

# PENNSYLVANIA BULLETIN

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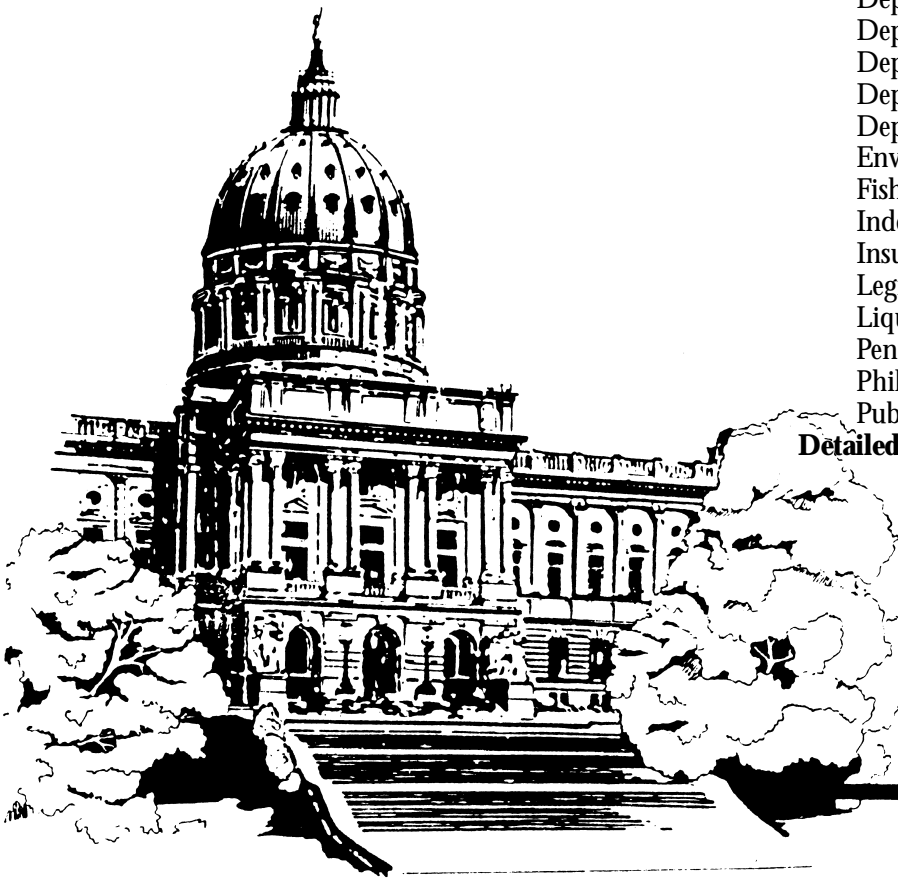
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**No. 319, June 2001**

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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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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CHS. 200 AND 2220]

Amendment of Rule Governing Motions for Compulsory Nonsuit; No. 352 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 30th day of May, 2001, the Pennsylvania Rules of Civil Procedure are amended as follows:

I. Rule 230.1 is rescinded and new Rule 230.1 is promulgated to read as follows.

II. Subdivisions (f), (g) and (h) of Rule 2231 are rescinded and notes are added to read as follows.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 230.1. Compulsory Nonsuit at Trial.

(a)(1) In an action involving only one plaintiff and one defendant, the court, on oral motion of the defendant, may enter a nonsuit on any and all causes of action if, at the close of the plaintiff's case on liability, the plaintiff has failed to establish a right to relief.

(2) The court in deciding the motion shall consider only evidence which was introduced by the plaintiff and any evidence favorable to the plaintiff introduced by the defendant prior to the close of the plaintiff's case.

**Official Note:** Subdivision (a) changes the prior practice whereby the entry of a compulsory nonsuit was precluded when any evidence had been presented by the defendant.

If a motion for compulsory nonsuit is granted, the plaintiff may file a written motion to remove the nonsuit. See Rule 227.1

(b) In an action involving more than one plaintiff, the court may not enter a compulsory nonsuit as to any plaintiff until the close of the case of all the plaintiffs.

(c) In an action involving more than one defendant, the court may not enter a nonsuit of any plaintiff prior to the close of the case of all plaintiffs against all defendants. The nonsuit may be entered in favor of

(1) all of the defendants, or

(2) any of the defendants who have moved for nonsuit if all of the defendants stipulate on the record that no evidence will be presented that would establish liability of the defendant who has moved for the nonsuit.

**Official Note:** The term "defendants" includes additional defendants.

#### CHAPTER 2220. JOINDER OF PARTIES

#### Rule 2231. Effect of joinder; practice in general.

\* \* \* \* \*

(f) [A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded.] Rescinded.

(g) [In an action in which plaintiffs have been joined in the alternative

(1) a compulsory nonsuit shall not be entered against any plaintiff until the close of the case of all the plaintiffs;

(2) unless a compulsory nonsuit is entered against all plaintiffs, the court, upon the conclusion of the trial as to all parties, but not before, may direct a verdict for any defendant against any plaintiff who, upon all the evidence, regardless of the party by whom offered, is not entitled to recover.] Rescinded.

**Official Note:** See Rule 226(b) for the entry of a directed verdict and Rule 230.1(b) for the entry of a compulsory nonsuit.

(h) [In an action in which defendants have been joined in the alternative

(1) a compulsory nonsuit of any plaintiff in favor of any or all of the defendants shall not be entered prior to the close of the case of all plaintiffs against all defendants;

(2) unless a compulsory nonsuit is entered against all plaintiffs as to all defendants, the court upon the conclusion of the trial as to all parties, but not before, may direct a verdict in favor of each defendant as to whom the evidence, regardless of the party by whom offered, does not warrant a finding by the jury that such defendant is liable jointly, severally or separately to any plaintiff.] Rescinded.

**Official Note:** See Rule 226(b) for the entry of a directed verdict and Rule 230.1(c) for the entry of a compulsory nonsuit.

#### Explanatory Comment

The amendments revise the rules of civil procedure governing joinder of parties and compulsory nonsuit.

#### I. Rule 230.1. Compulsory Nonsuit at Trial.

##### 1. New Rule 230.1

It is intended that Rule 230.1 becomes a comprehensive rule governing compulsory nonsuits. The provisions of former Rule 230.1 which govern a compulsory nonsuit in an action involving only one plaintiff and one defendant are now included in subdivision (a) of new Rule 230.1.

The provisions of subdivisions (g) and (h) of Rule 2231 govern a compulsory nonsuit in "an action in which plaintiffs have been joined in the alternative" and "an action in which defendants have been joined in the

alternative.” These provisions are transferred to new Rule 230.1 as subdivisions (b) and (c) but with the deletion of the reference to parties joined in the alternative. Rather, the new provisions apply to “an action involving more than one plaintiff” and “an action involving more than one defendant.” The new rule is of broader general application.

The final two sentences of former Rule 230.1, “If the motion is not granted, the trial shall proceed. If the motion is granted, the plaintiff may file a written motion for the removal of the nonsuit,” are not retained in the new rule. However, this does not represent a change in practice. The first sentence has been not been retained since it is a statement of an obvious principle. The provision contained in the second sentence is already governed by Rule 227.1 and a cross-reference to Rule 227.1 is included in the Note following subdivision (a)(2) of new Rule 230.1.

### 2. Effect of Introduction of Evidence by Defendant

Former Rule 230.1 permits the entry of a compulsory nonsuit “before any evidence on behalf of the defendant has been introduced.” The situation arises in which a defense witness, of necessity, must be taken out of sequence and heard prior to the close of the plaintiff’s case because of the witness’ unavailability to testify during the defendant’s case. If a defense witness is heard during the plaintiff’s case, the rule prohibits the court from entering a compulsory nonsuit.

The Supreme Court of Pennsylvania in *Harnish v. School District of Philadelphia*, 557 Pa. 160, 732 A.2d 596 (1999) recently observed that the rule might have been written differently, 557 Pa. at 165, 732 A.2d at 599:

If the rule had been intended to permit a court to consider a nonsuit even after the defendant has introduced evidence, presumably the rule could have expressed that although a nonsuit may be granted after defendant has introduced evidence, the court must consider only plaintiff’s evidence as if no evidence had been introduced by the defendant.

The amendment adopts this supposition by the Supreme Court.

Quoting from *Atlantic Richfield Co. v. Razumic*, 480 Pa. 366, 390 A.2d 736 (Pa. 1978), the Supreme Court stated the rationale for the former rule:

“A motion for compulsory nonsuit allows a defendant to test the sufficiency of a plaintiff’s evidence. . . . To assure that the trial court considers the motion only on the basis of evidence favorable to the plaintiff, the Act expressly limits the court’s authority to grant a nonsuit to those instances where a defendant has “offered no evidence.”

However, as the Supreme Court noted in the *Harnish* case, “[t]here are many situations in which reviewing courts simply rely on trial courts to ignore improper evidence and accept the trial court’s statement that such evidence was not considered.” 557 Pa. at 165, 732 A.2d at 599. Consequently, new Rule 230.1(a) provides that if the defendant presents evidence prior to the close of the plaintiff’s case, the court shall consider, in addition to the plaintiff’s evidence, only that defense evidence which is “favorable to the plaintiff.”

The amendments do not change the nature of the motion for compulsory nonsuit. It remains a means of testing the sufficiency of the plaintiff’s evidence at the close of the plaintiff’s case. The new Rule does, however, ameliorate the problem set forth above. Otherwise, once the plaintiff’s case has ended and the defendant’s case has begun, the defendant’s remedy will continue to be a motion for a directed verdict.

### 3. Defendants entitled to nonsuit

Rule 2231(h) provides for the entry of a nonsuit “in favor of any or all of the defendants.” This language was inappropriate since under the former rule, as Goodrich-Amram 2d § 2231(h):1 points out that a nonsuit may be entered only in favor of all defendants and not in favor of fewer than all defendants:

But if the plaintiff makes out a prima facie case against one or more of the defendants, then, as a practical matter, there will be no nonsuit proceedings at all. No motion can be made by the defendants until all their evidence is in. This is, of course not a nonsuit, but a motion for a directed verdict.

New Rule 230.1(c) reflects this situation by continuing to provide that the court can enter a nonsuit in favor of all defendants. However, the rule adds the innovation that the court can enter judgment in favor of fewer than all defendants only “if all of the defendants stipulate on the record that no evidence will be presented that would establish liability of the defendant who has moved for the nonsuit.”

## II Rule 2231. Effect of Joinder. Practice in General.

The amendments affect Rule 2231 in three respects:

First, subdivision (f) of Rule 2231 provides that “A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded.” The subdivision has been described in Goodrich Amram § 2231(f):1 as “an unnecessary statement of an obvious rule” and is rescinded.

Second, as noted above, the substance of subdivisions (g)(1) and (h)(1) governing compulsory nonsuits has been transferred to new subdivisions (b) and (c) of new Rule 230.1.

Third, subdivisions (g)(2) and (h)(2) of Rule 2231 which govern directed verdicts in cases involving plaintiffs and defendants joined in the alternative are rescinded as well. However, unlike the nonsuit provisions, they are not carried over to Rule 226(b) governing directed verdicts generally. These provisions, which permit the court to direct a verdict “upon conclusion of the trial as to all parties, but not before,” are unnecessary in light of the existing language of Rule 226(b) which provides “At the close of all the evidence, the trial judge may direct a verdict upon the oral or written motion of any party.”

*By the Civil Procedural Rules Committee*

REA BOYLAN THOMAS,  
Chair

[Pa.B. Doc. No. 01-1033. Filed for public inspection June 15, 2001, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Distribution of Business Within the Court of Common Pleas: Nonprofit Corporations; No. 2000-03

The Pennsylvania Rules of Judicial Administration provide that the Orphans' Court Division of the Court of Common Pleas shall hear and determine certain matters dealing with nonprofit corporations. See Pa. R.J.A. No. 2156. This Joint General Court Regulation is designed to implement Pa. R.J.A. No. 2156 in the Court of Common Pleas of Philadelphia County and to provide for the efficient and timely transfer of cases between the Trial and Orphans' Court Divisions.

1. *Matters To Be Heard By The Orphans' Court Division.* All matters concerning the following shall be heard by the Orphans' Court Division:

a. The administration and proper application of property committed to charitable purposes, as defined, held or controlled by any domestic or foreign nonprofit corporation;

b. Matters arising under Title 15 of the Pennsylvania Consolidated Statutes (involving corporations and unincorporated associations) which hold or control any property committed to charitable purposes;

c. Any other matter which involves the application, interpretation or enforcement of any law regulating the affairs of nonprofit corporations holding or controlling any property committed to charitable purposes or regulating the affairs of members, security holders, directors, officers, employees or agents of nonprofit corporations holding or controlling any property committed to charitable purposes.

2. *Definition of "Property Committed to Charitable Purposes."* For the purposes of this regulation, "property committed to charitable purposes" means all property committed to the relief of poverty, the advancement of education, the advancement of religion, the promotion of health, governmental or municipal purposes and other purposes, the accomplishment of which is beneficial to the community, except that the term does not include the property of any inter vivos trust jurisdiction of which was acquired by the Court of Common Pleas prior to January 1, 1969 unless the President Judge of the Court orders the matter to be heard and determined in the Orphans' Court Division.

3. *Matters To Be Heard By The Trial Division.* All other matters involving a nonprofit corporation shall be heard in the Trial Division.

4. *Transfers.* All matters filed in, or assigned to, the incorrect division shall be reassigned.

*Comment:* The assignment of matters under this rule will depend on the nature of the underlying action. For example, an action involving one or more nonprofit corporations concerning an ordinary tort or contract claim will be assigned to the Trial Division. An action involving one or more nonprofit corporations concerning the proper application of property committed to charitable purposes, or the rights and obligations of members, directors or officers of such nonprofit corporations, will be assigned to the Orphans' Court. The mere possibility that an ordinary tort or contract claim could result in a judgment for or

against a nonprofit corporation will not cause a matter to be assigned to the Orphans' Court.

*By the Court*

JOHN W. HERRON,  
*Administrative Judge  
Trial Division*

JOSEPH D. O'KEEFE,  
*Administrative Judge  
Orphans' Court Division*

This Joint General Court Regulation is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ.★51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for Joint General Court Regulations and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Joint General Court Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. The Joint General Court Regulation is also available on the Court's website at <http://courts.phila.gov>.

[Pa.B. Doc. No. 01-1034. Filed for public inspection June 15, 2001, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Appointment of Counsel Policies and Procedures and Revised Fee Bill; Administrative Doc. No. 2 May 2001

##### Order

Now, this 21st day of May, 2001, upon recommendation of the Court's Committee on Appointed Counsel, it is hereby *Ordered* that the policy regulating the appointment of counsel in all Criminal cases before the Judges of the Court of Common Pleas of Allegheny County is adopted for appointments of counsel made on or after July 1, 2001.

It is further *Ordered* that the District Court Administrator of Allegheny County publicize this policy in the *Pennsylvania Bulletin* forthwith.

*By the Court*

GERARD M. BIGLEY,  
*Administrative Judge*

#### Policies and Procedures Governing Court Appointed Counsel

##### I. General Guidelines

A. The appointment of counsel for criminal cases shall be at the discretion of each Common Pleas Judge and shall require a written motion of the Public Defender of Allegheny County setting forth the basis for conflict. The Office of Public Defender, upon reasonable notice of the court, shall make itself available to the Appointment Judge.

B. The Criminal Division shall maintain a list of eligible attorneys available for appointments. Attorneys interested in being considered for appointments shall submit a letter and summary of criminal defense experience to the Administrative Judge of the Criminal Division.

C. Immediately upon appointment, counsel shall prepare the Appointment Order (form 24A) for judicial signature and shall file this Order with an Entry of Appearance in the Clerk of Courts Office. Copies of the Appointment Order shall be provided to the Appointing Judge and District Court Administrator.

D. The Administrative Judge shall make all appointments of counsel to eligible cases in which there has been no assignment of a Common Pleas Judge. This shall include but is not limited to Preliminary Hearings.

E. Attorneys receiving appointments agree to accept and adhere to the policies and procedures as set forth in this document including the Pro Bono section.

*II. Fee Schedule*

A. Necessary Preparation	\$50.00 per hour
B. Court Appearance	
1. Full Court Day	\$500.00
2. Half Court Day	\$250.00
C. Expert Fees	
1. Preparation	\$50.00 per hour
2. Full Court Day	\$500.00
3. Half Court Day	\$250.00
D. Investigator Fees	\$30.00 per hour
E. Post Conviction Relief Act Petitions	\$50.00 per hour

*III. Fee Guidelines*

Court-appointed invoices in excess of the following amounts shall require the approval and signature of both the appointment Judge and the Administrative Judge of the Criminal Division.

A. Homicide Cases	\$5,000.00
B. Jury Trials (non-homicide)	\$3,000.00
C. Non-Jury Trial	\$1,000.00
D. Pleas	\$ 750.00
E. Preliminary Hearings	\$ 250.00
F. Expert Fees	\$1,500.00
G. Investigator Fees	\$ 500.00
Post Conviction Relief Act	
H. Petitions	\$1,500.00

*IV. Pro Bono Program*

- A. Attorneys accepting appointments under this program shall participate in pro bono work.
- B. Participating attorneys shall submit one pro bono invoice for every four appointments (25%). Attorneys submitting invoices must designate the pro bono case upon submission of the invoice to the appointing judge.

- C. The Criminal Division shall maintain a record of all appointments and enforce this policy. Failure to comply with the Pro Bono requirements may result in designation by the court of pro bono work upon invoices received.
- D. The District Court Administrator shall report quarterly to the Judges of the Criminal Division concerning the Pro Bono work of all participating attorneys.

*V. Billing Guidelines*

- A. All invoices shall be submitted by appointed counsel to the Appointment Judge and must be submitted on Firm letterhead to include address and telephone number, be dated, and take the following form:
  - 1. A chronological listing of appointment work with dates, amount of time devoted to the legal work, and associated expense
  - 2. Clearly identify miscellaneous expenses (copying, postage, etc.) and include actual receipts
  - 3. Include statements of services rendered by experts and investigators
  - 4. Attach a copy of the Order of Appointment and Entry of Appearance.
  - 5. Include a completed Payment Order (Form 24B) for execution by the Appointing Judge and Administrative Judge, if necessary.
- B. Counsel must submit requests for payment within 60 days of case completion. For the purpose of this policy, case completion shall be defined as:
  - 1. Not Guilty Verdict
  - 2. Sentencing (if no post-sentence motions)
  - 3. Disposition of post-sentence motions
  - 4. Dismissal/Withdrawal of Charges (Includes Preliminary Hearing)
  - 5. Disposition of Post Conviction Hearing Act Petition
  - 6. Acceptance into the Accelerated Rehabilitation Disposition/Probation Without Verdict Programs
  - 7. Disposition of Appeal
- C. The following limitations are established by the policy:
  - 1. The Court will not reimburse for preparation on the same day as the trial/plea/ARD
  - 2. The Court will not reimburse for more than two 1/2 days nor one full day per attorney per day
  - 3. The Court will not reimburse for a full day in Criminal Court if counsel has submitted an invoice for work performed in another Division of the Court on the same day.

*VI. Billing Procedures*

- A. Upon approval of counsel's request for payment, the Criminal Division shall forward the required documents to the Office of Court Administrator, Fiscal Affairs Department.

- B. The Fiscal Affairs Department shall promptly review the documents and post the transaction to the Court's respective account, prepare a payment voucher, and forward to the Office of County Controller.
- C. The Court will make every effort to assure payment within 14 days of receipt of the invoice.
- D. The following issues may cause delay in prompt payment and or rejection of any expense or invoice:
1. Failure to submit within the established time restraints
  2. Failure to submit required receipts
  3. Failure to notify the Fiscal Affairs Department of a change of address
  4. Failure to correctly complete a W-9 form
  5. Failure to comply with any provision of this policy
  6. Inquiry of the Court's Fiscal Affairs Department
  7. Controller Office inquiry
- E. The Fiscal Affairs Department shall make every effort to resolve any issue with counsel. In the event resolution is not made, the matter shall be referred to the District Court Administrator or his designee. Counsel shall be paid for any portions of the invoice not under review. The District Court Administrator, in consultation with the appointing Judge and Administrative Judge of the Criminal Division, shall attempt to resolve the issue promptly.
- F. The Fiscal Affairs Department shall not have discretion to resolve any invoices submitted beyond established time restraints. Counsel shall be notified of the matter and may petition the appointing Judge for relief.

[Pa.B. Doc. No. 01-1035. Filed for public inspection June 15, 2001, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### CAMBRIA COUNTY

**Local Rule of Court Pursuant to Rule 1018.1 of the  
Pennsylvania Rules of Civil Procedure; Misc. No.  
2001-1895**

#### Administrative Order of Court

*And Now*, this 2nd day of March, 2001, it is hereby *Ordered* and *Decreed*, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that the Cambria County Court of Common Pleas hereby *Amends* Local Rule of Civil Procedure 1018.1CC governing Notice in Pleadings as follows:

(a) 1018.1CC:

In compliance with Rule of Civil Procedure 1018.1, the agency to be named in the notice from whom legal help can be obtained shall be

Laurel Legal Services, Inc.  
225-227 Franklin Street—Suite 400

Franklin Center  
Johnstown, PA 15901  
Telephone: (814) 536-8917  
Fax: (814) 535-3377

(b) This Rule shall become effective thirty (30) days after its publication in the *Pennsylvania Bulletin* and shall be promulgated in the manner provided by Pa.R.C.P. 239(c). Until this Rule becomes effective, service in Cambria County shall only be made in a manner consistent with this Order.

It is further *Ordered* that the Court Administrator of Cambria County shall file seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts; file two (2) certified copies of this Administrative Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; file one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee; forward one (1) copy for publication in the *Cambria County Legal Journal*; forward one (1) copy to the Cambria County Law Library; and keep continuously available for public inspection a copy of this Order and Rule in the Prothonotary's Office.

*By the Court*

GERALD LONG,  
*President Judge*

[Pa.B. Doc. No. 01-1036. Filed for public inspection June 15, 2001, 9:00 a.m.]

### LANCASTER COUNTY

**Road Matter Documents; Prothonotary Administrative  
Doc. No. 1**

#### Administrative Order

*And Now*, May 16, 2001, I direct, pursuant to 42 Pa.C.S.A. § 2756(b)(2) and in consideration of the Waiver of the Clerk of Courts, that, effective July 1, 2001, the filing of all applications for relief or other documents relating to road matters must be in the Office of the Prothonotary and that all existing records, which relate to such matters and which are filed in the Office of the Clerk of Courts, must be transferred to the Office of the Prothonotary.

*By the Court*

MICHAEL A. GEORGELIS,  
*President Judge*

#### Waiver

I, David S. Hickernell, Clerk of the Court of Lancaster County, do hereby waive the requirement that all documents regarding Road Matters be filed and maintained in the Office of the Clerk of the Courts. Effective July 1, 2001, all records relating to Road Matters will be transferred to the Office of the Lancaster County Prothonotary. Notice is hereby given that all future such filings will be handled in the Office of the Prothonotary.

DAVID S. HICKERNELL,  
*Clerk of the Courts*

[Pa.B. Doc. No. 01-1037. Filed for public inspection June 15, 2001, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Disbarment

Notice is hereby given that Peter S. Navon, having been disbarred from the practice of law in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated May 31, 2001, that Peter S. Navon is Disbarred by Consent from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since

this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 01-1038. Filed for public inspection June 15, 2001, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

[31 PA. CODE CH. 118]

#### Discounting Medical Malpractice Loss Reserves

The Insurance Department (Department) amends §§ 118.1—118.3 and 118.6 to read as set forth in Annex A.

##### *Statutory Authority*

The final-form regulations are adopted under the authority of The Insurance Company Law of 1921 (40 P. S. §§ 341—999); The Insurance Department Act of 1921 (40 P. S. §§ 1—321); and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412).

##### *Comments and Response*

Notice of proposed rulemaking was published at 30 Pa.B. 5452 (October 21, 2000) with a 30-day comment period. During the 30-day comment period, comments were received from the Insurance Federation of Pennsylvania, Inc. (IFP) and the Professional Insurance Agents Association of Pennsylvania, Maryland and Delaware, Inc. (PIA). During its regulatory review, the Independent Regulatory Review Commission (IRRC) submitted comments to the Department. The following is a response to those comments.

The IFP supported the rulemaking in its entirety.

The PIA asked how the Department determined that there would be no fiscal impact. The PIA stated that it “[...] has always understood that the Insurance Department has always considered investment income during the rate review process. This consideration thus reduced the ultimate rate approved in accordance with the statutory duty of the Commissioner that rates shall not be excessive, inadequate or unfairly discriminatory. By not permitting loss reserve discounting, it would appear that rates would have to be adjusted upward to compensate in the rate filing. That would produce higher premium rates to policyholders, however, PIA recognizes that premiums may remain the same.”

Discounting is a reflection of investment income, which is one of many factors that insurance companies take into account in setting rates. As a practical matter, the impact that discounting may have on insurance rates is a reflection of a particular insurance company's financial strength. Currently, only one medical malpractice insurer in this Commonwealth discounts its loss reserves. Because this company has more than adequate reserves, the Department does not anticipate that its rates will increase due to the amendments to this rulemaking. The rulemaking should have no impact on the rates of the remaining insurance carriers writing medical malpractice insurance in this Commonwealth because none of these insurers discount their loss reserves.

In addition, in January 2001, the National Association of Insurance Commissioners (NAIC) required all insurers to follow the recently adopted Statements of Statutory Accounting Principles which specifically prohibits discounting of medical malpractice loss reserves unless the insurer is allowed to do so by statute or regulation or requests a permitted practice from the Department (or other regulatory authority). Also, the majority of the

states do not permit discounting of loss reserves. Therefore, the phase out of discounting in this Commonwealth should have minimal impact on the insurers engaged in the business of medical malpractice insurance.

During its 30-day review, IRRC questioned whether an effective date of January 1, 2001, was feasible, as that date has passed. IRRC recommended that § 118.3(4) (relating to restrictions on discounting loss reserves) be revised to apply prospectively to policies that become effective after the date of publication of the final-form regulations.

The Department has no objection to making this change. Discounting will not be permitted on policies sold on or after the effective date of the rulemaking.

##### *Affected Parties*

The rulemaking applies to insurance companies doing the business of medical malpractice insurance in this Commonwealth.

##### *Fiscal Impact*

###### *State Government*

There will be no increase in cost to the Department due to the amendment of Chapter 118 (relating to discounting of medical malpractice loss reserves).

###### *General Public*

There will be no fiscal impact to the public.

###### *Political Subdivisions*

The rulemaking will not impose additional costs on political subdivisions.

###### *Private Sector*

The rulemaking will not impose additional costs of insurance companies doing the business of medical malpractice insurance in this Commonwealth.

###### *Paperwork*

The adoption of the rulemaking will not impose additional paperwork on the Department or the insurance industry.

##### *Effectiveness/Sunset Date*

This rulemaking becomes effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned.

##### *Contact person*

Any questions regarding this rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. In addition, questions may be e-mailed to [psalvatore@state.pa.us](mailto:psalvatore@state.pa.us) or faxed to (717) 772-1969.

##### *Regulatory review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 11, 2000, the Department submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 5452, to IRRC and to the Chairpersons of the Senate Committee on Banking and Insurance and the House Committee on Insurance. In addition to the submitted regulations, the Department has provided IRRC and the Committees with a copy of a detailed



Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation."

Under section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received. A copy of that material is available to the public upon request.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), on May 9, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 17, 2001, and approved the final-form regulations.

*Findings*

The Commissioner finds that:

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

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

*Order*

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

(a) The regulations of the Department, 31 Pa. Code Chapter 118, are amended by amending §§ 118.1, 118.2 and 118.6 to read as set forth at 30 Pa.B. 5452 and by amending § 118.3 to read as set forth in Annex A.

(b) The Commissioner shall submit this order, 30 Pa.B. 5452 and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order, 30 Pa.B. 5452 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The regulations adopted by this order shall take effect upon final publication in the *Pennsylvania Bulletin*.

DIANE KOKEN,  
*Insurance Commissioner*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 2855 (June 2, 2001).)*

**Fiscal Note:** Fiscal Note 11-197 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 31. INSURANCE**

**PART VII. PROPERTY, FIRE AND CASUALTY INSURANCE**

**CHAPTER 118. DISCOUNTING OF MEDICAL MALPRACTICE LOSS RESERVES**

**§ 118.3. Restrictions on discounting loss reserves.**

The discounting of loss reserves is subject to the following limitations:

(1) The loss reserves discounted to present value in accordance with this chapter may not be less than those required in accordance with section 313(b) of the act (40 P.S. § 112(b)).

(2) The maximum rate of interest which an insurer may assume for purposes of discounting is 6%.

(3) An insurer may request an exception to the maximum interest rate in paragraph (2) if the insurer can demonstrate to the satisfaction of the Commissioner that its investment yield justifies a higher interest rate assumption. The Commissioner may require the insurer to submit additional documentation to support its request for approval of a higher interest rate assumption. The Commissioner will act upon requests for exceptions made under this paragraph within 90 days of the date the request is received by the Insurance Department.

(4) An insurer may not discount loss reserves or loss adjustment expense reserves for policies with an effective date on or after June 16, 2001.

(5) An insurer may not discount loss reserves or loss adjustment expense reserves after December 31, 2010.

[Pa.B. Doc. No. 01-1039. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Title 37—LAW**  
**CORONERS' EDUCATION BOARD**  
**[37 PA. CODE CH. 199]**  
**Education Requirements**

The Coroners' Education Board (Board), housed in the Office of Attorney General, by this order adds Chapter 199 (relating to duties of the Coroners' Education Board) to read as set forth in Annex A.

This final-form rulemaking was adopted by the Board at its meetings of January 18, 2000, and November 13, 2000.

*A. Effective Date*

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

*B. Contact Persons*

For further information contact Andrea F. McKenna, Senior Deputy Attorney General, Office of Attorney General, 16th floor, Strawberry Square, Harrisburg, PA 17120, (717) 787-6348, amckenna@attorneygeneral.gov or Gwendolyn Casey, Executive Secretary to the Board, Office of Attorney General, 16th Floor Strawberry Square, Harrisburg, PA 17120, (717) 783-3014, gcasey@attorneygeneral.gov.

*C. Statutory Authority*

Final-form rulemaking is made under authority of section 6 of the act of March 2, 1988 (P.L. 108, No. 22), known as the Coroners' Education Board Law (act) (16 P.S. §§ 9525.1—9525.6) and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

*D. Background and Purpose*

Final-form rulemaking regulates the duties of the Board as set forth in the act to establish a course of instruction to be given to coroners upon first election to office as well as to chief deputy and full-time deputy coroners; to prepare a written examination to be given at the conclusion of each course of instruction; to set tuition for the courses of instruction; to determine what offerings qualify for continuing education requirements; and to notify the Governor or the appropriate county officer

when persons bound by the act fail to comply with its requirements. These regulations codify existing practices of the Board in carrying out its statutory duties and provides guidance to coroners and their deputies bound by the provisions of the act.

*E. Summary of Regulatory Requirements and Changes from Proposed to Final*

These regulations are the first regulations promulgated by the Coroners' Education Board. A summary of final-form rulemaking follows:

**Chapter 199. Coroners' Education Board**

*§ 199.1. Definitions.*

Section 199.1 defines terms used as words of art in the regulation of activities of the Board, namely: "act," "Basic Education Course," "Board," "certification," "continuing education," "examination," "full-time deputy coroner" and "just-cause." Final rulemaking enlarges the definition of "just-cause" to include "instances when an appointment to fill a vacancy occurs prior to the next scheduled Basic Education Course."

*§ 199.2. Application of act.*

Section 191.2 designates the categories of persons subject to final-form rulemaking.

*§ 199.3. Appeal.*

Final-form rulemaking adds § 199.3 which provides that any coroner or deputy aggrieved by a decision of the Board has the right to appeal according to the provisions of 2 Pa.C.S. (relating to administrative law and procedure).

*§ 199.11. Board chairperson.*

This provision establishes how and when the Board will elect its chairperson.

*§ 199.12. Temporary chairperson.*

This section describes the process by which a temporary chairperson will be selected in the absence of the elected chairperson. Final-form rulemaking clarifies that approval of the temporary chairperson is to come from the majority of Board members present.

*§ 199.13. Meeting schedule.*

This provision establishes the number of times the Board will meet yearly and establishes when the annual meeting schedule is to be set.

*§ 199.21. General requirement.*

This section addresses the general requirement that all newly elected coroners and newly appointed chief deputy and full-time deputy coroners attend the Basic Education Course and pass the examination. The provision states the minimum hours of necessary instruction and the time period in which the course will be offered. Final-form rulemaking includes forensic autopsies among the topics to be included in the course of instruction.

*§ 199.22. Basic education costs.*

Final-form rulemaking adds this section which provides that costs for persons statutorily required to take the Basic Education Course are to be the minimum necessary to pay the cost of instruction and room and board and provides that a list of cost options to attend the Basic Education Course will be available from the Board.

*§ 199.23. Postponement for just cause.*

This provision establishes that the Board has discretion to determine "just cause" to postpone compliance with any

provision of the act and establishes a time frame in which persons seeking an exemption must initiate contact with the Board.

*§ 199.24. Exemption for qualified forensic pathologist.*

This section derives from the Board's statutory authority to exempt persons otherwise required to take the Basic Education Course who are physicians licensed and certified in this Commonwealth. This section sets standards for the exercise of that discretion.

*§ 199.25. Exemptions for licensed professionals.*

Taking into account comments informally received from several physicians, and mindful of the specialized knowledge required of coroners, this section establishes that no licensed professionals, other than licensed forensic pathologists, will be eligible for exemption from the requirement of attending the Basic Education Course and passing the examination.

*§ 199.26. Eligibility for certification.*

This provision addresses certification of both persons statutorily required to take the Basic Education Course and pass the examination and also persons who take the course voluntarily.

*§ 199.27. Failure of coroner to attend Basic Education Course or to pass examination.*

This section addresses the notification duties of the Board when a person elected for the first time to the office of coroner fails to attend the Basic Education Course and pass the examination.

*§ 199.28. Failure of chief deputy coroner to attend Basic Education Course or to pass examination.*

This provision addresses the notification duties of the Board when a chief deputy coroner or full-time deputy coroner fails to attend the Basic Education Course and pass the examination.

*§ 199.30. Appointments made more than 6 months prior to course.*

Section 199.30 addresses procedures for meeting basic education requirements when an appointment to office is made more than 6 months prior to the next scheduled Basic Education Course.

*§ 199.41. Continuing education.*

This provision relates to the statutory requirement that coroners and deputy coroners obtain a minimum of 8 hours of continuing education credits in each calendar year. Final-form rulemaking adds the directive that continuing education credits be obtained in subject areas relevant to the statutorily defined duties of coroners and deputy coroners.

*§ 199.42. Approval of course for continuing education credit.*

This provision sets out the procedure for obtaining approval of a course for continuing education. Final-form rulemaking changes the period in which approval must be sought from 3 months to 90 days prior to the date of instruction.

*§ 199.43. Standards for course approval.*

This provision establishes criteria to guide the Board's discretion in approving a course for continuing education credit. Final-form rulemaking enlarges the criteria to include the education and relevant experience of the course instructors.

*§ 199.44. Approval by chairperson.*

Section 199.30 permits the Board chairperson to approve courses for continuing education credit subject to ratification by the Board.

*§ 199.45. Board ratification.*

This section sets the schedule for Board ratification of the chairperson's approval of courses for continuing education credit.

*§ 199.46. Approval by simple majority.*

This provision establishes the required vote for Board ratification of the chairperson's approval of a course for continuing education credit.

*§ 199.47. Unit of credit.*

This section establishes what shall constitute a unit of continuing education credit, limits the amount of continuing education credit available in a calendar year and establishes the amount of continuing education credit to be awarded teachers of approved course.

