.66, 11.70—11.73, 11.80.	April 2000, as proposed.	The regulations require approved continuing education program sponsors to renew their approval biennially and authorize the Board to conduct audits of approved programs. The regulations ensure that continuing education programs meet licensure renewal needs. Statutory authority: 63 P. S. § 9.3(10).	Dorna Thorpe (717) 783-1404
Commissions and Referral Fees—49 Pa. Code § 11.24.	April 2000, as proposed.	The regulation establishes requirements for licensees who pay or receive commissions and referral fees in connection with the referral or recommendation of products and services. The regulation complies with 1997 amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.12(p).	
General Revisions—49 Pa. Code, Chapter 11.	May 2000, as proposed.	The regulations repeal outdated requirements in compliance with 1997 amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.3(10)—(12).	
Peer Review—49 Pa. Code, §§ 11.81—11.86.	April 2000, as final.	The regulations clarify deadlines for peer review compliance; establish qualifications for peer review administering organizations, peer review team captains, and peer reviewers; adopt peer review standards; prescribe conditions for out-of-state peer reviews of multi-state firms; provide for confidentiality of peer review reports; and define relevant terms. The regulation implements 1997 amendments to the C.P.A. Law. Statutory authority: 63 P. S. §§ 9.8h and 9.8i.	
Fees—49 Pa. Code § 11.4.	April 2000, as proposed.	The regulation revises the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: 63 P. S. § 9.6.	
State Board of Funeral Directors—Application/Certification/Verification/Reinspection Fees—49 Pa. Code § 13.12.	Winter 2000, as proposed.	The regulation revises the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: Section 18.1 of the Funeral Director Law, act of January 14, 1952 (P. L. 1951-1898, No. 522), as amended, 63 P. S. § 479.18.1.	Cheryl Lyne (717) 783-3397
State Board of Landscape Architects—Continuing Education—49 Pa. Code §§ 15.71—15.83.	February 2000, as final.	The amendments establish procedures and standards for continuing education as a condition of biennial renewal pursuant to Section 9.1 of the Landscape Architects Registration Law, Act of January 24, 1966, P. L. (1965) 1527, added by the Act of December 7, 1994, P. L. 774, 63 P. S. § 909.1.	Shirley Klinger (717) 772-8528
Application Fees—49 Pa. Code §§ 15.12, 15.57.	February 2000, as final.	The regulation revises the Board's schedule of fees to reflect the actual costs of the services provided. Section 5 of the Law, 63 P.S. § 905, requires the Board to adopt fees by regulation to match Board revenues with expenditures.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine— Sexual Misconduct—49 Pa. Code, Chapter 16.	Spring 2000, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 8 of the Medical Practice Act, Act of December 20, 1985, P. L. 457, as amended, 63 P. S. § 422.8.	Cindy Warner (717) 783-1400
Certified Registered Nurse Practitioners (CRNPs)—49 Pa. Code § 18.21.	Fall 2000, as final.	The Board will collaborate with the State Board of Nursing for joint promulgation of standards and criteria by which CRNPs could write prescriptions for medical therapeutic measures. Prescriptive authority of the CRNP is provided under Section 15 of the Medical Practice Act, 63 P. S. § 422.15.	
General Delegation—49 Pa. Code, Ch. 16.	June 2000, as proposed.	This regulation would establish standards for the delegation of medical services to qualified personnel. Statutory authority: Section 17(b) of the Medical Practice Act, 63 P. S. § 422.17(b).	
Fees—49 Pa. Code §§ 16.13, 16.17, 18.303.	June 2000, as proposed.	The regulation revises the Board's schedule of fees to reflect the actual costs of the services provided. The Board has authority to adopt such regulation under Section 6 of the Medical Practice Act, 63 P. S. § 422.6.	
Health Care Services Malpractice Act—49 Pa. Code § 16.32.	June 2000, as final.	The General Assembly amended the Health Care Services Malpractice Act to increase malpractice insurance coverage requirements. The Board's regulations are out of date regarding these amounts. The Board plans to delete the duplication of the statutory dollar amounts and instead provide reference to the statute. Statutory authority: 40 P. S. §§ 1301.101—1301.1006.	
State Board of Vehicle Manufacturers, Dealers and Salespersons—Verification/ Certification Fees—49 Pa. Code § 19.4.	Spring 2000, as final.	This regulation apportions costs of providing Board services to specific applicants and licensees, pursuant to Section 30 of the Board of Vehicles Act, Act of December 22, 1983 (P. L. 306, No. 84), as amended, 63 P. S. § 818.30.	Teresa Woodall (717) 783-1697