*§ 199.48. Continuing education for persons required to attend Basic Education Course.*

This provision states continuing education requirements for newly elected and newly appointed coroners and deputies.

*§ 199.49. Failure of coroner to meet continuing education requirements.*

This provision states the action the Board will take in the event a coroner fails to meet yearly continuing education requirements.

*§ 199.50. Failure of chief deputy coroner or full-time deputy coroner to meet continuing education requirements.*

This provision states the action the Board will take in the event a chief deputy coroner or full-time deputy coroner fails to meet yearly continuing education requirements.

*§ 199.61. Statement of Board approval.*

This section informs continuing education course providers of the need to have written authorization from the Board prior to representing that the course offering is approved for continuing education credit.

*§ 199.62. Verification of attendance.*

The provision informs continuing education providers of recordkeeping and notification requirements.

*§ 199.63. Certificate of attendance.*

This section informs continuing education providers of requirements pertaining to certification of attendance.

*§ 199.64. Notification to Board.*

This provision informs course providers of requirements for reporting attendance and credit hours to the Board.

*§ 199.71. Board to maintain current list.*

This section states the Board will keep a list of all currently elected coroners.

*§ 199.72. Coroners' duty to notify Board.*

This provision informs coroners of the responsibility to provide the Board with the names of all chief deputy coroners and full-time deputy coroners. Final-form rulemaking clarifies the relevant time period from 1 month to 30 days following appointment.

*F. Summary of Comments and Responses on the Proposed Rulemaking*

Notice of proposed rulemaking was published at 30 Pa.B. 1871 (April 8, 2000). The Board received comments only from the Independent Regulatory Review Commission (IRRC). All comments submitted to the Board were duly considered and final-form rulemaking was revised to reflect the commentators' suggestions or objections on the proposal.

The comments from IRRC focused on clarity of language and consistency with the enabling statutes. The Board, accordingly, made revisions in final-form rulemaking to comport with the suggestions of the IRRC. For example, the Board has stricken proposed regulations attaching consequences for failure to meet continuing education requirements. This change was made because there is no statutory authority for creating those consequences. At the direction of IRRC, the Board has amended the proposed rulemaking to include notice of the right to appeal decisions of the Board in accordance with provisions of administrative law and procedure. In response to IRRC, the Board has included a proposed regulation pertaining to the fixing of costs for those statutorily required to attend the Basic Education Course. Final-form rulemaking includes a more complete description of the Basic Education Course curriculum and more fully describes standards for Board approval of courses proposed for continuing education credit.

*G. Benefits and Costs*

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

(1) Benefits

In accordance with Executive Order 1996-1, Regulatory Review and Promulgation, the Board has sought in final-form rulemaking to achieve clear and, where possible, nontechnical language. Likewise, it has reviewed and incorporated comments pertaining to clarity of language received from IRRC.

(2) Costs

The final-form regulations will impose no new costs on the private sector or on the general public.

(3) Paperwork requirements

The final-form regulations will not increase paperwork.

*H. Sunset Date*

The Board will continuously monitor its regulations; therefore, no sunset date has been assigned.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 23, 2000, the Board submitted a copy of the proposed rulemaking, published at 30 Pa.B. 1871, to IRRC, the Office of the Budget and the chairpersons of the House and Senate Judiciary Committees. The Board was later notified that the Senate Local Government Committee was to receive proposed rulemaking, in lieu of the Senate Judiciary Committee. This oversight was corrected and a copy of the proposed rulemaking submitted to the Chairperson of the Senate Local Government Committee in June of 2000. IRRC issued written comments on July 24, 2000.

In preparing the final-form regulations, the Board has considered all comments received from the Commission. Neither the Committees nor the public provided comments on the proposed rulemaking.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on April 23, 2001, these final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 3, 2001, and approved the final-form regulations.

#### J. Findings

The Board finds that:

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

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

(3) These amendments to proposed rulemaking do not enlarge the purpose of proposed rulemaking published at 30 Pa. B. 1871.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Part C of this order.

#### L. Order of the Board

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

(a) Title 37 of the Pa. Code is amended by adding §§ 199.1—199.3, 199.11—199.13, 199.21—199.30, 199.41—199.51, 199.61—199.64, 199.71 and 199.72 to read as set forth in Annex A.

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

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

(d) The order shall take effect on publication in the *Pennsylvania Bulletin*.

MICHAEL L. NORRIS,  
*Chairperson*

*(Editor's Note: The addition of §§ 199.3 and 199.30 were not included in the proposal at 30 Pa.B. 1871. The proposal to add § 199.52 has been withdrawn by the Board. For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 2641 (May 19, 2001).)*

**Fiscal Note:** Fiscal Note 59-7 remains valid for the final adoption of the subject regulations.

### Annex A

#### TITLE 37. LAW

#### PART III. AGENCIES AND OFFICES

#### Subpart M. CORONERS

#### CHAPTER 199. CORONERS' EDUCATION BOARD

##### GENERAL

Sec.	
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##### ORGANIZATION OF THE BOARD

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199.26.	Eligibility for certification.
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##### CONTINUING EDUCATION

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199.50.	Failure of chief deputy coroner or full-time deputy coroner to meet continuing education requirements.
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##### RESPONSIBILITY OF EDUCATION PROVIDERS

199.61.	Statement of Board approval.
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199.64.	Notification to Board.

##### REGISTRATION OF CORONERS AND DEPUTIES

199.71.	Board to maintain current list.
199.72.	Coroners' duty to notify Board.

##### GENERAL

#### § 199.1. Definitions.

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

*Act*—The Act of March 2, 1988 (P. L. No. 1988—No. 22) (16 P. S. §§ 9525.1—9525.6).

*Basic Education Course*—The course of instruction required by the act to be given to coroners upon their first election to office and to chief deputy and full-time deputy coroners upon first being appointed to either position.

*Board*—The Coroners' Education Board.

*Certification*—Documentation issued by the Board indicating that education requirements have been met.

*Continuing education*—Yearly educational requirement mandated by the act for every coroner, chief deputy coroner and full-time deputy coroner.

*Examination*—The examination given at the conclusion of the Basic Education Course.

*Full-time deputy coroner*—An individual employed by a county and deemed by the county to be "full-time."

*Just-cause*—Instances such as job-related emergencies, or illness or accident suffered either by a person required to meet basic education requirements or by the person's immediate family or death of the person's immediate family member or in instances when an appointment to fill a vacancy occurs prior to the next scheduled Basic Education Course.

#### § 199.2. Application of act.

Coroners, whether elected or appointed, and their deputies, are subject to the act and of this chapter.

#### § 199.3. Appeal procedure.

A coroner or deputy aggrieved by a decision of the Board has the right to appeal in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

**ORGANIZATION OF THE BOARD**

**§ 199.11. Board chairperson.**

The Board members will elect a chairperson from the Board membership at the first regularly scheduled meeting of each calendar year.

**§ 199.12. Temporary chairperson.**

In the absence of the elected chairperson, any Board member may serve as temporary chairperson with the approval of a majority of the Board members present.

**§ 199.13. Meeting schedule.**

The Board will schedule six regular meetings per calendar year, with the meeting dates to be set at or before the first meeting of the calendar year.

**BASIC EDUCATION COURSE**

**§ 199.21. General requirement.**

Newly elected coroners and newly appointed chief deputy and full-time deputy coroners shall attend the Basic Education Course and pass the examination.

(1) The Basic Education Course is a minimum 32 hours of instruction given between the date of each municipal election and December 31 of that year.

(2) The course of instruction includes subjects such as crime-scene investigation, toxicology, forensic autopsies and the legal duties of a coroner.

(3) A written examination is given at the conclusion of the course.

**§ 199.22. Basic Education Course costs.**

Costs for those persons statutorily required to attend the Basic Education Course will be the minimum necessary to pay the cost of instruction, required course materials, and room and board. A schedule of cost options to attend the Basic Education Course is available upon request from the Board.

**§ 199.23. Postponement for just cause.**

The determination of the existence of just cause to postpone attendance at the Basic Education Course or completion of the examination, will be at the discretion of the Board. The person seeking exemption bears the responsibility of initiating contact with the Board within 30 days of the event asserted as just cause.

**§ 199.24. Exemption for qualified forensic pathologists.**

A licensed forensic pathologist may be exempt from the requirement of attendance at the Basic Education Course and completion of the examination. The Board will determine eligibility for exemption. Based upon the applicant's ability to demonstrate active, current involvement in the practice of forensic pathology.

**§ 199.25. Exemptions for licensed professionals.**

With the exception of § 199.23 (relating to exemption for qualified forensic pathologists), exemptions from § 199.21 (relating to general requirement) will not be permitted based on other types of education or experience.

**§ 199.26. Eligibility for certification.**

(a) Persons statutorily required to complete the Basic Education Course and pass the examination will receive certification from the Board.

(b) Persons who are under no statutory obligation to do so, but who register for the Basic Education Course

through the Board, attend the course and pass the examination, will receive certification. Certification will expire in 1 year, unless the Board receives evidence of yearly compliance with the continuing education requirement.

**§ 199.27. Failure of coroner to attend Basic Education Course or to pass examination.**

When a person elected for the first time to the office of coroner fails to attend the Basic Education Course and pass the examination, the Board will notify the Governor, following the last Board meeting of the year, unless the Board has postponed compliance for just cause.

**§ 199.28. Failure of chief deputy coroner or full-time deputy coroner to attend Basic Education Course or pass examination.**

When a chief deputy coroner or full-time deputy coroner fails to attend the Basic Education Course and pass the examination, the Board will notify the coroner of the appropriate county and the county commissioners or county executive, as appropriate, unless the Board has postponed compliance for just cause. The notification will be made in writing within 30 days of the examination.

**§ 199.29. Appointees' basic education requirement.**

A person appointed to fill a vacancy in the office of coroner who has never taken the Basic Education Course and passed the examination shall attend the next scheduled course and pass the examination given at its conclusion. The failure to meet the basic education requirement will result in a vacancy in the office.

**§ 199.30. Appointments made more than 6 months prior to course.**

When a chief deputy coroner or full-time deputy is appointed more than 6 months before the next scheduled Basic Education Course, the coroner making the appointment shall apply to the Board for an extension of time in which the deputy may take the required course.

**CONTINUING EDUCATION**

**§ 199.41. Continuing education.**

Coroners and deputy coroners are required to obtain a minimum of 8 hours of continuing education credits in each calendar year. Continuing education credits are to be obtained in subject areas relevant to the statutorily defined duties of coroners and deputy coroners.

**§ 199.42. Approval of course for continuing education credit.**

Persons seeking to have a course approved for continuing education credit shall submit a course approval application form to the chairperson of the Board at least 90 days prior to the date of instruction. Approval will not be given retroactively.

**§ 199.43. Standards for course approval.**

In evaluating the suitability of a course proposed for continuing education credit, the chairperson and the Board shall consider factors such as the relevancy of the course content to the duties of the coroner and the qualifications of the course instructors, including education and experience in the subject matter of the course.

**§ 199.44. Approval by chairperson.**

The chairperson of the Board has the right to approve courses for continuing education credits subject to ratification by the Board.

**§ 199.45. Board ratification.**

Continuing education courses approved by the chairperson of the Board will be proposed for Board ratification at the next regularly scheduled Board meeting.

**§ 199.46. Approval by simple majority.**

Concurrence by a simple majority of the Board is needed to ratify the chairperson's approval of a course for continuing education.

**§ 199.47. Unit of credit.**

(a) Attendees at approved continuing education courses will be granted 1 hour of continuing education credit for 1 hour of instruction. Credit in excess of 8 hours will not be given.

(b) Teachers at an approved continuing education course will be granted 1 hour of continuing education credit for each hour of instruction. Credit in excess of 8 hours will not be given.

**§ 199.48. Continuing education for persons required to attend Basic Education Course.**

Within the first year of election or appointment, persons required to complete the Basic Education Course shall also obtain 8 hours of continuing education.

**§ 199.49. Failure of coroner to meet continuing education requirements.**

When a person holding the office of coroner fails to meet yearly continuing education requirements, the Board will notify the Governor, in writing, following the last Board meeting of the calendar year.

**§ 199.50. Failure of chief deputy coroner or full-time deputy coroner to meet continuing education requirements.**

When a chief deputy coroner or full-time deputy coroner fails to meet yearly continuing education requirements, the Board will notify the coroner of the proper county and the county commissioners or county executive, as appropriate. The notification will be made in writing following the last Board meeting of the year.

**§ 199.51. Requirements for reappointees to vacancies.**

If a coroner reappoints a chief deputy or full-time deputy to a vacancy created by that individual's failure to meet the yearly continuing education requirement, the Board will deem that individual to be newly appointed and subject to § 199.21 (relating to general requirement).

**RESPONSIBILITY OF EDUCATION PROVIDERS****§ 199.61. Statement of Board approval.**

Course providers may not represent that a course has been approved for continuing education requirements unless written authorization has been received from the Board.

**§ 199.62. Verification of attendance.**

Course providers are responsible for taking attendance, verifying attendance upon Board request and notifying course attendees of approved hours of credit.

**§ 199.63. Certificate of attendance.**

Course providers are responsible for providing a written certificate of attendance to the attendee indicating course

title and date, the name of course provider and the number of hours of approved credit earned.

**§ 199.64. Notification to Board.**

Course providers shall submit to the Board a list of all course attendees with the number of credit hours earned, within 60 days of completion of the course.

**REGISTRATION OF CORONERS AND DEPUTIES****§ 199.71. Board to maintain current list.**

The Board will maintain a list of all currently elected coroners.

**§ 199.72. Coroners' duty to notify Board.**

Coroners shall provide the Board with the names of all chief deputy coroners and full-time deputy coroners within 30 days of their appointment. Coroners shall notify the Board within 30 days of the departure of chief deputy and full-time deputy coroners. Notification shall be made in writing addressed to Chairperson, Coroners' Education Board, c/o Office of Attorney General, 16th Floor Strawberry Square, Harrisburg, Pennsylvania 17120.

[Pa.B. Doc. No. 01-1040. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Title 55—PUBLIC WELFARE****DEPARTMENT OF PUBLIC WELFARE****[55 PA. CODE CHS. 140 AND 178]****Special MA Eligibility Provisions; Resource Provisions for Categorically Needy NMP-MA and MNO-MA**

The Department of Public Welfare (Department), by this order, adopts the amendments to read as set forth in Annex A under the authority of sections 201(2) and 403(b) of the Public Welfare Code (act) (62 P. S. §§ 201(2) and 403(b)) which, respectively, authorize the Department to promulgate regulations which will increase Federal funding in joint State/Federal welfare programs and delegate to the Department the power to adopt regulations setting rules and standards for eligibility for welfare programs. A notice of rule change (NORC) was published at 23 Pa.B. 2878 (June 19, 1993) effective June 1, 1993.

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)), known as the Commonwealth Documents Law (CDL) and 1 Pa. Code § 7.4(1)(iv) (relating to omission of notice of proposed rulemaking) because the administrative regulations relate to Commonwealth grants and benefits. Additionally, notice of proposed rulemaking is omitted for good cause as unnecessary, under section 204(3) of the CDL and 1 Pa. Code § 7.4(3) because these regulations eliminate the resource standards when determining Medical Assistance (MA) eligibility for low-income children under 21 years of age and low-income families with children under 21 years of age. Notice of proposed rulemaking is omitted as impracticable because these amendments are already in effect and issuance of proposed rulemaking would unnecessarily delay this beneficial policy. These amendments have been implemented under the NORC effective June 1, 1993, and no public comments have been received by the Department.

Section 1902(r)(2) of the Social Security Act (42 U.S.C.A. § 1396(r)(2)) permits states to adopt a less restrictive methodology for the Federally-funded categories of MA when determining resource eligibility. The Health Care Financing Administration (HCFA) approved the Commonwealth's amendment to its Title XIX Medicaid State Plan based on a less restrictive resource methodology. The amendment applies to the Federally-funded categories of MA and will also be applied to the General Assistance (GA)-related MA categories with children under 21.

*Purpose*

The purpose of these amendments is to eliminate the resource standards used when determining MA eligibility for low-income children under 21 years of age and low-income families with children under 21 years of age. By applying a uniform standard, the MA application and eligibility determination process will be simplified. A child's immediate family includes the child, the biological or adoptive parent of the child under 21 years of age, the spouse of the parent, the child's relatives under 21 years of age and includes the brother, sister, step-brother, step-sister, half-brother or half-sister who are under 21 years of age who also live with this child. The resource exclusion also applies to the resources of a caretaker with whom the child is living if the caretaker is not an immediate family member and is exercising care and control of the child under 21 years of age.

*Background*

The elimination of the different resource standards used in the MA eligibility determination process assures that all low-income children under 21 years of age and low-income families with children under 21 years of age will be treated in an equitable manner.

*Need for Amendments*

These amendments are needed to codify into the Department's regulations the Medicaid State Plan Amendment approved by HCFA and implemented by the Department by the NORC published at 23 Pa.B. 2878 effective June 1, 1993. The codification of the less restrictive resource methodology for MA eligibility determinations for low-income children and their families assures the continued access of Federal funding.

*Summary of Amendments*

*A. Definition (§§ 140.2, 140.202 and 178.2)*

The term "immediate family" is added to these sections and is defined as the child, the biological or adoptive parent of a child under 21 years of age, the spouse of the parent and the brother, sister, step-brother, step-sister, half-brother or half-sister who are under 21 years of age and who are living together.

*B. Resources of Children Under 21 years of age and Families with Children Under 21 years of age (§ 140.100)*

This section is added to specify that the resources of the Healthy Beginnings child under 21 years of age and the Healthy Beginnings applicant/recipient with children under 21 years of age are excluded. The resource exclusion also applies to the resources of a caretaker with whom the child is living if the caretaker is not an

immediate family member and is exercising care and control of the child under age 21 years of age.

*C. Resources of Children Under 21 years of age and Families with Children Under 21 years of age (§ 140.305)*

This section is added to specify that the resources of the Healthy Horizons child under 21 years of age and the Healthy Horizons applicant/recipient with children under 21 years of age are excluded. The resource exclusion also applies to the resources of a caretaker with whom the child is living if the caretaker is not an immediate family member and is exercising care and control of the child under age 21 years of age.

*D. Resources of Children Under 21 years of age and Families with Children Under 21 years of age (§ 178.84)*

This section is added to specify that the resources of the blind and disabled Supplemental Security Income (SSI)-related child under 21 years of age and the aged, blind and disabled SSI-related applicant/recipient with children under 21 years of age are excluded when determining MA resource eligibility for Categorically Needy Nonmoney Payment (NMP) and Medically Needy Only (MNO) MA. The resource exclusion also applies to the resources of a caretaker with whom the child is living if the caretaker is not an immediate family member and is exercising care and control of the child under 21 years of age.

*E. Resources of Children Under 21 years of age and Families with Children Under 21 years of age (§ 178.163)*

This section is added to specify that the resources of Temporary Assistance for Needy Families (TANF) and GA-related children under 21 years of age and TANF-related and GA-related families with children under 21 years of age are excluded when determining resource eligibility for NMP and MNO-MA. The resource exclusion also applies to the resources of a caretaker with whom the child is living if the caretaker is not an immediate family member and is exercising care and control of the child under age 21 years of age.

*Affected Persons and Organizations*

These regulations apply to children under 21 years of age and immediate families with children under 21 years of age who are applying for, or receiving, MA. The regulations also exclude the resources of a caretaker with whom the child is living if the caretaker is not an immediate family member and is exercising care and control of the child under age 21 years of age.

*Accomplishments/Benefits*

These regulations will have a positive benefit for all low-income children under 21 years of age and families with children under 21 years of age who have, or receive, resources. The regulations will also benefit the caretaker who exercises care and control of a child.

*Fiscal Impact*

Commonwealth:

This change in requirements is effective retroactive to June 1, 1993, and is estimated to cost the Department \$9.515 million (\$4.408 million in State funds) during Fiscal Year 1998-1999. However, since this policy change was procedurally implemented on June 1, 1993, these

increased costs are implicitly included in the Department's budget projections for Fiscal Year 1998-1999.

**Public Sector:**

There will be no costs or savings incurred by the public sector.

**Private Sector:**

There will be no costs or savings incurred by the private sector.

*Paperwork Requirements*

These regulations require no additional forms or reports.

*Effective Date*

Upon publication in the *Pennsylvania Bulletin*, these regulations are effective as final rulemaking retroactive to June 1, 1993.

*Sunset Date*

No sunset date is applicable. The Department continuously reviews the MA Program and regulations through the Federally-monitored Quality Control process. HCFA staff conduct audits periodically on specific aspects of the MA Program.

*Public Comments*

Although these regulations are being adopted without prior notice, interested persons are invited to submit written comments within 30 days from the date of this publication for consideration by the Department as to whether the regulations should be revised. Comments should be sent to the Department of Public Welfare, Edward J. Zogby, Acting Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5886 (Voice users).

*Regulatory Review Act*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. §§ 745.5a(c)), on April 25, 2001, the Department submitted copies of these final-omitted regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the final-omitted regulations were submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, on May 15, 2001, these final-omitted regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, on May 17, 2001, IRRC met and approved the final-omitted regulations.

*Findings*

The Department finds that:

(1) Public notice of intention to amend the administrative regulations amended by this order is omitted in accordance with section 204(1)(iv) of the CDL and 1 Pa. Code § 7.4(1)(iv) because administrative regulations relate to Commonwealth grants and benefits. Additionally, the procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because these amendments eliminate the resource standards when determining MA eligibility for low-income children

under 21 years of age and low-income families with children under 21 years of age. These amendments are based on the HCFA's approval of an amendment to the Commonwealth's Title XIX Medicaid State Plan excluding from the eligibility determination process, the resources of low-income children under 21 years of age and low-income families with children under 21 years of age. Furthermore, notice of proposed rulemaking is omitted as impracticable because these amendments are already in effect and issuance of proposed rulemaking would unnecessarily delay this beneficial policy. These amendments have been implemented under a NORC effective June 1, 1993, and no public comments have been received by the Department.

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

*Order*

The Department, acting under the act, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 140 and 178, are amended by amending §§ 140.2, 140.202 and 178.2 and by adding §§ 140.100, 140.305, 178.84 and 178.163 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to June 1, 1993.

FEATHER O. HOUSTOUN,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 2855 (June 2, 2001).)*

**Fiscal Note:** 14-449. (1) General Fund;

	<i>MA—Outpatient</i>	<i>MA—Inpatient</i>
(2) Implementing Year 1998-99 is	\$1.283 million	\$3.125 million
(3) 1st Succeeding Year 1999-00 is	\$1.445 million	\$3.522 million
2nd Succeeding Year 2000-01 is	\$1.663 million	\$3.978 million
3rd Succeeding Year 2001-02 is	\$1.845 million	\$4.495 million
4th Succeeding Year 2002-03 is	\$2.085 million	\$5.079 million
5th Succeeding Year 2003-04 is	\$2.356 million	\$5.739 million
	<i>MA—Outpatient</i>	<i>MA—Inpatient</i>
1997-98	\$792 million	\$452 million
1996-97	\$799 million	\$437 million
1995-96	\$663 million	\$428 million

(8) recommends adoption. Funds are included in the 1998-99 budget for this purpose.



Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS

Subchapter A. THE CATEGORICALLY NEEDY HEALTHY BEGINNINGS PROGRAM FOR PREGNANT WOMEN AND QUALIFIED CHILDREN

GENERAL PROVISIONS

§ 140.2. Definitions.

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

*Applicant*—A pregnant woman or qualified child, or an individual applying on their behalf.

*Budget group*—A pregnant woman or qualified child.

*Earned income*—Money or other compensation received in return for services rendered.

*Emancipated*—An individual, under the age of 19, whether residing in or out of the parental household, who is no longer under the care and control of the parent.

*Family*—Parents, spouses and their children under the age of 21, when living together.

*Immediate family*—The child, the biological or adoptive parent of a child under 21 years of age, the spouse of the parent, and the brother, sister, step-brother, step-sister, half-brother or half-sister who are under 21 years of age. The immediate family members must be living together.

*LRR*—Legally Responsible Relative—The spouse of a pregnant woman, or the biological or adoptive parent of an unemancipated child under the age of 19.

*Nonrecurring income*—Income that is received in a single payment and not expected to continue.

*Qualified child*—A child who meets the age standards in section 1902 of the Social Security Act (42 U.S.C.A. § 1396a).

*Qualified provider*—An MA provider designated by the Department for the purpose of determining presumptive eligibility.

*Restricted income*—Income limited by the payer for the use of a specified person.

*Unearned income*—Money or other compensation received for which a service is not rendered.

RESOURCE EXCLUSIONS

§ 140.100. Resources of children under 21 years of age and families with children under 21 years of age.

The resources of the Healthy Beginnings child under 21 years of age and the Healthy Beginnings applicant/recipient immediate families with children under 21 years of age are excluded. If the child who is under 21 years of age is living with a caretaker who is not immediate family as defined in § 140.2 (relating to definitions) and who exercises care and control of the child, the resources of the caretaker are excluded.

Subchapter B. ELIGIBILITY PROVISIONS FOR THE HEALTHY HORIZONS PROGRAM FOR THE ELDERLY/DISABLED

GENERAL PROVISIONS

§ 140.202. Definitions.

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

*Applicant/recipient*—A person who is applying for, or receiving, benefits under the Healthy Horizons Program.

*Calendar quarter*—A period of 3-full calendar months beginning with January, April, July or October.

*Countable net income*—Income counted in determining income eligibility for Healthy Horizons, less appropriate exemptions, deductions and disregards.

*Earned income*—Money or other compensation received in return for services rendered.

*Immediate family*—The child, the biological or adoptive parent of a child under 21 years of age, the spouse of the parent, and the brother, sister, step-brother, step-sister, half-brother or half-sister who are under 21 years of age. The immediate family members must be living together.

*Infrequent income*—Income that is received not more than once in a calendar quarter.

*Irregular income*—Income that is not subject to scheduling or is unpredictable.

*Legal guardian*—A person who is court appointed as the legal guardian.

*Personal property*—Privately owned possessions which are not real property. The term includes cash, bank accounts, stocks, bonds, mortgages, cash value of life insurance policies, household furnishings, personal effects, motor vehicles, boats and Federal, State and local tax refunds.

*QI—Qualifying individual*—An individual who is enrolled in Medicare hospital insurance under Part A and meets the income requirements in § 140.231(c) or (d) (relating to income eligibility limitations) and resource requirements in § 140.301 (relating to resource eligibility limitations).

*QI-1s—Qualifying Individual-1s*—A qualifying individual who meets the income requirements in § 140.231(c). Eligibility for Medicaid benefits is limited to full payment of Medicare Part B premiums.

*QI-2s—Qualifying Individual-2s*—A qualifying individual who meets the income requirements in § 140.231(d). Eligibility for Medicaid benefits is limited to partial payment of Medicare Part B premiums.

*QMB—Qualified Medicare beneficiary*—An individual who is entitled to, or voluntarily enrolled in, Medicare hospital insurance under Part A.

*Real property*—Land, buildings, mobile homes and improvements thereto.

*SLMB—Specified low-income Medicare beneficiary*—An individual who meets the eligibility requirements for QMB status except for income in excess of the QMB income limit, but not exceeding the limits specified in § 140.231.

*SSI—Supplemental Security Income*—The benefit amount paid to an eligible person or to an eligible person and the eligible spouse under Title XVI of the Social Security Act (42 U.S.C.A. §§ 1381—1383c).

*Spouse*—A person who is married to another by legal ceremony or by common-law.

### RESOURCES EXCLUSIONS

#### § 140.305. Resources of children under 21 years of age and families with children under 21 years of age.

The resources of the Healthy Horizons child under 21 years of age and the Healthy Horizons applicant/recipient immediate families with children under 21 years of age are excluded. If the child who is under 21 years of age is living with a care-taker who is not immediate family as defined in § 140.202 (relating to definitions) and who exercises care and control of the child, the resources of the caretaker are excluded.

#### Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

### CHAPTER 178. RESOURCE PROVISIONS FOR CATEGORICALLY NEEDY NMP-MA AND MNO-MA

#### Subchapter A. GENERAL PROVISIONS FOR MA RESOURCES COMMON TO ALL CATEGORIES OF MA

#### GENERAL PROVISIONS FOR MA RESOURCES

#### § 178.2. Definitions.

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

\* \* \* \* \*

*Immediate family*—The child, the biological or adoptive parent of a child under 21 years of age, the spouse of the parent, and the brother, sister, step-brother, step-sister, half-brother or half-sister who are under 21 years of age. The immediate family members must be living together.

\* \* \* \* \*

#### Subchapter B. AGED, BLIND AND DISABLED CATEGORIES OF MA

### RESOURCE EXCLUSIONS FOR THE AGED, BLIND AND DISABLED CATEGORIES OF MA

#### § 178.84. Resources of children under 21 years of age and families with children under 21 years of age.

The resources of the SSI-related child under 21 years of age and SSI-related applicant/recipient immediate families with children under 21 years of age are excluded. If the child who is under 21 years of age is living with a caretaker who is not immediate family as defined in § 178.2 (relating to definitions) and who exercises care and control of the child, the resources of the caretaker are excluded.

#### Subchapter C. TANF-RELATED AND GA-RELATED CATEGORIES OF MA

### RESOURCE EXCLUSIONS FOR THE TANF-RELATED AND GA-RELATED CATEGORIES OF MA

#### § 178.163. Resources of children under 21 years of age and families with children under 21 years of age.

The resources of the TANF-related and GA-related child under 21 years of age and TANF-related and GA-related immediate families with children under 21 years of age are excluded. If the child who is under 21 years of age is living with a caretaker who is not immediate family as defined in § 178.2 (relating to

definitions) and who exercises care and control of the child, the resources of the caretaker are excluded.

[Pa.B. Doc. No. 01-1041. Filed for public inspection June 15, 2001, 9:00 a.m.]

### [55 PA. CODE CH. 181]

### Medical Assistance Income

The Department of Public Welfare (Department), by this order, adopts the amendments to read as set forth in Annex A under the authority of sections 201(2) and 403(b) of the Public Welfare Code (act) (62 P. S. §§ 201(2) and 403(b)). Section 201(2) of the act provides that the Department has the authority to promulgate regulations with approval of the Governor. Section 403(b) of the act provides that the Department establish rules, regulations and standards consistent with law.

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)), known as the Commonwealth Documents Law (CDL), and 1 Pa. Code § 7.4(1)(iv) (relating to omission of notice of proposed rulemaking) because the administrative regulation relates to Commonwealth grants and benefits. The Health Care Financing Administration (HCFA) has determined that under the nursing home reform provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA 87), the Commonwealth is required to consider compensable drugs as a covered service for Medically Needy Only-Medical Assistance (MNO-MA) recipients receiving nursing facility services. Additionally, notice of proposed rulemaking is omitted for good cause as unnecessary and contrary to the public interest under section 204(3) of the CDL and 1 Pa. Code § 7.4(3).

The inclusion of compensable drugs for MNO-MA recipients receiving nursing facility services permits the Commonwealth to receive Federal Financial Participation for providing compensable drugs. Previously, MNO-MA recipients in nursing facilities received compensable drugs through a State-funded pharmaceutical program. This amendment is beneficial to MNO-MA recipients receiving nursing facility services. Therefore, the Department finds proposed rulemaking is unnecessary because this amendment eliminates the requirement for recipients to enroll in the Pharmaceutical Assistance Contract for the Elderly (PACE) Program and codifies existing practice.

#### *Purpose*

The purpose of this amendment is to eliminate the requirement that an MA recipient receiving nursing facility services must meet the enrollment requirements for the PACE Program in determining the MA recipient's expected contribution toward the cost of nursing facility services.

#### *Background*

HCFA determined that under the nursing home reform provisions of OBRA 87, states are required to reimburse incurred costs of drugs provided to all MA recipients receiving nursing facility services. Section 1919(b)(4)(A)(iii) of the Social Security Act (42 U.S.C.A. §§ 1396r(b)(4)(A)(iii)) requires nursing facilities as a condition of participation in the Medicaid Program to provide pharmaceuticals to the extent necessary to fulfill each resident's plan of care. Section 1902(a)(13) of the Social

Security Act found in (42 U.S.C.A. § 1396(a)(13)) requires states to pay nursing facilities through the use of rates which take into account the cost of complying with Medicaid participation requirements.

As the provision of drugs is a Medicaid nursing facility participation requirement, the Federal mandate requires that the Commonwealth reimburse the incurred costs of drugs provided to all MA eligible nursing facility residents. Federal law requires the Commonwealth to consider compensable drugs as a covered service for MNO-MA recipients receiving nursing facility services.

The Office of Medical Assistance Programs (OMAP) amended its regulations in § 1121.22 (relating to scope of benefits for the medically needy) to include coverage of pharmaceuticals for MNO-MA recipients receiving nursing facility services effective June 1, 1994. *Medical Assistance Bulletin* Number 1121-94-01 issued June 24, 1994, with an effective date of June 1, 1994, and Notice of Rule Change published in the *Pennsylvania Bulletin* at 24 Pa.B. 3760 (July 30, 1994) with an effective date of June 1, 1994, informed pharmacies and licensed prescribers that the Department is including the coverage of pharmaceuticals for MNO-MA recipients receiving nursing facility services.

This change necessitates a revision to the Office of Income Maintenance eligibility regulation in § 181.452(d)(5)(ii)(B) and (iii) (relating to posteligibility determination of income available from an MA eligible person toward the person's cost of care) requiring that an MA recipient enroll in the PACE Program. Current regulations allow for the deduction from income of the full prescription costs depending upon whether an MA recipient has met the enrollment requirements for the PACE Program. The inclusion of prescription drugs as a covered service for MNO-MA recipients in nursing facilities eliminates the need for the recipients to enroll in the PACE Program.

TANF-related (Temporary Assistance for Needy Families) recipients referenced in § 181.542(d) (relating to categories of MNO-MA) in Annex A include persons who qualify for MA under the pre-TANF (Aid to Families with Dependent Children) eligibility rules. See section 1931 of the Social Security act (42 U.S.C.A. § 1396u-1).

These amendments are a benefit to MNO-MA recipients who are receiving nursing facility services. Effective June 1, 1994, OMAP included pharmaceuticals as a covered service for MNO-MA recipients receiving nursing facility services.

#### *Need for Amendment*

The amendment is needed to remove the requirements to enroll in the PACE Program currently in § 181.452(d)(5)(ii)(A) and (B) and (iii). The inclusion of prescription drugs as a covered service for MNO-MA recipients eliminates the need for recipients to enroll in the PACE Program.

#### *Summary*

The subparagraph has been revised and the clauses have been eliminated from § 181.452(d)(5)(ii)(A) and (B) and (iii) to remove the enrollment requirement for the PACE Program. The inclusion of prescription drugs as a covered service for MNO-MA recipients in nursing facilities eliminates the need for the recipients to enroll in the PACE Program.

#### *Affected Persons and Organizations*

This amendment will affect persons applying for, or receiving, MNO-MA who are receiving nursing facility

services. This includes recipients who reside in Intermediate Care Facilities/Mental Retardation facilities and county and private nursing facilities.

#### *Accomplishments/Benefits*

This amendment will benefit MNO-MA recipients receiving nursing facility services. This change eliminates the requirement for recipients to enroll in the PACE Program and eliminates one additional procedure the recipient was required to fulfill in obtaining prescriptions.

The amendment is consistent with section 1919(b)(4)(A)(iii) of the Social Security Act which requires prescription drugs as a covered service for MA recipients in nursing facilities.

#### *Fiscal Impact*

The net impact to the Department is anticipated to be \$1.994 million (\$0.924 million in State funds) during Fiscal Year 1998-1999. This cost will be offset by anticipated savings to the Commonwealth's PACE Program.

#### *Paperwork Requirements*

This regulation requires no additional forms or reports.

#### *Effective Date*

This amendment is effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking retroactive to June 1, 1994.

#### *Sunset Date*

No sunset date is applicable. The Department continuously reviews the MA Program and regulations through the Federally-monitored Quality Control process. HCFA staff conduct audits periodically on specific aspects of the MA Program.

#### *Public Comment Period*

Although this amendment is being adopted without prior notice, interested persons are invited to submit their written comments, suggestions or objections to Edward J. Zogby, Director, Bureau of Policy, Department of Public Welfare, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081, within 30 days from the date of this publication for consideration by the Department as to whether the regulation should be revised.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

#### *Regulatory Review Act*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on April 25, 2001, the Department submitted a copy of this final-omitted regulation to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the final-omitted regulation was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, on May 15, 2001, this final-omitted regulation was approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, on May 17, 2001, IRRC met and approved the final-omitted regulations.

#### *Findings*

The Department finds that:

(1) Public notice of intention to adopt the administrative regulation adopted by this order may be omitted as

this rulemaking relates to Commonwealth grants and benefits and is unnecessary and contrary to the public interest under section 204(1)(iv) and (3) of the CDL and the regulation thereunder, 1 Pa. Code § 7.4(1)(iv) and (3).

(2) The adoption of this amendment in the manner provided in this order is necessary and appropriate for the administration and enforcement of the act.

Order

The Department, acting under act, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 181, are amended by amending § 181.452 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking retroactive to June 1, 1994.

FEATHER O. HOUSTOUN,  
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 2855 (June 2, 2001).)

**Fiscal Note:** 14-461. (1) General Fund; (2) Implementing Year 1999-00 is \$9.615 million; (3) 1st Succeeding Year 2000-01 is \$10.681 million; 2nd Succeeding Year 2001-02 is \$11.865 million; 3rd Succeeding Year 2002-03 is \$13.180 million; 4th Succeeding Year 2003-04 is \$14.641 million; 5th Succeeding Year 2004-05 is \$16.251 million; (4) 1998-99 Program—\$738.340 million; 1997-98 Program—\$622.740 million; 1996-97—\$798.836 million; (7) Medical Assistance-Outpatient; (8) recommends adoption. Savings in Medical Assistance-Long Term Care are expected to offset a portion of the cost increase in Medical Assistance-Outpatient. Funds are available in the Department's budget to cover any remaining cost.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

CHAPTER 181. INCOME PROVISIONS FOR CATEGORICALLY NEEDY NMP-MA AND MNO-MA

Subchapter D. POSTELIGIBILITY DETERMINATION OF ELIGIBILITY FOR MA PAYMENT TOWARD COST OF CARE IN INSTITUTIONS

POSTELIGIBILITY DETERMINATION PROVISIONS

§ 181.452. Posteligibility determination of income available from an MA eligible person toward his cost of care.

\* \* \* \* \*

(d) The following amounts are deducted from the MA eligible person's total gross income identified in subsection (a) for persons in the aged, blind and disabled-related categories, or subsection (b) for persons in the TANF-

related or GA-related categories and adjusted as applicable by the treatment of Veterans Administration benefits under subsection (c) for all MA eligible persons in the following order:

\* \* \* \* \*

(5) The following medical expenses which are not subject to payment by a third party are deducted in the calendar month the medical expenses are paid.

(i) Medicare and other health insurance premiums, including enrollment fees, deductibles or coinsurance charges incurred by the MA eligible person.

(ii) Copayments or deductibles, including the amount an applicant/recipient participating in the Copayment Program is required to pay by the Department subject to the Department's established copayment limit.

(iii) Expenses paid by the MA eligible person for necessary medical or remedial care recognized under State statutes or regulations but not covered under the MA Program.

(6) An amount for maintenance of a single MA eligible person's home if a physician has certified that he is likely to return to his home within a 6-month period from the date he entered the facility. When this deduction is given, it may not be deducted for more than one 6-consecutive month period. The maintenance need amount for the single person is the MA income limit for one person in Appendix A. A home is defined as the residence maintained by the MA eligible person before he entered the facility and to which he plans to return. If a person is discharged and subsequently returns to a facility, the single MA eligible person is eligible for a new 6 consecutive month period for this deduction if a physician certifies that the person is likely to return to his home within a 6-month period from the date of admittance to the facility.

(e) The amount that the MA eligible person is expected to pay toward the cost of care is the amount that remains and as adjusted under subsection (c), if applicable, and after the deductions in subsection (d) are applied to the person's total gross income as determined under subsections (a) and (b).

[Pa.B. Doc. No. 01-1042. Filed for public inspection June 15, 2001, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 53]

Permits for Unpowered Boats Using Commission Lakes and Access Areas

The Fish and Boat Commission (Commission) by this order amends Chapter 53 (relating to Commission property). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments relate to permits for unpowered boats using Commission lakes and access areas.

A. Effective Date

The amendments will go into effect upon publication of this order in the *Pennsylvania Bulletin*. However, the

Commission will not issue use permits under § 53.27 (relating to use permits for unpowered boats) until December 1, 2001.

#### B. Contact Person

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

#### C. Statutory Authority

The amendments are published under the statutory authority of section 742(e) of the code (relating to use of property).

#### D. Purpose and Background

The amendments are designed to update, modify and improve the Commission's regulations pertaining to unpowered boats using Commission lakes and access areas. The specific purpose of the amendments is described in more detail under the summary of changes.

#### E. Summary of Changes

On December 20, 2000, Governor Ridge signed Senate Bill 1117 into law as Act 115 of 2000, effective immediately. Act 115 of 2000 amends the code by adding subsection (e) to section 742. The amendment provides that the Commission shall, by regulations adopted within 1 year after the effective date of the section, provide for issuance of use permits, valid for 1 or 2 years, for unpowered boats that are not registered in accordance with law, to use Commission property. The amendment also provides that on and after the effective date of the regulations promulgated by the Commission, the owner of an unpowered boat that uses Commission property shall have the option of registering the boat or purchasing a use permit. The amendment further provides that the Commission shall establish fees for use permits and that these fees may not exceed the fees charged by the Department of Conservation and Natural Resources (DCNR) for boat launch permits for State parks lakes. Last, the amendment provides that the Commission shall, in cooperation with DCNR, provide for reciprocal or joint use/launch permits for unpowered boats to use both Commission and State parks lakes and access areas.

This amendment addresses an issue that has been of some concern to unpowered boat owners for several years. It allows the Commission to issue use permits for boats that use Commission property in lieu of registration. To move forward with timely implementation of this new law, the Commission has adopted regulatory amendments that address the following:

(1) *Extending reciprocity with the DCNR launch permits.* DCNR already extends reciprocity to unpowered boats registered by the Commission. It is expected that DCNR will amend its regulations to extend this reciprocity to Commission use permits. Since DCNR already recognizes the Commission's registrations, it was unnecessary to condition the effective date of this reciprocity on changes to DCNR regulations.

(2) *Eliminating the exception for out-of-State boats.* The Commission changed its regulations, effective February 19, 2000, to provide that out-of-State unpowered boats are in compliance with the Commission's requirements if they comply with the registration requirements of their state of principal use. This change had the effect of exempting most out-of-State unpowered boats from having to register their boats to use Commission property. It

was designed to deal with the anomaly whereby out-of-State boats could not use Commission access areas unless they were registered. It would not have been appropriate to require such a boat to register in this Commonwealth since this Commonwealth was not the state of principal use. With the new Commission use permit and reciprocity with DCNR launch permits, owners of out-of-State boats that want to use Commission lakes and access areas have several options and do not have to register their boats. Accordingly, the exception for out-of-State boats is no longer required.

(3) *New use permits.* The fees for the use permit are set at the same level as that for DCNR resident launch permits: currently, \$10 per year; \$18 for 2 years. A 1-year permit expires at the end of the calendar year for which it was issued, and a 2-year permit expires at the end of the calendar year following the year for which it was issued. Although it is conceivable that the Commission could issue permits valid for 12 or 24 months from the date of issuance, the process involves somewhat more administrative complications. The new regulation permits the Executive Director to adjust the fees whenever DCNR does so. The new permits are designed to be easy to issue. The information required for issuance of a use permit is considerably less than required for registration of a boat. The Commission will issue use permits on or after December 1, 2001, for 2002 and subsequent years.

On final-form rulemaking, the Commission adopted the amendments as proposed with one change to § 53.27. As proposed, this section required an applicant for a use permit to provide certain information, including the name and address of the owner of the boat if different from the name and address of the applicant. However, the name and address of the boat's owner may not always be readily available to the applicant, and it is the Commission's understanding that DCNR currently does not collect this information when issuing launch permits. The Commission, accordingly, determined that applicants should not be required to provide this information. In addition, technical changes were made to the organization of § 53.8(h) (relating to boats) that do not affect the substance of the amendment adopted by the Commission on final-form rulemaking.

#### F. Paperwork

The amendments will increase paperwork and create new paperwork requirements because individuals who wish to purchase a use permit for their unpowered boats will have to complete a brief application form. However, the information that they will be required to provide is less than that which is required to register a boat.

#### G. Fiscal Impact

The amendments will not have an adverse fiscal impact on the Commonwealth or its political subdivisions. It is anticipated that the Commission and its agents will issue approximately 5,000 use permits during the first year of implementation and that these revenues will offset any program costs. The amendments will impose new costs on those members of the general public who wish to use their unpowered boats on Commission lakes and access areas and who wish to purchase a use permit as opposed to registering their unpowered boats. Although the amendments impose a fee for this new permit (\$10 for 1 year and \$18 for 2 years), this charge should be viewed in light of the current biennial registration fee of \$10 for unpowered boats. The amendments will impose no new costs on the private sector.

H. Public Involvement

A notice of proposed rulemaking was published at 31 Pa.B. 1461 (March 17, 2001). During the public comment period, the Commission received one comment from the Pennsylvania Association of Auto License Brokers, Inc. indicating that its ability to issue the proposed use permits from its member offices would serve as a convenience for both the boating/fishing public as well as the Commission itself. Copies of all public comments have been provided to the Commissioners.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and all comments that were received were considered.

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

Order

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 53, are amended by amending § 53.8 and adding § 53.27 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(D) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*. However, the Commission will not issue use permits under § 53.27 until December 1, 2001.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-116 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.8. Boats.

\* \* \* \* \*

(h) A boat using a Commission lake or access area shall be registered and display the official registration number and current validation stickers described under Subpart C and Part III of the code.

(1) This subsection does not apply to:

(i) Unpowered boats that display an official and valid use permit issued by the Commission under § 53.27 (relating to use permits for unpowered boats) or that

display an official and valid watercraft launch or mooring permit issued by the Department of Conservation and Natural Resources for use of launch or mooring facilities at this Commonwealth's State parks and forests.

(ii) Noncommercial users of access areas on the Delaware River and West Branch of the Delaware River bounded by the State of New York.

(iii) Public service boats as defined under section 5302(a)(3) of the code (relating to exemptions from registration).

(iv) Unpowered boats participating in events authorized under § 109.6 (relating to special marine events).

(2) Registered unpowered kayaks, sculls, sailboards and other low volume boats of similar design are exempt from displaying registration numbers but shall display a current validation sticker.

§ 53.27. Use permits for unpowered boats.

(a) The Commission and issuing agents designated by the Commission will issue use permits for unpowered boats when their owners choose not to register them to use Commission lakes and access areas.

(b) Use permits will be issued in the form of decals, showing the expiration date. Decals shall be displayed above the waterline on both sides of the bow of the boat for which the permit is issued.

(c) An applicant for a use permit shall provide the following information:

(1) The name, address and telephone number of the applicant.

(2) A description of the boat (make, model, year).

(3) The Hull Identification Number (HIN) of the boat (if readily available).

(d) A use permit is issued for a specific boat. It is unlawful to transfer a use permit issued for a specific boat to another boat. A use permit remains effective for the boat for which it is issued even if ownership of the boat is changed during the term of the permit.

(e) Use permits are valid for 1 or 2 years. The expiration date of a 1-year use permit is December 31 of the year for which it is issued. The expiration date of a 2-year use permit is December 31 of the second year for which it was issued.

(f) The initial fees for the use permits are \$10 for a 1-year permit and \$18 for a 2-year permit. The Executive Director may, by notice published in the Pennsylvania Bulletin, adjust these fees so that they remain the same as the resident price for 1-year and 2-year boat launching permits as established in the schedule of fees published, and from time-to-time revised, by the Department of Conservation and Natural Resources for State parks and forests. Whenever a use permit authorized by this section is issued by an issuing agent other than the Commission or the Department of Conservation and Natural Resources, the issuing agent may charge an issuing agent fee not to exceed \$1 per transaction for issuing the permit.

[Pa.B. Doc. No. 01-1043. Filed for public inspection June 15, 2001, 9:00 a.m.]

**[58 PA. CODE CHS. 61 AND 69]****Seasons, Sizes and Creel Limits; Fishing in Lake Erie and Boundary Lakes**

The Fish and Boat Commission (Commission) by this orders amends Chapters 61 and 69 (relating to seasons, sizes and creel limits; and fishing in Lake Erie and boundary lakes). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments relate to fishing.

*A. Effective Date*

The amendments will go into effect on January 1, 2002.

*B. Contact Person*

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

*C. Statutory Authority*

The amendments to §§ 61.2, 61.3 and 69.12 (relating to Delaware River and River Estuary; Pymatuning Reservoir; and seasons, sizes and creel limits—Lake Erie) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amendment to § 69.33 (relating to use of trap nets) is published under the statutory authority 2903 of the code (relating to boats and net licenses for boundary lakes).

*D. Purpose and Background*

The amendments are designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the amendments is described in more detail under the summary of changes.

*E. Summary of Changes*

(1) *Section 61.2 (relating to Delaware River and River Estuary)*. Management of Delaware River and Estuary striped bass is complicated given that this water borders with the states of New York and New Jersey. Also, the Atlantic States Marine Fisheries Commission (ASMFC) is involved because the striped bass stock is a migratory one. Federal mandates place migratory East Coast striped bass under the purview of the ASMFC having a membership of all Atlantic Coast states as well as the District of Columbia and the Potomac River Fisheries Commission. The existing ASMFC striped bass management plan requires jurisdictions to adhere to a set standard of minimum length and creel limits. Harvest ceilings apply in some fisheries. However, jurisdictions are able to deviate from standard regulations if that the alternative seasons, length limits, creel limits, gear restrictions, and the like, provide a conservation equivalency. State management plans undergo review by the ASMFC Striped Bass Technical Committee before being considered by the Striped Bass Management Board, both of which include representation from the Commonwealth.

The recovery of East Coast striped bass stocks has permitted the liberalization of regulations so anglers, both recreational and commercial, can once again enjoy fishing over an abundance of striped bass. Various stock abundance and harvest indices as well as actual harvest counts/estimates are used to determine stock status and to set the tone for regulations for each fishing season. Unfortunately, the process often results in jurisdictions not being able to implement regulatory changes in a

timely fashion given the timing of Striped Bass Board action and rulemaking processes in the jurisdictions.

Since the early 1980s when ASMFC striped bass management action began in earnest to rebuild seriously depleted stocks, the Commonwealth has worked in concert with neighboring jurisdictions regarding regulations for Delaware River and Estuary striped bass. Previously, Commission regulations provided for a 28 inch minimum length limit, a 2 fish daily possession limit and a year 'round harvest season except for a closed season from January through February and April through May from the Pennsylvania/Delaware state line upstream to Trenton Falls. Delaware and New Jersey, as part of fine-tuning their statewide striped bass regulations including marine fisheries, are making or recently have made changes. New Jersey, in particular, is considering regulations that provide for one fish that is in the 24 to less than 28-inch size range and one fish that is 28 inches and over. In fact, this package applied to the Delaware River from Trenton Falls downstream during much of the 2000 season. The Commission believes that it is desirable to have its regulations be consistent with the New Jersey package, particularly if that state applies the regulations to the freshwater portion of the Delaware River. Accordingly, the Commission has amended § 61.2 to implement a new size and daily creel limit for the Delaware River and Estuary striped bass. Under the amended regulation, one striped bass may be in the 24 to less than 28-inch range, and one striped bass may be 28 inches in length or greater.

(2) *Section 61.3 (relating to Pymatuning Reservoir)*. Pymatuning Reservoir is a 14,000-plus acre flood control and augmentation impoundment in Crawford County, Pennsylvania and Ashtabula County, Ohio. The fishery is jointly managed by the Ohio Department of Natural Resources (Ohio DNR) and the Commission. Representatives from the two agencies meet annually to discuss management issues and plans. In recent years, Ohio DNR changed statewide bass regulations as a result of ongoing studies. The daily creel limit component of the statewide regulations was reduced to five. The Commission was approached about reducing the daily creel limit at Pymatuning Reservoir to five to be consistent with Ohio. Previously, a 12 inch minimum length limit and an eight bass daily limit applied to black bass at Pymatuning, while the statewide limit in this Commonwealth is six.

The Commission has reduced the creel limit in the Pymatuning to five fish to be consistent with statewide regulations in Ohio. The Commission believes that it is unlikely that the three fish reduction will have any impact on the bass population or anglers seeking bass. Creel surveys conducted jointly by both agencies consistently have indicated less than 5% of all anglers were fishing for black bass. Since regulations in Ohio run from March through February while those in this Commonwealth are on a calendar year basis, the regulations will not be congruent for 2 months during the first year of implementation. The Commission, however, believes that this will not be a problem.

(3) *Sections 69.12, 69.31 and 69.33 (relating to seasons, sizes and creel limits—Lake Erie; seasons; and use of trap nets)*. Prior sport fish regulations concerning the harvest of walleye included a daily limit of 6 fish and a 15-inch minimum size limit. The commercial trap net fishery, on the other hand, was regulated by a 15-inch minimum size and an annual total allowable harvest (in pounds) set at the onset of each fishing year. There was no closed season for the sport fishery.

Since the mid 1980's, there has been an inexorable decline in walleye abundance throughout Lake Erie. Walleye presently are only 14% of their 1993 population size. In Commonwealth waters, a similar, continuous trend has been observed. Since 1988, walleye numbers have declined over 80%. Accordingly, the annual estimated number of walleye harvested in this Commonwealth has declined from nearly 250,000 during the late 1980's to 77,000 in year 2000. Explanations for these population decreases are: (1) decreases in overall lake productivity; (2) weaker recruitment patterns and smaller year classes; and (3) gradual increases in exploitation (fishing) rates.

To reverse the downward trend in walleye abundance, it is necessary to increase walleye survival lake-wide and that is expected to increase walleye reproductive potential. While this Commonwealth is not a major source of increased fishing rates, this Commonwealth needs to do its part to insure the walleye's reproductive potential. In this Commonwealth, this can be achieved by restricting fishing during the spawning period. A closed season from mid-March to early May is expected to reserve up to 20% of the potential commercial walleye catch and 1% of the angler catch for conservation purposes as well as limiting the potential to target future increases in early spring walleye spawning populations. This will affect both commercial and recreational fisheries where they occur on Lake Erie, Presque Isle Bay and peninsular waters. Accordingly, the Commission has amended §§ 69.12, 69.31 and 69.33 to include a Lake Erie closed season for walleye from March 15 (12:01) to the first Friday in May (12 midnight).

#### F. Paperwork

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

#### G. Fiscal Impact

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

#### H. Public Involvement

A notice of proposed rulemaking was published at 31 Pa.B. 1373 (March 10, 2001). Regarding the proposed changes to §§ 61.2 and 61.3, the Commission did not receive any public comments. The Commission received two comments concerning the proposed Lake Erie closed season for walleye. One of the comments asked several questions about the proposal; the other expressed concern that the Commonwealth will make the same "mistake" that New York made when setting its closed season. Copies of all public comments were provided to the Commissioners. In addition, the Commission held a public information meeting on March 19, 2001, in Erie. Comments offered at the meeting were generally supportive of the proposed change.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided, and all comments that were received were considered.

(3) The adoption of the amendments 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 Chapters 61 and 69, are amended by amending §§ 61.2, 61.3, 69.12, 69.31 and 69.33 to read as set forth in 31 Pa.B. 1373.

(b) The Executive Director will submit this order and 31 Pa.B. 1373 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 31 Pa.B. 1373 and deposit the same with the Legislative Reference Bureau as required by law.

(d) This order shall take effect January 1, 2002.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-115 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 01-1044. Filed for public inspection June 15, 2001, 9:00 a.m.]

### [58 PA. CODE CHS. 91 AND 111]

#### Boating Safety Education Certificates; Special Regulations Counties

The Fish and Boat Commission (Commission) by this order amends Chapters 91 and 111 (relating to general provisions; and special regulations counties). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments relate to boating.

#### A. Effective Date

The amendments will go into effect upon publication of this order in the *Pennsylvania Bulletin*.

#### B. Contact Person

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

#### C. Statutory Authority

The amendment to § 91.6 (relating to Boating Safety Education Certificates) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The amendments to §§ 111.45, 111.48 and 111.52 (relating to Monroe County; Northampton County; and Pike County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. Purpose and Background

The amendments are designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of the amendments is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered the



proposal prior to the publication of the notice of proposed rulemaking containing the amendment and recommended publication.

E. *Summary of Proposal*

(1) *Section 91.6 (relating to Boating Safety Education Certificates)*. The Commission's regulations require that operators of personal watercraft and children who are operating certain boats obtain and carry a Boating Safety Education Certificate. It is the intent of the regulation that the operator receive instruction in boating safety and show competence in the boating regulations and procedures. Carrying the certificate is incidental to this overarching requirement, and the requirement to carry it is intended to help the law enforcement officer ensure that the operator has fulfilled his obligations. It is reasonable to assume that some operators have obtained the requisite certificate but have forgotten it or misplaced it. Citations usually are not issued when the officer can reasonably assume that the certificate is likely available, just not onboard.

The Commission's regulation provides a mail-in procedure for persons who are caught fishing without displaying a license or boating without the boat registration card onboard. This procedure has been very successful and has resulted in greater efficiency and use of officer time. Therefore, the Commission has implemented a similar program for Boating Safety Education Certificates by amending § 91.6 as proposed.

(2) *Sections 111.45, 111.48 and 111.52 (relating to Monroe County; Northampton County; and Pike County)*. The Commission has received notification that the Superintendent of the Delaware Water Gap National Recreation Area has taken action to prohibit the operation of personal watercraft within the boundaries of the area under the jurisdiction of the National Park Service (NPS). The Commission has been asked to amend its regulations to assist in the enforcement of this ban.

The Commission always has had a cooperative relationship with NPS and has attempted to have consistent regulations to help enforcement personnel effectively and uniformly enforce boating safety regulations. Accordingly, the Commission has amended these special boating regulations, as proposed, to be consistent with the new NPS restrictions. In addition, a minor technical change has been made to clarify the numbering of § 111.52(j). This change does not affect the substance of the amendment adopted by the Commission on final rulemaking.

F. *Paperwork*

The amendment to § 91.6 will slightly increase paperwork and will create a few new paperwork requirements because boat operators, who are required by regulation to have a Boating Safety Education Certificate onboard and do not have one in their possession, will have the option of mailing the original certificate to the apprehending officer. If the officer permits the operator to mail the original certificate to the officer, the officer will provide the operator with a receipt or other documentation that will allow the continued operation of the boat during the period that the original certificate is not in possession. The amendments to §§ 111.45, 111.48 and 111.52 will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions, and they will impose no new costs on the private sector. The

amendment to § 91.6 will impose only nominal costs on those members of the general public who mail the original certificate to the apprehending officer. The amendments to §§ 111.45, 111.48 and 111.52 will impose no new costs on the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 31 Pa.B. 1375 (March 10, 2001). The Commission did not receive any public comments concerning the proposals.

*Findings*

The Commission finds that:

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

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

(3) The adoption of these amendments 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 Chapters 91 and 111, are amended by amending §§ 91.6, 111.45 and 111.48 to read as set forth at 31 Pa.B. 1375 and by amending § 111.52 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Executive Director will submit this order, Annex A and 31 Pa.B. 1375 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, Annex A and 31 Pa.B. 1375 and deposit the same 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-113 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart C. BOATING**

**CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES**

**§ 111.52. Pike County.**

\* \* \* \* \*

(j) *Delaware River*: The operation of personal watercraft is prohibited in the following areas:

(1) Upper Delaware Scenic and Recreational River (upstream from mile 258.4).

(2) The Delaware Water Gap National Recreation Area (downstream from mile 250).

[Pa.B. Doc. No. 01-1045. Filed for public inspection June 15, 2001, 9:00 a.m.]

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**[58 PA. CODE CH. 105]**  
**Unacceptable Boating Practices**

The Fish and Boat Commission (Commission) by this order amends Chapter 105 (relating to operational conditions). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendment relates to boating.

*A. Effective Date*

The amendment will go into effect on January 1, 2002.

*B. Contact Person*

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

*C. Statutory Authority*

The amendment is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

*D. Purpose and Background*

The amendment is designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of the amendment is described in more detail under the summary of changes. The Commission's Boating Advisory Board considered the proposal prior to the publication of the notice of proposed rulemaking containing the amendment and recommended publication.

*E. Summary of Changes*

Under the code, negligent operation of watercraft represents a deviation from the ordinary standard of care that a reasonable operator would observe under the circumstances. Reckless operation adds the component of willfulness and wanton disregard for the safety of persons or property. The Commission's regulation in § 105.3 (relating to unacceptable boating practices) contains a lesser offense defined as "unacceptable boating practices." This section lists operations that, while unsafe, do not always fall within the definition of negligent or reckless operation.

Section 105.3(1) prohibits the operation of a boat not equipped with railings or other safeguards at a speed of greater than slow minimum height swell speed when any person is riding on the bow, decking, gunwales, transom or motor cover. While this definition has served the safety of boaters well, recent court cases indicate a need to further define this regulation. The majority of boats are equipped with railings intended to keep the occupants of the boats within the confines of the boat. A person riding in a bow rider is on the inside of the railings and in the cockpit of the boat. A person riding on a sailboat deck is within the area encompassed by the railings. The most

prevalent exception to this general boat construction is the pontoon boat. Quite often, the railings of the pontoon boat do not entirely encompass the bow deck of the boat. Frequently, 3 or 4 feet of deck remain outside the railings. This is to facilitate docking and to keep passengers back from the bow to help balance the boat while underway. Certain courts have interpreted § 105.3 to mean that there is no requirement that persons must remain behind safety rails. The Commission therefore has amended this section as proposed.

*F. Paperwork*

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

*G. Fiscal Impact*

The amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The 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 31 Pa.B. 1379 (March 10, 2001). The Commission did not receive any public comments concerning this 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 in 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 105, are amended by amending § 105.3 to read as set forth in 31 Pa.B. 1379.

(b) The Executive Director will submit this order and 31 Pa.B. 1379 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 31 Pa.B. 1379 and deposit the same with the Legislative Reference Bureau as required by law.

(d) This order shall take effect January 1, 2002.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-114 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 01-1046. Filed for public inspection June 15, 2001, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 5, 2001.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-5-01	Mauch Chunk Interim Trust Company Jim Thorpe Carbon County	Jim Thorpe	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-23-01	First Penn Bank, Philadelphia, and IGA Federal Savings, Feasterville Surviving Institution— First Penn Bank, Philadelphia	Philadelphia	Approved

*Note:* The Weekly Summary (# 22) for week ended May 29, 2001, designated IGA Federal as the surviving institution in error; First Penn Bank is the survivor of the merger.

5-31-01	Sun Bank, Selinsgrove, and Guaranty Bank, N.A., Shamokin Surviving Institution— Sun Bank, Selinsgrove	Selinsgrove	Effective
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#### *Branches Acquired Via Merger:*

Ten South Market Street Shamokin Northumberland County (Former Main Office of Guaranty Bank, N.A.)	35 East Main Street Nanticoke Luzerne County
18 East Main Street Glen Lyon Luzerne County	R. D. # 3 Routes 118 & 29 Pikes Creek Luzerne County
46 South Mountain Blvd. Mountain Top Luzerne County	639 South Main Street Wilkes-Barre Luzerne County

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-30-01	PEOPLESBANK, A Codorus Valley Company York York County	118 E. Market Street York York County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-29-01	Fulton Bank Lancaster Lancaster County	<i>To:</i> Penn Plaza Shopping Center 3047 N. 5th Street Hwy. Reading Muhlenberg Township Berks County  <i>From:</i> Fairgrounds Square Mall 3050-3083 N. 5th Street Hwy. Reading Muhlenberg Township Berks County	Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1047. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2001**

The Department of Banking (Department) of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of July, 2001, is 8 1/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.72 to which was added 2.50 percentage points for a total of 8.22 that by law is rounded off to the nearest quarter at 8 1/4%.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1048. Filed for public inspection June 15, 2001, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

**Weatherization Assistance Program; Public Hearing**

The Department of Community and Economic Development (DCED) hereby publishes notice of a public hearing to be held at 10 a.m. on June 27, 2001, in Room H-East of the Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan to be submitted to the United States Department of Energy for the program year 2001-2002.

A copy of this plan may be obtained by contacting the Department of Community and Economic Development, Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-1984. A copy may also be obtained at the following DCED Regional Offices:

DCED Central Regional Office 4th Floor, Comm. Keystone Bldg. 400 North Street Harrisburg, PA 17120 (717) 720-7302	DCED Southwest Regional Office 1405 State Office Building 300 Liberty Avenue Pittsburgh, PA 15222 (412) 565-5002
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DCED Southeast Regional Office 908 State Office Building Broad and Spring Garden Streets Philadelphia, PA 19130 (215) 560-2256	DCED Northeast Regional Office 201 Samters Building 101 Penn Avenue Scranton, PA 18503-2025 (717) 963-4571
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DCED  
Northwest Regional Office  
Third Floor, Rothrock  
Building  
212 Lovell Place  
Erie, PA 16503  
(814) 871-4241

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council; Meeting Notice

Written comments may be submitted to Dennis Darling, Director, Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on June 27, 2001.

Persons with a disability who wishes to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings, should contact Dennis Darling at (717) 787-1984 to discuss how the DCED may accommodate their needs. Alternative formats of the document (such as large print or cassette tape) can be made available to the public upon request.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 01-1049. Filed for public inspection June 15, 2001, 9:00 a.m.]

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will be held on Tuesday, June 26, 2001. The meeting will be held at 5:45 p.m. at Jennings Environmental Education Center located at 2951 Prospect Road, Slippery Rock, PA.

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

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

PAULETTE JOHNSON,  
*Chairperson*

[Pa.B. Doc. No. 01-1050. Filed for public inspection June 15, 2001, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### Applications

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### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and the Pennsylvania Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. All Oil and Gas Related permit applications are listed under Section III. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the 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. The comments 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 comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability, who require an auxiliary aid service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay service at (800) 654-5984.

### I. NPDES Renewal Applications

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0020711	Borough of Topton 205 S. Callowhill St. Topton, PA 19562	Berks County Longswamp Township	Toad Creek/2C-Lower Lehigh River	Yes
PA0081949	West Earl Sewer Authority P. O. Box 725 Brownstown, PA 17508-0725	Lancaster County West Earl Township	Conestoga River/7J- Conestoga River	Yes
PA0081710	Outdoor World Corp. c/o I Resorts USA, Inc. Outdoor World Circle M Campground P. O. Box 447 Bushkill, PA 18234-0447	Lancaster County Pequea Township	Conestoga River/7J- Conestoga River	Yes
PA0083941	WSI/Cumberland County Landfill 142 Vaughn Road Shippensburg, PA 17257	Cumberland County Hopewell Township	Conodoguinet Creek/ 7B-Conodoguinet Creek	Yes
PA0021202	East Berlin Borough 128 Water Street East Berlin, PA 17316	Adams County East Berlin Borough	West Conewago Creek/ 7F-Conewago Creek	Yes

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0038814**, Sewage. **Ellport Borough Sewer Authority**, 313 Burns Avenue, Ellwood City, PA 16177.

This proposed facility is located in Ellport Township, **Lawrence County**.

Description of Proposed Activity: a renewal for a treated sewage discharge to increase discharge flows.

The receiving stream, Connoquenessing Creek, is in watershed 20-C and classified for: warm water fishes, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Beaver Falls Municipal Authority intake on the Beaver River located at Eastvale, approximately 11 miles below point of discharge.

The proposed interim effluent limits for Outfall 001 are based on a design flow 0.356 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-01 to 10-31)	22		44
Fecal Coliform (5-01 to 9-30) (10-01 to 4-30)		200/100ml as a geometric average 100,000/100ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0033006**, Sewage. **Pymatuning State Park-Jamestown STP**, Jamestown Beach Area, 2660 Williamsfield Road, Jamestown, PA 16134.

This facility is located in West Shenango Township, **Crawford County**.

Description of Proposed Activity: renewal of sewage discharge

The receiving stream, Pymatuning Reservoir, is in watershed 20A and classified for: warm water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.088 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Total Phosphorus	1.0		2.0
Total Residual Chlorine	0.5		1.2
Fecal Coliform (5-01 to 9-30)		200/100ml as a geometric average	
(10-01 to 4-30)		2,000/100ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0003026**, Sewage, **US Bronze Foundry and Machine**, 18649 Meadville, PA 16335.

This proposed facility is located in Woodcock Township, **Crawford County**.

Description of Proposed Activity: renewal of an existing discharge of treated sewage and stormwater.

The receiving stream, French Creek (002, 005) and unnamed tributary to French Creek (003, 004), is in watershed 16D and classified for: warm water fishes.

The proposed effluent limits for Outfall 005 based on a design flow of 0.007.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Phosphorus (as P)	2.0		4.0
NH <sub>3</sub> -N (5-01 to 10-31)	14		28
Total Residual Chlorine	0.5		1.2
Fecal Coliform (5-01 to 9-30)		200/100ml as a geometric average	
(10-01 to 4-30)		7,000/100ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

## **II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PA#0061115**, Sewage, **Caesars Paradise Stream Resort**, P. O. Box 400, Scotrun, PA 18355.

This proposed facility is located in Paradise Township, **Monroe County**.

Description of Proposed Activity: Renewal of existing NPDES Permit.

The receiving stream, Paradise Creek, is in the State Water Plan watershed #1E and is classified for: high quality, cold water fishery. The nearest downstream public water supply intake for Stroudsburg Borough is located on Brodhead Creek is approximately 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .10 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	20.0	40.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N (5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Phosphorus as "P"	1.0	2.0
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times.	
Total Residual Chlorine	1.0	2.30

**PA-0060020**, Sewage, **North American Medical Centers, Inc.**, HC 77, Box 379, Milford, PA 18337.

This proposed facility is located in Westfall Township, **Pike County**.

Description of Proposed Activity: renewal of NPDES Permit to discharge treated sewage.

The receiving stream, Delaware River, is in the State Water Plan watershed #1D and is classified for: warm water fishery, aquatic life, water supply and recreation. The nearest downstream public water supply intake for East Stroudsburg Water Intake is located on Delaware River is approximately .40 mile below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .015 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25	50	
Total Suspended Solids	30	60	
Dissolved Oxygen	A minimum of 5 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine			
1st Month through 24th Month	Monitor & Report		Monitor & Report
25th Month through Expiration	1.2		2.8

**PA#0061611**, Sewage, **Delaware Valley Utilities, Inc.**, 120 Routes 6 and 209, Matamoras, PA 18336.

This proposed facility is located in Westfall Township, **Pike County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge sewage.

The receiving stream, Delaware River, is in the State Water Plan watershed #1D and is classified for: warm water fishery, migratory fishery. The nearest downstream public water supply intake for East Stroudsburg is located on Delaware River is approximately 45 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .820 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25.0		50.0
Total Suspended Solids	30.0		60.0
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 8.5 standard units at all times.		
Total Residual Chlorine			
(1st Month through 24th Month)	Monitor and Report		Monitor and Report
(25th Month through Expiration)	1		2

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*Southcentral Region: Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.*

**PA0087149**, Industrial Waste, SIC Codes 9229 and 9224, **Pennsylvania Emergency Management Agency (Pennsylvania State Fire Academy)**, 1150 Riverside Drive, Lewistown, PA 17044-1971.

This proposed facility is located in Lewistown Borough, **Mifflin County**.

Description of proposed activity: Discharge of treated water from Fire Training exercises.