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing—Requirements for approval of educational programs for Certified Registered Nurse Practitioners (CRNP)—49 Pa. Code § 21.271.	Summer 2000, as proposed.	This regulation would require that all CRNP programs applying for approval by the Board meet specific criteria prior to approval. The regulations authorized under Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1, will assist educational institutions in developing programs in advanced practice nursing which will qualify graduates for certification as CRNPs. The Board has authority to jointly promulgate with the Medical Board under Section 2(1) of the Law, 63 P. S. § 212(1).	Ann Steffanic (717) 783-7142
RN general revisions—49 Pa. Code §§ 21.1—21.126.	Spring 2000, as proposed.	These regulations will update or repeal outdated provisions pertaining to registered nurses and consolidate all regulatory provisions pertaining to registered nurse education programs. Revisions to the regulations are authorized by Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
LPN general revisions—49 Pa. Code §§ 21.141—21.234.	Summer 2000, as proposed.	These regulations will update or repeal outdated provisions pertaining to licensed practical nurses and consolidate all regulatory provisions pertaining to practical nurse education programs. Revisions to the Practical Nurse Law are authorized under Section 17.6, 63 P. S. § 667.6.	
Application Fees—49 Pa. Code §§ 21.5, 21.147, and 21.1253.	Spring 2000, as final.	The regulation revises the Board's schedule of fees to reflect the actual costs of the services provided. These regulations are authorized under Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2, and Section 7.5 of the Practical Nurse Law, 63 P. S. § 667.5.	
CRNP prescriptive privileges—49 Pa. Code §§ 21.151—21.351.	Fall 2000, as final.	The Board will collaborate with the State Board of Medicine for joint promulgation of standards and criteria by which CRNPs could write prescriptions for medical therapeutic measures. These regulations authorized under Sections 2 and 2.1 under the Professional Nursing Law, 63 P. S. §§ 212 and 212.1(k), and Section 15 of the Medical Practice Act of 1985, 63 P. S. § 422.15.	
Sexual Misconduct—49 Pa. Code §§ 21.18 and 21.148.	Spring 2000, as final.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
State Board of Optometry—Application Fees—49 Pa. Code § 23.91.	Spring 2000, as final.	The amendments apportion costs of providing the verification and certification of Pennsylvania licensure to the licensees requesting these services, rather than imposing these costs on the general licensee population through biennial license renewal fees. Sections 3(b)(14), 5(b) and 9 of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14), 244.5(b) and 244.9, require the Board to set fees by regulation to match Board revenues with expenditures.	Deb Smith (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Osteopathic Medicine—Sexual Misconduct—49 Pa. Code, Chapter 25.	No publication anticipated in next six months.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	Gina Bittner (717) 783-4858
Application Fees—49 Pa. Code §§ 25.231 and 25.503.	Winter 2000, as final.	These regulations will update fees for non-renewal services. These regulations are authorized under Sections 13.1(a) of the Act, 63 P. S. § 271.13(a)(a).	
State Board of Pharmacy—Application Fees—49 Pa. Code § 27.91.	Spring 2000, as final.	These regulations will update fees for non-renewal services. Statutory Authority: 63 P. S. § 390-8.2.	Rita T. Solie (717) 783-7156
State Board of Podiatry—Sexual Misconduct—49 Pa. Code, Chapter 29.	Summer 2000, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 16(a)(3) of the Podiatry Practice Act, Act of March 2, 1956, P. L. (1955) 1206, 63 P. S. § 42.16(a)(3).	Gina Bittner (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Veterinary Medicine—Advertising Emergency Services—49 Pa. Code § 31.21.	Summer 2000, as final.	The regulation requires all veterinarians who advertise emergency services to include in these advertisements the hours when the services are available, whether a veterinarian is on the premises or on call and whether the veterinarians practice is limited to particular types of animals. The Board has authority to regulate the professional conduct of its licensees under 5(2) of the Veterinary Medicine Practice Act, 63 P. S. § 485.5(2).	Robert Kline (717) 783-1389
Verification/Certification Fees—49 Pa. Code § 31.41.	Spring 2000, as final.	This regulation apportions costs of providing the verification or certification of Pennsylvania licensure to applicants and licensees requesting these services, rather than imposing the costs on the licensed population as a whole through the biennial renewal fee. Section 13 of the Veterinary Medicine Practice Act, 63 P. S. § 485.13 requires the Board to fix fees by regulation to match Board revenues with expenditures.	
Biennial Renewal Fees—49 Pa. Code § 31.41	Spring 2000, as proposed.	The regulation will adjust the biennial renewal fees for veterinarians and animal health technicians to reflect actual Board costs in providing these services. Section 13 of the Veterinary Medicine Practice Act, 63 P. S. § 485.13 requires the Board to fix fees by regulation to match Board revenues with expenditures.	
Examination Requirements—49 Pa. Code § 31.3.31.11(c), 31.12(b) and 31.41	Summer 2000, as proposed.	The regulation will delete the requirement that applicants for Pennsylvania licensure take a separate Pennsylvania Veterinary Legal Practice Examination. Section 9(3) of the Veterinary Medicine Practice Act, 63 P. S. § 485.9(3) authorizes the Board to determine the examinations required to obtain licensure in the Commonwealth.	
Examination Requirements—49 Pa. Code § 31.3, 31.11(b)(2) and 31.41	Spring 2000, as final-omitted.	The regulation will replace the requirement that applicants for licensure submit passing scores on the National Board Examination (NBE) and the Clinical Competency Test (CCT) with the requirement that applicants submit a passing score on the North American Veterinary Licensing Examination (NAVLE). The NAVLE will replace the NBE and CCT as the uniform national examination for licensure as a veterinarian in the United States and Canada, after the final administration of the NBE and CCT in April 2000. Section 9(3) of the Veterinary Medicine Practice Act, 63 P. S. § 485.9(3) authorizes the Board to determine the examination required to obtain licensure in the Commonwealth.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Dentistry—Expanded Function Dental Assistants—49 Pa.Code, Chapter 33.	February 2000, as final.	The regulations will establish certification standards for expanded function dental assistants including minimum standards of conduct and practice, under 1994 amendments to the Dental Law. Statutory authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	Rita T. Solie (717) 783-7162
Continuing Professional Education—49 Pa. Code, Chapter 33.	February 2000, as final.	This regulation will establish continuing education regulations for dentists, dental hygienists and expanded function dental assistants. The regulations are required under Act 113 of 1996, which amended Section 3(j) of the Dental Law, 63 P. S. § 122(j).	
Verification/Certification Fees—49 Pa. Code § 33.3.	February 2000, as final.	This regulation apportions costs of providing Board services to specific applicants and licensees. Statutory authority: Section 4 of the Dental Law, 63 P. S. § 123.	
Administration of General Anesthesia, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia—49 Pa. Code §§ 33.331—33.344.	June 2000, as proposed.	This regulation amends requirements for administration of anesthesia/analgesic in response to a recent Commonwealth Court case. Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
State Real Estate Commission—General Revisions—49 Pa. Code, Chapter 35.	Spring 2000, as final.	The Commission plans a comprehensive amendment to Chapter 35 to bring existing regulations up to date with current policies. Statutory authority: 63 P. S. § 455.404.	Debra Sopko (717) 783-3658
Continuing Education Deadline—49 Pa. Code, Chapter 35.	Spring 2000, as proposed.	The Commission plans to amend current rules pertaining to continuing education deadlines. Statutory authority: 63 P. S. § 455.404.	
Agency Disclosures—49 Pa. Code, Chapter 35.	Spring 2000, as proposed.	This regulation will implement the requirements of Act 112 of 1998 pertaining to agency relationships. Statutory authority: 63 P. S. § 455.404.	
Application Fees—49 Pa. Code § 35.203.	Spring 2000, as final.	This regulation apportions costs of providing Board services to specific applicants and licensees. The Board is authorized to determine all fees necessary for administration of the act under Section 407(a) of the Real Estate Licensing and Registration Act, 63 P. S. § 455.407(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Certified Real Estate Appraisers—Experience Options for Certification, Duties of Supervising Appraiser—49 Pa. Code §§ 36.13 and 36.14.	May 2000, as proposed.	The regulations revise qualifying experience for certification as an appraiser; impose supervisory and record-keeping duties on appraisers who supervise appraisal assistants; and require appraisal reports submitted as qualifying experience to conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulations are consistent with standards established for state appraiser boards by the federal Appraiser Qualification Board (AQB). Statutory authority: 63 P. S. § 457.5(2).	Cheryl Lyne (717) 783-3397
Standards of Practice—49 Pa. Code § 36.51.	May 2000, as proposed.	The regulations require all certified general appraisers, residential appraisers and broker/appraisers to comply with the USPAP unless the Board has adopted supplemental practice standards. The regulations also would require all appraisers, when performing an appraisal, to conduct a complete interior and exterior inspection of the subject property unless an interior inspection is not feasible or physically possible. Statutory authority: 63 P. S. § 457.5(2).	
Pre-Certification Education and Experience—49 Pa. Code §§ 36.11 and 36.12.	June 2000, as final.	The regulations raise the experience and education requirements for certification as a residential appraiser and general appraiser to mirror AQB standards that became effective in Pennsylvania, by operation of law, on January 1, 1998. Statutory authority: 63 P. S. § 457.5(2).	
Fees—49 Pa. Code § 36.6.	April 2000, as proposed.	The regulation revises the Board's schedule of fees to reflect the actual costs of the services provided. Statutory authority: 63 P. S. § 457.9.	
State Registration Board for Professional Engineers, Land Surveyors and Geologists—Certification/Verification Fees—49 Pa. Code § 37.17.	April 2000, as final.	The regulation apportions costs of providing Board services to specific applicants and licensees. Statutory authority: Section 9 of the Engineer, Land Surveyor and Geologist Registration Act, as amended, 63 P. S. § 156.	Shirley Klinger (717) 783-3397
State Board of Examiners of Nursing Home Administrators—Continuing Education—49 Pa. Code §§ 39.31—39.71.	Spring 2000, as final.	The regulation will amend and clarify the continuing education requirement in Section 9 of the Nursing Home Administrators License Act, 63 P. S. § 1109.	Melissa Wilson (717) 783-7155
Application/Certification/Verification Fees—49 Pa. Code § 39.72.	Spring 2000, as final.	This regulation apportions costs of providing Board services to specific applicants and licensees. Statutory authority: Section 7.1 of the Law, 63 P. S. § 1108.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Physical Therapy—Physical Therapists—49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21—40.24.	April 2000, as proposed.	Regulations correct and revise existing regulations regarding physical therapists. Proposed under Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).	Robert Kline (717) 783-7134
Sexual Misconduct—49 Pa. Code, Chapter 40.	April 2000, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Sections 3, 5 and 10 of the Act, 63 P. S. §§ 1303, 1305 and 1310.	
Application/Verification/Certification Fees—49 Pa. Code § 40.5.	April 2000, as final.	This regulation apportions costs of providing Board services to specific applicants and licensees. Statutory authority: 63 P. S. § 1308.	
State Board of Psychology—Post-Doctoral Experience—49 Pa. Code § 41.31(c)(1(ii)(E).	Spring 2000, as proposed.	The regulation establishes necessary experience for licensure. The Board plans to clarify its intent that an individual working two jobs need only meet with his/her respective supervisors one hour per week to satisfy the two-hours/week requirement of this paragraph. Statutory authority: 63 P. S. § 1203.2(2).	Melissa Wilson (717) 783-7155
Definitions/ Sexual Intimacies—49 Pa. Code § 41.61.	Spring 2000, as final.	The regulation will establish specific prohibitions against sexual intimacies with current client/patients and other individuals encountered by a psychologist in the course of professional practice. The regulation will also establish related standards and procedural matters and bar psychologists who have been disciplined for engaging in prohibited sexual intimacies from participation in the impaired professional program. Statutory authority: 63 P. S. § 203.2(2).	
Application/Certification/ Verification Fees—49 Pa. Code § 41.12.	Winter 2000, as final.	This regulation apportions costs of providing Board services to specific applicants and licensees. The Board is authorized to determine all fees necessary for administration of the act under 63 P. S. § 1203.2(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Occupational Therapy Education and Licensure—Oral Orders—49 Pa. Code § 42.25.	May 2000, as final.	The Board proposes to specify circumstances under which occupational therapists may accept oral orders for services, and procedures to be followed, to clarify for Department of Health-licensed health care facilities that occupational therapists, under Department rules, are authorized by appropriate statutes and the State Board in the Bureau of Professional and Occupational Affairs to receive such orders. Statutory authority: Sections 5(b) and 14 of the Occupational Therapy Practice Act, 63 P. S. §§ 1505(b) and 1514.	Clara Flinchum (717) 783-1389
General Revisions—49 Pa. Code, Chapter 42.	March 2000, as proposed.	The Board proposes to revise its chapter by updating certain provisions and deleting outdated or redundant language. The Board has authority to adopt the regulations necessary to perform its duties and for the proper administration of the law under Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).	
Verification/Certification Fees—49 Pa. Code § 42.17(a)(4).	Spring 2000, as final.	This regulation apportions costs of providing Board services to specific applicants and licensees. The Board is authorized to determine all fees necessary for administration of the act under Section 17(a) of the Occupational Therapy Practice Act, 63 P. S. § 1517(a).	
State Board of Examiners in Speech-Language and Hearing— Assistants—49 Pa. Code, Chapter 45.	January 2000, as proposed.	The proposal will bring current regulations into compliance with current national standards, by modifying requirements for supervision of assistants. Statutory authority: 63 P. S. § 1705(2).	Clara Flinchum (717) 783-1389
Oral Orders—49 Pa. Code § 45.10.	January 2000, as proposed.	The proposal will authorize acceptance of oral orders by licensed professionals in long term care facilities. Statutory authority: 63 P. S. § 1705(2).	
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors— Verification/Certification Fees—49 Pa. Code § 47.4.	Spring 2000, as final.	This regulation apportions costs of providing Board services to specific applicants and licensees. Statutory authority: Section 18 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1918.	Clara Flinchum (717) 783-1389
<i>STATE EMPLOYEES' RETIREMENT SYSTEM</i>			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE POLICE			
Firearm Regulations Standards for licensed retail dealers Chapter 31	February 2000, as final.	The provisions of this chapter set forth regulations for the storage of firearms, rifles, and shotguns by licensed retail dealers in the event a clear and present danger to public safety is found to exist by the Commissioner of the State Police during the hours when licensed retail dealers are closed for business. The provisions of this chapter apply to all licensed retail dealers and their designated employees.	Ronald E. Plesco 717-772-0905
Procedures & Specifications for firearm record forms Chapter 33	February 2000, as final.	The regulations provide for the administration of the provisions of the Uniform Firearms Act for the implementation of the Pennsylvania Instant Check System (PICS) in order to approve or deny the sale or transfer of firearms and licenses to carry a firearm in accordance with the provisions of the UFA. The regulations also ensure the identity, confidentiality, and security of all information collected and disseminated by the PICS in accordance with the UFA.	
Regulatory amendments to clarify various aspects of the Municipal Police Officers' Education and Training Commission regulations, Chapter 203	February 2000, as final.	The provisions of this chapter set forth regulations for the administration of the training program for municipal police by the Municipal Police Officers' Education and Training Commission. The proposed amendments correct various aspects of the existing regulations and suspend the vision standard until disposition of pending litigation.	Ronald E. Plesco 717-772-0905
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
Manufacturer, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates Chapter 53	August 2000, as proposed.	Amendments are needed based on revisions to related sections of the Vehicle Code and Industry/Department concerns. Proposed package undergoing further review with the Department's legal counsel.	Sue Wilson (717) 787-4291
60—Permanent Registration of Fleet Vehicles	September 2000, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	John Munafo (717) 787-3977
School Buses and School Vehicles Chapter 171	April 2001, as proposed.	Amendments are needed to clarify previous revisions and to address concerns raised by the School Bus Vehicle Industry and related Associations. The Department has prepared draft amendments based on recommendations received by various associations. Proposed Regulatory package final draft reviewed by Legal Counsel and revisions are being incorporated.	Mike Kistler (717) 783-4534
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers Chapter 83	December 2000, as proposed.	As a result of a Pa Supreme Court decision (<i>Clayton v. Department of Transportation</i>), additional waivers to seizure disorder provisions must be adopted. The Department's Medical Advisory Board is in the process of approving proposed amendments.	Mike Kistler (717) 783-4534

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Liquid Fuels Tax Chapter 449	April 2000, as proposed.	Regulatory review committee has been formed. Drafts of that result have been discussed with legal counsel.	Dick Zerbe (717) 787-2183
School Bus Drivers Chapter 71	April 2001, as proposed.	Creates waivers for school bus drivers, with medical conditions, who pose no significant danger to driving. The Department's Medical Advisory Board will be approving amendments to incorporate recommendations being developed by the Insulin Dependant Diabetes Task Force.	Mike Kistler (717) 783-4534
Proportional Registration of Fleet Vehicles—Chapter 63	September 2000, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	John Munafò (717) 787-3977
Vehicle Equipment and Inspection Chapter 175	June 2000, as final.	Proposed amendments required to comply with Act 151 of 1999.	Tom Zamboni (717) 783-9513
Vehicle Equipment and Inspection Chapter 175	December 2000, as proposed.	Proposed amendments require compliance with Act 115 of July 6, 1995. No. 30, P. L. 246 requiring the establishment of equipment and inspection criterion for farm vehicles with a gross weight rating greater than 17,000 pounds.	Tom Zamboni (717) 783-9513
Flashing or Revolving Lights on Emergency and Authorized Vehicles Chapter 173	June 2000, as final.	Proposed amendments required to comply with Act 151 of 1999.	Tom Zamboni (717) 783-9513
Authorization to Verify VIN Identification Numbers—Chapter 17	August 2000, as proposed.	Proposed amendments would authorize department employes to verify VIN Numbers for vehicles requiring a Certificate of Title.	Tom Zamboni (717) 783-9513
Temporary Registration Cards and Plates—Chapter 43	February 2000, as proposed.	Proposed amendments would address changes needed in the Temporary Plate Issuance Program so as to reduce fraud and improve the accuracy of registration data.	Randy Swartz (717) 787-2780
Emission Inspection—Chapter 177	June 2000, as proposed.	Amendments needed to address ongoing operational aspects of the emissions program.	Peter Gertz (717) 783-7016
Airport Rating and Licensing Chapter 471	August 1999, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself.	Kathy Reitz (717) 705-1234
Aviation Development—Chapter 473	August 1999, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself.	Kathy Reitz (717) 705-1234
Local Real Estate Tax Reimbursement—Chapter 477	August 1999, as proposed.	Amendment is needed to correct inconsistencies between Federal and State requirements and to correct inconsistencies within the regulation itself.	Kathy Reitz (717) 705-1234
Hold-Down and Tie-Down Devices for Junked Vehicles and Vehicle Hulks—Chapter 181	June 2000, as proposed.	Repeal—incorporate provisions in Chapter 231	Daniel Smyser (717) 787-7445

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Engineering and Traffic Studies Chapter 201	April 2000, as proposed.	Repeal this chapter when the new Chapter 212 and the Federal Highway Administration's <i>Manual on Uniform Traffic Control Devices (MUTCD)</i> is adopted. Some current provisions not included in the MUTCD will be incorporated into Chapter 212.	Art Breneman (717) 787-3620
Work Zone Traffic Control Devices Chapter 203	April 2000, as proposed.	Repeal this chapter when the new Chapter 212 and the Federal Highway Administration's <i>Manual on Uniform Traffic Control Devices (MUTCD)</i> is adopted. Some current provisions not included in the MUTCD will be incorporated into Chapter 212.	Art Breneman (717) 787-3620
Official Traffic Control Devices Chapter 211	April 2000, as proposed.	Repeal the current chapter when the new Chapter 212 and the Federal Highway Administration's <i>Manual on Uniform Traffic Control Devices (MUTCD)</i> is adopted. Some of the current provisions not included in the MUTCD will be incorporated into Chapter 212.	Art Breneman (717) 787-3620
Official Traffic Control Devices Chapter 212	April 2000, as proposed.	This chapter is being proposed to replace Chapters 201, 203 and 211, and adopt the Federal Highway Administration's <i>Manual on Uniform Traffic Control Devices (MUTCD)</i> . By adopting the MUTCD, the volume of the new regulation will be only about 5 percent of the combination of the three current regulations.	Art Breneman (717) 787-3620
Intrastate Motor Carrier Safety Requirements—Chapter 231	June 2000, as proposed.	Incorporate new Federal provisions, and provisions from Chapter 181.	Daniel Smyser (717) 787-7445
Hazardous Materials Transportation Chapter 403	June 2000, as proposed.	Incorporate new Federal provisions and eliminate registration requirement.	Daniel Smyser (717) 787-7445
Distribution of Highway Maintenance Funds—Chapter 453	April 2000, as final.	A proposed rulemaking was published on 10/2/99 at 29 Pa.B. 5098. This proposed deletion is possible because Section 9104 of the Vehicle Code no longer requires a regulation, only that changes to the standards and methodology for distributing maintenance funds be published as a notice in the <i>Pennsylvania Bulletin</i> .	J. Michael Long (717) 787-1153
Consultant Highway Design Errors Chapter 455	June 2000, as proposed.	Since there is no legal need for this chapter, the Department proposes to delete Chapter 455 and propose a Department policy to address consultant design errors.	Donald Childs (717) 783-9309
Prequalification of Bidders Chapter 457	June 2000, as proposed.	These changes are being brought about as a result of a reengineering project.	Fred Starcinic (717) 787-3733

[Pa.B. Doc. No. 00-224. Filed for public inspection February 4, 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, January 20, 2000, and took the following actions:

Regulations Approved:

Pennsylvania Public Utility Commission # 57-203: Annual Resource Report Filing Requirements (amends 52 Pa. Code §§ 57.141—57.154).

Commissioners voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner

Public Meeting held
January 20, 2000

Pennsylvania Public Utility Commission Annual Resource Report Filing Requirements; Regulation No. 57-203

Order

On March 30, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code §§ 57.141—57.154. The authority for this regulation is 66 Pa.C.S. §§ 501, 524, 1501, 1504 and 2809. The proposed regulation was published in the April 17, 1999 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on December 23, 1999.

The amendments from the PUC reduce the information requirements in Subchapter L, Annual Resource Planning Report. The regulation requires electric distribution companies to reduce from 20 years to 5 years the reporting horizon for energy demand, connected peak load and the number of customers. The regulation also removes requirements for information regarding capital investments and energy costs, and limits reporting of new generating facilities and expansion of existing facilities.

The decreased detail in reporting requirements reflects the change in the marketplace resulting from Act 138 of 1996. This regulation meets the criteria of the Regulatory Review Act.

Therefore, It Is Ordered That:

1. Regulation No. 57-203 from the Pennsylvania Public Utility Commission, as submitted to the Commission on December 23, 1999, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, JR.,
Chairperson

[Pa.B. Doc. No. 00-225. Filed for public inspection February 4, 2000, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

Reg. No.	Agency/Title	Received
11-170	Insurance Department Surplus Lines Insurance	1/24/00
11-195	Insurance Department Quality Health Care Accountability and Protection	1/24/00

JOHN R. MCGINLEY, JR.,
Chairperson

[Pa.B. Doc. No. 00-226. Filed for public inspection February 4, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Logan Stiffler under the Motor Vehicle Financial Responsibility Law, Catastrophic Loss Benefits Continuation Fund; Doc. No. CF00-01-007

A telephone prehearing conference initiated by this office shall be conducted on March 8, 2000, at 10 a.m. The parties shall have exchanged and filed prior to March 6, 2000 all exhibits intended for use at the hearing, a witness list identifying the names, addresses and telephone numbers for the proposed witnesses, the identity of all experts along with their curriculum vitae and proposed testimony, an estimate of time for the respective party's case-in-chief, a listing of all legal issues and the supportive citation for the respective party's position pertaining to the legal issues and all joint factual stipulations.

The hearing shall occur on March 22, 2000, at 10 a.m. in Room 200, Administrative Hearing Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

A written request for continuance of the scheduled hearing, for good cause, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the 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. 00-227. Filed for public inspection February 4, 2000, 9:00 a.m.]

Danny J. Ament; Order to Show Cause; Doc. No. SC99-10-003

A prehearing telephone conference initiated by the Administrative Hearings Office shall occur on March 21, 2000, at 1 p.m. The proceedings in this matter will be governed by the 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law); General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3. A hearing shall be held on April 6, 2000, at 10 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

On or before March 14, 2000, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. No prehearing memoranda or other written submissions are required for the prehearing/settlement telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

A written request for continuance of the scheduled prehearing/settlement conference, for good cause, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the 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. 00-228. Filed for public inspection February 4, 2000, 9:00 a.m.]

Prudential Property and Casualty Insurance Company; Homeowners Insurance Rate and Rule Revision

On January 18, 2000, the Insurance Department (Department) received from Prudential Property and Casualty Insurance Company a filing for a proposed rate level and rule changes for homeowners insurance.

The company requests an overall 1.9% increase amounting to \$946,000 annually, to be effective April 21, 2000, for new business and June 9, 2000, for renewal business.

Unless formal administrative action is taken prior to March 18, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, E-mail: xlu@ins.state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Secretary

[Pa.B. Doc. No. 00-229. Filed for public inspection February 4, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Gregory E. Gilmartin; file no. 99-188-07167; Erie Insurance Exchange; doc. no. P00-01-006; February 23, 2000 at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an

auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-230. Filed for public inspection February 4, 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 February 28, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00116528. Richard A. Brown, t/d/b/a Richie Rich Taxi Service (216 1/2 North Elm Street, Butler, Butler County, PA 16001)—persons upon call or demand, in the city of Butler, and within an airline distance of 10 statute miles of the limits of the city.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.

A-00116527. CMJ Moving, Inc. (518 Deer Drive, Langhorne, Bucks County, PA 19047), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the counties of Philadelphia, Bucks and Montgomery, and from points in these counties, to points in the Commonwealth, and vice versa. *Attorney:* John J. Gallagher, P.C., Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-231. Filed for public inspection February 4, 2000, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

**Mon/Fayette Expressway Project
Uniontown to Brownsville
Monongahela River Bridge
Fayette and Washington Counties, Pennsylvania**

Reference No. E-014

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for a proposed structure crossing Monongahela River as part of the Mon/Fayette Expressway Project between Uniontown and Brownsville. The selected Firm will be responsible for the design of a multi-span, high level, possibly dual structure near Centerville, PA. The estimated total length of the structure is approximately 2,900 feet. The total construction cost is estimated at \$40 million. Project teams will be evaluated for workload of the prime consultant and sub-consultant in relation to the team's capacity to meet the schedules and for experience in the design of major river crossings. This project will be financed with Federal, State and Turnpike funds and will be subject to Federal review and oversight in accordance with Federal aid regulations (23 CFR Chapter 1).

Firms selected may be required to: perform field surveying; cross sections; evaluation of utility conflicts and potential relocations; development of erosion and sedimentation control plans and earth disturbance permits; preparation of type, size, and location plans and final bridge plans; seismic analysis, geotechnical investigations and structural foundation reports; preparation of preliminary and final right-of-way plans; defining environmental impacts; preparation of permit applications; development of environmental impact mitigation plans; preparation of construction plans, specifications and estimates; value engineering; public involvement; coordination with various agencies and special interest groups; and coordination with consultants involved in other design sections.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions, completing the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Firms expressing interest in this 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 maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act 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 of DBE participation in these contracts shall be 15% of the total contract cost. 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, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Pennsylvania Turnpike Commission at the above address, or by calling (717) 939-9551 Ext. 4241.

The Commission will shortlist firms at a public meeting after the evaluation of acceptable letters of interest. Technical proposals will then be requested from the shortlisted firms based on a project Scope of Work. It is anticipated that the assignment of the above services will be made to one of the firms submitting letters of interest in response to this advertisement.

Direct inquiries about this advertisement to Kenneth L. Slippey, at 939-9551, extension 5150; or by E-mail at kslippey@paturpike.com.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 00-232. Filed for public inspection February 4, 2000, 9:00 a.m.]

Retention of Engineering Firms

Mon/Fayette Expressway Project Uniontown to Brownsville Fayette and Washington Counties, Pennsylvania

Reference No. E-015

The Turnpike Commission (Commission) will retain eight engineering firms to provide preliminary and final design services for the Mon/Fayette Expressway Project between Uniontown and Brownsville. Selected Firms will be responsible for the design of a limited access highway on new alignment between routes 119 and 51, Uniontown, PA and Routes 43 and 88, Centerville, PA. The total length of the design section is approximately 15 miles. The total construction cost is estimated at \$360 million. This project will be financed with Federal, State and Turnpike funds and will be subject to Federal review and oversight in accordance with Federal aid regulations (23 CFR Chapter 1).