The receiving stream (Juniata River) is in Watershed 12-A and classified for warm water fishery.

The proposed effluent limits for Outfall 001 based on a design flow of 0.012 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
pH	XXX	XXX	Monitor & Report	Monitor & Report
Total BTEX	XXX	XXX	Monitor & Report	Monitor & Report
Benzene	XXX	XXX	Monitor & Report	Monitor & Report
Toluene	XXX	XXX	Monitor & Report	Monitor & Report
Ethylbenzene	XXX	XXX	Monitor & Report	Monitor & Report
Xylene	XXX	XXX	Monitor & Report	Monitor & Report
Total Suspended Solids	XXX	XXX	Monitor & Report	Monitor & Report
Oil and Grease	XXX	XXX	Monitor & Report	Monitor & Report

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

The EPA waiver is in effect.

**PA# 0088862**, CAFO, **Jeremiah O. Sensenig**, 2671 Noble Road, Quarryville, PA 17566.

This proposed facility is located in Little Britain Township, **Lancaster County**.

Description of Proposed Activity: An existing swine and beef steer operation with a 326.16 total AEUs. A 702,000 gallon concrete manure storage facility is located under the swine building to manage about 875,000 gallons of manure produced annually and land applied twice per year.



The receiving stream, West Branch of Octoraro Creek, is in the State Water Plan watershed 7-K and is classified for: HQ-CWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PA# 0086321**, CAFO, **Eugene Z. Nolt**, 43 Kurtz Road, New Holland, PA 17557.

This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Activity: An existing swine and dairy heifer operation with 349.68 AEUs. A 841,000 gallon concrete manure storage facility is located under the swine building to manage about 918,000 gallons of manure produced annually and land applied twice per year.

The receiving stream, UNT to Conestoga River & Segloch Run, is in the State Water Plan watershed 7-J and is classified for: HQ-CWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PA# 0088846**, CAFO, **Hershey Ag, Aspen-Perry Farm**, 138 Airport Road, Box 68, Marietta, PA 17547-0068.

This proposed facility is located in Fulton Township, **Perry County**.

Description of Proposed Activity: An existing swine operation with 1,725 AEUs. An existing 7.25 million gallon high density polyethylene lined manure storage facility is used to store about 9.0 million gallon of manure produced yearly and exported twice per year to adjacent farms.

The receiving stream, Buffalo Creek, is in the State Water Plan watershed 12-B and is classified for: HQ-CWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PA#0088854**, CAFO, **Jeremiah and James Sensenig**, 2671 Noble Road, Quarryville, PA 17566.

This proposed facility is located in Little Britain Township, **Lancaster County**.

Description of Proposed Activity: An existing dairy and swine operation with 378.8 Auks. A total of 847,000 gallons of swine manure and 280,000 gallons of dairy manure are produced yearly. The swine manure is stored in a 674,000 gallon under building concrete pit while the liquid dairy manure is stored in a 184,000 gallon storage facility.

The receiving stream, Little Conewago Creek, is in the State Water Plan watershed 7-K and is classified for: HQ-CWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0238589**, Sewage. **Theresa Henke, Executor, Michael J. Filyo Estate**, 6210 Broad Street, South Park, PA 15129.

This proposed facility is located in Fairfield Township, **Crawford County**.

Description of Proposed Activity: new NPDES permit

The receiving stream, French Creek, is in watershed 16D and classified for: warm water fishes, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Total Residual Chlorine	Monitor and Report		
Fecal Coliform	200/100ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

**PA0238554**, Sewage. **John E. Taddeo**, 24 Anthony Wayne Terrace, Baden, PA 15005.

This proposed facility is located in Cussewago Township, **Crawford County**.

Description of Proposed Activity: new NPDES permit.

The receiving stream, unnamed tributary to Cussewago Creek, is in watershed 16D and classified for: warm water fishes, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Total Residual Chlorine	Monitor and Report		
Fecal Coliform	200/100ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

## WATER QUALITY MANAGEMENT PERMITS

### CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

#### APPLICATIONS UNDER THE PENNSYLVANIA CLEAN STREAMS LAW

##### PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department). The applications are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permit applications.

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted above the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments 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.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

#### **I. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

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

**WQM Permit No. 2201403**, Sewerage, **West Hanover Township Water & Sewer Authority**, 7901 Jonestown Road, Harrisburg, PA 17112.

This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of the Bradford Estates Pumping Station

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 4301413**, Sewerage, **Gary K. SeGall**, 470 Methodist Road, Greenville, PA 16125.

This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 4301414**, Sewerage, **Denise M. and Patrick V. Stadtfeld**, 7266 West Market Street, Lot #6, Mercer, PA 16137.

This proposed facility is located in Jefferson Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 4301415**, Sewerage, **Craig P. Mild**, 264 Spencer Avenue, Sharon, PA 16146.

This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

#### **NPDES Stormwater Individual Permit**

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into 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 conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

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

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

Following the 30-day comment period, the appropriate Regional Office 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 sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**NPDES Permit PAS10 G470.** Stormwater. **Robert B. Davis**, P. O. Box 218, 114 West Lancaster Avenue, Downingtown, PA 19335 has applied to discharge stormwater associated with a construction activity located in Upper Uwchlan Township, **Chester County** to March Creek (HQ-TSF-MF).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10U152	Ashley Development Corp. 559 Main St. Bethlehem, PA 18018	Northampton County Williams Township	Frya Run HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**NPDES Permit PAS10 3007,** Stormwater. **John Gilliland**, R. D. 1 Box 1, Warriors Mark, PA 16877 has applied to discharge stormwater associated with a construction activity located in Warriors Mark Township, **Huntingdon County** to Warriors Mark Run and Juniata River (TSF-HQ-CWF).

*Huntingdon Conservation District: R. R. #1 Box 7C (Rte. 26S), Huntingdon, PA 16652, (814) 627-1627.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS103007	John Gilliland R. D. 1 Box 1 Warriors Mark, PA 16877	Warriors Mark Township Huntingdon County	Warriors Mark Run Juniata River (TSF-HQ-CWF)

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit PAS10X096,** Stormwater. **Alan Latta**, 5543 Saltsburg Road, Murrysville, PA 15668 has applied to discharge stormwater associated with a construction activity located in Murrysville Borough, **Westmoreland County** to UNT to Haymakers Run/HQ-CWF.

*Westmoreland Conservation District: R. D. # 12, Box 202-B, Donohoe Center, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10X096	Alan Latta 5543 Saltsburg Road Murrysville, PA 15668	Westmoreland County Murrysville Borough	UNT to Haymakers Run/ HQ-CWF

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## SAFE DRINKING WATER

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

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

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<b>Permit No. 1501504.</b> Public Water Supply.	
Applicant	<b>Philadelphia Suburban Water Company</b>
Township	East Brandywine
Responsible Official	Morrison Coulter
Type of Facility	Public Water Supply System

Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112	Responsible Official	Aurel M. Arndt, General Manager Lehigh County Authority P. O. Box 3348 Allentown, PA 18106 (610) 398-2503
Application Received Date	May 23, 2001		
Description of Action	Construction of a new well pump station, including well pumps, booster pumps, disin- fection and corrosion control facilities.	Type of Facility	Community Water System
		Consulting Engineer	Steven R. Henning, P.E. G. Edwin Pidcock Co. 2451 Parkwood Drive Allentown, PA 18103-9608 (610) 791-2252
<b>Permit No. 4601508</b> , Public Water Supply.			
Applicant	<b>Schwenksville Borough Water Authority</b>	Application Received Date	May 11, 2001
Borough	Schwenksville	Description of Action	Construction of a water booster pump station to pro- vide service to the proposed Valley West Estates 142 lot residential subdivision and to future development of resi- dential and light industrial facilities in the nearby area.
Responsible Official	Edward R. Beitler		
Type of Facility	Public Water Supply System		
Consulting Engineer	AARO Consulting, Inc. 649 N. Lewis Road, Suite 100 Limerick, PA 19468		
Application Received Date	May 31, 2001		
Description of Action	Construction of a booster pump station. Installation of Cemetery Road water main extension and Mountain View Avenue water main replace- ment.	<b>Permit No. 0601507</b> , Public Water Supply.	
		Applicant	<b>Philadelphia Suburban Water Company</b>
		Municipality	Cumru
		County	<b>Berks</b>
		Responsible Official	Morrison Coulter, President 762 West Lancaster Avenue Bryn Mawr, PA 19010
		Type of Facility	Public Water Supply
		Consulting Engineer	Douglas E. Berg, P.E. Entech Engineering Inc. 4 South 4th Street Reading, PA 19603
		Application Received Date	April 13, 2001
		Description of Action	Green Hills Manor water sup- ply well (300 gpm) with disin- fection
<i>Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.</i>			
<b>Permit No. 3901505</b> , Public Water Supply.			
Applicant	<b>Lehigh County Authority</b>		
Township or Borough	Upper Macungie Township <b>Lehigh County</b>		
Responsible Official	Aurel M. Arndt, General Manager Lehigh County Authority P. O. Box 3348 Allentown, PA 18106 (610) 398-2503		
Type of Facility	Community Water System		
Consulting Engineer	Gerald R. McClune, P.E. Hyder, North America, Inc. 270 Granite Run Drive Lancaster, PA 17601 (717) 569-7021		
Application Received Date	April 23, 2001		
Description of Action	Construction of a new well to replace two previously uti- lized wells which were taken off-line in late 2000.	<b>Permit No. 0601509</b> , Public Water Supply.	
		Applicant	<b>Muhlenberg Township Authority</b>
		Municipality	Ontelaunee Township
		County	<b>Berks</b>
		Responsible Official	Robert Walborn, Manager 2840 Kutztown Road Hyde Park Reading, PA 19605
		Type of Facility	Public Water Supply
		Consulting Engineer	Gene C Koontz, P.E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
		Application Received Date	May 16, 2001
		Description of Action	New well 15 (250 gpm) with disinfection.

**Permit No. 3601505**, Public Water Supply.

Applicant **Millbrook Manor**  
Municipality West Cocalico Township  
County **Lancaster**  
Responsible Official Nelson M Wenger, Owner  
100 East Queen Street  
Stevens, PA 17578

Type of Facility Public Water Supply  
Consulting Engineer Scott M Rights, P.E.  
Steckbeck Engineering Associates  
43 N. Cornwall Rd.  
Lebanon, PA 17042

Application Received Date February 26, 2001

Description of Action Installation of a new well and nitrate treatment system to serve the new expansion at the mobile home park.

**Permit No. 0601510**, Public Water Supply.

Applicant **Oley Township Municipal Authority**  
Municipality Oley Township  
County **Berks**  
Responsible Official Paul A Herb, Chairperson  
P. O. Box 19  
Oley, PA 19547

Type of Facility Public Water Supply  
Consulting Engineer Russell M Smith, P.E.  
Spotts Stevens and McCoy Inc.  
345 North Wyomissing Boulevard  
Reading, PA 19610-0307

Application Received Date May 18, 2001

Description of Action New well no. 4 (150 gpm) with disinfection.

**Permit No. 0101506**, Public Water Supply.

Applicant **Cavalry Heights, Inc.**  
Municipality Mt. Pleasant Township  
County **Adams**  
Responsible Official William H. Weiss, President  
2160 Hanover Road  
Gettysburg, PA 17325

Type of Facility Public Water Supply  
Consulting Engineer Janet R. McNally, P.E.  
William F. Hill & Assoc., Inc.  
207 Baltimore St.  
Gettysburg, PA 17325

Application Received Date April 10, 2001

Description of Action Construction of a 5,000 gallon finished water storage tank and a finished water pump station at the existing Cavalry Heights mobile home park.

**Permit No. 2801503**, Public Water Supply.

Applicant **Greencastle Area Franklin County Area Authority**  
Municipality Antrim Township  
County **Franklin**  
Responsible Official Kenneth E. Myers, Borough Manager  
60 N. Washington St.  
Greencastle, PA 17225-1230

Type of Facility Public Water Supply  
Consulting Engineer Gene C. Koontz, P.E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Application Received Date March 15, 2001

Description of Action Century Well No. 3 at 400 gpm. Project will include 900' of 8-inch transmission main and treatment will be provided at the existing Greencastle filter plant.

**Permit No. 3601507**, Public Water Supply.

Applicant **Rosie's Drive-in**  
Municipality Providence Township  
County **Lancaster**  
Responsible Official Rosie Roten  
827 Lancaster Pike  
Quarryville, PA 17566

Type of Facility Public Water Supply  
Consulting Engineer Thomas J. Whitehill, P. E.  
Whitehill Consulting Engineers  
763 Conowingo Road  
Quarryville, PA 17566

Application Received Date March 19, 2001

Description of Action Application is for the installation of an ion exchange system for nitrate removal, UV disinfection and sediment filter at the restaurant.

**Permit No. 0101504**, Public Water Supply.

Applicant **Insite Development, LLC**  
Municipality Berwick Township  
County **Adams**  
Responsible Official Donald H. Erwin, Managing Member  
4216 Little Run Road  
Harrisburg, PA 17110-3105

Type of Facility Public Water Supply  
Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley & Assoc., Inc.  
18 South George Street  
York, PA 17401

Application Received Date March 21, 2001

Description of Action	Construction permit for Wells No. 3, 6, 7 and treatment facilities. Desired pumping rates for the wells are 25, 4 and 9 gallons per minute, respectively. Well No. 3 will be treated using existing facilities. Wells No. 6 and 7 will each have a treatment building. Both will contain greensand filtration and hypochlorite disinfection equipment.	Municipality	Franklin Township
		County	<b>Adams</b>
		Responsible Official	Charles A. Bennett, Manager of Env. Affairs 53 E. Hanover St. Biglerville, PA 17307-0807
		Type of Facility	Public Water Supply
		Consulting Engineer	Janet R. McNally, P.E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
		Application Received Date	March 1, 2001
<b>Permit No. 2201504</b> , Public Water Supply.		Description of Action	A construction permit application for a lead/copper corrosion control system. Potassium hydroxide and Virchem 939 will be added using separate diaphragm pumps.
Applicant	<b>Strohecker Mobile Home Park</b>		
Municipality	Halifax Township		
County	<b>Dauphin</b>		
Responsible Official	Larry R. Strohecker, Owner 615-A Dunkle School Road Halifax, PA 17032		
Type of Facility	Public Water Supply		
Consulting Engineer	George W. Ruby, P.E. Ruby Engineering P. O. Box 127 Rexmont, PA 17085-0127		
Application Received Date	March 29, 2001		
Description of Action	The application is for the installation of Well No. 4, a 26,000 gallon storage tank, booster pumps for Well Nos. 2 & 3 and chemical feed pumps for all three wells.		
		<b>Permit No. 0101503</b> , Public Water Supply.	
		Applicant	<b>Knouse Foods Cooperative, Inc.</b>
		Municipality	Dickinson Township
		County	<b>Cumberland</b>
		Responsible Official	Charles A. Bennett, Manager of Env. Affairs 53 E. Hanover St. Biglerville, PA 17307-0807
		Type of Facility	Public Water Supply
		Consulting Engineer	Janet R. McNally, P.E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
		Application Received Date	March 1, 2001
		Description of Action	Operation Permit for addition of lead and copper corrosion control facilities. KOH and Virchem 939 will be added utilizing separate chemical feed pumps.
		<b>Permit No. 0601505 MA Minor Amendment</b> , Public Water Supply.	
		Applicant	<b>Citizens Utilities Water Company of PA</b>
		Municipality	Amity Township
		County	<b>Berks</b>
		Responsible Official	Darryl A. Jenkins, Manager 4 Wellington Blvd. Wyomissing Hills, PA 19610
		Type of Facility	Public Water Supply
		Consulting Engineer	Darryl A. Jenkins, P.E. Citizens Utilities Water Company of PA P. O. Box 6342 Wyomissing, PA 19610
		Application Received Date	April 3, 2001
<b>Permit No. 3801502</b> , Public Water Supply.			
Applicant	<b>Pennsylvania American Water Company</b>		
Municipality	North Annville Township		
County	<b>Lebanon</b>		
Responsible Official	Richard C. Neubauer, Vice President Operations 800 W. Hersheypark Drive Hershey, PA 17033		
Type of Facility	Public Water Supply		
Consulting Engineer	Bruce E. Juergens Pennsylvania Water Company 800 W. Hersheypark Drive Hershey, PA 17033		
Application Received Date	April 4, 2001		
Description of Action	The application is for the installation of a booster Pumping station to serve residents of the Collegeview Heights Development in North Annville Township, Lebanon County.		
		<b>Permit No. 0101502</b> , Public Water Supply.	
Applicant	<b>Knouse Foods Cooperative, Inc.</b>		

Description of Action Addition of aqua mag for manganese control.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 2601501**, Public Water Supply.

Applicant **Indian Creek Valley Water Authority**  
P. O. Box 486  
Indian Head, PA 15446

Township or Borough Ohiopyle Borough & Stewart Township

Responsible Official Kerry Witt, Manager

Type of Facility Water plant  
Consulting Engineer  
Bankson Engineers, Inc.  
267 Blue Run Road  
P. O. Box 200  
Indianola, PA 15051

Application Received Date May 9, 2001

Description of Action Construction of two water storage tanks, two water pump stations and an inter-connection with Ohiopyle Borough.

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

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Application No. 3546379**, Minor Amendment.

Applicant **Far Away Springs**

Township or Borough Pine Grove Township,  
**Schuylkill County**

Responsible Official Stanley F. Frompovicz

Type of Facility Bulk water hauling

Consulting Engineer Charles Yourshaw

Application Received Date May 9, 2001

Description of Action Change from one permitted source, Far Away Springs, to another, Sweet Arrow Springs

**Application No. 3546481**, Minor Amendment.

Applicant **Paradise Springs Vended Water System**

Township or Borough Pine Grove Township,  
**Schuylkill County**

Responsible Official Stanley F. Frompovicz

Type of Facility Vending Machines

Consulting Engineer Charles Yourshaw

Application Received Date May 9, 2001

Description of Action Change from one permitted source, Far Away Springs, to another, Sweet Arrow Springs

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 1101502**, Minor Amendment.

Applicant **Gallitzin Water Authority**  
411 Convent Street  
Gallitzin, PA 16641

[Township or Borough] Gallitzin Borough

Responsible Official Robert Capotosto,  
Chairperson

Type of Facility tank, waterlines

Consulting Engineer Hegemann and Wray  
Consulting Engineers  
429 Park Avenue  
Cresson, PA 16630

Application Received Date May 10, 2001

Description of Action 344,000 water storage tank, approximately 59,000 LF of distribution main and approximately 20,800 LF of main to serve the Village of Amsbry.

**Application No. 6301502**, Minor Amendment.

Applicant **Pennsylvania-American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

[Township or Borough] North Franklin Township

Responsible Official Steven Seidl, Vice President,  
Engineering

Type of Facility Tank

Application Received Date June 4, 2001

Description of Action Painting of a water storage tank

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 2594501-MA6**, Minor Amendment.

Applicant **Erie City Water Authority**  
340 W. Bayfront Pkwy.  
Erie, PA 16507-0729

Township or Borough Erie City

Responsible Official James J. Rudy, Chief  
Operating Officer

Type of Facility Public Water Supply

Consulting Engineer Michael Sanford  
Henry T. Welka & Assoc.  
Erie, PA

Application Received Date May 30, 2001

Description of Action Extension to Meadows Subdivision

## WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA26-658A, Water Allocations. Indian Creek Valley Water Authority**, P. O. Box 486, Indian Head, PA 15446-0486, Stewart Township, **Fayette County**. Applicant is requesting the right to withdraw 400,000 gallons per day from the Pritts Spring, Grim Spring, the Municipal Authority of Westmoreland County Mill Run Reservoir and Ohiopyle Borough.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known 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. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Former Quaker Chemical Facility**, Borough of Conshohocken, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, on behalf of Quaker Park Associates, LP, 1200 River Road, Suite 1303, Conshohocken, PA 19428, has submitted a Notice of Intent to Remediate site soil contaminated with polycyclic aromatic hydrocarbons and site groundwater contaminated with heavy metals and VOCs. The applicant proposes to remediate the site to meet Statewide Health and Site-specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Times Herald* on May 23, 2001.

**Upper Dublin Township**, Fort Washington Borough and Upper Dublin Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, on behalf of Upper Dublin Township, 801 Loch Alsh Ave., Fort Washington, PA 19034, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Site-specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Ambler Gazette* on November 9, 1999.

**Nino's Farmers Market**, City of Philadelphia, **Philadelphia County**. Eric S. Poulson, P.E., Oxford Engineering Co., 1515 West Chester Pike, Suite B-1, West Chester, PA 19382, on behalf of Nino Marchensani, 4401 Castor Ave., Philadelphia, PA 19124, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Juniata News* on May 22, 2001.

**Roosevelt Associates Site**, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Roosevelt Associates, c/o Colliers, Lanard & Axilbund, 399 Market St., Philadelphia, PA 19105-2183, has submitted a Notice of Intent to Remediate site soil contaminated with lead, BTEX and naphthalene and site groundwater contaminated with BTEX and naphthalene. The applicant proposes to remediate the site to meet Statewide Health and Site-specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on May 23, 2001.



**Menno Realty Company**, Hilltown Township, **Bucks County**. Eric B. Rosina, Storb Environmental, Inc., 410 N. Easton Road, Willow Grove, PA 19090, on behalf of Menno Realty, 771 Route 113, Souderton, PA 18064 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer* on May 9, 2001.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**UGI Utilities, Inc. Lebanon Service Building**, City of Lebanon, **Lebanon County**. UGI Utilities, Inc., P. O. Box 12677, Reading, PA 19612 has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX, PHCs and PAHs. 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 or before June 1, 2001.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Newberry Rail Yard—SEDA-COG**, City of Williamsport, **Lycoming County**. Converse Consultants, 2738 West College Avenue, State College, PA 17837, on behalf of their client SEDA-COG, R. R. # 1, Box 372, Lewisburg, PA 17827, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, BTEX, PAHs and PHCs. The applicant proposes to remediate the site to meet the Site-specific Standard and/or the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette*.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Spedd Inc.**, Warren Ind. Ctr., 920 Pennsylvania Avenue West, has submitted a Notice of Intent to Remediate soil contaminated with Solvents, Paint Related Wastes and Oils. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Warren Times Observer* on April 7, 2001.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Act (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### **RENEWAL APPLICATIONS RECEIVED**

**Medwaste Management, Inc. of New England**, P. O. Box 1281, Cromwell, CT 06416. License No. **PA-HC 0198**. Received on June 5, 2001.

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024. License No. **PA-HC 0015**. Received on June 5, 2001.

#### **HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES**

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and regulations to operate a hazardous waste treatment, storage or disposal facility.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application I. D. No. PAD000606285. Eastman Chemical Resins, Inc.**, P. O. Box 0567, State Highway 837, West Elizabeth, PA 15088-0567. Hercules, Inc., State Highway 837 and Madison Avenue, West Elizabeth, PA 15088. An application for a Minor Permit Modification for the Transfer of Ownership of a Captive Hazardous Waste Storage Facility in Jefferson Hills Borough, **Allegheny County** was received in the Regional Office on June 4, 2001.

#### **AIR QUALITY**

##### **NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (DEP) 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 DEP, 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 DEP has received applications for plan approvals and/or operating permits from the following facilities.

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

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP 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 DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is con-

structed 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.

**Applications received and intent to issue operating permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.*

**45-318-031: Tobyhanna Army Depot** (ATTN: AMSEL-TY-RK-E (Mr. Ober), 11 Hap Arnold Boulevard, Tobyhanna, PA 18466 for operation of a paint spray booth and associated air cleaning device in Coolbaugh Township, **Monroe County**).

**54-00046: Lehigh Asphalt Paving and Construction Co., Inc.** (P. O. Box 549, Tamaqua, PA 18252) for a synthetic minor operating permit for an asphalt plant in Tamaqua Borough, **Schuylkill County**.

**54-00032: Lehigh Asphalt Paving and Construction Co. Inc.** (P. O. Box 549, Tamaqua, PA 18252) for a synthetic minor operating permit for an asphalt plant in Tamaqua Borough, **Schuylkill County**.

**45-00024: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) for a synthetic minor operating permit for an asphalt plant, rock crushing plant and a concrete plant in Hamilton Township, **Monroe County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-03077: F. M. Brown's Sons, Inc.** (205 Woodrow Avenue, Sinking Spring, PA 19608) for a natural minor operating permit for a small feed mill controlled by two fabric collectors in Sinking Spring Borough, **Berks County**. The natural minor operating shall contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**04-00679: Tri-State River Products, Inc.** (Box 218, Beaver, PA 15009) for operation of an Aggregate Production Facility at # 16 Dredge in Industry Borough, **Beaver County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**37-00038: B and L Asphalt Industries, Inc.** (Route 168, New Castle, PA 16105) for a synthetic minor operating permit for operation of the facility's air contamination sources consisting of a 180 tph batch mix asphalt plant in Hickory Township, **Lawrence County**.

**61-00007: IA Construction Corp.—Franklin Plant** (Route 8 North, Franklin, PA 16323) for a synthetic minor operating permit for operation of the facility's air contamination sources consisting of a 180 tph batch mix asphalt plant in Sugar Creek Borough, **Venango County**.

**37-00027: IA Construction Corp.—West Pittsburg Plant** (River Road, West Pittsburg, PA 16060) for a

synthetic minor operating permit for operation of the facility's air contamination sources consisting of a 300 tph batch mix asphalt plant in Taylor Township, **Lawrence County**.

**PLAN APPROVALS**

**Applications received for plan approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**59-304-008F: ACP Manufacturing Co., LLC** (P. O. Box 68, Blossburg, PA 16912-0068) for construction of an isocure core machine to be controlled by an existing air cleaning device (a scrubber) in Lawrence Township, **Tioga County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**30-00141A: RAG Cumberland Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) for operation of Stockpiling Coal at Cumberland Mine Preparation Plant in Whitely Township, **Greene County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**42-193A: Allegheny Bradford Corp.** (1522 South Avenue, Bradford, PA 16701-0200) for post-installation of a baghouse (28000 cfm) on stainless steel polishing process in Bradford, **McKean County**.

**24-012B: The Carbide/Graphite Group** (800 Theresa Street, St. Marys, PA 15857) for minor modification of EPA Permit No. 79-PA-26 to remove transmissometer requirement in pitch impregnation stack, installation of an air cooling chamber to allow air quenching of sensitive products and removal of SOx transmissometer requirement in Longitudinal Graphitizer stack in St. Marys, **Elk County**. The Carbide/Graphite Group, St. Marys Facility, is a Title V facility.

**42-193A: Allegheny Bradford Corp.** (1522 South Avenue, Bradford, PA 16701-0200) for post-installation of a baghouse (28000 cfm) on stainless steel polishing process in Bradford, **McKean County**.

**43-040A: AK Steel Corp.—Sawhill Tubular Division** (200 Clark Street, Sharon, PA 16146) for installation of wet scrubbers to replace dry zinc dust collectors on the No. 1 and No. 2 Galvanize Lines in Sharon, **Mercer County**.

**Intent to Issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0112: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) for installation of a replacement thermal oxidizer that will control emissions from various production lines at their facility located in Skippack Township, **Montgomery County**. This facility is a non-Title V facility. The thermal oxidizer will reduce

volatile organic compound emissions to 21 tons per year. Emissions of nitrogen oxides will be less than 6 tons per year and for carbon monoxide, less than 4 tons per year. The facility shall be required to operate the thermal oxidizer at all times when the various production lines are in operation. The facility is also taking restriction on its Adhesive Film Treater, which will reduce its potential emissions of VOCs to less than 2 tons per year. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.*

**35-318-084: Chamberlain Manufacturing Corp.** (156 Cedar Avenue, Scranton, PA 18505-1138) for construction of a paint spray booth and associated air cleaning device in Scranton, **Lackawanna County**. This munitions manufacturing facility is a non-Title V facility. The installation will result in the emission of 0.25 ton per year of volatile organic compounds and a particulate matter emission rate of less than 0.04 grain per dry standard cubic foot. The company shall maintain records of all materials applied or used in, or associated with the use of, the spray booth to verify compliance with applicable requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**07-05032A: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) to modify the operation of the existing natural gas fired drum mix coater asphalt plant located in Taylor Township, **Blair County**. The plant will operate with alternative fuels including: recycled fuel oil, No. 2 fuel oil and natural gas. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. A fabric collector controls particulate emissions from the asphalt plant. In addition, the company will install new Recycled Asphalt Product (RAP) crushing and sizing equipment. Facility wide emissions are limited to less than 100 tons/year of nitrogen oxides and carbon monoxide and less than 50 tons/year of volatile organic compounds. The plan approval and operating permit will contain additional monitoring, record keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**41-305-009D: Keystone Filler and Manufacturing Co.** (214 Railroad Street, Muncy, PA 17756) for installation of a fabric collector on an existing rotary coal dryer (# 4 dryer) and associated processing equipment in Muncy Township, **Lycoming County**.

The fabric collector will replace an existing fabric collector. There will be no increase in the emission of any air contaminant but there may be a decrease in the emission of particulate matter from the level which now exists.

The Department of Environmental Protection (Department) has determined that the proposed equipment will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The

Department consequently intends to issue plan approval for the installation of the respective fabric collector. Additionally, if the Department determines that the coal dryer and associated processing equipment and the fabric collector are operating in compliance with all applicable plan approval conditions and regulatory requirements following the installation of the fabric collector, the conditions established in the plan approval will be incorporated into an operating permit via administrative amendment under 25 Pa. Code § 127.450.

The Department intends to place conditions in the plan approval to be issued pertaining to the operation and monitoring of the fabric collector. These conditions are intended to assure proper operation of the collector as well as maintenance of compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the inlet temperature of the fabric collector shall not exceed 425°F.

2. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the fabric collector shall be equipped with a temperature gauge to continuously monitor the inlet temperature of the fabric collector.

3. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the fabric collector shall be equipped with instrumentation to continuously monitor the differential pressure drop across the collector bags.

4. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the compressed air system used for cleaning the collector bags shall be equipped with an air dryer and oil trap.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

#### **NOTICE OF INTENT TO ISSUE A PLAN APPROVAL AND AMEND A TITLE V OPERATING PERMIT**

**56-00167A: North American Hoganas—Stony Creek Plant** (250 Abex Road, P. O. Box 509, Hollsopple, PA 15935-0509) for modification of the steel production facility previously referred to as First Mississippi Steel facility into an iron powder producer in Hollsopple, **Somerset County**. It covers emissions changes associated with the construction of new sources, modifications of existing sources and shutdown of existing sources.

The proposed facility is subject to the applicable requirements of 25 Pa. Code, Chapter 127 (related to construction, modification, reactivation and operation of sources) and 40 CFR Part 60 Subpart AAa.

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

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

3. This Plan Approval is for the modification of the steel production facility previously referred to as First Mississippi Steel facility into an iron powder producer. It covers emission changes associated with the construction of new sources, modification of existing sources and

shutdown of existing sources. This facility is located in Hollsopple, PA Somerset County. (25 Pa. Code § 127.12a and b)

4. This facility is subject to the New Source Performance Standards for Electric Arc Furnaces (40 CFR Part 60, Subpart AAa):

In accordance with 40 CFR 60.4 copies of all requests, reports, applications, submittals and other communications shall be forwarded to both EPA and the Department at the following addresses unless otherwise noted:

Director  
 Air Toxics and Radiation  
 Region III  
 1650 Arch Street  
 Philadelphia, PA 19103-2029  
 PA Department of Environment Protection  
 Office of Air Quality Control  
 400 Waterfront Drive  
 Pittsburgh, PA 15222-4745

5. Emissions of Particulate Matter from the American Air Filter shall be limited to .0043 gr/dscf. (25 Pa. Code § 127.441)

6. The owner/operator shall perform a weekly inspection of the clean side of the EAF and Canopy baghouses and keep on file observations made and maintenance performed on the baghouses. This file shall be made available to the Department upon request. (25 Pa. Code § 127.441)

7. The owner/operator shall keep spare bags on hand for replacement/maintenance purposes. (25 Pa. Code § 127.12b)

8. The owner/operator shall perform stack testing on the American Air Filter baghouse to determine compliance with TSP/PM-10 emission rate with Condition # 5 above. (25 Pa. Code § 127.12b)

9. The following production and operating hours limitations apply:

EAF & LMS	220,000 tons charged 210,000 tons of production	7,000 hours
(3) 50 tons ladle heaters—10 mmbtu/hr each		3,700 hours combined
(2) 50 ton ladle dryers—5 mmbtu/hr each		2,500 hours combined
oxygen converter	5,000 tons	1,000 hours
Atomizer tank	210,000 tons	7,000 hours
(2) Rotary Dryers 8.5 mmbtu/hr each	17 mmbtu/hr	7,000 hours each
(5) Annealing Furnaces 11.5 mmbtu/hr each		8,500 hours each

Crushing/ Screening	210,000 tons	8,500 hours
Induction Furnace/ LMF (4 ton)	3,300 tons	
(2) 4 ton annealing furnaces	9.2 mmbtu/hr combined	1,400 hours combined
(2) 4 ton ladle heater	2 mmbtu/hr combined	4,000 hours combined
4 ton vacuum/ degas/ VOD		1,400 hours
(4) Bldg. Heaters 6 mmbtu/hr each	24 mmbtu/hr	2,000 hours combined

• Compliance with yearly limits is determined on a 12 month rolling average basis: (25 Pa. Code § 127.12b)

10. The following emission limitations apply:

*Facility Wide Emission Limitations*

<i>Pollutant</i>	<i>Yearly Limit</i>
CO	243.28 tpy
NOx	74.48 tpy
PM-10	25.41 tpy

11. Each of the five annealing furnaces shall be limited to 4.00 tons of NOx on a 12-month rolling basis and shall be limited to 1.0 lb of NOx (as NO2) per hour. (25 Pa. Code § 127.12b)

12. The electric arc furnace shall be limited to a NOx (as NO2) emission rate of .37 lbs/ton. (25 Pa. Code § 127.12b)

13. The EAF and LMS shall be limited to 40.68 tons of NOx on a 12 consecutive month rolling basis. (25 Pa. Code § 127.12b)

14. The following short-term emission limitations apply to the EAF:

Carbon Monoxide	—80 lbs/hr
Nitrogen Oxides	—20 lbs/hr
VOC	—12 lbs/hr
Sulfur Dioxides	—12 lbs/hr
PM10	— 8 lbs/hr

(25 Pa. Code § 127.441)

15. The roof fans in the melt shop will not be operated.

16. The owner/operator shall keep daily records which demonstrate compliance with the production and emission limitations identified above. These records shall be kept on site for a period of 5 years and be made available to the Department upon request. (25 Pa. Code § 127.12b)

17. Emissions of particulate matter from the EAF baghouse which includes the East and West Carborundum and Fuller Baghouse shall be limited to .0052 gr/dscf in accordance with the NSPS 40 CFR Part 60 Subpart AAa.

18. Opacity of visible emissions from all facility baghouses (American Air Filter, East and West Carborundum and Fuller) that exhaust the EAF and LMF shall not exceed 3% opacity in accordance with the NSPS 40 CFR Part 60 Subpart AAa. The South Wheelabrator and North Wheelabrator baghouses shall not exceed 10% opacity. (25 Pa. Code § 127.441)

19. The owner/operator shall perform stack testing no later than 180 days of commencement of operation under the terms of this Plan Approval on the EAF to determine the emission rates of the following pollutants: SO<sub>x</sub> (as SO<sub>2</sub>), NO<sub>x</sub> (as NO<sub>2</sub>), Volatile Organic Compounds (VOC), Carbon Monoxide (CO) and Particulate Matter (PM-10). Emissions of NO<sub>x</sub> (as NO<sub>2</sub>) and CO shall be monitored for a minimum of 600 operating hours within this 180 day period, while the sources are operating normally in the ductwork from the EAF/LMS and from the canopy hood. (25 Pa. Code § 127.12b)

20. The owner/operator shall conduct the stack testing in Condition # 14 above on an annual basis for 2 consecutive years and at least once every 5 years within the term of the operating permit thereafter. (25 Pa. Code § 127.12b)

21. The owner/operator shall also perform stack testing no later than 180 days after receipt of this Plan Approval on two of the five anneal furnaces (rated at 11.5 mmbtu/hr) for the following pollutants: NO<sub>x</sub> (as NO<sub>2</sub>) and Carbon Monoxide (CO). (25 Pa. Code § 127.12b)

22. Stack testing shall be performed in accordance with 25 Pa. Code Chapter 139 regulations and the Department's Source Testing Manual.