Open-end contracts will be assigned with primary responsibility for individual roadway sections however, consultants may be assigned work in more than one section. Project teams will be evaluated for workload of the prime consultant and sub-consultant in relation to the team's capacity to meet the schedules.

Firms selected may be required to: perform field surveying; base mapping; geotechnical and mining consider-

ations; hazardous waste remediation; development of line and grade; design of structures; seismic analysis; foundation design and investigation; interchange design; contour and grading plans; typical section approval; cross sections; utility verification and relocation; Step 9 field view plans; field views; drainage and drainage structures; stormwater management; preparation of right-of-way plans; defining environmental impacts; preparation of permit applications; development of environmental impact mitigation plans; utility investigation and coordination; soil and erosion control and earth disturbance permits; noise wall design and mitigation; traffic analysis, Phase III archaeology; pavement marking plans; preparation of construction plans, specifications and estimates; value engineering; public involvement; coordination with various agencies and special interest groups; and coordination with consultants involved in other design sections.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions, completing the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Firms expressing interest in this 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 maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act 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 of DBE participation in these contracts shall be 15% of the total contract cost. 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, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Pennsylvania Turnpike Commission at the above address, or by calling (717) 939-9551 Ext. 4241.

The Commission will shortlist 12 firms at a public meeting after the evaluation of acceptable letters of interest. Technical proposals will then be requested from the 12 shortlisted firms based on a sample project Scope of Work. It is anticipated that the assignment of the above services will be made to eight of the 12-firms following the evaluation of the technical proposals.

Direct inquiries about this advertisement to Kenneth L. Slippey, at 939-9551, extension 5150; or by E-mail at kslippey@paturndike.com.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified)

2. Three page (maximum) expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission projects.

5. A copy of the Annual Qualification Package similar to the one submitted to the Pennsylvania Department of Transportation for the current year that is in the same District as this project or one that is best suited for this project.

The Annual Qualification Package should contain at a minimum, the following information for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (limit to one 8 1/2 x 11 page, 1 side, per person). Only resumes of key personnel should be included.
- Copy of the firm's registration to do business in the Commonwealth as provided by the Department of State for firms with out-of-state headquarters or corporations not incorporated in Pennsylvania.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one 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 subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit two copies of a letter of interest and required information to Frank J. Kempf, P.E., Assistant Chief Engineer-Programs/Projects, at the PA Turnpike Commission Administration Building located at 176 Kost Road, Carlisle, PA 17013-9779 (parcel delivery address) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information (two copies) must be received by 12 p.m. (noon), Friday, February 18, 2000. Any letters of interest received after this date and time will be time-stamped and returned.

The Commission will be advertising in the near future for two additional firms to perform specialized design activities for the Uniontown to Brownsville section of the Mon/Fayette Expressway. The Commission is anticipating a firm to perform the preliminary and final design of a structure crossing the Monongahela River and a firm to perform preliminary and final design of the Toll Plazas.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 00-233. Filed for public inspection February 4, 2000, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

PA Department of Community and Economic Development

374 Forum Building

Harrisburg, PA 17120

800-280-3801 or (717) 783-5700

Reader's Guide

Legal Services & Consultation—26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room G13 Finance Building
Harrisburg, PA 17120
717-787-2990
1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

1367139 Glovo 7007ES patient lift or approved equal. For a copy of the bid package fax request to (717) 787-0725.

Department: Military Affairs
Location: Hollidaysburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

LAB 99-58 Furnish and install; Laboratory furniture, miscellaneous.

Department: State Police
Location: Pennsylvania State Police Crime Laboratory, 479 Wyoming Avenue, Wyoming, PA 18644
Duration: June 30, 2000
Contact: Robert D. Stare, (717) 705-5921

8176580 Hardwood Glulam timber deck, timber bridge and connection hardware in accordance with bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Various
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1355119 Welting. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Graterford, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1368119 Glass clad polycarbonate window panes. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Pittsburgh, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1362119 Motor Vehicle Registration Stickers Envelopes. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1360209 Helmets. For a copy of the bid package fax request to (717) 787-0725.

Department: State Police
Location: Harrisburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1364119 Corduroy. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1348119 Cameras, lens and accessories. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Anaheim, CA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1341119 Poplin. For a copy of the bid package fax request to (717) 787-0725.

Department: Corrections
Location: Various
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

9515-000-000 Cold Rolled Sheet Steel: Must conform to ASTM A366. Must be lightly oiled and free from rust. Manufacturers' Standard Gauge No: 16. (.0598" Nominal Thickness [+0.005" or -.005"]). SIZE: 48" x 96" x 16 Gauge, 2,500 Lbs/Sq. Ft. will request 600 sheets on bid. To request a bid package call (412) 761-1955, Ext. 303 - Rich.

Department: Corrections
Location: Metal Plant—S.C.I., 3001 New Beaver Avenue, Pittsburgh, PA 15233
Duration: 30 days
Contact: Richard J. Stofko, Purchaser I, (412) 761-1955, Ext. 303

PB0910001 Stainless Steel Conveyor, Tailgate, Left and Right Discharge Spreaders. (Quantity, three each) Cross Conveyor Spreader, Swenson Model STCC, HTC Model No. 1200, to use with or without moon paving attachment in stainless steel with belt reversing valve.

Department: Transportation
Location: PennDOT, 630 East Penn Street, Bedford, PA 15522
Duration: 30 days after award of bid
Contact: Randy Barrick, (814) 623-6144

1290219 Assistive devices and durable medical equipment. For a copy of the bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Ebensburg, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1291219 Assistive devices and durable medical equipment. For a copy of the bid package fax request to (717) 787-0725.

Department: Public Welfare
Location: Altoona, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1313239 Aluminum boat. For a copy of the bid package fax request to (717) 787-0725.

Department: Game Commission
Location: Franklin, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1335159 Furnish, setup and make operational environmental scanning electron microscope. For a copy of the bid package fax request to (717) 787-0725.

Department: State System of Higher Education
Location: University Park, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8505180 Precast Concrete Box Culvert. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: York, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

1353159 Storage Tek ACS automated cartridge system and associated software per bid specifications. For a copy of the bid package fax request to (717) 787-0725.

Department: State System of Higher Education
Location: University Park, PA
Duration: FY 99-00
Contact: Vendor Services, (717) 787-2199

8505170 Alarm, Back-Up, Shock mounted. For a copy of the bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 99—00
Contact: Vendor Services, (717) 787-2199

ACAD 50 & 51 Three each—cabinets, stainless steel various sizes, as per drawings that will be furnished with the bid proposal.

Department: State Police
Location: Bureau of Training and Education Academy, 175 E. Hersheypark Drive, Hershey, PA 17033
Duration: June 30, 2000
Contact: Robert D. Stare, (717) 705-5921

SERVICES

Audio/Video—04

1197500009 Contractor shall provide Maintenance and Servicing (Labor & Parts) as required for various two-way radio equipment, portable mobile, stationary units and papers located throughout the State Correctional Institution at Smithfield. Interested bidders should contact the Purchasing Department, in writing, to request a bid package or by fax (814) 946-7339.

Department: Corrections
Location: State Correctional Institution at Smithfield, 1120 Pike Street, P. O. Box 999, Huntingdon, PA 16652
Duration: July 1, 2000 through June 30, 2003
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

SC 160124 Millersville University is seeking qualified vendors who can provide the University with competitive local telephone service. Interested bidders should fax their requests (include company name and address, contact person, phone and fax) to be placed on a bidders list to Anna Stauffer (FAX: (711) 871-2000) no later than 2 p.m. Friday, February 4, 2000.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: Month-to-month basis
Contact: Anna Stauffer, (717) 872-3041

00671019 Provide service for the repair, service and reconditioning of audio/visual and other miscellaneous electronic equipment for N.S.H.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: July 1, 2000 through June 30, 2003
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

63-0128 West Chester is soliciting sealed bids for Recitation Hall technology upgrades. The scope of work includes a separate prime contract for telecommunications upgrades to the backbone and wiring for data and voice, fiber optic, risers and distribution, installation of new hubs and ATM connection to the network. (Contract 63-0128.5). The Electrical contract will include power, lighting and panel upgrades to support partial renovation of the third floor and mechanical work to include miscellaneous mechanical modifications for the renovation. (Contract 63-0128.4). The work is to begin on or about May 8, 2000, and must be completed by August 18, 2000. Prevailing wages apply. Bid bond and contract bonds will be required.

Department: State System of Higher Education
Location: West Chester University, Recitation Hall, West Chester, PA 19383
Duration: May 8, 2000 (on or about)—August 18, 2000
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Barber/Cosmetology—05

113-0372 Contractor to provide weekly haircutting services for approximately 230 residents of the facility. Services are to be provided by either a licensed barber or beautician. Additional specifications available upon request.

Department: Military Affairs
Location: Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15226
Duration: May 1, 2000 to April 30, 2001
Contact: Ken Wilson, (412) 665-6727

Computer Related Services—08

1346119 Fiber Optic Cabling System, replacement, materials and installation.

Department: Corrections
Location: SCI—Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: N/A
Contact: Vendor Services, (717) 787-2199

1000-11841 Update Subscription Program (USP) for Adaptive Server Enterprise (ASE) 100 user license to include unlimited phone support. Quantity of two which would cover 200 licenses. Sybase catalog number: W16593.

Department: Corrections
Location: Department of Corrections, MIS Bureau, 55 Utlely Drive, Camp Hill, PA 17011
Duration: 1 year
Contact: Linda Malinak, (717) 975-4931

Construction Maintenance—09

2004 Welder to fabricate and install bars on windows within the State Correctional Institution at Chester. More detailed information can be obtained from the Institution.

Department: Corrections
Location: SCI—Chester, 500 E. 4th Street, Chester, PA 19013
Duration: April 1, 2000 to March 31, 2002
Contact: Jackie Newson, Purchasing Agent, (610) 490-4370

015DGS948-37PHASE 4PARTB Project title: Expansion of Central Air Conditioning System to Main Capitol Building, 1st Floor North Hyphen. Brief description: Work consists of upgrades to the existing Mechanical System of the 1st Floor North Hyphen. Estimated range: Under \$100,000. Mechanical Construction. Plans deposit: \$120 for three sets (948-35 PH1 PT M, 948-37 PH 4, PT B, 948-53 PH1, PT G). Bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Checks must be made payable to Reynolds Construction Management, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$15 per set or provide an express mail account number to the office listed. Mail requests to: Reynolds Construction Management, Inc., 18th & Herr Sts., 314 Arsenal Bldg., Harrisburg, PA 17125, (717) 230-8367. Bid Date: Wednesday, February 23, 2000, at 2 p.m. A Prebid Conference has been scheduled for Thursday, February 10, 2000, at 4 p.m. in RM 8A, East Wing, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner, (717) 230-8367. There will be a walk through immediately following the Prebid Conference. A second walk through will be scheduled if requested. Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference and Walk Through.

Department: General Services
Location: Main Capitol Building, Harrisburg, Dauphin County, PA
Duration: 168 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-208-709 Construct a 6 inch cased well, approx. 120 feet deep (anticipated yield is 4gpm); conduct all testing; and provide and install submersible pump and appurtenances at Linn Run State Park in Westmoreland County. Bid documents will be available on or after February 7, 2000.

Department: Conservation and Natural Resources
Location: Cook Township
Duration: 90 days
Contact: Construction Management Section, (717) 787-5055

401-BL-600 Columbia Hall Electrical Renovations—Provide all labor, equipment, necessary to renovate and install telecommunication and data lines to approximately 208 student rooms. Project to also include all materials, with work to include installation of upgraded power capacity, dedicated electrical power to all rooms, replacement of ceilings, lighting and the construction of a new cyberlounge. There will be two prime contractors on the project an electrical contractor and general contractor. To obtain a copy of the bid documents submit a nonrefundable \$85 deposit to Comprehensive Design, 3054 Enterprise Drive, State College, PA 16801-2755, (814) 238-5755. Bid documents will contain all information regarding prebid dates, and bid submission dates.

Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: 100 days
Contact: Joseph C. Quinn, (570) 389-4311

015DGS948-53PHASE1PARTG Project title: Plumbing Improvements, 1st Floor North Hypphen. Brief description: Work consists of upgrades to the existing Plumbing System of the 1st Floor, North Hypphen, including the renovation of toilet rooms. Estimated range: \$100,000 to \$500,000. Plumbing Construction. Plan deposit: \$120 for three sets (948-35 PH 1, PT M, 948-37 PH 4, PT B, 948-53 PH 1, PT G). Bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Checks must be made payable to Reynolds Construction Management, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$15 per set or provide an express mail account number to the office listed. Mail requests to: Reynolds Construction Management, Inc., 18th & Herr Streets, 314 Arsenal Bldg., Harrisburg, PA 17125, (717) 230-8367. Bid Date: Wednesday, February 23, 2000, at 2 p.m. A Prebid Conference has been scheduled for Thursday, February 10, 2000, at 4 p.m. in RM 8A, East Wing, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner, (717) 230-8367. There will be a walk through immediately following the Prebid Conference. A second walk through will be scheduled if requested. Contractors who have Secured Contract Documents are invited and urged to attend the Prebid Conference and Walk Through.

Department: General Services
Location: Main Capitol Building, Harrisburg, Dauphin County, PA
Duration: 168 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS948-41MC1 Project title: Air and Water Balance. Brief description: The Package consists of, but is not limited to, the following work: Air and water balancing as indicated in the contract documents. Estimated range: \$100,000 to \$500,000. Plans deposit: \$250 for one set. Checks must be made payable to CRSS Constructors. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 calendar days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check in the amount of \$15 made payable to Reliance Reprographics, Inc. must be submitted to cover the cost of delivery. Additional sets may be purchased from Reliance Reprographics, Inc. Mail requests to: Reliance Reprographics, Inc., Governor's Plaza South, Building 3, Suite 325, 2001 N. Front St., Harrisburg, PA 17102, Attn: Adam Kenes, (717) 232-5700. Bid Date: Tuesday, February 29, 2000 at 2 p.m. A Prebid Conference has been scheduled for Tuesday, February 15, 2000, at 2 p.m. Meeting to be held in the Corporate Board Room, Arsenal Bldg., 18th and Herr Sts., Harrisburg, PA. Contact: Justin Koenes, (717) 233-7507. Bidders who have secured plans and specifications are invited and urged to attend this Prebid Conference. Questions must be submitted in writing to CRSS Constructors, Inc. in Assoc. with The Quandt Group, Inc., P. O. Box 60827, Harrisburg, PA 17106-0827. Attn: Justin Koenes, (717) 233-7507, FAX: (717) 233-7528 by Thursday, February 27, 2000.

Department: General Services
Location: Capitol Complex, Harrisburg, Dauphin County, PA
Duration: 245 calendar days from preconstruction conference date
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS502-26REBID Project title: Replacement of Water Distribution System. Brief Description: Replace water lines, tank covers and miscellaneous system repairs. Estimated range: \$1,000,000 to \$2,000,000. General Construction. Plans deposit: \$50 per set Payable to: Peters Design Group, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: Peters Design Group, Inc., 301 North Main Avenue, Scranton, PA 18504. (570) 346-8446. Bid Date: Wednesday, February 16, 2000, at 1 p.m.

Department: General Services
Location: Clarks Summit State Hospital, Clarks Summit, Lackawanna County, PA
Duration: 270 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS800-240PHASE1PART4 Project title: Alteration of Facilities for ADA Compliance—Phase 1. Brief description: The project consists of modifications and renovations of entrances, elevators, corridors and restrooms for accessibility to various buildings on campus. The work includes, without limiting: Site work, concrete, masonry, steel, roofing, doors and frames, hardware, interior finishes, HVAC, plumbing and electrical systems. Estimated range: \$5,000,000 to \$10,000,000. General, HVAC, Plumbing and Electrical Construction. Plans deposit: \$275 per set Payable to: DRS Architects, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account number to the office listed. Mail requests to: DRS Architects, Inc., One Gateway Center, 17th Floor, Pittsburgh, PA 15222. (412) 391-4850. Bid Date: Wednesday, March 1, 2000 at 2 p.m. A Prebid Conference has been scheduled for Friday, February 18, 2000, 2 to 5 p.m. at the Office of Physical Plant, PA State University, RM 105 Physical Plant Building, University Park, PA. Contact Sarina Bodnar, (412) 391-4850. Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: PA State University, University Park, Centre County, PA
Duration: 566 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

62-0044.1 West Chester University is soliciting sealed bids for Project 62-0044.1 South Campus Housing—Recreation Area. The project shall consist of all work necessary relating to the construction of one new volleyball and one new basketball court. Work shall included but not be limited to the earth work, paving, drainage, storm water retention, volleyball and basketball equipment, wood curbing, fencing, underground conduits for future use and site restoration. On site work will not begin until May 8, 2000. Prevailing wages apply.

Department: State System of Higher Education
Location: West Chester University, South Campus, West Chester, PA 19383
Duration: 60 days from Notice to Proceed
Contact: Jacki Marthinsen, Contract Manager, (610) 436-2705

62-0041 West Chester University is soliciting sealed bids for Project 62-0041 Killinger Hall New Elevator/ADA Improvements/Fire Alarm Upgrade. The project will consist of: 62-0041.1. General Construction—installation of a new hydraulic elevator and related equipment within the existing building which will require structural modifications, and installation of interior and exterior ADA ramps and sidewalk. 62-0041.4. Electrical Construction—upgrade existing fire alarm system, replace main distribution panel, connect new elevator to emergency power, install underground conduit and wire to an existing generator including all related equipment. The work is to begin on or about May 8, 2000, and shall be completed within 180 days from Notice to Proceed. Prevailing wages apply. The building will be unoccupied from mid May 2000 until August 25, 2000. A bid bond and contract bonds will be required.

Department: State System of Higher Education
Location: West Chester University, Killinger Hall, West Chester, PA 19383
Duration: 6 months from Notice to Proceed
Contact: Jacki Marthinsen, Contract Manager, (610) 436-2705

63-0064 West Chester University is soliciting bids for the Harvey Green Building roof and terracotta and stone repairs. Two separate prime contractors are to be bid. 63-0064.1 will be for the roofing which will consist of removing existing single ply membrane roof and installation, replace roof decking where necessary install new installation and single ply roofing, flashing and appurtenances, coordinate with terra cotta contractor. Contract 63-0064.5 will be for the repair/replacement of the terra cotta parapet and cornice, reanchor as specified, repair/replace limestone entrance stairs, install new handrail on entrance steps and coordinate with the roofing contractor. The work is to begin on or about May 8, 2000 and shall be completed by August 28, 2000. A bid bond and contract bonds will be required. The contractor for 63-0064.5 shall be required to demonstrate successful experience on three projects of similar scope and size (repairing and replacing terra cotta) within the last 5 years and provide verifiable references.

Department: State System of Higher Education
Location: West Chester University, Harvey Green Building, West Chester, PA 19383
Duration: May 8, 2000 (on or about)—August 28, 2000
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

015DGS975-6 Project title: HVAC—Visitor Center. Brief description: New HVAC system, electrical work and general renovations. Estimated range: \$100,000 to \$500,000. General, HVAC and Electrical Construction. Plans deposit: \$25 per set Payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, March 1, 2000, at 2 p.m. A Prebid Conference has been scheduled for Friday, February 18, 2000 at 10 a.m. at Cornwall Iron Furnace, Cornwall, PA. Meet at the Visitors' Center. Contact: Steve Somers, (717) 272-9711. Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

Department: General Services
Location: Cornwall Iron Furnace, Cornwall, Lebanon County, PA
Duration: 180 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS4513-85 Project title: Masonry Repairs to Inside Powerhouse Chimney. Brief description: Repair the existing 225'-0" high x 17'-0" diameter base and 13'-0" diameter top brick chimney interior and exterior including a new concrete chimney cap, new lightning protection, steel reinforcing band and vertical support repair and mortar joint and stress crack repair. Provide a new 3/8-inch thick cement lining on the interior of the stack. Estimated range: Under \$100,000. Mechanical Construction. Plans deposit: \$25 per set Payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail request to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, February 23, 2000, at 11 a.m.

Department: General Services
Location: Torrance State Hospital, Torrance, Westmoreland County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS948-35PHASEI PART M Project title: Fire Safety Code Improvements—1st Floor North Hyphen. Brief description: Work consists of Historical Refurbishment, General Construction work, the installation of fire alarm systems, automatic sprinkler and basic electrical upgrades of the 1st Floor North Hyphen. Additionally, the project also includes the hazardous materials abatement in these areas. Estimated range: \$2,000,000 to \$5,000,000. General Electrical and Sprinkler Construction. Plans deposit: \$120 for three sets (948-35PH1, PT M, 948-37 PH4, PT B, 948-53, PH 1, PT G). Bidders will receive one set of documents for each project noted for coordination of work of all projects in the same area. Checks must be made payable to: Reynolds Construction Management, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Mail a separate check for \$15 per set or provide an express mail account number to the office listed. Mail requests to: Reynolds Construction Management, Inc., 18th & Herr Sts., 314 Arsenal Bldg., Harrisburg, PA 17125, (717) 230-8367. Bid Date: Wednesday, February 23, 2000, at 2 p.m. A Prebid Conference has been scheduled for Thursday, February 10, 2000, at 4 p.m. in RM 8A of East Wing, Main Capitol Bldg., Harrisburg, PA. Contact: Tim Werner, (717) 230-8367. There will be a Walk Through immediately following the Prebid Conference. A second walk through will be scheduled if requested. Contractors who have secured Contract Documents are invited and urged to attend the Prebid Conference and Walk Through.

Department: General Services
Location: Main Capitol Building, Harrisburg, Dauphin County, PA
Duration: 168 calendar days from date of initial job conference
Contact: Contract & Bidding Unit, (717) 787-6556

015DGS-501-19.20ONLYREBID Project title: Heating, Ventilation and Air Conditioning in Patient Areas of Main Building. Brief description: Interior renovations and exterior window replacement. Replace heating system, new air conditioning system, renovate toilet/shower rooms, new finishes, new lighting and miscellaneous electrical power renovations. Estimated range: \$100,000 to \$500,000. HVAC Construction. Plans deposit: \$100 per set Payable to: Wallace & Watson-Associates, P.C. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide an express mail account to the office listed. Mail requests to: Wallace & Watson-Associates, P.C., 609 Hamilton Mall—Suite 200, Allentown, PA 18101-2189, (610) 437-4450. Bid Date: Wednesday, February 9, 2000 at 1 p.m.