23. Two copies of a pre-test protocol shall be submitted to the Department for review at least 60 days prior to the performance of the stack test.

24. The Department shall be notified at least 2 weeks prior to the stack test of the date and time of the test so that an observer may be present.

25. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of the testing.

26. Fugitive emissions from the melt shop shall comply with 25 Pa. Code § 123.1.

27. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

(a) The owner/operator must receive written notice from the Owner/Operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

(b) Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for a period of 18 months from the date of commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (a), above.

(d) The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

(e) The notice submitted by the Owner/Operator under subpart (a), above, prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

## MINING ACTIVITY APPLICATIONS

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 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 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. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief sum-

mary 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.

*Coal Applications Received*

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

**49871602R2. Lenig & Kosmer Coal Washery**, (R. R. 1 Box 250A, Shamokin, PA 17872), renewal of an existing coal preparation plant operation in West Cameron Township, **Northumberland County** affecting 3.6 acres, receiving stream—none. Application received: May 25, 2001.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**65960110. LMM, Inc.** (P. O. Box 517, Stoystown, PA 15563). Application received for renewal of permit for continued reclamation only of a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**, affecting 48.9 acres. Receiving streams: unnamed tributary to Sewickley Creek and Hunters Run. Application received: May 18, 2001.

**65990106. Ralph Smith & Son, Inc.** (200 West Second Street, Derry, PA 15627). Application received to add acreage and revise the erosion and sedimentation controls at an existing bituminous surface mining site located in Salem Township, **Westmoreland County**, currently affecting 56.3 acres. Receiving streams: N/A. Application received: May 22, 2001.

**04840101. Kerry Coal Company** (R. D. 2, Box 2139, Wampum, PA 16157). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Big Beaver Borough, **Beaver County**, affecting 462.8 acres. Receiving streams: unnamed tributaries to Clark Run, Clark Run and unnamed tributaries to Stockman Run and Stockman Run. Renewal application received: May 25, 2001.

**65960111. Sosko Coal Co., Inc.** (R. D. 3, Box 330, Mt. Pleasant, PA 15666). Renewal application received for reclamation only of a bituminous surface mine located in East Huntingdon Township, **Westmoreland County**, affecting 43.5 acres. Receiving stream: Buffalo Run. Renewal application received: May 31, 2001.

**30960101. CJ & L Coal** (P. O. Box 133, Jefferson, PA 15344). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Morgan Township, **Greene County**, affecting 61 acres. Receiving streams: unnamed tributary to South Fork of Ten Mile Creek to Monongahela River. Renewal application received: May 31, 2001.

**65010102. V. P. Smith Company, Inc.** (HC 64, Box 21, Intersection Highway 30 & 217, Latrobe, PA 15650). Application received for commencement, operation and reclamation of a bituminous surface mine located in Fairfield Township, **Westmoreland County**, affecting 123.6 acres. Receiving streams: unnamed tributaries of Hypocrite Creek to Hypocrite Creek to Hendricks Creek to Tubmill Creek to Conemaugh River: unnamed tributaries of Hannas Run to Mill Creek to Loyalhanna Creek to the Conemaugh River. Application received: May 30, 2001.

**65960109. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001-1368). Renewal application received for reclamation only of a bituminous surface mine located in Derry Township, **Westmoreland County** affecting 64

acres. Receiving streams: unnamed tributary to Harbridge Run and McGee Run. Renewal application received: June 4, 2001.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.*

**63733706. Maple Creek Mining, Inc.**, (981 Route 917, Bentleyville, PA 15314), to renew the permit for the Ginger Hill CRDA I in Carroll and Nottingham Townships, **Washington County** to renew permit, no additional discharges. Application received: March 5, 2001.

**63723707. Maple Creek Mining, Inc.**, (981 Route 917, Bentleyville, PA 15314), to renew the permit for the Ginger Hill Refuse Area II in Carroll and Nottingham Townships, **Washington County** to renew permit, tributary to Pigeon Creek. Application received: March 5, 2001.

**30733707. Consolidation Coal Co.**, (P. O. Box 100, Osage, WV 26543), to revise the permit for the Robena CRDA in Greene and Monongahela Townships, **Greene County**, three sludge injection boreholes and pipeline, no additional discharges. Application received: March 30, 2001.

**17841301. Manor Mining and Contracting Corp.**, (P. O. Box 368, Bigler, PA 16825-0368), to renew the permit for the Manor # 44 in Girard Township, **Clearfield County** to renew permit, no additional discharges. Application received: April 16, 2001.

**56841306. Lion Mining Co.**, (P. O. Box 209, Jennerstown, PA 15547), to revise the permit for the Grove No. 1/E-Seam in Jenner Township, **Somerset County** to revise surface permit to strip mine 4 acres to close backfill and reclaim deep mine entry, no additional discharges. Application received: May 14, 2001.

**56841603. PBS Coals Inc.**, (P. O. Box 260, Friedens, PA 15541), to renew the permit for the shade Creek Prep Plant in Shade Township, **Somerset County** to renew permit, no additional discharges. Application received: May 16, 2001.

**56841608. PBS Coals Inc.**, (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Cambria Fuel Prep Plant in Stonycreek Township, **Somerset County** to renew permit, no additional discharges. Application received: May 16, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**10920112. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing bituminous surface strip, auger and coal ash placement operation in Concord Township, **Butler County** affecting 230.1 acres. Receiving streams: Four unnamed tributaries of Bear Creek. Application received: May 30, 2001.

*Noncoal Applications Received*

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

**6477SM5C4. ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214), renewal of NPDES Permit # PA0009059 in Hamiltonban Township, **Adams County** and Washington Township, **Franklin County**, receiving stream—Miney Branch. Application received: May 24, 2001.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**08010808. Michael A. Miklas** (R. R. 3, Box 3184, Rome, PA 18837), commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit

located Windham Township, **Bradford County** affecting 3.0 acres. Receiving stream—Trout Brook, tributary to Wysox Creek. Application received: April 20, 2001.

**17010801. R. B. Contracting** (R. D. 1, Box 13, Curwensville, PA 16833), commencement, operation and restoration of a Small Industrial Minerals (Shale) permit located in Brady Township, **Clearfield County** affecting 5 acres. Receiving stream—Luthersburg Branch, tributary to Sandy Lick Creek. Application received: May 4, 2001.

**59012802. Paul T. Hall** (R. R. 2, Box 204, Tioga, PA 16946), commencement, operation and restoration of a Small Industrial Minerals (Sand and Gravel) permit in Lawrence Township, **Tioga County** affecting 4.2 acres. Receiving stream—Tioga River, tributary to North Branch Susquehanna River. This supersedes 590000802 originally issued on March 29, 2001. Application received: May 10, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**37910303. Essroc Cement Corp.** (P. O. Box 779, Bessemer, PA 16112). Renewal of NPDES Permit No. PA0208442, North Beaver Township, **Lawrence County**. Receiving streams: unnamed tributary to Mahoning River. NPDES Renewal application received: May 31, 2001.

#### NOTICE OF PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department of Environmental Protection. A copy of the proposals is available for inspection at the office indicated above each proposal.

Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

#### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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 (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 Water Quality 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 Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment 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. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted above the application.

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

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**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 (33 U.S.C.A. § 1341(a)).**

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-661. French Creek Golf Club, L.P.**, 55 Country Club Drive, Suite 200, Downingtown, PA 19335-3062, East and West Nantmeal, Warwick Townships, **Chester County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed French Creek Golf Club and Village:

1. To construct and maintain a 370-foot long by 10-foot wide elevated boardwalk over the South Branch of French Creek (EV-CWF) and impacting 0.08 acre of adjacent wetlands (PFO) associated with Hole No. 3.
2. To construct and maintain a 180-foot long by 10-foot wide elevated boardwalk impacting 0.05 acre of wetlands (PEM) associated with Tee No. 4.
3. To construct and maintain a 500-foot long by 10-foot wide elevated boardwalk over the South Branch of French Creek (EV-CWF) and impacting 0.11 acre of wetlands (PEM) associated with hole No. 9.
4. To modify and maintain the existing farm road to include drainage piping to connect adjacent wetlands, a 6-inch irrigation pipe, an 8-inch water main and a 6-inch sanitary sewer force main across an unnamed tributary to south branch of French Creek (EV-CWF) and impacting 0.01 acre of wetlands (PEM) associated with Hole No. 10.

5. To construct and maintain two approximately 12-foot long elevated pedestrian paths connecting to uplands and impacting 0.01 acre of wetlands (PEM) associated with Tee No. 14.

6. To construct and maintain a 260-foot long by 10-foot wide elevated boardwalk impacting 0.06 acre of wetlands (PEM) associated with Hole No. 15.

7. To construct and maintain 330-foot long by 10-foot wide elevated boardwalk impacting 0.08 acre of wetlands (PEM) associated with Hole No. 16.

8. To install and maintain an 8-inch water main, a 6-inch sanitary sewer force main, electric line, telephone line and cable TV line within an existing access road under an existing 48-inch culvert pipe across South Branch of French Creek (EV-CWF).

9. To install and maintain an 8-inch water main and a 6-inch sanitary sewer force main across the South Branch of French Creek (EV-CWF) on the north side of the Conestoga Road (S. R. 0401) (Elverson, PA USGS Quadrangle N: 4.45 inches; W: 8.3 inches).

10. To install and maintain an 8-inch water main and a 6-inch sanitary sewer force main under a wetland (PEM) on the north side of Conestoga Road (S. R. 0401) (Elverson, PA USGS Quadrangle N: 4.4 inches; W: 8.6 inches).

11. To install and maintain an 8-inch water main across an unnamed tributary of the South Branch of French Creek (EV-CWF) on the north side of Conestoga Road (S. R. 0401) (Elverson, PA USGS Quadrangle N: 4.3 inches; W: 9.95 inches).

12. To install and maintain an 8-inch water main under wetlands (PEM) on the north side of Conestoga Road (S. R. 0401) (Elverson, PA USGS Quadrangle N: 4.3 inches; W: 10.2 inches).

The site is located just northwest of the intersection of Conestoga Road (S. R. 0401) and Bulltown Road (S. R. 0345) (Elverson, PA USGS Quadrangle N: 4.5 inches; W: 7.8 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E36-714. Thomas Aaron**, Drumore Township, 1675 Furniss Road, Drumore, PA 17518 in Drumore Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing bridge and to construct and maintain a concrete box culvert having a span of 17 feet by 6 feet underclearance at the channel of Peters Creek (HQ-WWF) on Goshan Mill Road (T-375) located about 1.14 miles south of Hensel Village (Wakefield, PA Quadrangle N: 10.0 inches; W: 10.3 inches).

**E07-344. James Fiore**, Fiore Pontiac GMC, P. O. Box 1033, Altoona, PA 16603 in Allegheny Township, **Blair County**, ACOE Baltimore District.

To place fill in 0.5 acre of wetlands adjacent to Brush Run (WWF) at a point along Route 36 approximately 1 mile north of Hollidaysburg for the purpose of expanding an existing parking lot (Hollidaysburg, PA Quadrangle N: 14.2 inches; W: 2.8 inches).

**E06-551. George Moyer**, 231 Frystown Road, Myers-town, PA 17067 in Bethel Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a nonjurisdictional water impoundment as a result of developing a farm pond by excavating and filling 0.51 acre of wetlands and about 270 linear feet of stream channel of an unnamed tribu-

tary to Little Swatara Creek (CWF) for the purpose of providing fire protection and water supply for crop irrigation located on the north side of Frystown Road (SR 4002) about 0.89 mile east of its intersection with SR 0645 (Bethel, PA Quadrangle N: 14.33 inches; W: 9.66 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E14-393. Potter Township Supervisors**, 124 Short Road, Spring Mills, PA 16875. TR-633 Bridge Replacement, in Potter Township, **Centre County**, ACOE Baltimore District (Spring Mills, PA Quadrangle N: 10.1 inches; W: 15.2 inches).

The applicant proposes to replace the existing bituminous filled corrugated metal deck pan driving surface with a reinforced concrete deck driving surface on a bridge located over Potter Run. This project does not propose to impact the stream since all the work will be performed from the existing bridge. There are no proposed wetlands impacted by this project.

**E55-174. Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit Application, in Penn Township, **Snyder County**, ACOE Susquehanna River Basin District (Freeburg, PA Quadrangle N: 13.2 inches; W: 0.8 inch).

To remove 15.5 linear feet of existing concrete slab structure and construct and maintain a concrete box culvert with a span of 22.0 feet and a minimum underclearance of 6.5 feet in an unnamed tributary to Penns Creek all of which is located 0.4 mile along SR 1010 west of the intersection of SR 0204 and SR 1010. This project proposes to impact 57 linear feet of the unnamed tributary, which is, designated a Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

**E60-149. Kelly Associates**, c/o County Cupboard, P. O. Box 46, Lewisburg, PA 17837. Kelly Commons, in Kelly Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 19.65 inches; W: 1.45 inches).

The applicant proposes to relocate an intermittent stream 100 lineal feet northeast of its current location maintaining the existing alignment, to constructed two stream crossings consisting of twin cell 24 inch corrugated plastic pipe with lengths of 94 lineal feet and 45 lineal feet. These crossings also have proposed outlet protection in addition to inlet and outlet endwalls. The permit proposes to impact 550 lineal feet of stream and does not propose to impact any wetlands.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1344. Kossman Development Corporation**, 11 Parkway Center, Suite 300, Pittsburgh, PA 15220. Collier Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain an approximately 1,100 foot long retaining wall and associated fill along the left bank of Chartiers Creek (WWF) to provide a paved access to the rear of a proposed Home Depot building. The site is located at the existing Chartiers Valley Shopping Center (Bridgeville, PA Quadrangle N: 21.5 inches; W: 15.3 inches).

**E11-290. Pennsylvania Department of Transportation**, Engineering District 9-0, 1620 North Juniata



Street, Hollidaysburg, PA 16648. Blacklick Township, **Cambria County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 30-foot long, dual 48-inch CPP culverts (invert depressed 0.53 foot) in Hill Creek (CWF) located on S. R. 4003, Segment 0040, Offset 0000. Also, to construct and maintain channel stabilization with rock riprap for a total length of 15 linear feet at the culvert's approaches (Colver, PA Quadrangle N: 5.2 inches; W: 9.7 inches).

**E26-281. Geno M. Tiberi and Michael A. Lewis**, 1399 McClellandtown Road, McClellandtown, PA 15458. Masontown Borough, **Fayette County**, ACOE Pittsburgh District.

To construct and maintain a floating boat dock and boat launch having a total length of 203 feet and a width of 38 feet in the Monongahela River (WWF) located on the east bank just north of S. R. 21 Bridge (Masontown, PA Quadrangle N: 18.75 inches; W: 7.12 inches).

**E26-284. Fayette County Commissioners**, Court House, 61 East Main Street, Uniontown, PA 15401. Wharton Township, **Fayette County**, ACOE Pittsburgh District.

To remove the existing timber plank deck on Fayette County Bridge No. 42 with a concrete deck across Big Sandy Creek (HQ-CWF). The bridge has a clear span of 40.5 feet and an underclearance of 6 feet and is located on T-379 (Scotts Run Road) at a point just east of S. R. 2003 (Fort Necessity, PA Quadrangle N: 8.2 inches; W: 16.6 inches).

**E56-306. Somerset County Commissioners**, 111 East Union Street, Suite 100, Somerset, PA 15501. Somerset Township, **Somerset County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a single span bridge having a normal span of 72 feet and a minimum underclearance of 9.8 feet across East Branch Coxes Creek (TSF) for the purpose of improving transportation safety and roadway standards. The project is located on Township Road T-480 (Murdock, PA Quadrangle N: 19.1 inches; W: 12.7 inches).

**E63-508. John Sisson Motors, Inc.**, 470 Washington Road, Washington, PA 15301. South Strabane Township, **Washington County**, ACOE Pittsburgh District.

To place and maintain fill in 0.13 acre of wetlands (PEM/PSS), to construct and maintain a box culvert having a span of 12.0 feet with and underclearance of 5.0 feet in an unnamed tributary to Chartiers Creek and said wetlands and to construct and maintain a 7.5 foot diameter CMP culvert in an unnamed tributary to Chartiers Creek for the purpose of expanding the existing parking lots on applicants dealership. The project is located on the east side of Washington Road (U. S. Route 19), approximately 600 feet south from the intersection of Washington Road, Manifold Road and Cameron Road (Washington East, PA Quadrangle N: 11.6 inches; W: 12.5 inches).

**E65-780. Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. South Huntingdon Township, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a bridge having a clear span of 10.00 m and an underclearance of 2.10 m across Barren Run (WWF) located on S. R. 0981, Section E01 at a point just south of

its intersection with S. R. 3035 (Smithton, PA Quadrangle N: 5.1 inches; W: 10.1 inches).

**E65-781. Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Allegheny Township, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 44-foot long box culvert having a span of 13.5 feet and an underclearance of 7 feet (invert depressed 1 foot) in an unnamed tributary to Pine Run (WWF), located on S. R. 4071, Section B20 at its intersection with S. R. 4034. Also to permanently place and maintain fill in a de minimis area of PSS wetland equal to 0.013 acre and temporarily place and maintain fill in .007 acre of PSS wetland for the purpose of improving highway safety (Vandergrift, PA Quadrangle N: 13.00 inches; W: 13.8 inches).

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-344. Zokaites Contracting, Inc.**, 375 Golfside Drive, Wexford, PA 15090. Marshall Woods Stormwater Detention Basin, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 18.0 inches; W: 13.7 inches).

To conduct the following activities associated with the construction of a multi-phase single family residential development located east of Interstate 79 at the intersection of Marshall Road and North Boundary Road.

1.) The disturbance of approximately 0.45 acre of wetland (PEM/PSS) and the onsite replacement of approximately 0.45 acre of wetland associated with the construction of a stormwater detention basin located on an unnamed tributary to Brush Creek (WWF) having a drainage area of approximately 18 acres.

2.) The enclosure of 320 feet of an unnamed tributary to Brush Creek (WWF) having a drainage area of approximately 10 acres associated with the construction of a road crossing.

#### WATER QUALITY CERTIFICATIONS REQUESTS

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

Certification Request initiated by **Erie Western Pennsylvania Port Authority**, Raymond P. Schreckengost, Executive Director, 17 West Dobbins Landing, Erie, PA 16507-1424. Discharge of dredged material from the Bay Harbor Marina basin into the Lake Erie Harbor Confined Disposal Facility, in Erie City, **Erie County**, ACOE Pittsburgh District, (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches).

Project description: The Erie-Western Pennsylvania Port Authority has requested a State certification under Section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) for the discharge of dredged material from the Bay Harbor Marina basin into the Lake Erie Harbor Confined Disposal Facility (CDF) will comply with the applicable provisions of Sections 301—307 of Federal Clean Water Act.

The Bay Harbor Marina basin sediments were dredged and stockpiled. The Port Authority has analyzed the stockpiled sediments using the Standard Elutriate Test, adapted from the US Army Corps of Engineer's Inland Testing Manual and the document "Ecological Evaluation of Proposed Discharge of Dredged or Fill Material in

Navigable Waters" so that the sediments may be discharged into the Lake Erie Harbor Confined Disposal Facility.

Based upon the modified sampling and laboratory testing, the Erie-Western Pennsylvania Port Authority indicates that the approximately 1,000 cubic yards of stockpiled basin sediments from the Bay Harbor Marina basin (Erie North, PA N: 1.0 inches; W: 14.3 inches) discharged into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) will have a relatively insignificant impact on the water quality of Lake Erie. This 401 Water Quality Certification is only for this single discharge. Any subsequent dredging of permitted Port Authority facilities and use of the CDF will require separate 401 Water Quality Certification.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 of 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.

#### I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1— 691.1001).

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

**WQM Permit No. 4601401.** Sewage. **Richard Maurer**, 807 Ridge Road, Telford, PA 18969. Applicant is granted approval for the construction and operation of a single residential STP located in Salford Township, **Montgomery County**.

**NPDES Permit No. PA0058301.** Sewage. **Richard Maurer**, 807 Ridge Road, Telford, PA 18969. Is authorized to discharge from a facility located in Salford Township, **Montgomery County** to an UNT to Ridge Valley Creek—Perkiomen Watershed.

**NPDES Permit No. PA0058319.** Sewage. **Courtney G. Keep**, 932 Beck Road, Quakertown, PA 18951. Is authorized to discharge from a facility located in Haycock Township, **Bucks County**, to an unnamed tributary to Tohickon Creek.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**NPDES Permit No. PA-0034428.** Sewage, **Cove Haven, Inc.**, P. O. Box 400, Scotrun, PA 18355.

This proposed facility is located in Paupack Township, **Wayne County**.

Description of Proposed Action/Activity: to discharge up to .094 MGD of treated sewage to an unnamed tributary to Lake Wallenpaupack.

**NPDES Permit No. PA-0064114.** Sewage, **Jim Thorpe Area School District**, 140 West 10th Street, Jim Thorpe, PA 18229.

This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: new treated sewage discharge to Dilldown Creek.

**NPDES Permit No. PA-0060348.** Sewage, **Pennsylvania Department of Transportation**, P. O. Box 3060, Harrisburg, PA 17105-3060.

This proposed facility is located in Palmyra Township, **Pike County**.

Description of Proposed Action/Activity: to discharge treated sewage from existing treatment plant (Receiving Stream) unnamed tributary to Keinhans Creek.

**NPDES Permit No. PA-0029149.** Sewage, **Ireland Hotels, Inc.**, Route 314, Pocono Manor, PA 18349.

This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: to discharge sewage from the existing plant to Swiftwater Creek.

**NPDES Permit No. PA-0061093.** Sewage, **Monroe County Vocational Technical School**, P. O. Box 66, Laurel Lake Drive, Bartonsville, PA 18321.

This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: discharge treated sewage from existing treatment plan to Pocono Creek.

**NPDES Permit No. PA-0061484-A2.** Sewage, **Corning Inc.**, Benton Park—Photonics, Franklin Valley Road, Fleetville, PA 18420-0228.

The proposed facility is located in Benton Township, **Lackawanna County**.

Description of Proposed Action/Activity: to discharge from a facility to an unnamed tributary to S. Branch Tunkhannock Creek.

**WQM Permit No. 4001401.** Sewerage, **John J. Hoffman**, R. R. 3, Box 489, Drums, PA 18222.

This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Action/Activity: construction of a sanitary sewer collection and conveyance system and a pump station to serve the Breezy Acres Subdivision.

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

**NPDES Permit No. PA0082759**, Sewage, **Hopewell Township**, R. R. 1, Box 95, James Creek, PA 16657.

This proposed facility is located in Hopewell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Shy Beaver Creek in Watershed 11-D.

**NPDES Permit No. PA0024139, Amendment No. 1**, Sewage, **Cumberland Township Authority**, North Plant, 1370 Fairfield Road, Gettysburg, PA 17325.

This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Rock Creek in Watershed 13-D.

**WQM Permit No. 0101401**, Sewage, **Cumberland Township Authority**, 1370 Fairfield Road, Gettysburg, PA 17325.

This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authorization for the construction/ operation of Sewage Treatment Facilities.

**WQM Permit No. 0694411 Amendment No. 01-1**, Sewage, **North Heidelberg Sewer Company**, P. O. Box 477, Bernville, PA 19506.

This proposed facility is located in Jefferson Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for modifications to the construction/operation of Pump Stations.

**WQM Permit No. 2801401**, Sewage, **Kelly M. Martin**, 1341 South Fifth Street, Chambersburg, PA 17201.

This proposed facility is located in Guilford Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Sewage Treatment Facilities.

**NPDES Permit No. PAG123511**, CAFO, **Ronald E. Goss and Timothy R. Goss**, Goss Family Farm, 123 Decatur Road, McClure, PA 17841.

This proposed facility is located in Decatur Township, **Mifflin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 606-AEU swine farm.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit No. PA0221970**, Industrial Waste, **Greenville Borough Municipal Authority**, 44 Clinton Street, P. O. Box 628, Greenville, PA 16125.

This proposed facility is located in Greenville Borough, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River.

**NPDES Permit No. PA0210030**, Industrial Waste, **Knox Township Municipal Authority**, P. O. Box 130, Knoxdale, PA 15847.

This proposed facility is located in Knox Township, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Indian Camp Run.

**NPDES Permit No. PA0103641**, Sewage, **Wilmington Township Sewer Authority**, Orchard Terrace Wastewater Treatment Plant, R. D. # 5, Box 469, New Castle, PA 16105.

This proposed facility is located in Wilmington Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Little Neshannock Creek.

**NPDES Permit No. PA0035581**, Sewage, **McKean County Maintenance Facility**, Pennsylvania Department of Transportation, Bureau of Design, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

This proposed facility is located in Lafayette Township, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Three Mile Run.

**NPDES Permit No. PA0221961**, Sewage, **Timberlee Valley Sanitary Company, Inc.**, 120 Brennan Lane, Evans City, PA 16033.

This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Crab Run.

**NPDES Permit No. PA0033201**, Sewage, **Warren County School District**, Lander Elementary School, 14 Hospital Drive, Building 11, Warren, PA 16365-4885.

This proposed facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Kiantone Creek

**NPDES Permit No. PA0033235**, Sewage, **Warren County School District**, Pittsfield Elementary School, 14 Hospital Drive, Building 11, Warren, PA 16365-4885.

This proposed facility is located in Pittsfield Township, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Brokenstraw Creek.

**NPDES Permit No. PA0104108**, Sewage, **North Beaver Township Municipal Authority**, Hickory View Terrace, 1460 Mount Jackson Road, New Castle, PA 16102.

This proposed facility is located in North Beaver Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Hickory Run.

**NPDES Permit No. PA0020044**, Sewage, **Fredonia Municipal Authority**, 45 Water Street, Box 487, Fredonia, PA 16124.

This proposed facility is located in Fredonia Borough, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Mill Run.

**NPDES Permit No. PA0093360**, Sewage, **Lake Arthur Estates Mobile Home Park**, 2925 New Castle Road, Portersville, PA 16051.

This proposed facility is located in Muddy Creek Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Muddy Creek.

**NPDES Permit No. PA0093378**, Sewage, **Associated Ceramics & Technology Inc.**, 440 North Pike Road, Sarver, PA 16055-8634.

This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Sarver Run.

**NPDES Permit No. PA0238503**, Sewage, **D & D Subdivision**, R. D. # 1, Box 53A, Pittsfield, PA 16340.

This proposed facility is located in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Hatch Run.

**NPDES Permit No. PA0238511**, Sewage, **Peter M. and Emily J. Daloni**, 2646 Mercer-West Middlesex Road, West Middlesex, PA 16159.

This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Hogback Run.

**NPDES Permit No. PA0238520**, Sewage, **Camp Bucoco, Moraine Trails Council, BSA**, 830 Morton Avenue Extension, Butler, PA 16001.

This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Slippery Rock Creek.

**WQM Permit No. 6200201**, Industrial Waste, **United Refining Company**, 15 Bradley Street, Warren, PA 16365.

This proposed facility is located in Warren City, **Warren County**.

Description of Proposed Action/Activity: This project is to allow for emergency storage of wastewater during operational upsets with the ability to feed stored water back to the system after resolution of the problem and to also replace two aging oil/water separator tanks with two new improved tanks.

**WQM Permit No. 1001405**, Sewage, **Camp Bucoco, Moraine Trails Council, BSA**, 830 Morton Avenue Extension, Butler, PA 16001.

This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve a summer camp and environmental center.

**WQM Permit No. 4301407**, Sewage, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148.

This proposed facility is located in Hermitage City, **Mercer County**.

Description of Proposed Action/Activity: This project is for the replacement of the Golden Run pump station and force main, provide sanitary sewerage service to the Sample Road area, eliminate the South Keel Ridge pump station and authorize sludge dewatering at the wastewater treatment works.

**WQM Permit No. 1001406**, Sewage, **Timberlee Valley Sanitary Company, Inc.**, 120 Brennan Lane, Evans City, PA 16033.

This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the expansion of an existing sanitary sewage treatment plant.

**WQM Permit No. 2501410**, Sewerage, **David J. Burek**, 35581 Brown Hill Road, Union City, PA 16438.

This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

**WQM Permit No. 2501411**, Sewerage, **Victor A. and Jennie M. Berti**, 2025 Market Street, Erie, PA 16510.

This proposed facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

**WQM Permit No. 2001411**, Sewerage, **Denise L. Seman**, 3225 Blair Avenue, Ashtabula, OH 44004.

This proposed facility is located in Beaver Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

#### NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10-G307	C & S Partnership 908 Sheridan Drive West Chester, PA 19382	Chester County Penn Township	East Branch Big Elk Creek (HQ)
PAS10-G430	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester County Upper Uwchlan Township	Palustrine Open Water Watershed to UNT of Pickering Creek (HQ-TSF)
PAS10-G442	Gambone Brothers Development Co. P. O. Box 287 1030 West Germantown Pike Fairview Village, PA 19409	Chester County Tredyffrin Township	Valley Creek (EV)
PAS10-G449	Texas Eastern Transmission Corp. 5400 Westheimer Court Houston, TX 77056	Chester and Delaware Counties Upper Uwchland, West Vincent, West Pikeland, Uwchlan, West Whiteland, East Whiteland, East Goshen and Willistown Townships and Edgemont and Ridley Townships and Brookhaven, Ridley Park and Eddystone Boroughs	Tributaries to the following: Pickering Creek (HQ-TSF), Pine Creek (HQ-TSF), Ridley Creek (HQ-TSF), Crum Creek (WWF-MF), Hunters Run (HQ-TSF) and Chrome Run (TSF-MF) and the following Creeks: Ridley Creek (HQ-TSF), Hunters Run (HQ-TSF), Crum Creek (WWF-MF) and Little Crum Creek (WWF-MF)
PAS10-G458	Land Associates, Inc. 1130 Pocopson Road West Chester, PA 19382	Chester County Franklin Township	Big Elk Creek and West Branch White Clay Creek (HQ, TSF) (TSF, MF)
PAS10-G461	Penndevco 402 Bayard Road, Suite 200 Kennett Square, PA 19348	Chester County Penn Township	East Branch Big Elk Creek (HQ-TSF)
PAS10-J048	Papermill Holding Company, Ltd. 110 Gallagher Road Wayne, PA 19087	Delaware County Newtown Township	Hunters Run/Crum Creek (CWF)

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10S095	Robert Latzanich 611 Belmont Mount Pocono, PA 18344	Monroe County Coolbaugh Township	Yankee & Red Runs HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10O079	Steven Miller 88 S. Groffdale Rd. Leola, PA 17540	Lancaster County Fulton Township	Puddle Duck Creek (HQ-CWF)

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10B014	Lincroft, Inc. 207 Iron Bridge Road Freeport, PA 16229	Armstrong County South Buffalo Township	Pine Creek/HQ-TSF Buffalo Creek/HQ-TSF

**APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage Under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

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**List of NPDES and/or Other General Permit Types**

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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
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 (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Ivyland Borough Bucks County	PAR10-D532	The DePaul Group 1750 Walton Road Blue Bell, PA 19422	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Northampton Township Bucks County	PAR10-D560	Northampton Township 55 Township Road Richboro, PA 18954	Ironworks Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Solebury Township Bucks County	PAR10-D563	Solebury School District P. O. Box 429 New Hope, PA 18938	Primrose Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Plumstead Township Bucks County	PAR10-D484	Vernon Horn 5 Layle Lane Doylstown, PA 18901	Cabin Run Creek (CWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Doylestown Township Bucks County	PAR10-D520	Pisani-Kiriakidi 424 Bella Circle Doylestown, PA 18901	Pine Run Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bedminster Township Bucks County	PAR10-D573	Gross Development Co. 762 East Main Street Lansdale, PA 19446	Deep Run Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Warminster Township Bucks County	PAR10-D552	Blue Marlin Associates 395 Jacksonville Road Warminster, PA 18974	Pennypack Creek (TSF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
New Britain Township Bucks County	PAR10-D505	Borden Farm Partnership P. O. Box 129 Horsham, PA 19044	Tributary Rail Road Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Falls Township Bucks County	PAR10-D580	Pennsbury School District P. O. Box 134 Fallsington, PA 19058	Queen Anne Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Phoenixville Borough Chester County	PAR10-G432	Chester County Parks and Recreation 601 Westtown Road Suite 160 West Chester, PA	Schuylkill River (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
West Bradford Township Chester County	PAR10-G382	General Residential Prop. 666 Exton Commons Exton, PA 19344	UNT to West Branch Brandywine Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Kennett Township Chester County	PAR10-G407	Wilkinson Builders 1020 Broad Run Road Landenberg, PA	East Branch Red Clay Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Kennett Township Chester County	PAR10-G411	Patricia A. DeFazio 15 Scarlett Road Kennett Square, PA	East Branch Red Clay Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
West Goshen Township Chester County	PAR10-G415	Chester County Fund 315 Willowbrook Lane West Chester, PA 19382	East Branch Chester Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Concord Township Delaware County	PAR10-J217	County of Delaware County Courthouse Media, PA 19063	Green Creek (CWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Tinicum Township Delaware County	PAR10-J178	Tinicum Township 629 Governor Printz Blvd. Essington, PA 19029	Longhook Creek (MF, WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Aston Township Delaware County	PAR10-J192	Nolen Companies 950 West Valley Forge Rd. King of Prussia, PA 19406	UNT Chester Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Chester Heights Borough Delaware County	PAR10-J210	Russell Gergelsy 458 Lenni Road Chester Heights, PA 19017	East Branch Chester Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Darby & Folcroft Townships Delaware County	PAR10-J213	County of Delaware 201 West Ford Street Media, PA 19063	Hornespoter Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Springfield Township Delaware County	PAR10-J215	Springfield Township 50 Powell Road Springfield, PA 19064	Stoney Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Upper Dublin Township Montgomery County	PAR10-T687	Sal Paone, Inc. 1120 N. Bethlehem Pike Spring House, PA 19477	Rose Valley Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
New Hanover Township Montgomery County	PAR10-T713	Gambone Bros. Devel. Co. 1030 W. Germantown Pk. Fairview Village, PA 19409	UNT to Minister Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lower Salford Township Montgomery County	PAR10-T695	Westrum Development 370 Commerce Drive Ft. Washington, PA 19034	Indian Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Upper Providence Township Montgomery County	PAR10-T718	Country Estates Develop. 521 Kimberton Road Kimberton, PA 19442	Mingo Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lower Salford Township Montgomery County	PAR10-T739	Lower Salford Township 474 Main Street Harleysville, PA 19358	UNT to Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Plymouth Township Montgomery County	PAR10-T714	Jones Brothers Contractors 310 West 12th Street Conshohocken, PA 19428	Diamond Run (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lackawanna County S. Abington Township	PAR10N123	Dr. Elvin LaCoe 218 E. Grove St. Clarks Summit, PA 18411	Ackerly Creek CWF	Lackawanna County Conservation District (570) 281-9495
Exeter Township Berks County	PAR10C361	Ernest Werstler Exeter Township School District 3650 Perkiomen Ave. Reading, PA 19606	Antietam Creek Schuylkill River	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657



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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Cumru Township Berks County	PAR10C365	Angstadt Inc. William Angstadt	Schuylkill River	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Maidencreek Township Ontelaunee Township Berks County	PAR10C364	William Ulrich 1413 Fritztown Road Reinholds, PA 17569-9115	Lake Ontelaunee Willow Creek	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Bally Borough Berks County	PAR10C289	John Granahan 2001 Swinging Bridge Rd. Greenlane, PA 19054	W. Branch Perkiomen Creek	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Peters Township Franklin County	PAR10M236	Harry Fox Jr. 15 Montego Court Dillsburg, PA 17019	UNT to Conococheague Creek (WWF)	Franklin County Conservation District 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Spring Garden Township Springettsbury Twp. York County	PAR10Y527	Penn Dot District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAR10Y517	Springettsbury Township 1501 Mt. Zion Rd. York, PA 17402	UNT to Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
North Codorus Township York County	PAR10Y530	P. H. Glatfelter Co. 228 S. Main Street Spring Grove, PA 17362	UNT to Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
York City York County	PAR10Y531	City of York 3rd Floor 1 Market Way West York, PA 17401	Poorhouse Run to Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Chanceford Township York County	PAR10Y529	Tod Klunk 522 Runkle Road Felton, PA 17322	Pine Creek (CWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Carroll Township York County	PAR10Y533	John Brady 6375 No. 8 Basehore Rd. Mechanicsburg, PA 17055	UNT to Yellow Breeches (CWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
York York County	PAR10Y526	Hogg Farm L.P. 18 S. George Street 4th Floor York, PA 17401	UNT to Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Manchester Township York County	PAR10Y523	Willow Creek LLC 214A Willow Valley Lakes Drive Willow Street, PA 17584	UNT to Little Creek (TSF)	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Ferguson Township Centre County	PAR10F137	Herbert Imbt Business Park John Imbt 821 Jackson Circle State College, PA 16801	Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Ferguson Township Centre County	PAR10F139	Foxpointe Subdivision PRD Richard Fortney S&A Custom Built Homes 501 Rolling Ridge Dr. State College, PA 16801	UNT. Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
State College Borough Centre County	PAR10F140	Penn State University Larry Bair 113 Physical Plant Bldg. University Park, PA 16801	UNT. Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Point Township Northumberland County	PAR104943	Sports Zone Gary Keister 1 Hemlock Lane Middleburg, PA 17842	Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 988-4488
East Buffalo Township Union County	PAR106842	Charles Pursel 2249 W. Market St. Lewisburg, PA 17837	Turtle Creek WWF	Union County Conservation District 60 Bull Run Crossing Lewisburg, PA 17837 (570) 523-8782
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
City of Philadelphia Philadelphia County	PAR110042	SPD Technologies, Inc. 13500 Roosevelt Boulevard Philadelphia, PA 19116-4299	Byberry Creek and 3J-Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Bedminster Township Bucks County	PAR600010	Zober Properties, L.P. 451 Magnolia Avenue Croyden, PA 19021	Tohickon Creek—Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
<i>General Permit Type—PAG-4</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
York County North Codorus Township	PAG043521	Richard & Tamara Kern R. R. #1, Box 45-5B Seven Valleys, PA 17360	WWF/7H	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Pittsfield Township, Warren County	PAG048371	Jeffrey A. and Carolyn S. Confer R. R. #2, Box 204 Pittsfield, PA 16340-9749	Birch Springs Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
LeBoeuf Township, Erie County	PAG048732	David J. Burek 35581 Brown Hill Road Union City, PA 16438	Unnamed tributary to French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township, Mercer County	PAG048407	Marc L. Hawks 29 Plum Road Greenville, PA 16125	Unnamed tributary to Big Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township, Erie County	PAG048733	Victor A. and Jennie M. Berti 2025 Market Street Erie, PA 16510	Unnamed tributary to French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Beaver Township Crawford County	PAG048737	Denise L. Seman 3225 Blair Avenue Ashtabula, OH 44004	Paden Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Hopewell Township York County	PAG083505	Springettsbury Township 1501 Mt. Zion Rd. York, PA 17402	John Marsteller Farm 6 East Hopewell Township York County	DEP SCRO 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 Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 0901508**, Public Water Supply.