Department: General Services
Location: Allentown State Hospital, Allentown, Lehigh County, PA
Duration: 189 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

SP-1194600012 Provide all necessary design, engineering, fabrication, and installation to complete repairs and restoration of the ash silo roof located at the Boiler Plant at the State Correctional Institution at Laurel Highlands. A site visit is required. Bid packet available from institution.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: April 1, 2000 through June 30, 2000
Contact: Carole Kolesko, PA, (814) 445-6501, Ext. 347

015DGS4515-65 Project title: Air Emissions Upgrade—Boiler Plant. Brief description: Furnish and install a new air washer system including steam exhauster, piping, valves and controls for flyash removal within the existing ash handling system and install new underground concrete settling tanks. System shall comply with emission discharge requirements of the Department of Environmental Protection (DEP). Estimated range: Under \$100,000. Mechanical Construction. Plans deposit: \$25 per set Payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, February 16, 2000 at 1 p.m.

Department: General Services
Location: Wernersville State Hospital, Wernersville, Berks County, PA
Duration: 170 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

015DGS962-12 Project title: Replace Roof at Eisenhower Hall. Brief description: Replace roof at Eisenhower Hall by removing existing roofing system to the concrete deck, including metal flashings and copings, etc. Install new thermoplastic roof, tapered insulation, metal flashings and coping. Estimated range: \$100,000 to \$500,000. General Construction. Plans deposit: \$25 per set Payable to: Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide an express mail account number to the office listed. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, February 23, 2000, at 11 a.m.

Department: General Services
Location: Veterans' Home, Hollidaysburg, Blair County, PA
Duration: 140 calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

SC-040-H2 Proposed groundwater collection system redevelopment, consisting of approximately 472 l.f. of 8" collector piping with four manholes, geotextile and clay trench lining with stone backfill, and reconnection of four artesian wells.

Department: Fish and Boat Commission
Location: Fish and Boat Commission, Corry Annex Fish Culture Station, Route 6, west of City of Corry, Wayne Township, Erie County, PA
Duration: 60 days
Contact: Amos Ferguson, (814) 359-5105

Elevator Maintenance—13

01104 Provide elevator maintenance and as needed repairs.

Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6139
Duration: Service to begin July 1, 2000 through June 30, 2005
Contact: Jeanette Gualtieri, (814) 878-4930

Engineering Services—14

08430AG2499 Open-End Contract for NBIS bridge safety inspections for bridges and structures throughout the Commonwealth.

Department: Transportation
Location: Bureau of Design
Duration: 60 Months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2494 To provide preliminary engineering and traffic studies for S. R. 0083, Section 026 (improvements to Exits 6, 7 and 8) in York County.

Department: Transportation
Location: Engineering District 8-0
Duration: 18 Months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2500 To provide project management services and preliminary Intelligent Transportation System (ITS) design for the three design sections of the U. S. 202, Section 700 Improvement Project in Bucks and Montgomery Counties.

Department: Transportation
Location: Engineering District 6-0
Duration: 36 Months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2498 To provide preliminary studies, environmental studies, preliminary engineering and final design for S. R. 0501, Section 006 (Schaefferstown Bypass) in Lebanon County.

Department: Transportation
Location: Engineering District 8-0
Duration: 36 Months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2497 This advertisement replaces the advertisement for Project Reference No. 08430AG2420 published in the *Pennsylvania Bulletin* on October 2, 1999. Retain an engineering firm to provide supplementary construction inspection staff of approximately 22 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services for S. R. 0080, Section 055 in Union County; and S. R. 0080, Sections 052 and 039; S. R. 0147, Section 62A; S. R. 0147, Section 062, all in Northumberland County.

Department: Transportation
Location: Engineering District 3-0
Duration: 48 Months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2496 Open-End Contract to provide various geotechnical, engineering and environmental services in Engineering District 11-0.

Department: Transportation
Location: Engineering District 11-0
Duration: 60 Months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2495 To provide construction inspection and documentation services on S. R. 0051, Section A45, T. R. 51/Lebanon Church—Provost; S. R. 0051, Section A47, T. R. 51/Bansman Street to Mattide Street; S. R. 0028, Section A31, PA 28/Ravine Street to Blawnox; S. R. 0028, Section A32, PA 28/Blawnox to Powers Run; S. R. 0079, Section A08, I-79/PA 60 to Neville Island, all in Allegheny County.

Department: Transportation
Location: Engineering District 11-0
Duration: 30 days after construction completion
Contact: Consultant Agreement Division, (717) 783-9309

02000AG0001 Solicitation of annual Letters of Interest to provide engineering services on various local municipal bridge projects to be administered by the local municipality. The municipalities are located in Engineering District 2-0, that is, Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties.

Department: Transportation
Location: Engineering District 2-0
Duration: 12 Months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance—15

OSM 54(3022)101.1 Backfill Strip Pits, Red Mountain Southwest involves approximately 64,330 c.y. grading and seeding 26.6 acres. 100% of this project is federally funded from the \$22.5 million 1999 AML Grant. This project will issue February 4, 2000; payment in the amount of \$10 must be received before bid documents will be sent.

Department: Environmental Protection
Location: Tremont Township
Duration: 210 calendar days
Contact: Construction Contracts Section, (717) 783-7994

ADV # 65 Indiana University of Pennsylvania is seeking qualified vendors to respond to a Request for Quotation for providing air polluting emissions testing on combustion exhaust gases from four engines at the Cogeneration Plant at IUP. Requests for copies of the bid package should be made in writing referencing ADV # 65 and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robertshaw Building, 650 South 13th Street, Indiana, PA 15705; Fax (724) 357-2670; e-mail cerovich@grove.iup.edu. Requests for bid package will be accepted until February 17, 2000. The University encourages responses from small and disadvantaged, minority and woman-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: 7 months
Contact: Barbara Cerovich, (724) 357-2301

Extermination Services—16

1197500011 Contractor shall provide extermination services to the State Correctional Institution at Smithfield. Interested bidders should contact the Purchasing Department, in writing, to request a bid package or by fax (814) 946-7339.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 2000 through June 30, 2003
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

Food—19

FS4868 Vendor shall supply all equipment and supplies required for the dispensing of carbonated soft drink beverages in the Institution's Dietary Department. Interested bidders should contact the Purchasing Department, in writing, to request a bid package or by fax (814) 946-7339.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 2000 through June 30, 2003
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

3881 Dairy Contract for April, May and June 2000. Please send a fax to (570) 587-7108 to request a bid package. (Bid packages cannot be faxed.)

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: April 1, 2000—June 30, 2000
Contact: Stanley Rygelski, P.A., (570) 587-7291

3877 Poultry, Frozen. Contract for April, May and June 2000. Please send a fax to (570) 587-7108 to request a bid package. (Bid packages cannot be faxed.)

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: April 1, 2000—June 30, 2000
Contact: Stanley Rygelski, P.A., (570) 587-7291

3876 Meat, Frozen. Contract for April, May and June 2000. Please send a fax to (570) 587-7108 to request a bid package. (Bid packages cannot be faxed.)

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: April 1, 2000—June 30, 2000
Contact: Stanley Rygelski, P.A., (570) 587-7291

3885 Juice Drinks, Frozen (4 oz. portions). Contract for April, May and June 2000. Please send a fax to (570) 587-7108 to request a bid package. (Bid packages cannot be mailed.)

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: April 1, 2000—June 30, 2000
Contact: Stanley Rygelski, P.A., (570) 587-7291

D-5-00 Miscellaneous Foods, Frozen.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661
Duration: April 1, 2000 to September 30, 2000
Contact: Sandra A. Repak, P.A., (570) 443-4232

D-9-00 Prepared Juice, Frozen.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661
Duration: April 1, 2000 to September 30, 2000
Contact: Sandra A. Repak, P.A., (570) 443-4232

D-6-00 Poultry and Poultry Products.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661
Duration: April 1, 2000 to September 30, 2000
Contact: Sandra A. Repak, P.A., (570) 443-4232

3884 Misc. Frozen Foods. Contract for April, May and June 2000. Please send a fax to (570) 587-7108 to request a bid package. (Bid packages cannot be faxed.)

Department: Public Welfare
Location: Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505
Duration: April 1, 2000—June 30, 2000
Contact: Stanley Rygelski, P.A., (570) 587-7291

CRE-99-0264 Dry Beans, various types, baby limas, black-eyed peas, pinto beans and other related items as required. Quarterly bids—monthly deliveries. Bid proposal on file in agency Purchasing Department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

08829012 Meat and Meat Products: 500 lbs.-beef for stew; 3,940 lbs.-ground beef; 260 lbs.-CB patties; 200 lbs.-beef round top-inside; 90 lbs.-beef cubed steak; 210 lbs.-seasoned beef for Salisbury steak; 500 lbs.-veal ground; 340 lbs.-veal and beef patties; 460 lbs.-ground pork; 240 lbs.-ground pork patties; 120 lbs.-pork steak/fabricated; 80 lbs.-ground ham; 120 lbs.-ham, reduced fat and sodium/cured/smoked/fully-cooked/boneless; 20 lbs.-bacon/sliced/cured and smoked/skinless; 30 lbs.-bologna/all beef; 160 lbs.-pork sausage; 120 lbs.-pork sausage patties; 30 lbs.-Lebanon bologna. All items are to be delivered monthly except for beef for stew and beef cubes every 2 weeks.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: April 1, 2000 through June 30, 2000
Contact: Sherry Wenger, Purchasing Department, (717) 749-4031

CRE-FS-0269 Fish and Seafood Products, as needed only. Haddock, cod, pollock, and similar items as required. Quarterly bids, monthly deliveries. Bid proposal on file in agency Purchasing Department prior to bid solicitation.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

CRE-FS-0268 Protein Alternative Products, as needed only. To include, but not limited to various dry mixes, soy burgers, grainburgers, garden burgers, and assorted soy products. Quantities as required. Bid on file in agency Purchasing Department prior to bid solicitation.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

CRE-FS-0267 Milk Products (estimated requirements), to include but not limited to, 2%, 1/2 pint containers; bulk skim milk (for use in milk dispenser); skim milk, 1/2 pint containers. Milk to be bid quarterly and prices bid will be adjusted according to Milk Marketing Board monthly release of pricing data. Bid on file in agency Purchasing Department prior to bid solicitation.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

8000-01821 Whole wheat bread (24 oz. loaf), Italian bread (20 oz. loaf), Rye bread (24 oz. loaf) and Pantry White bread (20 oz. loaf). Bread to be delivered once a week on Friday.

Department: Corrections
Location: State Correctional Institution, 373 Prison Road, Waynesburg, PA 15370
Duration: April 1, 2000—March 31, 2001
Contact: Judith Cook, (724) 852-5609

CRE-FS-0265 Cheese, consisting of yellow and white American cheese, shredded mozzarella, provolone, Swiss and various block cheeses and blends as required. Quarterly bids, monthly deliveries. Bid proposal on file in agency Purchasing Department prior to bid solicitation.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

CRE-FS-0258 Fresh Produce—food group consisting of approximately 15-25 items. Monthly bids, monthly contract awards, weekly deliveries. Garlic, lettuce, red salad mix, celery, cucumbers, carrots, oranges, apples, potatoes, onions, mushrooms, kale, spinach, bananas, cabbage, grapefruit, tomatoes, peppers and similar items including fruits of the season (that is, watermelon, cantaloupe). Bid proposal on file within agency prior to monthly solicitation. Group award basis. All produce must be delivered by 9:30 a.m. on scheduled delivery dates.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

CRE-FS-0263 Ice Cream/Coffee Creamers/Cottage Cheese/Iced Tea/Yogurt—Quarterly bids—Monthly deliveries. Ice cream, vanilla and neopolitan slices, sherbert, ice cream sandwiches, and similar items as required. Coffee creamers (1/2 oz. size), cottage cheese, large curd, iced tea (1/2 pint containers), plain yogurt. All in quantities as required. Bid proposal on file within agency Purchasing Department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

D-2-00 Fruits and Vegetables, Frozen.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661
Duration: April 1, 2000 to September 30, 2000
Contact: Sandra A. Repak, P.A., (570) 443-4232

CRE-FS-0262 Liquid Egg Products. Quarterly bids, monthly deliveries. Quantities as required. Bid proposal on file in Agency Purchasing Department prior to bid solicitation.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

D-4-00 Meat and Meat Products.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661
Duration: April 1, 2000 to September 30, 2000
Contact: Sandra A. Repak, P.A., (570) 443-4232

CRE-FS-0261 Processed Meats (Beef/Pork/Turkey Products)—to include, but not limited to, frankfurters, beef liver, sliced turkey ham, turkey salami, bologna, hams, various types of Polish sausages, veal breaded patties and similar items as required. Quarterly bids, monthly deliveries. Bid proposal on file within agency Purchasing Department prior to bid solicitation.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

CRE-FS-0260 Poultry and Poultry Products—Approximate requirements. Turkey roasts, chicken, drumsticks, chicken breasts, fillets, turkeys (as required) and similar items as required. Quarterly bids, monthly deliveries. Quantities and items as required. Bid proposal on file within agency Purchasing Department prior to solicitation.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

CRE-FS-0259 Frozen Vegetables—food group consisting of broccoli spears, cauliflower, lima beans, carrots, mixed vegetables, french fried potatoes (assorted varieties), peas and similar items as required. Quarterly bids, monthly deliveries. Bid proposal on file in agency Purchasing Department prior to bid solicitations.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

CRE-FS-0266 Bakery Products (estimated requirements), to include white bread, wheat bread, and related bread products as required. To be bid quarterly with daily deliveries on a five-six day schedule. Bid proposal on file in Agency Purchasing Department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2000—June 30, 2001
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

HVAC—22

1197500010 Contractor to provide services for the Preventive Maintenance and Repairs of all Refrigeration and Air Conditioning Equipment as may be required at the State Correctional Institution at Smithfield. Interested bidders should contact the Purchasing Department, in writing, to request a bid package or by fax (814) 946-7339.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 2000—June 30, 2003
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

01100 Provide maintenance services on facility-wide HVAC systems.

Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6139
Duration: Service to begin July 1, 2000 through June 30, 2005
Contact: Jeanette Gualtieri, (814) 878-4930

01103 Provide On-Call/As Needed repairs and maintenance to the electrical systems of the PA Soldiers and Sailors Home.

Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East East 3rd Street, P. O. Box 6239, Erie, PA 16512-6139
Duration: Service to begin July 1, 2000 through June 30, 2005
Contact: Jeanette Gualtieri, (814) 878-4930

00972015 Radio repairs for MSH. Radios are used in maintenance, fire/safety/security department and our forensic unit. For a bid please call the number listed in this publication.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 1, 2000 through June 30, 2005
Contact: Fred Molisee, (412) 257-6215

8000-01823 The contractor shall provide maintenance or any mechanical (heating, ventilation and air conditioning) system. The contractor shall provide preseason check and calibration of heating and air conditioning system.

Department: Corrections
Location: SCI—Waynesburg, 373 Prison Road, Waynesburg, PA 15370
Duration: July 1, 2000—June 30, 2003
Contact: Judith Cook, (724) 852-5609

Medical Services—29

01102 Lease of Oxygen equipment and related services for Residents/Patients of the PA Soldiers and Sailors Home.

Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6139
Duration: Service to begin July 1, 2000 through June 30, 2005
Contact: Jeanette Gualtieri, (814) 878-4930

01101 Provide Occupational Therapy services for residents/patients located at the PA Soldiers and Sailors Home.

Department: Military Affairs
Location: PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6139
Duration: Service to begin July 1, 2000 through June 30, 2005
Contact: Jeanette Gualtieri, (814) 878-4930

00873018-REBID Nonemergency/basic scheduled ambulance and litter van service: Ambulance service contractor to provide nonemergency/basic scheduled ambulance and litter van service to transport patients, unable to utilize a hospital automobile or van, to local provider hospital for nonemergency/basic scheduled out-patient treatment and/or clinical services, and/or destination for discharge.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: Approximate period of contract is from July 1, 2000 through June 30, 2003, a period of 3 years
Contact: Jack W. Heinze, PA III, (717) 772-7435

Personnel, Temporary—31

11967500013 Vendor to provide Protestant chaplaincy services to the inmate population at the State Correctional Institution at Smithfield. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax (814) 946-7339.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 2000 through June 30, 2002
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

SP1197500012 Vendor to provide Native American Chaplaincy Services for the inmates at the State Correctional Institution at Smithfield. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax (814) 946-7339.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: July 1, 2000 through June 30, 2002
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, Ext. 125

SP1606220001 Contract for Clerk, Clerk Typist and Data Entry Operator services on an as needed basis. Contract will be utilized for short-term temporary help (6 weeks or less) throughout the Department's Harrisburg offices.

Department: Education
Location: 333 Market Street and Forum Building, Commonwealth Avenue, Harrisburg, PA
Duration: July 1, 2000 to June 30, 2002
Contact: Donna Fessler, (717) 787-5151

Property Maintenance—33

00709-000-99-AS-2 Repairs and painting of exterior woodwork, windows and shutters to the Highlands Mansion. A prebid meeting will be held on February 24, 2000, at 10:30 a.m. at the Highlands Mansion, Fort Washington, Montgomery County, PA for all firms interested in submitting bids for the project. Call (215) 641-2687 for directions to the site. Interested bidders should submit a \$25 (nonrefundable) check and a request for a bid package in writing to PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120, Attention: Judi Yingling (717) 772-2401. Proposals are due on Tuesday, March 14, 2000, at 11:45 a.m. Bid opening will be held in Room 526, 5th Floor of the State Museum Building, corner of 3rd and North Streets, Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: The Highlands, 7001 Sheaff Lane, Fort Washington, PA 19034
Duration: April 20, 2000 to October 31, 2000
Contact: Judi Yingling, (717) 772-2401

00722-000-99-AS-2 Repairs and painting of exterior woodwork and windows at the David Bradford House, Washington, PA, Washington County. A site visit is highly recommended. Call (717) 787-6242 for directions to the site. Interested bidders should submit a request for a bid package in writing to PA Historical and Museum Commission, Division of Architecture, Room 526, 3rd and North Streets, Harrisburg, PA 17120, Attention: Judi Yingling (717) 772-2401. Proposals are due on Tuesday, March 14, 2000, at 11:45 a.m. Bid opening will be held in Room 526, 5th Floor of the State Museum Building, corner of 3rd and North Streets, Harrisburg, PA 17120.

Department: Historical and Museum Commission
Location: David Bradford House, 175 South Main Street, Washington, PA 15301
Duration: April 20, 2000 to October 31, 2000
Contact: Judi Yingling, (717) 772-2401

080S43 Furnish and plant evergreen trees at selected locations in Engineering District 8-0.

Department: Transportation
Location: Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry Counties
Duration: 2 years through November 1, 2001
Contact: William Tyson, (717) 787-7600

KUCC-0017 Kutztown University is seeking qualified contractors for the painting work associated with the painting of student rooms and bathrooms in Berks Hall at Kutztown University. Bid packages are available for a nonrefundable fee of \$15 from: Barbara Barish, Contract Specialist, Office of Planning and Construction, Kutztown University, P. O. Box 730, Kutztown, PA 19530, (610) 683-4602. Bid packages are available February 7, 2000, through prebid. A prebid meeting has been scheduled for February 17, 2000, at 10 a.m. in Room OM-26, Old Main Building. Bids are to be received no later than 3 p.m. on March 2, 2000, in Room 236, Office of Planning and Construction. Bids will be opened March 2, 2000 at 3 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 43 days from Notice to Proceed
Contact: Barbara Barish, (610) 682-4602

c42-110032 The work includes providing equipment, personnel, liability insurance and traffic protection equipment necessary to perform mowing operations throughout Beaver County, PA. The work consists of mowing four times per year along specified multilane highways; and once each year along specified secondary roads (side mowing).

Department: Transportation
Location: Engineering District 11, 45 Thoms Run Road, Bridgeville, PA 15017
Duration: This contract will be for 18 months. By mutual consent of both parties, renewal for four additional periods of 1 year, at the quoted price.
Contact: Joe DiPietro, (412) 429-4954

0043 Bid to include all cubical tracks, accessories, and curtains for cubicals of patient bedroom areas. A bid packet can be obtained by contacting the purchasing department of the Allentown State Hospital. Fax (610) 740-2424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103
Duration: February 1, 2000 to June 30, 2000
Contact: Lois Kerbacher, Purchasing Agent, (610) 740-3428

Railroad/Airline Services—34

RFP 99-08 PennDOT/AMTRAK Keystone Corridor Improvement Project (KCIP): The objective of this project is to provide consultant oversight for the completion of the KCIP. The work will include review of Amtrak's preliminary scope of work, schedule and corresponding budget for KCIP. Review plans and designs and make value engineering type suggestions. Inspect work being completed and visit the site of improvements for the KCIP. Meet with PennDOT quarterly, as needed, to discuss progress and appropriate issues. Detailed requirements and an RFP are available upon a fax request. To obtain a copy, please fax requests, including name, company name, address and phone number, to Roberta Cooper at (717) 783-7971.

Department: Transportation
Location: Harrisburg, PA
Duration: Multiyear with possibility of renewal
Contact: Roberta Cooper, (717) 787-4006

Real Estate—35

373883 Lease office space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Public Utility Commission with 3,496 useable square feet of new or existing office space in Pittsburgh, Allegheny County, PA, with minimum parking for 16 vehicles, within a 2-mile radius of Exit 5 of the Pennsylvania Turnpike. The Pennsylvania Public Utility Commission will occupy the space. Proposals Due: March 6, 2000. Solicitation No.: 92952.

Department: Pennsylvania Public Utility Commission
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: Jennings Ward, (717) 787-7412

373883 Lease office space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 2,741 useable sq. ft. of office/clinic space in Delaware County, PA, with minimum parking for 18 vehicles, within the following boundaries: within the Chester City Limits. In areas where street or public parking is not available, an additional 10 parking spaces are required. The Department of Health will occupy the space. Proposals Due: March 27, 2000. Solicitation No.: 92953.