Applicant **St. John the Baptist School**  
404 Durham Road  
Ottsville, PA 18942  
Township Nockamixon  
County **Bucks**  
Type of Facility Public Water Supply System  
Consulting Engineer N/A  
Permit to Construct May 25, 2001  
Issued

**Permit No. 4601505**, Public Water Supply.

Applicant **Horsham Water and Sewer Authority**  
617B Horsham Road  
Horsham, PA 19044  
Township Horsham  
County **Montgomery**  
Type of Facility Public Water Supply System

Consulting Engineer Carroll Engineering Corporation  
949 Easton Road  
Warrington, PA 18976  
Permit to Construct May 30, 2001  
Issued

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 7210029**, Public Water Supply.  
Applicant **PA American Water Company**  
Borough or Township Fairview Township  
County **Cumberland**  
Type of Facility Operation permit for Chlor-Tec on site sodium hypochlorite generation system.

Consulting Engineer Bruce E. Juergens  
Pennsylvania Water Company  
800 W. Hersheypark Drive  
Hershey, PA 17033  
Permit to Operate May 22, 2001  
Issued

**Permit No. 3600508**, Public Water Supply.

Applicant **Pleasant View Retirement Community**  
Borough or Township Penn Township  
County **Lancaster**

Type of Facility	Project is for the construction of a new booster pump station. The new pump house will include both domestic pumps and a relocated fire pump.	Consulting Engineer	Tom Harbert, P.E. L. Robert Kimball & Associates 4400 Deer Path Road Harrisburg, PA 17110
Consulting Engineer	David A. Madary 33 S. Broad Street Lititz, PA 17543	Permit to Operate Issued	May 8, 2001
Permit to Operate Issued	March 20, 2001	<b>Permit No. 0197504</b> , Public Water Supply.	
<b>Permit No. 2299502</b> , Public Water Supply.		Applicant	<b>Gettysburg Municipal Authority</b>
Applicant	<b>United Water Pennsylvania</b>	Borough or Township	Cumberland Township
Borough or Township	Hummelstown Borough	County	<b>Adams</b>
County	<b>Dauphin</b>	Type of Facility	The Department has issued an Operation Permit authority use of the new 3.1 MGD Marsh Creek potable water filter plant.
Type of Facility	Operation of a Clor-Tec on site liquid sodium hypochlorite generation unit.	Consulting Engineer	Brian S. Funkhouser, P.E. Buchart Horn, Inc. 55 S. Richland Avenue York, PA 17405-7055
Consulting Engineer	R. Michael Gephart, P.E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111	Permit to Operate Issued	January 18, 2001
Permit to Operate Issued	February 28, 2001	<b>Permit No. 3801504</b> , MA Minor Amendment, Public Water Supply.	
<b>Permit No. 2299501</b> , Public Water Supply.		Applicant	<b>City of Lebanon Authority</b>
Applicant	<b>United Water Pennsylvania</b>	Borough or Township	City of Lebanon
Borough or Township	Susquehanna Township	County	<b>Lebanon</b>
County	<b>Dauphin</b>	Type of Facility	Replacement of filter media in Filter Nos. 4, 5 and 6.
Type of Facility	Operation of Clor-Tec on site liquid sodium hypochlorite generation unit.	Consulting Engineer	Gene C. Koontz, P.E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Consulting Engineer	R. Michael Gephart, P.E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111	Permit to Operate Issued	May 22, 2001
Permit to Operate Issued	February 28, 2001	<b>Permit No. 2200508</b> , MA Minor Amendment, Public Water Supply.	
<b>Permit No. 7366118</b> , Public Water Supply.		Applicant	Gratz Borough Water Authority
Applicant	<b>Crystal Spring Water Company</b>	Borough or Township	Gratz Borough
Borough or Township	Millcreek Township	County	<b>Dauphin</b>
County	<b>Lebanon</b>	Type of Facility	Installation of Soda Ash chemical feed system for pH/alkalinity adjustment for LCR corrosion control treatment.
Type of Facility	Operation of modifications to an existing loading building. In addition, the withdrawal of water from Arrowhead Spring No. 3 will be increased from 90,000 gpd to 300,000 gpd.	Consulting Engineer	Max E. Stoner, P.E. Glace Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Consulting Engineer	Daniel J. Barton, P.E. Crouse & Company 400 Penn Center Boulevard Pittsburgh, PA 15235	Permit to Construct Issued	February 8, 2001
Permit to Operate Issued	August 17, 2000	<b>Permit No. 3101502</b> , MA Minor Amendment, Public Water Supply.	
<b>Permit No. 2198501</b> , Public Water Supply.		Applicant	<b>Youth Forestry Camp # 3</b>
Applicant	<b>White Rock Water Corp.</b>	Borough or Township	Todd Township
Borough or Township	Monroe	County	<b>Huntingdon</b>
County	<b>Cumberland</b>	Type of Facility	Modifications to the piping configuration of the greensand filters.
Type of Facility	Operation of Khun Road pump station		

Consulting Engineer Kas Janardhana  
 Dept Public Welfare Bureau Facilities  
 Management  
 1401 N. Seventh Street  
 Harrisburg, PA 17105-2675  
 Permit to Operate March 6, 2001  
 Issued

**Permit No. 2299505, MA Minor Amendment, Public Water Supply.**

Applicant **Middletown Borough Authority**  
 Borough or Township Middletown Borough  
 County **Dauphin**  
 Type of Facility Operation of a chemical treatment building for Well Nos. 1 & 2. Also modifications to Well Nos. 1 & 2 and the filter building.

Consulting Engineer Mikel V. Geisler, P.E.  
 CET Engineering Services  
 1240 N. Mountain Road  
 Harrisburg, PA 17112  
 Permit to Operate February 23, 2001  
 Issued

**Permit No. 6700505, MA Minor Amendment, Public Water Supply.**

Applicant **Stewartstown Borough Authority**  
 Borough or Township Hopewell Township  
 County **York**  
 Type of Facility The Department has issued a Construction Permit for a 16,000 L.F. finished water main to interconnect the Stewartstown Borough and York Water Company distribution systems. The York Water Company will be used as a source of supply for the Stewartstown system.

Consulting Engineer Dennis E. Sarpen, P.E.  
 Holley & Assoc.  
 18 S. George Street  
 York, PA 17402  
 Permit to Construct March 21, 2001  
 Issued

**Permit No. 0196504-T1, Public Water Supply.**

Applicant **Insite Development, LLC**  
 Borough or Township Berwick Township  
 County **Adams**  
 Type of Facility Operation Permit for the Eagle View Mobile Home Park community water system. System consists of one well, sodium hypochlorite disinfection, pH adjustment using caustic soda, a finished water standpipe and a distribution system.

Consulting Engineer David J. Gettle  
 Kohn Bros., Inc.  
 P. O. Box 350  
 Myerstown, PA 17067  
 Permit to Operate May 11, 2001  
 Issued

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0401502, Public Water Supply.**

Applicant **Vanport Township Municipal Authority**  
 285 River Avenue  
 Vanport, PA 15009  
 [Borough or Township] Vanport Township  
 County **Beaver**  
 Type of Facility Well No. 3R  
 Consulting Engineer KLH Engineers Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205  
 Permit to Construct Issued June 5, 2001

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

Operations Permit issued to **Windsor MHP**, 2871 Route 6N East, Edinboro, PA 16412, Washington Township, **Erie County** on May 30, 2001.

## WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631–641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**WA 67-1013, Water Allocations. Stewartstown Borough Authority, York County.** The Authority was granted the right to purchase up to 12.0 million gallons per month, but not to exceed 300 gallons per minute from the York Water Company. Consulting Engineer: Charles A. Kehew II, P.E., James R. Holley & Assoc., Inc. Permit Issued: March 21, 2001.

**WA 5-512E, Water Allocations. Bedford Borough Water Authority, Bedford County.** The Authority was granted the right to withdraw 0.4 million gallons per day (mgd), based on a 30 day average, from the J. C. Smith Reservoir; 0.3 mgd, based on a 30 day average, from the Todd Reservoir; 0.2 mgd, based on a 30 day average, from the Milburn Reservoir; and a maximum of 1.8 mgd, when available, from the Raystown Branch of the Juniata River, located in Bedford Township, Bedford County. Furthermore, the Authority is granted the right to withdraw up to a maximum of 1.8 mgd from the J. C. Smith Reservoir and/or the Todd Reservoir provided that water is discharging over the reservoir spillways as a result of the reservoirs being at full capacity and/or the water level in the reservoirs is within 24 inches (2 feet) of the full capacity water elevation. A combined maximum withdrawal from all sources regardless of flow regime shall be 1.8 mgd. Consulting Engineer: Stuart W. Sibold, P.E., The EADS Group Permit Issued: March 6, 2001.

## SEWAGE FACILITIES ACT PLAN APPROVAL

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

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Greene Township	1145 Garver Lane Scotland, PA 17254	Franklin County

Plan Description: The approved plan provides for a sewer extension to serve 5 existing residential lots on East Conocodell Drive. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cumru Township	1775 Welsh Road Mohnton, PA 19540	Berks County

Plan Description: The approved plan provides for a 1,200 foot gravity sewer extension to serve the Kohl's Mill Area in the Wyomissing Creek Drainage Basin. The extension would run 1,200 feet south along Wyomissing Road to the intersection of Wyomissing Road and Vermont Rd. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL****Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

Plan Location: Located on the west side of SR 0194, south of East Berlin Borough in Hamilton Township, Adams County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hamilton Township	272 Mummert's Church Rd. Abbotstown, PA 17301	Adams County

Plan Description: The plan was disapproved because the plan did not include documentation the township adequately considered the comments of the Adams County Planning Commission. Also, there was no implementation schedule included with the plan as required by Chapter 71.

**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 (Depart-

ment) 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 where 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 analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Menno Realty Company**, Hilltown Township, **Bucks County**. Eric B. Rosina, Storb Environmental, Inc., 410 N. Easton Road, Willow Grove, PA 19090, on behalf of Menno Realty, 771 Route 113, Souderton, PA 18064, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Peco Collegeville**, Former Acetylene Plant, Collegeville Borough, **Montgomery County**. Allan Fernandes, PECO Energy Co., 2301 Market St., P. O. Box 8699, Philadelphia, PA 19101-8699, on behalf of Alberta Lewis, 60 E. Fifth Ave., Collegeville, PA, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Santiago Property**, City of Reading, **Berks County**. Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 (on behalf of Eduardo Santiago, 321 West Greenwich Street, Reading, PA 19601) has submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with BTEX and PAHs. The report is intended to document remediation of the site to the Statewide Health standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**CDR Pigments**, 75 Front St., Ridgway, PA, **County of Elk**, Ridgway Borough, has submitted a Risk Assessment Report concerning remediation of the site soil, groundwater and surface water contaminated with lead, heavy metals, solvents and BTEX. The report is intended to document remediation of the site to meet the Site Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act. 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 refuse 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 of 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, contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Park Chase Apartments**, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Park Chase Associates, LP, 115 New St., Glenside, PA 19038, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX, polycyclic aromatic hydrocarbons and naphthalene. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 16, 2001.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Flint Inc. Corporation**, City of Lancaster, **Lancaster County**. URS Corporation, 2325 Maryland Road, Willow Grove, PA 19090 (on behalf of Flint Ink Corporation, 216 Greenfield Road, Lancaster, PA 17601 and RR Donnelley & Sons Company, 1375 Harrisburg Pike, Lancaster, PA 17601) submitted a final report concerning the remediation of site soils contaminated with BTEX. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 4, 2001.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Former Furnival Machinery Company**, Chester Hill Borough, **Clearfield County**. Apex Environmental, Inc., on behalf of their client Furnival Machinery Company, 2240 Bethlehem Pike, Hatfield, PA 19440, has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with BTEX and PHCs. The report was approved by the Department on May 24, 2001.

**Matthews Motors—Covington Site**, Covington Township, **Tioga County**. Brooks Petroleum Contracting Company, R. R. 7, Box 141, Wellsboro, PA 16901, on behalf of Putnam Company, 5 East Avenue, Wellsboro, PA 16901, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX. The Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on May 23, 2001.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Spang Specialty Metal Plant**, 154 Eastbrook Lane, East Butler, PA 16029, Summit Township, **Butler County** and Robert J. Valli P.G. of Civil and Environmental Consultants, Inc., 333 Baldwin Rd., Pittsburgh, PA 15205, has submitted a Risk Assessment Report concerning remediation of Sediment contaminated with Heavy Metals. The report was approved by the Department on May 24, 2001.

**Caparo Steel Company Area of Concern (AOC)—2 Former Triangle Waste Area**, City of Farrell, **Mercer County** and Paul Wojciak of Environmental Management Associates, 10925 Perry Highway, Wexford, PA on behalf of Caparo Steel has submitted a Final Report concerning remediation of soil contaminated with lead and heavy metals. The report was approved by the Department on May 24, 2001.

## HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

### HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED

**Allstate O.R.C., Inc.**, 473 Hamburg Turnpike, West Milford, NJ 07480-3746. License No. **PA-AH 0564**. Effective May 22, 2001.

**Nappi Trucking Corporation**, P. O. Box 510, Matawan, NJ 07747. License No. **PA-AH 0278**. Effective May 30, 2001.

**HAZARDOUS WASTE TRANSPORTER LICENSE EXPIRED**

**Fort Transfer Co.**, P. O. Box 457, Morton, IL 61550. License No. **PA-AH 0357**. Effective June 1, 2001.

**Initial DSI Transports, Inc.**, P. O. Box 674421, Houston, TX 77267-4421. License No. **PA-AH 0619**. Effective June 1, 2001.

**J. T. Sands Corp.**, P. O. Box 2262, Zanesville, OH 43702-2262. License No. **PA-AH 0483**. Effective June 1, 2001.

**Med-Trac, Inc.**, 715 William Pitt Way, Pittsburgh, PA 15238. License No. **PA-AH 0561**. Effective June 1, 2001.

**Skowf, Inc.**, P. O. Box 12327, Columbia, SC 29211. License No. **PA-AH 0620**. Effective June 1, 2001.

**Sturgeon and Son, Inc.**, P. O. Box 2840, Bakersfield, CA 93303-2840. License No. **PA-AH 0563**. Effective June 1, 2001.

**RESIDUAL WASTE GENERAL PERMITS**

**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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR066. S & M Waste Oil (PA), Inc.**, P. O. Box 1429, Routes 6 & 209, Milford, PA 18337-2429. General Permit No. WMGR066 is for the operation of a transfer facility for waste oil, oil/water mixtures, fuel oil and fuel oil tank bottoms prior to beneficial use as waste oil fuel. The permit was issued by Central Office on June 1, 2001.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit Approved 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMR035D001. Petroleum Recycling Corp.**, 597 Glen Meadow Road, Richboro, PA

18954. Description: The processing of tank clean-out sludges, separator clean-out sludges, oil spill clean-up residue, waste oil/water emulsions, by chemical and physical means and thermal separation to produce and "on specification" waste oil fuel. The facility is located at 3000 East Ontario Street, Philadelphia, PA 19134. The Department approved the determination of applicability on May 30, 2001.

Persons interested in reviewing the general permit may contact the Division of Municipal and Residual Waste, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR036D001. Global Re-Refining Ltd.**, P. O. Box 591, Donora, PA 15033. General Permit Number WMGR036 for the processing of used oil and used paraffinic hydraulic oil prior to beneficial use as No. 2 fuel oil, lubricating oil base stock and asphalt base materials. The processing involves preheating, hydro-treating, solids separation, a high and low pressure phase of gas and liquids separation followed by vacuum distillation. The Department determined the request was not complete and that the facility was now ineligible for general permitting under 25 Pa. Code § 298.50(c)(2). The determination of applicability was denied by Central Office on June 4, 2001.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**GP3-29-03006: H. B. Mellott Estate, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) authorized use of a general permit for the construction/operation of a portable nonmetallic mineral processing plant located at the Smith Pit Quarry in Thompson Township, **Fulton County**.

**GP3-36-03127: Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) authorized use of a general permit for the construction/operation of a portable nonmetallic mineral processing plant in Caernarvon Township, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**GP5-14-03: Mid-East Oil Co.** (P. O. Box 1378, Indiana, PA 15705) on May 16, 2001, for construction and operation of a 945 horsepower natural gas-fired reciprocating internal combustion engine under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Confer site in Burnside Township, **Centre County**.

**GP4-49-01: Advanced Metal Coatings, Inc.** (1200 Mathew Street, Watsonstown, PA 17777) on May 21, 2001, for construction and operation of a burn-off oven under the General Plan Approval and General Operating Permit



for Burnoff Ovens (BAQ-GPA/GP-4) in Watsontown Borough, **Northumberland County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**GP-24-025: Alpha Sintered Metals, Inc.** (Montmorenci Road, Ridgway, PA 15853) issued May 31, 2001, for operation of 15 sintering furnaces in Ridgway, **Elk County**.

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**Operating Permit Minor Modifications Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.**

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**09-00013: Wheelabrator Falls, Inc.** (1201 New Ford Mill Road, Morrisville, PA, 19067) in Falls Township, **Bucks County**. The modified Title V permit incorporates the requirements of 09-0013 for the two municipal waste combustors. The modification include changes to Site Conditions #030 and 037 and Group level Conditions #013, 014 and 015, as well as supporting monitoring and record keeping requirements.

**46-00006: Allegro MicroSystems, Inc.** (3900 Welsh Road, Willow Grove, PA 19090) in Upper Moreland Township, **Montgomery County**. Title V Operating Permit minor modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462. Modification for installation of Plasma Enhanced Chemical Vapor Deposition System at an existing facility.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**08-313-003C: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) on May 24, 2001, to allow several minor pieces of phosphor processing equipment to be controlled by existing air cleaning devices other than those previously specified in the operating permit in North Towanda Township, **Bradford County**.

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**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.*

**39-309-055: Lafarge Corp.** (5160 Main Street, Whitehall, PA 18052) on May 21, 2001, for modification of the No. 1 finish mill at the Whitehall Plant in Whitehall Township, **Lehigh County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**49-301-015A: Wildwood Cemetery Co.** (1151 Cemetery Street, Williamsport, PA 17701) on May 2, 2001, for construction of a crematory incinerator at Pomfret Manor Cemetery in the City of Sunbury, **Northumberland County**.

**17-399-021: Wickett and Craig of America, Inc.** (120 Cooper Road, Curwensville, PA 16833) on May 7, 2001, for construction of a fertilizer manufacturing facil-

ity and associated air cleaning devices (a condenser, a packed bed scrubber and a fabric collector) in Curwensville Borough, **Clearfield County**.

**47-318-009B: Aldan Acquisition, Inc.** (115 Woodbine Lane, Danville, PA 17821-9118) on May 15, 2001, for construction of a rubber coated cloth drying oven (festoon oven) to be controlled by an existing air cleaning device (a thermal oxidizer) in Mahoning Township, **Montour County**.

**53-00005A: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on May 15, 2001, for construction of a 1085 horsepower natural gas-fired auxiliary generator at the Greenlick Compressor Station in Stewardson Township, **Potter County**. This is a Title V facility.

**59-00005C: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on May 15, 2001, for installation of air cleaning devices (screw-in prechambers) on five 1300 horsepower natural gas-fired reciprocating internal combustion compressor engines at the Sabinsville Compressor Station in Clymer Township, **Tioga County**.

**14-310-017L: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 15, 2001, for construction of stone conveying equipment and associated air cleaning device (a water spray dust suppression system) in Spring Township, **Centre County**. The conveying equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

**55-399-003A: Penn Lyon Homes, Inc.** (Airport Road, P. O. Box 27, Selinsgrove, PA 17870) on May 16, 2001, for construction of prefabricated housing wood door, cabinet and trim surface coating and gluing operations in Monroe Township, **Snyder County**.

**49-0007B: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) on May 16, 2001, for modification of an Avermectin wastewater detoxification system, said modification consisting of a 10.78 ton per 12 consecutive month increase in the allowable volatile organic compound emission rate, at the Cherokee Plant in Riverside Borough, **Northumberland County**.

**18-00005A: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on May 25, 2001, for installation of an air cleaning device (a multi-point fuel injection system) on an 1100 horsepower natural gas-fired reciprocating internal combustion compressor engine at the Finnefrock Compressor Station in Leidy Township, **Clinton County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**26-516A: Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15601) on May 21, 2001, for operation of a Portable Coal Crusher at Nicholson II Surface Mine in Springfield Township, **Fayette County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**61-012B: OMG Americas** (2 Mile Run Rd., Franklin, PA 16323) on May 22, 2001, for modifications to Reactor 07 in Sugar creek Borough, **Venango County**.

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**Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**28-03025: Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570-0026) on April 3, 2001, to authorize temporary operation of feed mill operations at the Shipensburg Plant, covered under this Plan Approval until July 31, 2001, in Southampton Township, **Franklin County**.

**36-05015B: Dart Container Corporation** (60 East Main Street, Leola, PA 17540) on May 29, 2001, to authorize temporary operation of direct injection foam processing operations at the Leola Plant, covered under this Plan Approval until September 25, 2001, in Upper Leacock Township, **Lancaster County**.

**07-305-001A: Tyrone Synfuels, LP** (160 Quality Center Road, Homer City, PA 15748) on May 29, 2001, to authorize temporary operation of a fuel production facility controlled by a coal hammer mill baghouse, a cooler dust cyclone and a dryer baghouse, covered under this Plan Approval until September 26, 2001, in Snyder Township, **Blair County**.

**22-301-058: Pennsylvania Department of Agriculture** (2301 North Cameron Street, Harrisburg, PA 17110) on May 19, 2001, to authorize temporary operation of an animal health laboratory multi-chambered incinerator controlled by a venturi-wet scrubber and a mist eliminator, covered under this Plan Approval until September 15, 2001, in Susquehanna Township, **Dauphin County**.

**67-317-033C: Starbucks Coffee Company** (3000 Espresso Way, York, PA 17402) on May 27, 2001, for the construction of a coffee roaster controlled by a cyclone and catalytic oxidizer at the York Roasting plant, covered under this Plan Approval until September 23, 2001, in East Manchester Township, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**55-0005B: Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) on May 22, 2001, to extend the deadline for performance of volatile organic compound stack testing on a wood cabinet molding finishing operation and associated air cleaning device (a regenerative thermal oxidizer) to August 3, 2001, as well as to extend the authorization to operate the respective finishing operation on a temporary basis until September 19, 2001, in Middlecreek Township, **Snyder County**.

**53-0009D: National Fuel Gas Supply Corp.** (P. O. Box 2081, Erie, PA 16512) on May 25, 2001, to extend authorization to operate a 4445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) on a temporary basis until September 22, 2001, as well as to extend the deadline for the performance of nitrogen oxides, carbon monoxide, volatile organic compound and formaldehyde stack testing on said engine to September 22, 2001 at the Ellisburg Compressor Station in Allegany Township, **Potter County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**65-307-054B: Teledyne, Inc.** (100 River Road, Brackenridge, PA 15014) on May 31, 2001, for operation of an EAF Oxygen Lance & AOD Vessel at Teledyne Allvac in Derry Township, **Westmoreland County**.

**65-910A: McKnight Cylinder Co.** (168 Pattern Shop Road, R. D. 1, Box 338, Ruffsdale, PA 15679) on May 31, 2001, for operation of a Cylinder Reconditioner in South Huntingdon Township, **Westmoreland County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.*

**10-285B: Waste Management Disposal Services of PA Inc.—Northwest Sanitary Landfill** (1436 West Sunbury Road, West Sunbury, PA 16061) on May 31, 2001, for a flare system in Clay Township, **Butler County**.

**24-318-001A: Osram Sylvania Inc.** (835 Washington Road, St. Marys, PA 15857) on April 30, 2001, for an amorphous silica coating process in Benzinger Township, **Elk County**.

**37-307A: Hobel Brothers Co./Slippery Rock Salvage** (214 Gardner Avenue, New Castle, PA 16107) on May 30, 2001, for an enclosed steel ingot cutting operation in New Castle, **Lawrence County**.

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**Plan Approval Minor Modification Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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*Philadelphia Department of Public Health, Air Management Services: 321 University Ave., Philadelphia, PA 19104, Roger Fey, (215) 823-7584.*

**01028 and 01029: Gasket Materials Corp.** (80 East Morris Street, Philadelphia, PA 19148) on May 8, 2001, to modify permit condition No. 2 which shall now read: "This letter amends Installation Permit Nos. 94249 and 94397, the Permit Approval Condition Letter of 2/3/95 and AMS Letter of 1/29/97. The daily aggregate of the actual Volatile Organic Compound (VOC) emissions from the coating operation at Gasket Materials facility in the City of Philadelphia, **Philadelphia County** including laminating, shall not exceed 3.87 pounds of VOC per gallon of solids applied. ..." The original limit was 3.88 pounds of VOC per gallon of solids applied.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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 applications will also address the application 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).**

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*Coal Permits Issued*

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**17960113. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Covington and Karthaus Townships, **Clearfield County** affecting 321.5 acres. Receiving stream—Curley's Run, Curley's Run to West Branch Susquehanna River. Application received: March 26, 2001. Permit issued: May 23, 2001.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.*

**30743711. RAG Cumberland Resources L.P.** (P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Cumberland Coal Refuse Disposal in Whiteley Township, **Greene County** to renew permit, no additional discharges. Permit issued May 22, 2001.

**03901302. TJS Mining Inc.,** (R. D. #1, Box 260D, Shelocta, PA 15774), to renew the permit for the TJS No. 1 Deep Mine in South Bend Township, **Armstrong County**, to renew the existing deep mine permit, no additional discharges. Permit issued May 23, 2001.

*Noncoal Permits Issued*

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.*

**08000806. Brian M. Edsall** (R. R. 2, Box 94-A, Towanda, PA 18848), commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Asylum Township, **Bradford County** affecting 5 acres. Receiving stream—Susquehanna River, Towanda Creek, tributary to East Branch Susquehanna River. Application received: August 25, 2000. Permit issued: May 16, 2001.

**08010806. Gary Heath & Stephen T. Schmeckenbecher** (R. R. 1, Box 31, Towanda, PA 18848), commencement, operation and restoration of a Small Industrial Minerals (Topsoil) permit in Towanda Township, **Bradford County** affecting 2 acres. Receiving stream—Susquehanna River. Application received: March 19, 2001. Permit issued: May 25, 2001.

**08000805. Wilmer Chilson** (R. D. 2, Box 140 CH2, Towanda, PA 18848), commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit located in Asylum Township, **Bradford County** affecting 1 acre. Receiving stream—unnamed tributary to Durrell Creek to Susquehanna River. Application received: July 5, 2000. Permit issued: May 23, 2001.

**08010802. John Preston** (R. R. 1, Box 20, Wyalusing, PA 18853), commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit located in Wyalusing Township, **Bradford County** affecting 2 acres. Receiving stream—unnamed tributary, tributary to Billings Creek. Application received: February 1, 2001. Permit issued: May 23, 2001.

**FEDERAL WATER POLLUTION CONTROL ACT  
SECTION 401**

The Department of Environmental Protection has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department of Environmental Protection certifies that the construction and operation herein described will comply with the appli-

cable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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 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 of 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 for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) 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: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Permits Issued and Actions on 401 Certifications:*

**WATER OBSTRUCTIONS AND  
ENCROACHMENTS**

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

**The Philadelphia Cricket Club**, 415 West Willow Grove Avenue, Philadelphia, PA 19118, Whitmarsh Township, **Montgomery County**, ACOE Philadelphia District.

**E46-876.** To perform the following water obstructions and encroachment activities which will impact a total of 898 linear feet of Lorraine Run (TSF), unnamed tributaries and 0.14 acre of adjacent wetland (PFO) associated with the construction of the Philadelphia Cricket Club Golf Course:

1. To install and maintain 13 stormwater outfalls.
2. To install and maintain eight golf cart bridges.
3. To construct and maintain a golf course pond along the bank and within the floodway of Lorraine Run associated with hole No. 13.
4. To place fill within approximately 570 linear feet of an unnamed tributary to Lorraine Run associated with the construction of a new settling pond in accordance with mining permit No. 8074SM2T2 and to construct and maintain 260 linear feet of new channel originating at the mining discharge point.

The site is bounded by Joshua Road and Fort Washington State Park to the north, West Valley Green Road to the south and Stenton Avenue to the west (Germantown,

PA Quadrangle N: 20.05 inches; W: 15.0 inches). The permittee agrees to provide 0.29 acre of replacement wetlands.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E54-283. Jan W. Crocker**, 1115 Elm Street, Bethlehem, PA 18018-2909. South Manheim Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

Construct and maintain a 12-foot by 14-foot boat slip by modifying an existing railroad tie bulkhead and excavating landward along the shoreline of Lake Wynonah. The project is located in Pinto Cove of the Lake Wynonah Resort Development along the northern shore of the lake (Friedensburg, PA Quadrangle N: 6.9 inches; W: 6.8 inches) in South Manheim Township, Schuylkill County.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E36-714. Thomas Aaron**, Drumore Township, 1675 Furniss Road, Drumore, PA 17518 in Drumore Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing bridge and to construct and maintain a concrete box culvert having a span of 17 feet by 6 feet underclearance at the channel of Peters Creek (HQ-WWF) on Goshan Mill Road (T-375) located about 1.14 miles south of Hensel Village (Wakefield, PA Quadrangle N: 10.0 inches; W: 10.3 inches).

**E07-344. James Fiore**, Fiore Pontiac GMC, P. O. Box 1033, Altoona, PA 16603 in Allegheny Township, **Blair County**, ACOE Baltimore District.

To place fill in 0.5 acre of wetlands adjacent to Brush Run (WWF) at a point along Route 36 approximately 1 mile north of Hollidaysburg for the purpose of expanding an existing parking lot (Hollidaysburg, PA Quadrangle N: 14.2 inches; W: 2.8 inches).

**E06-551. George Moyer**, 231 Frystown Road, Myersstown, PA 17067 in Bethel Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a nonjurisdictional water impoundment as a result of developing a farm pond by excavating and filling 0.51 acre of wetlands and about 270 linear feet of stream channel of an unnamed tributary to Little Swatara Creek (CWF) for the purpose of providing fire protection and water supply for crop irrigation located on the north side of Frystown Road (SR 4002) about 0.89 mile east of its intersection with SR 0645 (Bethel PA Quadrangle N: 14.33 inches; W: 9.66 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E12-121. Pennsylvania Department of Conservation and Natural Resources**, R. R. 1, Box 212, Emporium, PA 15834. East Cowley Run Bridge Replacement, in Portage Township, **Cameron County**, ACOE Baltimore River Basin District (Emporium, PA Quadrangle N: 17.5 inches; W: 8.0 inches).

To remove an existing structure and construct, operate and maintain a single span bridge across East Cowley Run to provide public access within Sizerville State Park. The bridge shall be constructed with a minimum span of 20-feet, width of 16.8-feet and underclearance of 6-feet. Construction of bridge footings and in-stream bank stabilization shall be conducted in dry work conditions through the use of dams and pumping or fluming stream flow around work areas. The project is located along the eastern right-of-way of SR 0155 approximately 2,800-feet

south east of Sizerville State Park day use road and SR 0155 intersection. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-349. David G. Saulter**, Box 247, Baker Creek Road, Coudersport, PA 16915. Private Bridge, in Hebron Township, **Potter County**, ACOE Pittsburgh District (Oswayo, PA Quadrangle N: 2.25 inches; W: 5.5 inches).

To remove the existing wooden bridge structure and construct, operate and maintain a new single span, single residence bridge structure over the South Branch of Oswayo Creek. The structure will be constructed on concrete abutments and wing walls and anchored with reinforced footers. This permit also authorizes raising the grades of the approaches and incorporating three 16-inch diameter relief culverts to continue drainage to the wetlands on either side of the crossing. This project is located 1.2 miles south of Coneville on SR 44 (Oswayo, PA Quadrangle, N: 2.25 inches, W: 5.5 inches) Hebron Township, Potter County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-355. Gary A. Buchsen**, 918 East Second Street, Coudersport, PA 16915. Buchsen Footbridge Across Mill Creek, in Coudersport Borough, **Potter County**, ACOE Pittsburgh District (Sweden Valley, PA Quadrangle N: 3 inches; W: 14 inches).

To construct, operate and maintain a single span steel I-beam footbridge across Mill Creek to provided access to hiking trails. The footbridge shall be constructed with a minimum single span of 33-feet, width of 4-feet and underclearance of 5-feet. Construction will also include the installing 20-feet of R-4 riprap that shall be installed in dry work conditions by the use of dams and pumping or fluming stream flow around the work area. The project is located along the southern right-of-way of SR 0006 approximately 2,000-feet east of SR 0872 and SR 0006 intersection. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E55-178. Jeffery and April Goss**, R. R. 2, Box 258G, Selinsgrove, PA 17870. Goss Property, in Shamokin Dam Borough, **Snyder County**, ACOE Baltimore District (Sunbury, PA Quadrangle N: 22 inches; W: 9.6 inches).

To construct, operate and maintain an 18 foot diameter aboveground swimming pool, 60 lineal feet of dike embankment, one wooden foot bridge measuring 3 feet by 45 feet, one wooden vehicular bridge measuring 7 feet by 15 feet, 10 ton of miscellaneous fill and 200 lineal feet of riprap stream bank protection on an unnamed tributary to the West Branch of the Susquehanna River. This project is located .75 mile north on SR 15 from the intersection with SR 11 in Shamokin Dam Borough, Snyder County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

#### ENVIRONMENTAL ASSESSMENTS

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**EA37-001NW. Erskin Resources, Inc.**, P. O. Box 78, Hillsville, PA Hillsville-New Castle Limestone Quarry Road Reclamation Project in Mahoning Township, **Lawrence County**, ACOE Pittsburgh District (Campbell, OH-PA Quadrangle N: 8.0 inches; W: 1.3 inches).

To fill 0.98 acre of wetlands and to construct 1.10 acres of onsite wetlands associated with the grading and reclamation at an abandoned limestone mine site.

**STORAGE TANKS**  
**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

*SSIP*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
01-02-017	Michelle F. Duncan Orion Power MidWest L.P. 2000 Cliff Mine Road Suite 200 Pittsburgh, PA 15275-1008	Allegheny	Borough of Springdale	4 ASTs storing Aqueous Ammonia	42,700 gallons each

**SPECIAL NOTICES**

**RADIATION PROTECTION**

**Amendment to exemption issued under the Radiation Protection Act (35 P. S. §§ 7110.101—7110.704) and 25 Pa. Code § 215.31 (relating to exemptions).**

*Southeast Region: Radiation Protection Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Dr. Ivna Shanbaky, Radiation Protection Manager, (610) 832-6032.*

Issued May 14, 2001, to **Fox Chase Cancer Center**, 7701 Burholme Avenue, Philadelphia, PA, 19111; Registration Number **10-03410**: an amendment to exemption from regulation relating to leakage of radiation outside the patient area.

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of May 2001 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Arick Amspacker	3262 Reeve Drive Bethlehem, PA 18020	Testing
Brian Bacchus	251 Fox Meadow Drive Wexford, PA 15090	Testing
Jay Bauder	3 Yoder Lane Newmanstown, PA 17073	Mitigation
Benchmark Pro. Home Insp.	219 West Grove Street Clarks Summit, PA 18411	Testing
Melanie Bollinger	418 Fleming Road Sarver, PA 16055	Testing
H. Edward Carr, Jr. EIC, Inc.	780 Eden Road Lancaster, PA 17601	Mitigation
Lois Distenfeld	4326 Crestview Road Harrisburg, PA 17112	Testing Laboratory
LDH Waterproofing & RN Control	218 D West Main Street Leola, PA 17540	Mitigation
Robert Meyer, Jr.	2843 North Front Street Harrisburg, PA 17110	Mitigation
Brian Reuss HouseMaster Home Inspections	20300 Route 19, Suite 138 Cranberry Township, PA 16066	Testing
Mark Salasky Landauer, Inc.	2 Science Road Glenwood, IL 60425	Laboratory
Michael Schneider	8466 Conventry Drive Allison Park, PA 15101	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Todd Giddings & Associates, Inc.	3049 Enterprise Drive State College, PA 16801	Testing
ValueGuard USA, Inc.	123 Coulter Avenue, Suite 206 Ardmore, PA 19003	Testing

[Pa.B. Doc. No. 01-1051. Filed for public inspection June 15, 2001, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### State Surplus Property Program; Request for Bids

Under the provisions of Act 57 of 1998, the Department of General Services, State Surplus Property Program is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
1. Rubber Tire Loader	John Deere	110-2040	PA Dot, Waterford, PA
2. Belt Loader	Athey	140-5369	PA Dot, Waterford, PA
3. Rubber Tire Loader	John Deere	045-2040	PA Dot, Warren, PA
4. Earth Moving Eq./Grader	Champion	042-1682	PA Dot, E. Rochester, PA
5. Loader	Case	309-2056	PA Dot, Waynesburg, PA
6. Loader	Case	302-2056	PA Dot, Waynesburg, PA
7. Belt Loader	Athey	126-5369	PA Dot, Waynesburg, PA
8. Front End Loader	Case	324-2056	PA Dot, Waynesburg, PA
9. Loader	Case	312-2056	PA Dot, Waynesburg, PA
10. Front End Wheel Loader	John Deere	061-2040	PA Dot, Waynesburg, PA

The previous items will be sold to the highest responsible bidder by sealed bid sale. Those political subdivisions which are interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, P. O. Box 1365, Harrisburg, PA 17105 or call (717) 787-4085. Bid Packets can be printed from our web site [www.dgs.state.pa.us](http://www.dgs.state.pa.us) under State Surplus Property "Attention Municipalities Only." Requests for bid proposals need to be made prior to the bid opening on June 21, 2001 at 1 p.m.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 01-1052. Filed for public inspection June 15, 2001, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Renal Advisory Committee Meeting

The Renal Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204) will hold a public meeting on Friday, June 29, 2001.

The meeting will be held in the Department of Education, Video Conferencing Center, 11th Floor, 333 Market Street, Harrisburg, PA from 10 a.m. to 3 p.m.

For additional information, contact Jane E. Wolfe, Director, Chronic Renal Disease Program, Division of Special Health Care Programs at (717) 787-9772.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact the Chronic Renal Disease Program at (717) 787-9772, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 01-1053. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Wallingford Nursing & Rehabilitation Center  
115 South Providence Road  
Wallingford, PA 19086

Brookline Manor  
R. R. 1, Box 463  
Mifflintown, PA 17059

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 01-1054. Filed for public inspection June 15, 2001, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Harley-Davidson USA Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Harley-Davidson® USA.

2. *Price:* The price of a Pennsylvania Harley-Davidson USA instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Harley-Davidson USA instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$12\$ (TWLV), \$16\$ (SIXTN), \$24\$ (TWY FOR), \$40\$ (FORTY), \$80\$ (EIGHTY), \$400 (FOR HUN), \$12,000 (TWL THO) and a Motorcycle Symbol (MTRCYCL).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$6, \$8, \$12, \$16, \$24, \$40, \$80, \$400, \$12,000 and Harley-Davidson Sportster® 1200 Custom motorcycle. A player can win up to eight times on a ticket.

6. *Second Chance Drawing:* The Pennsylvania Lottery will conduct a Second Chance drawing for nonwinning Pennsylvania Harley-Davidson USA instant lottery tickets as provided for in paragraph 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Harley-Davidson USA instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of a Motorcycle Symbol (MTRCYCL) appears under the matching "Your Numbers" play symbol, on a single ticket,

shall be entitled to a prize of a Harley-Davidson Sportster 1200 Custom motorcycle.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12,000 (TWL THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$400 (FOR HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOR) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$16\$ (SIXTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$16.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12\$ (TWLV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning

Numbers” play symbols and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$1<sup>.00</sup>

(ONE DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$1.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$1 x 2	\$2	1:9.38	640,000
\$2	\$2	1:18.75	320,000
\$1 x 4	\$4	1:35.71	168,000
\$1 x 2 + \$2	\$4	1:44.12	136,000
\$2 x 2	\$4	1:53.57	112,000
\$4	\$4	1:68.18	88,000
\$1 x 8	\$8	1:187.50	32,000
\$1 x 4 + \$4	\$8	1:250	24,000
\$4 x 2	\$8	1:375	16,000
\$8	\$8	1:750	8,000
\$2 x 6	\$12	1:750	8,000
\$4 x 3	\$12	1:750	8,000
\$2 x 2 + \$8	\$12	1:750	8,000
\$12	\$12	1:750	8,000
\$2 x 8	\$16	1:750	8,000
\$4 x 4	\$16	1:750	8,000
\$2 x 4 + \$4 x 2	\$16	1:750	8,000
\$8 x 2	\$16	1:750	8,000
\$16	\$16	1:750	8,000
\$2 x 6 + \$4 + \$8	\$24	1:1,500	4,000
\$4 x 2 + \$16	\$24	1:1,500	4,000
\$8 + \$16	\$24	1:1,500	4,000
\$2 x 6 + \$6 x 2	\$24	1:1,500	4,000
\$24	\$24	1:1,500	4,000
\$4 x 6 + \$8 x 2	\$40	1:4,000	1,500
\$8 x 3 + \$16	\$40	1:4,000	1,500
\$8 x 5	\$40	1:4,000	1,500
\$8 + \$16 x 2	\$40	1:4,000	1,500
\$16 + \$24	\$40	1:4,000	1,500
\$40	\$40	1:12,000	500
\$8 x 6 + \$16 x 2	\$80	1:4,000	1,500
\$40 x 2	\$80	1:8,000	750
\$16 + \$24 + \$40	\$80	1:10,000	600
\$8 x 3 + \$16 + \$40	\$80	1:10,000	600
\$80	\$80	1:30,000	200
\$80 x 5	\$400	1:60,000	100
\$400	\$400	1:60,000	100
\$12,000	\$12,000	1:1,000,000	6
MOTORCYCLE SYMBOL*	Motorcycle	1:1,500,000	4

\* Motorcycle is valued at \$14,000. No cash equivalent for motorcycle prize.

10. *Second Chance Drawing Eligibility Requirements:*

(a) To be eligible for one of the Second Chance Drawings, a player must mail exactly three non-winning Pennsylvania Harley-Davidson USA instant lottery tickets in an envelope no larger than 4 1/8 by 9 1/2 inches addressed to Harley-Davidson USA Second Chance Draw-

ing, PMB 101, 2033 Linglestown Road, Harrisburg, PA 17110.

(b) Envelopes containing less than or more than three non-winning Pennsylvania Harley-Davidson USA instant lottery tickets shall be disqualified.



(c) Non-winning Pennsylvania Harley-Davidson USA instant lottery tickets received in an envelope larger than 4 1/8 by 9 1/2 inches shall be disqualified.

(d) The back of each non-winning Pennsylvania Harley-Davidson USA instant lottery ticket entered in the Second Chance Drawing must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code, telephone number and signature.

(e) Winning Pennsylvania Harley-Davidson USA instant lottery tickets submitted to the Pennsylvania Harley-Davidson USA Second Chance Drawing address may not be paid or honored.

(f) To be eligible for a Second Chance Drawing, non-winning Pennsylvania Harley-Davidson USA instant lottery tickets must be received by the Pennsylvania Lottery as follows:

<i>Entry Deadline</i>	<i>Second Chance Drawing</i>
1st Drawing—July 27, 2001	Week of July 30, 2001
2nd Drawing—August 31, 2001	Week of September 4, 2001
3rd Drawing—September 28, 2001	Week of October 1, 2001
4th Drawing—October 26, 2001	Week of October 29, 2001

#### 11. *Second Chance Drawing Procedures.*

(a) *Frequency.* Four Second Chance Drawings will be held at Lottery Headquarters. The first Second Chance Drawing will be held the week of July 30, 2001, the second the week of September 4, 2001, the third the week of October 1, 2001 and the fourth the week of October 29, 2001. The odds of an entry being selected in a Second Chance Drawing depend upon the number of entries received.

(b) *Eligibility for Second Chance Drawings.* To be eligible for a Second Chance Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery will make a reasonable effort to ensure that each Second Chance entry is entered into one of the Second Chance Drawings. The Lottery assumes no responsibility for a lost or misplaced entry not entered into a Second Chance Drawing.

(2) A Second Chance entry is eligible for only one Second Chance Drawing. An entry that is not in one eligible group, may, at the discretion of the Director, remain eligible for a subsequent Second Chance Drawing.

(3) If a Second Chance entry is rejected during or following a Second Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

#### (c) *Manner of conducting the Second Chance Drawings.*

(1) By use of a computer-generated randomizer, one mail tray will be selected. From this mail tray an entry envelope will be drawn. The entry envelope will be opened and its contents will be validated according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that mail tray; and so on, until a qualified entry has been chosen. This qualified entry will win a Harley-Davidson Sportster 1200 Custom Motorcycle. There is no cash equivalent for the Harley-Davidson Sportster 1200 Custom Motorcycle.

(2) The computer-generated randomizer will then be used to select 50 mail trays. From each of these 50 mail trays, five entries will be drawn. As each entry envelope is opened, its contents will be validated according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that mail tray; and so on, until a qualified entry has been chosen. The 250 validated entries will each win a Harley-Davidson prize package. There is no cash equivalent for the Harley-Davidson prize package.

(3) The procedures described in paragraphs (1) and (2) will be repeated for each of the Second Chance Drawings set forth in subsection (a).

(d) The payment of a prize awarded in the Second Chance drawings to a person who dies before receiving the prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

#### 12. *Second Chance Prize Descriptions.*

(a) *Harley-Davidson Sportster 1200 Custom Motorcycle.* The motorcycle prize package includes required Federal withholding tax, State sales tax, dealer preparation charges and set-up fees.

(b) *Harley-Davidson Prize Packages.* Each prize package will include one of each of the following items:

(1) *Harley-Davidson Hubcap Duffel Bag.* The bag is a classically styled carryall made from recycled inner tube rubber, with emblem and ends that are capped with real chrome logo hubcaps.

(2) *Harley-Davidson Telephone.* The telephone is a replica of a Harley motorcycle and features a Harley sound effects ringer and a headlight that flashes.

(3) *Harley-Davidson Blanket.* The 60 inch by 80 inch multi-purpose high pile jacquard-woven blanket is designed with Harley-Davidson artwork.

(4) *Harley-Davidson Leather Baseball Cap.* The all-leather black cap features the famous Harley-Davidson Bar & Shield logo in full color.

(5) *Harley-Davidson T-Shirt.* The black all-cotton T-Shirt features Harley-Davidson artwork.

(6) *Harley-Davidson Playing Cards.* The limited edition, full-color collectible tin, numbered, includes two bridge decks of cards with historical images of Harley-Davidson motorcycles.

(7) The Lottery reserves the right to substitute a merchandise item set forth in subsection (b) with a merchandise item of equal or greater value.

13. *Retailer Incentive Awards.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Harley-Davidson USA instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

14. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Harley-Davidson USA, prize money from winning Pennsylvania Harley-Davidson® USA instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Harley-Davidson® USA instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will

expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Harley-Davidson® USA or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 01-1055. Filed for public inspection June 15, 2001, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation, pursuant to the authority contained in Section 2002 (c) of the Administrative Code (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Birmingham Towers Associates, a Pennsylvania Limited Partnership, seeking to lease highway right-of-way located beneath the Birmingham Bridge, in the 16th Ward, City of Pittsburgh, Allegheny County, containing 45,309± square feet or 1.04± acre, adjacent to and beneath SR 2085, for purposes of customer parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Ray S. Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-1056. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Finding Bucks County

Pursuant to the provisions of 71 P. S. § 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Callowhill Road Bridge over the North Branch of Neshaminy Creek in New Britain Township, Bucks County. The project consists of replacing the bridge with a one span bridge and reconstructing the roadway ap-

proaches. The project will require the acquisition of land from within the boundaries of the National Register of Historic Places eligible Willowstone Farm and the Bucks County owned Peace Valley Park.

The effect of this project on the Willowstone Farm will be mitigated as follows: 1) PennDOT will compensate the property owners for trees that will be removed for the project, 2) new surface and finishing materials that blend in with the rural historic setting of the Willowstone Farm will be used on the replacement bridge, and 3) the vertical alignment and roadway width will be designed to minimize the amount of land that will be needed from the Willowstone Farm. These mitigation measures are included in a Memorandum of Agreement (MOA) for the proposed action which has been signed by all appropriate agencies. Mitigation commitments for the Peace Valley Park will be coordinated with the Bucks County Department of Parks and Recreation.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-1057. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Finding Franklin County

Pursuant to the provisions of 71 P. S. § 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to widen existing State Route 0016 to accommodate an eastbound truck climbing lane in Washington Township, Franklin County. The proposed project would require the use of land from the Michaux State Forest, Beartown Woods Natural Area, and the Appalachian National Scenic Trail. The Beartown Woods Natural Area and the Appalachian National Scenic Trail are within the boundaries of the Michaux State Forest. The project will require the acquisition of 0.40 hectare (0.99 acre) of land from the Michaux State Forest.

Mitigation commitments for the resources have been prepared and coordinated with all appropriate agencies for the proposed action.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from this roadway construction project.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 01-1058. Filed for public inspection June 15, 2001, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**East Penn Manufacturing Co., Inc. v. DEP; EHB  
Doc. No. 2001-114-K**

The East Penn Manufacturing Co., Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Richmond Township, Berks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 01-1059. Filed for public inspection June 15, 2001, 9:00 a.m.]

**East Penn Manufacturing Co., Inc. v. DEP and  
Lyons Borough Municipal Authority; EHB Doc.  
No. 2001-115-K**

The East Penn Manufacturing Co., Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Lyons Borough Municipal Authority for a facility in Maxatawny Township, Berks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62 (relating to intervention). Copies of the Board's

rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 01-1060. Filed for public inspection June 15, 2001, 9:00 a.m.]

## FISH AND BOAT COMMISSION

**Special Designation; Big Conneauttee Creek, Erie  
County**

The Executive Director, acting under the authority of 58 Pa. Code § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas), designates the "Mallory Run Project" on Big Conneauttee Creek, located immediately below the outfall of Edinboro Lake, as being for the exclusive use of children and special populations.

This designation shall be effective when the water is so posted after publication of this notice in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 01-1061. Filed for public inspection June 15, 2001, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

**Notice of Comments Issued**

Sections 5(d) and (g) of the Regulatory Review Act (71 P. S. § 745.5(d) and (g)) provide that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-form Submission Deadline</i>
11-206	Insurance Department Privacy of Consumer Financial Information	05/31/01	04/30/03

31 Pa.B. 1748 (March 30, 2001)

**Insurance Department**

**Regulation No. 11-206**

**Privacy of Consumer Financial Information**

**May 31, 2001**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Insurance Department (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 30, 2003, the regulation will be deemed withdrawn.

**1. Applicability of proposed regulation to the sharing of information between affiliates.—Consistency with the Statute; Reasonableness; Clarity.**

The Department's stated goal in the Preamble is to implement the National Association of Insurance Commissioners (NAIC) model regulation "as closely as possible." The proposed regulation requires an opt out notice to be sent to consumers before affiliates share nonpublic personal financial information. This requirement conflicts with the NAIC model regulation which permits the sharing of information among affiliates without providing consumers an opportunity to opt out.

In the Preamble to the proposed regulation, the Department explains it departed from the NAIC model on this issue due to "the statutory framework established by Act 40 (of 1997)." However, the privacy provisions of Act 40 (40 P. S. § 288) apply exclusively to financial institutions. It is unclear how Act 40 can be controlling for licensees which are not financial institutions. Furthermore, Act 40 limits the definition of "customer information" to "... information concerning the terms and conditions of insurance coverage, insurance expirations, insurance claims or insurance history of an individual." The final-form regulation should be consistent with the NAIC model relating to sharing of information among affiliates.

**2. Requirement for a second opt out notice.—Consistency with the Statute; Reasonableness.**

Section 146a.21(c)(3) requires a second opt out notice if the consumer or customer does not respond to the initial notice within 30 days. The Department cites the privacy provisions of Act 40 as the basis for this requirement. For the reasons discussed in Issue #1, Act 40 does not appear to be controlling. Therefore, the second opt out notice should be deleted.

**3. Section 146a.1. Purpose.—Need; Clarity.**

*Subsection (a)*

This subsection states the regulation "governs the treatment of *nonpublic personal financial information* about individuals. . . ." (Emphasis added.) Similarly, subsection (b) relating to the scope of the regulation states, "This chapter applies to *nonpublic personal financial information*. . ." (Emphasis added.) However, the term "nonpublic personal financial information" is not defined in § 146a.2 (relating to definitions). Instead, the terms "nonpublic personal information" and "personally identifiable financial information" are defined. Given the stated purpose and scope of the regulation, the term "nonpublic personal financial information" should be defined in § 146a.2 and used consistently throughout the regulation.

*Subsection (b)*

Under this subsection, the scope of Chapter 146a extends to individuals who are claimants or beneficiaries under a policy. Commentators have questioned the inclusion of claimants and beneficiaries, since these individuals do not directly obtain any products from insurers. We request the Department explain the basis for including claimants and beneficiaries within the scope of this regulation.

*Subsection (d)*

This subsection clarifies that the examples contained in the regulation are illustrative and do not restrict the scope of Chapter 146a. The language in this subsection, however, varies from section 3 of the NAIC model. Given the Department's stated goal of implementing the NAIC model "as closely as possible," why is the proposed language different from the NAIC model language?

**4. Section 146a.2. Definitions.—Reasonableness; Need; Clarity.**

*Consumer*

In this definition, the terms "nonpublic personal information" and "nonpublic personal financial information" are both used. The concern discussed in Issue #3 regarding § 146a.1(a), also applies to this definition.

Subsections (iv)(A) and (B) include beneficiaries and claimants as examples of consumers. However, a "consumer" is defined, in part, as "an individual who seeks to obtain, obtains or has obtained an insurance product or service from a licensee. . . ." Claimants and beneficiaries do not "obtain" the insurance product or service. Consistent with our comment on § 146a.1(b) (Issue #3), why are beneficiaries and claimants included as consumers?

Subsection (iv) differs from the NAIC model rule in two ways. First, it is structured differently. Subsection (iv) contains five paragraphs, whereas the parallel provision of the NAIC model rule has two paragraphs. Second, subsection (iv) omits the conjunction "or" which appears after NAIC model rule § 4(F)(2)(d)(i)(III), and omits the conjunction "and" that requires both conditions to be met in §§ 4(F)(2)(d)(i) and (ii). As a result of this inconsistency, subsection (iv) of the Department's regulation is unclear. Subsection (iv) of the Department's regulation should be amended to be consistent with the NAIC model rule.

Subsection (v) of this definition references "workers' compensation plan participant." We have three concerns.

First, why is workers' compensation included? The definition of "consumer" is limited to services and products that are used "primarily for personal, family or household purposes." Since workers' compensation coverage does not appear to fit these criteria, its inclusion in the regulation should be explained or deleted.

Second, if workers' compensation is retained in the final-form regulation, the term "plan participant" should be defined.

Third, the word "or" should be inserted after the end of the sentence in subparagraph (v)(B) for consistency with the NAIC model.

*Health information*

The NAIC model contains a definition of this term. However, the proposed regulation does not. This definition should be added to the final-form regulation.

*Licensee*

The term “producer” used in subsection (i) is unclear. It should be defined in the final-form regulation.

*Personally identifiable financial information*

The definition of this term in the NAIC model specifically excludes health information. Why isn’t this exclusion contained in the definition in the proposed regulation?

**5. Section 146a.11. Initial privacy notice to consumers required.—Clarity.**

Subsection (e)(ii) permits the initial notice to be provided at a later time, after the licensee establishes a customer relationship, if the customer agrees. The final-form regulation should clarify what constitutes customer agreement.

**6. Section 146a.13. Information to be included in privacy notices.—Clarity.**

*Subsection (a)*

The term “nonpublic personal financial information” is used throughout subsection (a). However, paragraph (a)(8) omits the word “financial” and uses the term “nonpublic personal information.” This should be corrected consistent with Issue #3.

*Subsection (c)*

Subsection (c)(2)(i) states a requirement is satisfied if a licensee “provides a few examples.” Similar language is used in subsection (c)(3)(ii) that requires “a few illustrative examples.” These requirements are vague. The regulation should specify the minimum number of examples required.

**7. Section 146a.14. Form of opt out notice to consumers and opt out methods.—Clarity.**

Paragraph (a)(1) requires a notice to be “clear and conspicuous” and provide a “reasonable opt out means.” Subparagraphs (a)(2)(ii) and (iii) provide examples of reasonable and unreasonable opt out means that clearly relate to paragraph (a)(1). However, subparagraphs (a)(2)(i) and (iv) provide examples that describe “adequate opt out notice” and “specific opt out means.” The regulation is unclear regarding what requirement the examples in subparagraphs (a)(2)(i) and (iv) are describing.

Subparagraph (a)(2)(iv) is an example based upon its placement under paragraph (a)(2) relating to examples. However, subparagraph (a)(2)(iv) states “a licensee may require each consumer to opt out through a specific means, as long as that means is reasonable for that consumer.” This is phrased as a requirement for “specific opt out means,” not an example. Subparagraph (a)(2)(iv) should be moved out of paragraph (a)(2) and clarified.

**8. Section 146a.31. Exception to opt out requirements for disclosure of nonpublic personal financial information for service providers and joint marketing.—Need; Clarity.**

Section 146a.31(a)(i) requires initial notice under § 146a.11. However, similar requirements in §§ 146a.32 and 146a.33 do not require initial notice under § 146a.11. Why is initial notice under § 146a.11 required in § 146a.31?

Commentators stated the exceptions from the opting out requirement should include claims processing and fraud investigation as third party exceptions in this section and § 146a.33(a)(7). Why didn’t the Department include them?

**9. Format of lists throughout the regulation.—Clarity.**

One goal the Department stressed in the Preamble to this proposed regulation is the need for consistent regulations among the states. To accomplish this goal, most of the regulation follows the NAIC model rule word for word.

However, the regulation uses a different format for lists than the format used in the NAIC model rule. The regulation omits the conjunctions “and” and “or” following the next to last item in lists. Commentators expressed concern that the regulation does not provide sufficient direction as to whether these lists are inclusive due to the omission of these conjunctions.

For added clarity, the Department should revise the format used for lists in §§ 146a.2, 146a.11, 146a.13, 146a.14, 146a.15, 146a.16, 146a.21, 146a.23, 146a.31, 146a.32 and 146a.33 to match the NAIC model rule. In addition, the Department should review the NAIC model rule to make sure the conjunctions used reflect the Department’s intent.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-1062. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
30-55	Pennsylvania Emergency Management Agency Reductions of Major Water Use	05-31-01
30-56	Pennsylvania Emergency Management Agency Prohibition of Nonessential Water Uses in a Commonwealth Drought Emergency Area	05-31-01
30-57	Pennsylvania Emergency Management Agency Philadelphia Drought Water Emergency Plan	05-31-01
30-58	Pennsylvania Emergency Management Agency Local Water Rationing Plans	05-31-01

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 01-1063. Filed for public inspection June 15, 2001, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Acquisition of a Controlling Interest of a Domestic Insurance Company

American International Group, Inc., a Delaware domiciled insurance holding company, has filed an application to acquire control of American General Life Insurance Company of Pennsylvania. The acquisition of control is proposed to be achieved through the merger of Washington Acquisition Corporation, a Texas corporation which is a wholly-owned subsidiary of American International Group, Inc. and American General Corporation, also a Texas corporation. The initial filing was received on June 1, 2001, and was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. § 991.1401 et seq.). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; e-mail cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1064. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Aetna U.S. Healthcare; Group Specific Community Rating (GSCR) Methodology; Rate Filing

On May 31, 2001, Aetna U.S. Healthcare submitted a Group Specific Community Rating (GSCR) Methodology. The filing seeks to modify the currently approved method by (1) decreasing the minimum group size requirement from an average of 250 employees enrolled to an average of 100 enrolled in the HMO; (2) updating all factor tables; (3) changing the rate adjustment cap from +/-5 to +/-12 from renewal to renewal; and (4) changing the minimum enrollment from 3 years to 1 year. This filing will affect large groups in all Aetna U.S. Healthcare service areas and is expected to be revenue neutral.

This filing is available for public inspection during normal working hours at the Harrisburg, Philadelphia, and Pittsburgh regional offices.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident & Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1065. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Allstate Indemnity Company; Private Passenger Auto Insurance Program; Revised Rates and Rating Plans

On June 1, 2001, the Insurance Department (Department) received from Allstate Indemnity Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 24.3% increase amounting to \$38,859,000 annually, to be effective October 16, 2001.

Unless formal administrative action is taken prior to July 31, 2001, 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 Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1066. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Allstate Insurance Company; Private Passenger Auto Insurance Program Revised Rates

On May 31, 2001, the Insurance Department (Department) received from Allstate Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 11.2% increase amounting to \$72,165,000 annually, to be effective October 16, 2001.

Unless formal administrative action is taken prior to July 30, 2001, 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 Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1067. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Application for Approval to Acquire Control

Argonaut Group Inc. has filed an application to acquire control of Rockwood Casualty Insurance Company and Somerset Casualty Insurance Company, which are Commonwealth domiciled stock casualty insurance companies. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P.S. § 991.1402, et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or by e-mail to rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1068. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Highmark Inc. d/b/a Pennsylvania Blue Shield; Basic Hospital Program for Community Rated Groups (2-50); Filing No. 200116

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200116 seeking approval of new base rates for a Community Rated Group Basic Hospital Program to be offered in the 21 counties of the Capital region in South Central Pennsylvania. Approval is requested by September 1, 2001, for coverage effective January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1069. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Highmark Inc. d/b/a Pennsylvania Blue Shield; Basic Hospital Program for Experience Rated Groups (51+); Filing No. 200117

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200117 seeking approval of new base rates for a Experience Rated Group Basic Hospital Program to be offered in the 21 counties of the Capital region in South Central Pennsylvania. Approval is requested by September 1, 2001, for coverage effective January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1070. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Highmark Inc. d/b/a Pennsylvania Blue Shield; Gatekeeper Preferred Provider Program (PPO) for Community Rated Groups (2-50); Filing No. 200126

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200126 seeking approval of new base rates for a Community Rated Group Gatekeeper Preferred Provider Program (PPO) to be offered in the 21 counties of the Capital region in South Central Pennsylvania. Approval is requested by September 1, 2001, for coverage effective January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1071. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Highmark Inc. d/b/a Pennsylvania Blue Shield; Gatekeeper Preferred Provider Program (PPO) for Experience Rated Groups (51+); Filing No. 200127

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200127 seeking approval of new base rates for a Experience Rated Group Gatekeeper Preferred Provider Program (PPO) to be offered in the 21 counties of the Capital region in South Central Pennsylvania. Approval is requested by September 1, 2001, for coverage effective January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry

Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1072. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Highmark Inc. d/b/a Pennsylvania Blue Shield; Medicare Supplement—65 Special Program for Community Rated Groups (2-50); Filing No. 200122**

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200122 seeking approval of new base rates for a Community Rated Group Medicare Supplement—65 Special Program to be offered in the 21 counties of the Capital region in South Central Pennsylvania. Approval is requested by September 1, 2001, for coverage effective January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1073. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Highmark Inc. d/b/a Pennsylvania Blue Shield; Supplemental Major Medical for Community Rated Groups (2-50); Filing No. 200123**

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200123 seeking approval of new base rates for a Community Rated Group Supplemental Major Medical to be offered in the 21 counties of the Capital region in South Central Pennsylvania. Approval is requested by September 1, 2001, for coverage effective January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1074. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Highmark Inc. d/b/a Pennsylvania Blue Shield; Supplemental Major Medical Program for Experience Rated Groups (51+); Filing No. 200124**

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200124 seeking approval of new base rates for a Experience Rated Group Supplemental Major Medical Program to be offered in the 21 counties of the Capital region in South Central Pennsylvania. Approval is requested by September 1, 2001, for coverage effective January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1075. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Highmark Inc. d/b/a Pennsylvania Blue Shield; Voluntary Gatekeeper Preferred Provider Program (PPO) for Community Rated Groups (2-50); Filing No. 200114**

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200114 seeking approval of new base rates for a Community Rated Group Voluntary Gatekeeper Preferred Provider Program (PPO) to be offered in the 21 counties of the Capital region in South Central Pennsylvania. Approval is requested by September 1, 2001, for coverage effective January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1076. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Highmark Inc. d/b/a Pennsylvania Blue Shield; Voluntary Gatekeeper Preferred Provider Program (PPO) for Experience Rated Groups (51+); Filing No. 200115**

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing No. 200115 seeking approval of new base rates for a Experience Rated Group Voluntary Gatekeeper Preferred Provider Program (PPO) to be offered in the 21 counties of the Capital region in South Central Pennsylvania.



vania. Approval is requested by September 1, 2001, for coverage effective January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1077. Filed for public inspection June 15, 2001, 9:00 a.m.]

resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1078. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). These administrative hearing will be held in the Insurance Department's Regional Offices in Philadelphia and Pittsburgh, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of John J. Genzano, III; file no. 01-265-01906; Allstate Insurance Company; doc. no. PH01-05-024; July 13, 2001, at 10 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Brian T. Matthews; file no. 01-308-70928; Lincoln General Insurance Co.; doc. no. PI01-05-023; August 9, 2001, at 11 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 Insurance Commissioner (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 Commissioner will issue a written order

### Review Procedure Hearings Under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. This administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Leroy S. and Evelyn Higinbotham; file no. 01-181-01684; Nationwide Mutual Fire Insurance Co.; doc. no. PI01-05-026; August 9, 2001, at 9 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 01-1079. Filed for public inspection June 15, 2001, 9:00 a.m.]

# LEGISLATIVE REFERENCE BUREAU

## Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

### *Executive Board*

Resolution # CB-01-109, Dated May 11, 2001. Authorizes the implementation of the Agreement between the Commonwealth and AFSCME regarding the LCB Licensing Analysts. This Agreement provides for the Articles of the AFSCME Master Agreement to apply to these employees who were previously covered by the FOP-LCB Agreement.

Resolution # CB-01-120, Dated May 18, 2001. This resolution authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania, the State System of Higher Education and the Pennsylvania Doctors Alliance First Level Supervisory unit (T5) effective July 1, 2001, through June 30, 2005.

Employees in the T5 unit will receive 3.5% general pay increases on July 1, 2001, and July 1, 2002, respectively, and receive pattern increases for the remainder of the contract years. The estimated cost of the general pay increases for 34 employees is approximately \$144,000 for the first year and \$149,000 for the second year.

Resolution # CB-01-121, Dated May 18, 2001. This resolution authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the Fraternal Order of Police Conference of Pennsylvania Liquor Control Board Lodges (K4) unit effective July 1, 1999, through June 30, 2003.

Employees in the K4 unit will receive 3% general pay increase on July 1, 1999, and July 1, 2000, and 3.5% pay increase on July 1, 2001, and July 1, 2002, respectively. The estimated costs of the general pay increases for 176 employees are:

FY 1999-2000:	\$203,000/yr.
FY 2000-2001:	\$209,000/yr.
FY 2001-2002:	\$251,000/yr.
FY 2002-2003:	\$260,000/yr.

Resolution # CB-01-122, Dated May 18, 2001. This resolution authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania, the State System of Higher Education and the Pennsylvania Doctors Alliance rank and file unit (T4) effective July 1, 2001, through June 30, 2005.

Employees in the T4 unit will receive 3.5% general pay increases on July 1, 2001, and July 1, 2002, respectively, and will receive pattern increases for the rest of the contract years. The estimated cost of general pay increase is approximately \$716,000 for the first year and \$741,000 for the second year.

Resolution # CB-01-123, Dated May 18, 2001. This resolution authorizes the Job Evaluation Committee settlement side letter with the PSPOA that establishes the DCNR Ranger Operations Specialist class and a new Pay Range 31. The side letter also creates a training differential of \$0.95 per hour for DCNR Rangers and DCNR Ranger Supervisors who are assigned to develop and/or conduct formalized training sessions related to DCNR Ranger functions. The training differential increases to \$1 per hour effective July 1, 2001.