Department: Health
Location: 505 North Office Building, Harrisburg, PA 17125
Duration: N/A
Contact: John Hocker, (717) 787-4396

Sanitation—36

119750008 Contractor shall provide services for the pick-up and removal of municipal waste (garbage) and specific residual waste at the State Correctional Institution at Smithfield. Contractor shall supply one 30 cu. yd. compactor and three 6 cu. yd. dumpsters. Interested bidders should contact the Purchasing Department, in writing to request a bid package or by fax (814) 946-7339.

Department: Corrections
Location: State Correctional Institution at Smithfield, 1120 Pike Street, P. O. Box 999, Huntingdon, PA 16652
Duration: July 1, 2000 through June 30, 2003
Contact: Peggy A. Chilcote, (814) 643-6520, Ext. 125

38630669901 Latrine pumping; Sludge removal from water and sewage treatment plants.

Department: Conservation and Natural Resources
Location: Gifford Pinchot State Park, 2200 Rosstown Road, Lewisberry, PA 17339
Duration: This is a 2-year contract
Contact: Jesse Taylor, (717) 432-5011

8000-1825 The Contractor shall supply dumpsters and remove trash from the premises at SCI—Waynesburg.

Department: Corrections
Location: SCI—Waynesburg, 373 Prison Road, Waynesburg, PA 15370
Duration: July 1, 2000—June 30, 2003
Contact: Judith Cook, (724) 852-5609

SP-1104600005 Contractor to remove garbage and refuse from the grounds of State Correctional Institution at Laurel Highlands. A site visit is required. Bid package on file at Institution.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: July 1, 2000 through June 30, 2002
Contact: Carole Kolesko, PA, (814) 445-6501, Ext. 347

Security Services—37

FM0091 Provide, Install and Monitor a scan card door locking mechanism security system with internal and external cameras, various security and fire detectors for first floor offices, garages and basement boiler rooms. For Technical questions contact Craig Bolinger, (724) 439-7382. To request a copy of specifications fax request to Contracting Support, (717) 783-7971.

Department: Transportation
Location: PennDOT District 12, Box 459, North Gallatin Avenue, Uniontown, PA 15401
Duration: Proposed Bid Date—April 2000, 120 Calendar Days
Contact: Contracting Support Section, (717) 772-8444

M-504 Contractor will provide price quotation for a high power omnidirectional siren system for the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Frackville, PA. Bid specifications/package may be requested in writing by U. S. Mail or fax (570) 621-3096 to the Purchasing Agent of the institution.

Department: Corrections
Location: SCI—Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: N/A
Contact: Ann M. Gavalva, Purchasing Agent, (570) 773-2158

Vehicle, Heavy Equipment Services—38

SP-110460004 Contractor to provide bucket truck and operator as often as required to change lamps, ballasts and perform general maintenance to pole lights and high mast lighting located on the grounds at the State Correctional Institution at Laurel Highlands. A site visit is required. Bid package on file at Institution.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: July 1, 2000 through June 30, 2001
Contact: Carole Kolesko, PA, (814) 445-6501, Ext. 347

4420-1 Vendor to provide service and/or parts for two Bourg Collators located at 110 S. 17th Street, Harrisburg, PA.

Department: General Services
Location: 110 S. 17th Street, Harrisburg, PA 17104
Duration: Contract is being requested for 2 years beginning April 15, 2000 and ending May 14, 2002
Contact: Dan Gilham, (717) 787-8884

Miscellaneous—39

RFP # 002500-02 Vendor to provide the State Correctional Institution at Dallas a Drug and Alcohol Program (Therapeutic Community) for the period October 1, 2000 to June 30, 2004.

Department: Corrections
Location: State Correctional Institution, Follies Road, Dallas, PA 18612
Duration: October 1, 2000 to June 30, 2004
Contact: Robert Faneck, Business Manager, (570) 675-1101, Ext. 215

73200-99-35 Broadcloth: 50/50 poly/cotton, width 60/61"; Thread count 96 x 56 wrap and fill. Minimum weight 3.0 oz. per sq. yd. average residual shrinkage 1-2%. Solid Pastel Colors. To be bid approximately quarterly as needed.

Department: Corrections
Location: Correctional Industries, State Correctional Institution, Follies Road, Dallas, PA 18612
Duration: FY 99—00
Contact: Joseph P. Kanjorski, (570) 773-2158, Ext. 560

PGC-2625 Black dress gloves—300 pair; Men's black dress socks—800 pair; Men's heavyweight, dark green socks—500 pair; Pre-tied neckties with spring clip attachment, forest green—1,500; and PA coat-of-arms tie tac with bar and chain fastener (GEMSCO brand or approved equal)—1,000. Additional information will be included in bid package. Items will be awarded on a line item basis, and not as one lot.

Department: Game Commission
Location: Game Commission, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: N/A
Contact: Linda Beaver or Diane Shultz, (717) 787-6594

0500-R/W 222-001-002 Sealing and Boarding of Vacant Buildings, SR 222-001-002 Lehigh County.

Department: Transportation
Location: Lehigh County
Duration: Open
Contact: William C. Skrapits, (610) 336-4840

00780022 Refurbish Existing Swimming Pool.

Department: Public Welfare
Location: White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661
Duration: July 1, 2000—June 30, 2001
Contact: Sandra A. Repak, P.A., (570) 443-4232

K00080 Edinboro University of Pennsylvania is soliciting proposals from qualified vendors for a comprehensive solution to its on-campus duplicating and printing needs. A preproposal conference will be held in mid-February, 2000. The actual date and other details concerning this preproposal conference will be slated in the RFP. Proposals are due in the Purchasing Office, 220 McEnerney Hall, on February 29, 2000 at 2 p.m. To obtain a copy of the Request for Proposals, contact Tom Anderson, online at tanderson@edinboro.edu or by fax, (814) 732-2281.

Department: State System of Higher Education
Location: Edinboro University of Pennsylvania, Edinboro, PA
Duration: Up to 5 years
Contact: Tom Anderson, Contract Specialist, (814) 732-2704

00-6RSAT-GH The Department of Corrections is soliciting proposals to provide drug and alcohol treatment and continuing care services to technical parole violators reincarcerated in the Department of Corrections at the State Correctional Institutions at Graterford and Huntingdon.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: A period up to 3 years
Contact: Suzanne Malhenzie, (717) 975-4973

00-5 The Department of Corrections is soliciting proposals to provide gambling addiction treatment services to male and female inmates newly committed to the State Correctional Institutions at Camp Hill and Muncy.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: A period up to 3 years
Contact: Suzanne Malhenzie, (717) 975-4973

IC-1 Speakers (1 to 4) needed to present 1 to 2 hour presentations on training related topics to a group of approximately 75 people at various times during a 2-day Supervisory Development instructor conference May 16 and 17, 2000.

Department: Public Welfare
Location: Days Inn Penn State, 240 South Pugh Street, State College, PA 16801
Duration: May 16 and 17, 2000
Contact: John Kasputis, (717) 783-9985

SO-205 The State Correctional Institution at Somerset will be soliciting bids for radio repair and maintenance for various makes and models of two-way radio equipment. This service will include occasional adds and moves of equipment. Interested vendors should contact the institution directly for a bid package.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 2000 through June 30, 2002
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

388116909 Site preparation, installation, and all materials for woven wire fence around all or portion of three timber sales located on the Tioga State Forest in Elk, Middlebury and Union Townships, Tioga County. Perimeter of the fences is approximately 24,000 lin. ft.

Department: Conservation and Natural Resources
Location: Tioga State Forest District 16, One Nessmuk Lane, Wellsboro, PA 16901
Duration: October 31, 2000
Contact: William C. Beacom, (570) 724-2868

SH012500 Shirts and trousers for issue to uniformed Bureau of State Parks Staff.

Department: Conservation and Natural Resources
Location: Shawnee State Park, 132 State Park Road, Schellsburg, PA 15559
Duration: Delivery of items by April 15, 2000
Contact: Robert F. Bromley, Park Manager, (814) 733-4218

388116908 Site preparation and installation of six strand high tensile electric deer fence enclosures around all or portion of three timber sales located on the Tioga State Forest in Covington and Elk Townships, Tioga County. Perimeter of the fences is approximately 15,100 lineal feet.

Department: Conservation and Natural Resources
Location: Tioga State Forest District 16, One Nessmuk Lane, Wellsboro, PA 16901
Duration: August 31, 2000
Contact: William C. Beacom, (570) 724-2868

SP-1194600011 Replace bent shaft on coal conveyor and existing iron work located at the Boiler Plant at the State Correctional Institution at Laurel Highlands. A site visit is required. Complete bid available from Institution.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, P. O. Box 631, Somerset, PA 15501-0631
Duration: April 1, 2000 through June 30, 2000
Contact: Carole Kolesko, PA, (814) 445-6501, Ext. 347

FL-260054 Cart, basket, shopping, 12 gauge chassis, permanent sealed ball bearings, 3" front wheel and 4" rear wheel, carts to be marked "PLCB" on handle and placard to indicate "DO NOT PLACE CHILD IN CARTS" on front of cart.

Department: Liquor Control Board
Location: Philadelphia and Pittsburgh
Duration: One time purchase
Contact: Leland E. Scott, Jr., (717) 787-9854

SO-206 The State Correctional Institution at Somerset will be soliciting bids for labor, equipment, materials, repair parts and replacement components necessary to repair and maintain dietary equipment to include Baker's Aid, Cleveland and Hobart Brands. Vendor must be within a distance to allow for emergency repairs within one working day after initial contact by the institution.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 2000 through June 30, 2001
Contact: Theresa Solarczyk, Purchasing Agent II, (814) 443-8100, Ext. 311

[Pa.B. Doc. No. 00-234. Filed for public inspection February 4, 2000, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
1305-01	01/20/00	Jerry's Sport Center Inc.	100,000.00
1305-01	01/20/00	Grindel Sales Corp.	50,000.00
1305-01	01/20/00	Markl Supply Co.	75,000.00
1305-01	01/20/00	PA Police Supply Co.	75,000.00
1305-01	01/20/00	Zero Ammunition Company Inc.	50,000.00
7520-01	02/01/00	Adolph Sufrin Inc.	41,641.00
7520-01	02/01/00	King Medical and Business Forms	18,568.00
7520-10	02/01/00	Pyramid School Products	16,344.00
1136169-01	01/25/00	W. C. Borroughs & Assoc.	51,611.38
1174389-01	01/25/00	Tree Essentials Co.	52,916.00

Requisition or Contract #	PR Award Date or Contract Effective Date	To	In the Amount Of
1249119-01	01/25/00	Vieldhouse Machinery Co. Inc.	45,130.00
1251119-01	01/25/00	Wynn Environmental Sales Co.	29,522.00
1258119-01	01/25/00	Firewicz Construction Inc.	18,960.00
1266119-01	01/25/00	Beaver Steel Services Inc.	18,898.50
1302119-01	01/25/00	Razor Wire International LLC	807,409.89
8057520-01	01/25/00	Roll Systems Inc.	22,260.00
8250170-01	01/25/00	Manheim Chrysler Plymouth GMC Truck	70,800.00
8250170-02	01/25/00	E-Town Dodge	63,000.00
8250410-01	01/25/00	ABC Groff	197,782.00
8250420-01	01/25/00	ABC Groff	102,891.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-235. Filed for public inspection February 4, 2000, 9:00 a.m.]