### *Governor's Office*

Manual M210.3—Index of Issuances—Directives Management System, Amended April 6, 2001.

Manual M215.3—Field Procurement Handbook, Amended March 20, 2001.

Management Directive No. 210.1—Directives Management System, Amended May 15, 2001.

Management Directive No. 210.9—Electronic Imaging Systems Procedures Relating to the Management of Records, Amended April 23, 2001.

Management Directive No. 210.10—Electronic Records Management, Amended April 23, 2001.

Management Directive No. 210.13—Retention and Disposition of Records Created on Electronic Mail (E-mail) Systems, Dated April 27, 2001.

Management Directive No. 305.9—Use of Forms STD-419/419L, Refund of Expenditures and STD-420/C420/420L, Transmittal of Revenue, When Unaccompanied by Remittances, Revision No. 2, Dated April 17, 2001.

Administrative Circular No. 01-11—Closing Instruction No. 3, Prior Encumbrances for Act 57 Waivers and Contracted Repairs, Dated May 2, 2001.

Administrative Circular No. 01-12—Holidays—2002, Dated May 11, 2001.

Administrative Circular No. 01-13—Discontinuance of Personal Checks for Purchases from State Surplus Property Division, Dated May 14, 2001.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 01-1080. Filed for public inspection June 15, 2001, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Chester County, Wine & Spirits Shoppe #1504, 710 Downingtown Pike, West Chester, PA 19380-1950.

*Lease Expiration Date:* March 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space located within a 1 mile radius of Routes 322 and 162, in East Bradford Township.

*Proposals due:* July 6, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9670

Chester County, Wine & Spirits Shoppe #1517, Devon Village Shoppes, 821 W. Lancaster Avenue, Wayne, PA 19087-2550.

*Lease Expiration Date:* April 30, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space located within a 2 mile radius of Route 30 and Waterloo Avenue in Easttown Township.

*Proposals due:* July 6, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9670

Chester County, Wine & Spirits Shoppe #1518, The Marketplace Shopping Center, 1502 W. Chester Pike, West Chester, PA 19382-7705.

*Lease Expiration Date:* March 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space located within a 3 mile radius of Routes 3 and 352 in Westtown Township.

*Proposals due:* July 6, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9670

Chester County, Wine & Spirits Shoppe #1519, The Shops at Great Valley, 20 Liberty Boulevard, Malvern, PA 19355-1418.

*Lease Expiration Date:* March 31, 2002

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space located within a 1/2 mile radius of Routes 29 and 202 in East Whiteland Township.

*Proposals due:* July 6, 2001 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9670

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 01-1081. Filed for public inspection June 15, 2001, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Order

Public Meeting held  
 May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau  
 Prosecutory Staff v. American Business Alliance, Inc.;  
 Doc. No. C-00014696; A-310379*

### Default Order

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against American Business Alliance, Inc. (Respondent), an IXC reseller certificated at A-310379. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$200 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service was perfected on January 23, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. American Business Alliance, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by American Business Alliance, Inc. at Docket No. A-310379 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of

the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1082. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

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

Public Meeting held  
May 24, 2001

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. American Network Exchange, Inc.;  
Doc. No. C-00014722; A-310079*

### Default Order

*By the Commission:*

On January 19, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against American Network Exchange, Inc. (Respondent), an IXC reseller certificated at A-310079. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$2,058 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, the forwarding order expired and the complaint was not delivered. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. American Network Exchange, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the

date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by American Network Exchange, Inc. at Docket No. A-310079 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1083. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

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

Public Meeting held  
May 24, 2001

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Amer-I-Net Services, Corp.; Doc. No.  
C-00014955; A-310115*

### Default Order

*By the Commission:*

On February 23, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Amer-I-Net Services, Corp. (Respondent), an IXC reseller certificated at A-310115. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$30 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, the complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Amer-I-Net Services, Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Amer-I-Net Services, Corp. at Docket No. A-310115 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1084. Filed for public inspection June 15, 2001, 9:00 a.m.]

#### Default Order

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

Public Meeting held  
May 24, 2001

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Ameritech Payphone Services, Inc.;  
Doc. No. C-00014691; A-310293*

#### Default Order

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Ameritech Payphone Services, Inc. (Respondent), an IXC reseller certificated at A-310293. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66

Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$1,163 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected on January 24, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Ameritech Payphone Services, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Ameritech Payphone Services, Inc. at Docket No. A-310293 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1085. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Default Order**

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

Public Meeting held  
May 24, 2001

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Comtex Corporation; Doc. No. C-00014965; A-310774*

**Default Order**

*By the Commission:*

On February 23, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Comtex Corporation (Respondent), an IXC reseller certificated at A-310774. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$62 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected on March 5, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. Comtex Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.
4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Comtex Corporation at Docket No. A-310774 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1086. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Default Order**

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Empire Communications Corp.; Doc. No. C-00014963; A-310748*

**Default Order**

*By the Commission:*

On February 23, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Empire Communications Corp. (Respondent), an IXC reseller certificated at A-310748. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$23 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, the complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It Is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. Empire Communications Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certifi-

cate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Empire Communications Corp. at Docket No. A-310748 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 01-1087. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

Public Meeting held  
May 24, 2001

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick  
*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Inet Interactive Network System; Doc. No. C-00014712; A-310833*

### Default Order

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Inet Interactive Network System (Respondent), an IXC reseller certificated at A-310833. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$3,939 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service of the complaint was perfected on January 22, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Inet Interactive Network System immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Inet Interactive Network System at Docket No. A-310833 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 01-1088. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

Public Meeting held  
May 24, 2001

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick  
*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. JD Services, Inc.; Doc. No. C-00014694; A-310352*

### Default Order

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against JD Services, Inc. (Respondent), an IXC reseller certificated at A-310352. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$733 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, the forwarding order expired and the complaint was not delivered. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. J D Services, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by J D Services, Inc. at Docket No. A-310352 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1089. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

Public Meeting held  
May 24, 2001

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick  
*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Laurel Highland Telephone Co.;  
Doc. No. C-00014921; A-311800*

### Default Order

*By the Commission:*

On February 22, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Laurel Highland Telephone Co. (Respondent), an IXC

reseller certificated at A-311800. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$5,574 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service was perfected on February 24, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Laurel Highland Telephone Co. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Laurel Highland Telephone Co. at Docket No. A-311800 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1090. Filed for public inspection June 15, 2001, 9:00 a.m.]



**Default Order**

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Long Distance International, Inc.; Doc. No. C-00014674; A-310289*

**Default Order**

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Long Distance International, Inc. (Respondent), an IXC reseller certificated at A-310289. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$2,741 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service was perfected. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. Long Distance International, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.
4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Long Distance International, Inc. at Docket No. A-310289 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.
5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public

convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1091. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Default Order**

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. NTI Telecom, Inc.; Doc. No. C-00014692; A-310634*

**Default Order**

*By the Commission:*

On February 23, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against NTI Telecom, Inc. (Respondent), an IXC reseller certificated at A-310634. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$14 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, the Respondent moved, so the complaint was not served. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. NTI Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by NTI Telecom, Inc. at Docket No. A-310634 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1092. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Netel, Inc.; Doc. No. C-00014957; A-310271*

### Default Order

*By the Commission:*

On February 23, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Netel, Inc. (Respondent), an IXC reseller certificated at A-310271. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$26 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, the Respondent moved, so the complaint was not served. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a

copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Netel, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Netel, Inc. at Docket No. A-310271 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1093. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. New Media Telecommunications; Doc. No. C-00014702; A-310613*

### Default Order

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against New Media Telecommunications (Respondent), an IXC reseller certificated at A-310613. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$238 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, the complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. New Media Telecommunications immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by New Media Telecommunications at Docket No. A-310613 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1094. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

Public Meeting held  
May 24, 2001

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick  
*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Nexstar Communications, Inc.; Doc. No. C-00014705; A-310628*

### Default Order

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Nexstar Communications, Inc. (Respondent), an IXC

reseller certificated at A-310628. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$198 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service was perfected on January 30, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Nexstar Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Nexstar Communications, Inc. at Docket No. A-310628 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1095. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Default Order**

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. PTT Telekom, Inc.; Doc. No. C-00014959; A-310528*

**Default Order**

*By the Commission:*

On February 23, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against PTT Telekom, Inc. (Respondent), an IXC reseller certificated at A-310528. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$46 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service was perfected on March 2, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. PTT Telekom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.
4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by PTT Telekom, Inc. at Docket No. A-310528 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.
5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office

of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1096. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Default Order**

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Paradigm Communications Corp.; Doc. No. C-00014961; A-310615*

**Default Order**

*By the Commission:*

On February 23, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Paradigm Communications Corp. (Respondent), an IXC reseller certificated at A-310615. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$11 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

- (1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and
- (2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service was perfected on February 28, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.
2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. Paradigm Communications Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Paradigm Communications Corp. at Docket No. A-310615 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1097. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Peoples Telephone Company, Inc.; Doc. No. C-00014680; A-310013*

### Default Order

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Peoples Telephone Company, Inc. (Respondent), an IXC reseller certificated at A-310013. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$11,252 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service was perfected on January 22, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a

copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Peoples Telephone Company, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Peoples Telephone Company, Inc. at Docket No. A-310013 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1098. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Telehub Network Services Corp.; Doc. No. C-00014699; A-310558*

### Default Order

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Telehub Network Services Corp. (Respondent), an IXC reseller certificated at A-310558. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$1,197 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service was perfected on January 27, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Telehub Network Services Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Telehub Network Services Corp. at Docket No. A-310558 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1099. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Default Order

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Telnet Communications, Inc.; Doc.  
No. C-00014681; A-310026*

### Default Order

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against Telnet Communications, Inc. (Respondent), an IXC

reseller certificated at A-310026. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$55 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, the complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Telnet Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Telnet Communications, Inc. at Docket No. A-310026 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1100. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Default Order**

Public Meeting held  
May 24, 2001

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. World Wide Communications, Inc.; Doc. No. C-00014682; A-310045*

**Default Order**

*By the Commission:*

On January 16, 2001, the Law Bureau Prosecutory Staff (Prosecutory Staff) instituted a complaint against World Wide Communications, Inc. (Respondent), an IXC reseller certificated at A-310045. In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail notices to the Respondent that under 66 Pa.C.S. § 510, its 2000-2001 Annual Assessment in the amount of \$149 was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 510(c) by neither paying the assessment nor filing objections.

The complaint sought the following remedies:

(1) the Commission issue an order canceling the Respondent's certificate of public convenience if Respondent failed to answer the complaint within 20 days of receipt of the complaint, and

(2) the Commission issue an order referring the total outstanding assessment balance to the Attorney General's office for appropriate civil collection action.

According to the post office return receipt, service was perfected on January 19, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessment has not been paid; *Therefore,*

*It is Ordered that:*

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. World Wide Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide a written notice to each existing customer directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established under Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by World Wide Communications, Inc. at Docket No. A-310045 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. Sixty days after publication in the *Pennsylvania Bulletin*, following cancellation of the certificate of public convenience under Ordering Paragraph No. 4, the Office of Executive Director refer the total outstanding assessment balance to the Attorney General's office for appropriate civil collection and action.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1101. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Implementation of Number Conservation Measures Granted to the Commonwealth by the Federal Communications Commission in its Order Released July 20, 2000—1K Pooling; M-00001427; P-00961027F0002**

Public Meeting held  
May 24, 2001

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

**Order**

*By the Commission:*

*Introduction*

In this order, we mandate that the Commonwealth's second interim pooling trial be implemented in the Pittsburgh area on October 29, 2001. We also direct that code holders in the Pittsburgh area implement various prepooling guidelines, such as block protection, on June 25, 2001. Finally, we are seeking comments regarding the specifics of this second interim pooling trial as discussed. We do not see resolution of these specific comments as a hindrance to the ability of this second pooling trial to be implemented on October 29, 2001.

*Background*

Both Federal and State statutes have created the opportunity for new telephone companies to compete against existing companies for local telephone business.<sup>1</sup> These statutes were designed to foster competition in the telecommunications marketplace with the hope of ultimately lowering prices and improving choices for consumers. Unfortunately, however, the proliferation of fax machines, computer modems, cellular phones and competitive carriers in the local service market have created an unprecedented demand for NXX codes.<sup>2</sup> Consequently, area codes are rapidly exhausting in this Commonwealth and Nationwide.

The Commission, in addition to other state and Federal regulators as well as the telecommunications industry, has been dedicated to finding a solution for this complex numbering problem for several years. Efforts have focused both on developing methods of allocating numbers more efficiently and on developing methods for increasing carriers' accountability for their numbering resources.

<sup>1</sup> See, The Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C.A. § 251(e)(1), and Chapter 30 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 3001—3009.

<sup>2</sup> NXX codes are the three digits following the area code in a 10-digit telephone number. Under the current infrastructure, telephone numbers are assigned to carriers by NXX code (which contains 10,000 numbers). Consequently, even if a carrier has only 10 customers, 10,000 numbers are still assigned in that area code causing 9,990 numbers to remain unused and unavailable. The result of this is that the amount of NXX codes in an area code exhaust so that a new area code needs to be instituted to generate new NXX codes, and hence, new numbers available for assignment.

Number pooling is a number conservation measure with the potential of significantly slowing the depletion of numbering resources. "Pooling" refers to sharing spare resources; thousands-block pooling (1K pooling) is a method of assigning those resources. In number pooling, there is an inventory of telephone numbers that participating service providers<sup>3</sup> share and use in groups of 1,000 numbers. The entity responsible for monitoring the pool and allocating the resources in the pool is known as the Pooling Administrator. Numbers are added to the pool through 1,000 block donations from service providers. When these resources are not enough, then the Pooling Administrator will seek a 10,000 block (or NXX) code assignment from the North American Numbering Plan Administrator (NANPA).<sup>4</sup>

The Commission has long advocated the benefits of 1K pooling for this Commonwealth and has been attempting to implement this number conservation measure for over 4 years. The Commission first ordered 1K pooling to be implemented in the 717, 215 and 610 numbering plan areas (NPAs or area codes) in its July 15, 1997, order at P-00961027, P-00961061 and P-00961071. Unfortunately, however, the Federal Communications Commission (FCC) curtailed the Commission's efforts in the fall of 1998 by ruling that the Commission did not have the authority to implement such a measure without receiving approval from the FCC.<sup>5</sup> But, the FCC did determine that state commissions could file petitions with it requesting such authority. Consequently, the Commission filed its Petition for Delegated Authority to Implement Number Conservation Measures, CC Docket No. 96-98, on December 27, 1999, and requested, among other initiatives, the authority to implement 1K pooling.

On March 31, 2000, the FCC released its National number pooling order (FCC's Numbering Order) which establishes, in addition to other number conservation measures, a National framework for 1K pooling and a National rollout for pooling to begin 9 months after the FCC names a National pooling administrator.<sup>6</sup> Regarding the Commission's request to implement 1K pooling in this Commonwealth, the FCC's Numbering Order directed the Commission to file a supplement to its pending petition for delegated authority demonstrating that: 1) an NPA is in jeopardy; 2) the NPA in question has a remaining life span of at least a year; and 3) the NPA is in one of the

largest 100 Metropolitan Statistical Areas (MSAs)<sup>7</sup>, or alternatively, that the majority of wireline carriers in the NPA are local number portability (LNP) capable.

The Commission filed a supplement to its petition for delegated authority to implement number conservation measures on April 25, 2000. The Commission asserted that both 412 and 610/484 fell within the criteria specified by the FCC and would be appropriate for 1K pooling. Also, the Commission indicated that the 724, 717, 570 and 215/267 NPAs would benefit from 1K pooling based on the history of their life expectancy and the Commission's experience with them since 1996.

On July 20, 2000, the FCC issued an order (FCC's Delegation Order) granting the Commission's request to implement 1K pooling on an interim trial basis.<sup>8</sup> Using this authority, the Commission implemented the Commonwealth's first interim 1K pooling trial on April 27, 2001, in the 610/484 NPAs.<sup>9</sup> When this trial opened, the carriers participating in the pooling trial donated 2.5 million numbers to the pool which would have been unavailable for use by other carriers in a nonpooling environment. Additionally, in the process of opening the pooling trial, approximately 66 full NXX codes were or are going to be returned to the NANPA. Consequently, in the opening stages of this pooling trial in 610/484, approximately three million numbers were recycled and were made available for assignment to service providers without the need to open new additional NXX codes. We believe that a pooling trial in the Pittsburgh area will be just as successful.

Therefore, now that the Commonwealth's first interim 1K pooling trial is fully implemented, the Commission is anxious to use its FCC delegated authority to implement its second interim 1K pooling trial in the Pittsburgh area so that these consumers can receive the benefits of this number conservation measure. The Commission remains committed to having adequate numbering resources available to all telecommunications providers while being mindful of the impact of proliferating new area codes on this Commonwealth's citizens. By implementing 1K pooling in combination with other number conservation measures,<sup>10</sup> the Commission will better ensure that telecommunications carriers have adequate numbering resources without needing to resort to adding new area codes.

<sup>3</sup> To be able to participate in 1K pooling a carrier must be LNP-capable. See *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574, ¶ 116 (2000). Although the telephone network is designed to route traffic based on the assignment of an NXX code (10,000 numbers) to one specific carrier, the introduction of LNP has begun to make the network more flexible. Because LNP enables the switch-specific restriction of telephone number assignments to be removed, any telephone number can be assigned to any switch offering service in the telephone number's rate center. Consequently, all LNP-capable providers who service a particular rate area can share all telephone number resources. By making the entire spare number inventory available to many providers, telephone number utilization can be improved and NPA lives extended. Service providers who cannot participate in the pool would continue to receive NXX codes from the code administrator in 10,000 blocks.

<sup>4</sup> The NANPA is the entity responsible for allocating numbering resources to telecommunications carriers and monitoring the life span of area codes. The NANPA works under a contract with the FCC.

<sup>5</sup> *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 190029 (1998). (FCC's Pennsylvania Order).

<sup>6</sup> See *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574 (2000). (FCC's Numbering Order). In this Report and Order, the FCC established new policies and rules to reduce the need for new area codes and addressed two of the major factors that contribute to numbering resource exhaust—the absence of regulatory, industry or economic control over requests for numbering resources and the allocation of numbers in blocks of 10,000 regardless of the carrier's actual need. In addition, the FCC mandated that carriers assign all available telephone numbers within an opened thousands-block before opening another thousands-block and this requirement applies to both a carrier's existing numbering resources and any future numbering resources. See 47 CFR § 52.15(j)(1).

<sup>7</sup> MSAs are geographic areas designated by the Bureau of Census for purposes of collecting and analyzing data. The boundaries of MSAs are defined using statistics that are widely recognized as indications of metropolitan character. See *Policy and Rules Concerning Rates for Dominant Carriers*, Memorandum Opinion and Order, 12 FCC Rcd 115, 8122 (1997). See also <http://www.census.gov/>.

<sup>8</sup> *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101. (FCC's Delegation Order). Beyond 1K pooling, this order also grants the Commission authority to do the following: 1) maintain rationing procedures for 6 months following implementation of NPA relief; 2) implement NXX code sharing (after investigating it, reporting results to FCC, and determining that it is feasible and economically viable); and 3) hear and address claims for an extraordinary need for numbering resources in an NPA subject to a rationing plan.

<sup>9</sup> *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released July 20, 2000—Thousands-Block Number Pooling*, Opinion and Order Regarding the Petition of Verizon Pennsylvania Inc. For Expedited Reconsideration, Docket Numbers M-00001427 and P-00961061F0002 (Order entered February 9, 2001).

<sup>10</sup> See *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released March 31, 2000—NXX Code Reclamation*, Docket No. M-00001373 (Order entered August 22, 2000), 30 Pa. B. 4701 (September 2, 2000) (Commission established process for reclaiming NXX codes from carriers who have failed to activate them within 6 months of their availability for assignment to customers.); *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released July 20, 2000—NXX Code Rationing*, Docket Nos. M-00001427 and P-00961027F0002 (Order entered December 27, 2000) (Commission ordered that NXX code rationing would continue in the 412 and 878 area codes at a rate of six per month until February 17, 2002); *Rate Center Consolidation*, Docket No. M-00011452 (Order entered February 9, 2001) (Commission creates subcommittee charged with the responsibility of creating a plan for implementing rate center consolidation in this Commonwealth and submitting that plan to the Commission by August 1, 2001); and *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order Released July 20, 2000—NXX Code Sharing*, Docket Number M-00001427F0002 (Order entered February 26, 2001), 31 Pa.B. 1428 (March 10, 2001) (Commission sought comments regarding NXX code sharing).



Through this order, we will mandate that the Commonwealth's second interim pooling trial be implemented in the Pittsburgh area on October 29, 2001, as modified by the resolution of the comments we are inviting. We intend to adopt another order at our July 12, 2001, Public Meeting in consideration of the comments we receive.

#### *Discussion*

### **I. The Date Established for the Commonwealth's Second Interim Pooling Trial**

The Commission has determined that the Commonwealth's second interim 1K pooling trial should be fully implemented on October 29, 2001. This date takes into consideration the following factors. First, there will be a 20-day comment period for this order before we issue our final pooling order in July. The industry has indicated in the past that they need approximately 3 months after the date of the final pooling order before the pooling implementation date in which to prepare. This timeline fulfills that need.

Second, this implementation date will not hinder the success of the pooling trial for several reasons. First, rationing will continue in both the 412 and 878 NPAs until February 17, 2002, so the Commission is not concerned about the potential unnecessary assignment of NXX codes from the 412 NPA. Second, we do not expect any 878 NXX codes to be assigned to carriers between August 2001, and October 2001, because of the availability of NXX codes in both the 412 and 724 NPAs. The relief plan for the overlay implementation states that no NXX codes from the 878 NPA should be assigned until the NXX codes from the underlying NPAs are exhausted. In the 412 NPA, there are approximately 107 NXX codes left and in the 724 NPA, there are approximately 111 NXX codes left.<sup>11</sup> Third, all service providers are required by Federal rules to assign all available telephone numbers within an opened thousands-block before assigning telephone numbers from an uncontaminated thousands-block.<sup>12</sup> Consequently, even if any NXX codes were to be allocated to carriers from the 878 NPA, they would contain a significant number of uncontaminated 1K blocks that can be subsequently used in the pooling trial.

The third reason we will order our second interim 1K pooling trial to be implemented on October 29, 2001, is based on paragraph 159 of the FCC's Numbering Order.<sup>13</sup> In that paragraph, the FCC tentatively concluded that National rollout of pooling would encompass a maximum of three NPAs in each Number Portability Administration Center (NPAC)<sup>14</sup> region per quarter. Using this as guidance, and because we are cognizant of the work involved in pooling by the carriers, most of which operate in several states throughout each NPAC region and Nationwide, we are willing to take into consideration the pooling schedules of the other states in the Mid-Atlantic region.<sup>15</sup> Currently, we understand that Maryland and Virginia will be turning up pooling trials from July through October 2001. In light of this schedule, Commission staff has been informally advised by the industry that our October 29, 2001, date is feasible for pooling in the Pittsburgh area.

### **II. Requirements for All Carriers**

Under Federal rules effective July 17, 2000, all service providers are required to assign all available telephone numbers within an opened thousands-block before assigning telephone numbers from an uncontaminated thousands-block. See 47 CFR 52.15(j)(1). This requirement applies to a service provider's existing numbering resources as well as to any new numbering resources it obtains in the future. Additionally, the new Federally-mandated utilization rate went into effect on May 8, 2001. Per 47 CFR 52.15(h), carriers requesting growth codes in a particular rate center will need to show that they have achieved a 60% utilization threshold in the codes they already have in that rate center.

### **III. Additional Requirements for All LNP-Capable Carriers in the Pittsburgh Area**

In this order, we are establishing various preimplementation guidelines for LNP-capable code holders in the Pittsburgh area in advance of the October 29, 2001, implementation date for our second interim 1K pooling trial. These measures are to ensure that remaining numbering resources are not consumed inefficiently while pooling mechanisms are being developed. By this order we will expressly require that all LNP-capable carriers in the Pittsburgh area implement the following on June 25, 2001:

1. All code holders administer their codes in blocks of thousand numbers on a rate center basis.
2. All code holders set aside (that is, restrict from assignment in their telephone administration systems) all unopened thousand blocks currently assigned to them, unless no other numbers are available.
3. All code holders refrain from assigning numbers from any thousands block in an NXX with 100 or fewer numbers currently in use unless no other numbers are available.

### **IV. Implementation of the Commonwealth's Second Interim 1K Pooling Trial in 412/724/878**

Under paragraphs 45 and 46 of the FCC's Delegation Order,<sup>16</sup> the Commission can implement 1K pooling in the Philadelphia MSA and in the Pittsburgh MSA. Further, the Commission can implement 1K pooling in any new NPA implemented to relieve number shortages in these two MSAs. However, the Commission must first implement 1K pooling in a single MSA and may not expand to another MSA until pooling has been fully implemented in the initial one. Now that the Commonwealth's first interim 1K pooling trial is implemented in the Philadelphia area, we plan to move forward with the implementation of a second pooling trial in the Pittsburgh MSA.

The 412 NPA was one of the Commonwealth's original four area codes. On July 15, 1997, the 412 NPA was split by Commission Order at P-00961027 with the new 724 NPA activated on February 1, 1998. The 412 NPA encompasses Allegheny county. The 724 NPA is comprised of Crawford, Mercer, Lawrence, Butler, Venango, Clarion, Armstrong, Beaver, Allegheny, Indiana, Westmoreland, Fayette, Washington and Greene counties.

The 412 NPA was declared to be in jeopardy<sup>17</sup> on November 29, 1999, by the NANPA. On July 9, 1999, an industry consensus was reached to institute an all ser-

<sup>11</sup> See [www.nanpa.com](http://www.nanpa.com).

<sup>12</sup> 47 CFR § 52.15(j)(1). See also *infra* Section II.

<sup>13</sup> FCC's Numbering Order *supra* note 6 at ¶ 159.

<sup>14</sup> The NPAC was developed to support the implementation of LNP and it provides supporting turn-key and operational services, coordinates the porting of telephone numbers between carriers and downloads routing information to carriers' local Service Management Systems to update local routing databases. The NPAC is divided into seven regions across the United States: Midwest, Mid-Atlantic, Northeast, Southeast, Southwest, Western and West Coast. More information can be found at [www.npac.com](http://www.npac.com).

<sup>15</sup> The Mid-Atlantic NPAC region consists of the Commonwealth, New Jersey, Maryland and Virginia.

<sup>16</sup> FCC's Delegation Order *supra* note 8 at ¶¶45 and 46.

<sup>17</sup> Under the Central Office Code (NXX) Assignment Guidelines, "a jeopardy condition exists when the forecasted and/or actual demand for NXX resources will exceed the known supply during the planning/implementation interval for relief." Central Office Code (NXX) Assignment Guidelines at 48 (INC 95-0407-008, June 19, 2000). A copy of these guidelines can be obtained from [www.atis.org](http://www.atis.org).

vices multiple overlay. Therefore, on August 17, 2001, the 878 NPA will be activated and will overlay both the 412 and the 724 geographic areas.

The Commission will order a pooling trial in all three NPAs in the Pittsburgh area based on the following reasons. First, the Commission has the authority to implement pooling in the 412 NPA and any NPA ordered to provide relief, thereby permitting pooling in both 412 and 878. Second, the Commission has the delegated authority to implement pooling in the Pittsburgh MSA which is served by both the 412 and the 724 NPAs.<sup>18</sup> Third, the industry consensus relief plan to implement the same 878 NPA overlay over both the 412 and 724 NPAs indicates to us that, despite the 412/724 NPA split, this area is still considered to be one geographic region; therefore, pooling in the entire area is logical. Finally, when the 878 NPA does open, we do not want the availability of 878 NXX codes to the 724 NPA region on a nonpooling basis to diminish the success a pooling trial in the 412/724/878 NPAs could have for all consumers in the Pittsburgh area.

#### V. Who Should Implement the Pittsburgh Area Pooling Trial and All Future Commonwealth Pooling Trials?

The Commission's current interim 1K pooling trial in the 610/484 NPAs is being administered by NeuStar, Inc. In our final pooling order entered December 27, 2000, we indicated that NeuStar would be the pooling administrator for that pooling trial only, and we would give any company interested in administering our second interim pooling trial an opportunity to file comments explaining why they should be selected. We have also decided that the pooling administrator selected for the Pittsburgh pooling trial would also be selected to conduct any other future pooling trials which may be implemented in this Commonwealth.

We are also aware that, under the FCC's Numbering Order,<sup>19</sup> the FCC is currently in the process of naming a National pooling administrator. Although a decision was expected at the end of March 2001, the FCC still has not named a National pooling administrator. We believe that the company selected as the National pooling administrator should also administer the Commonwealth's second pooling trial. However, we do not want the fact that the National pooling administrator has not been named to push back the implementation date of the Commonwealth's second interim 1K pooling trial. Therefore, without direction from the FCC at this time, we will seek comment about who should administer the Commonwealth's second interim pooling trial. If, however, between now and July 2001, the FCC names a National pooling administrator, then we will also select that company as our pooling administrator for the 412/724/878 interim 1K pooling trial.

In the meantime, we now invite comments from any company interested in administering our second interim 1K pooling trial regarding their qualifications, experience and ability to implement a successful interim pooling trial in the Pittsburgh area as well as any future Commonwealth pooling trials. Also, the Commission is interested

<sup>18</sup> According to the MSA boundaries as defined on June 30, 1999, by the Federal Office of Management and Budget, the Pittsburgh MSA contains the following counties: Butler, Beaver, Allegheny, Westmoreland, Washington and Fayette. All of the 412 NPA is in Allegheny county. The 724 NPA contains all of these counties, three additional entire counties—Mercer, Lawrence and Greene—that are not considered to be in the Pittsburgh MSA, and parts of four other counties—Crawford, Venango, Clarion, Armstrong, and Indiana—that are not considered to be part of the Pittsburgh MSA. See <http://www.census.gov/>.

<sup>19</sup> FCC's Numbering Order supra note 6 at ¶¶ 143—155.

in the industry's opinion regarding the selection of an interim Pooling Administrator.

#### VI. Should the Rationing Plan in the 412 And 878 NPAs be Continued After the Implementation of a Pooling Trial?

The 412 NPA was declared to be in jeopardy in October of 1999, and the industry subsequently reached a consensus to ration NXX codes there at the rate of six per month. Using the authority we were delegated in the FCC's Delegation Order,<sup>20</sup> we entered an order on December 27, 2000, at M-00001427F0002 and P-00961027 ordering that the rationing plan continue for 6 months after implementation of the 878 overlay. Consequently, rationing at a rate of six per month will continue in the 412 NPA until February 17, 2002. Further, if any NXX codes are assigned from the 878 overlay to rate centers in the 412 NPA, those will also be rationed at the rate of six per month.

The Commission is seeking comments regarding the necessity of continuing this rationing plan until February 2002, once the interim pooling trial is implemented in the Pittsburgh area. More specifically, we are interested in whether there is a benefit to having both a pooling trial and a rationing plan in the same NPAs. Also, if the rationing plan were to continue with the pooling trial, are all the carriers participating in the pooling trial considered as one when making code requests to NANPA Code administration? In other words, if there is no pooling then all carriers have an equal chance at getting NXX codes through the rationing process. But, in a pooling situation, the pooling administrator is in charge of receiving NXX codes from NANPA Code Administrator to fulfill the needs of the pool. Therefore, when the pooling administrator makes a request for an NXX code from the NANPA, should the pooling administrator receive a priority because it is representing several companies?

#### Conclusion

Because the Commission is concerned about the current availability and usage of numbering resources and the impact of proliferating new area codes on consumers as well as telecommunications carriers, the Commission intends to implement its second interim 1K pooling trial on October 29, 2001, in the Pittsburgh area. By taking this step to conserve and more efficiently use valuable numbering resources, the Commission will better ensure that telecommunications carriers have adequate numbering resources to operate in this Commonwealth; *Therefore,*

*It is Ordered that:*

1. The Commonwealth's second interim pooling trial will be implemented in the Pittsburgh area on October 29, 2001.

2. On June 25, 2001, all LNP-capable carriers in the Pittsburgh area shall implement the various preimplementation guidelines set forth in this order.

3. Comments regarding this tentative order be filed with the Commission no later than 15 days after this order is published in the *Pennsylvania Bulletin*. No reply comments will be permitted.

4. A copy of this order be served to all code holders in this Commonwealth, the Office of Consumer Advocate, the Office of Small Business Advocate, the North American Number Plan Administrator, NeuStar and Telecordia Technologies.

<sup>20</sup> FCC's Delegation Order supra note 8 at ¶ 63.

5. A copy of this tentative order shall be published both in the *Pennsylvania Bulletin* and on the Commission's website at <http://puc.paonline.com/>.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1102. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Petition of ALLTEL Pennsylvania for Action Under Sections 251(f)(2) and 253(b) of the Telecommunications Act of 1996; Doc. No. P-00971177**

By Order entered June 23, 2000, at Docket No. P-00971177, the Pennsylvania Public Utility Commission (Commission) assigned ALLTEL Pennsylvania's request for a 1-year extension to July 10, 2001, of the suspension of interconnection obligations imposed by section 251(b) and (c) of the Telecommunications Act of 1996, 47 U.S.C.A. §§ 101, et seq, to an administrative law judge pending the resolution of then existing opposition to ALLTEL Pennsylvania's request. No order was issued with regard to ALLTEL Pennsylvania's request for an extension to July 10, 2001.

On March 1, 2001, ALLTEL Pennsylvania filed a request for a 1-year extension of the suspension to July 10, 2002. The Commission has determined that publication and comment on this petition is appropriate. Interested parties must submit comments on the ALLTEL Pennsylvania petition within 7 days of publication in the *Pennsylvania Bulletin*.

Copies of the petition may be obtained from the Commission, Secretary's Bureau, upon request. The contact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1103. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Petition of Citizens Telephone Company of Kecksburg for Action Under Sections 251(f)(2) and 253(b) of the Telecommunications Act of 1996; Doc. Nos. P-00971229 and P-00971177**

By Order entered June 23, 2000, at Docket No. P-00971229, the Pennsylvania Public Utility Commission (Commission) granted Citizens Telephone Company of Kecksburg's (Citizens of Kecksburg) request for a 1-year extension of the suspension of obligations imposed by section 251(b) and (c) of the Telecommunications Act of 1996, 47 U.S.C.A. §§ 101, et seq.

On March 1, 2001, Citizens of Kecksburg filed a petition requesting an extension of the suspension, which expires in July 2001. The Commission has determined that publication and comment on this petition is appropriate. Interested parties must submit comments on the Citizens of Kecksburg's petition within 7 days of publication in the *Pennsylvania Bulletin*.

Copies of the petition may be obtained from the Commission, Secretary's Bureau, upon request. The con-

tact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1104. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Petition of Frontier Companies for Action Under Sections 251(f)(2) and 253(b) of the Telecommunications Act of 1996; Doc. No. P-00981393**

By Order entered December 7, 1998, at Docket No. P-00981393, the Pennsylvania Public Utility Commission (Commission) granted the Frontier Companies' request for a 2-year suspension of interconnection obligations imposed by section 251(b) and (c) of the Telecommunications Act of 1996, 47 U.S.C.A. §§ 101, et seq.

On January 26, 2001, the Frontier Companies filed a petition requesting an extension of the suspension, effective December 7, 2000, to December 7, 2001. The Commission has determined that publication and comment on this petition is appropriate. Interested parties must submit comments on the Frontier Companies' petition within 7 days of publication in the *Pennsylvania Bulletin*.

Copies of the petition may be obtained from the Commission, Secretary's Bureau, upon request. The contact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1105. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Petition of Rural Incumbent Local Exchange Carriers for Action Under Sections 251(f)(2) and 253(b) of the Telecommunications Act of 1996; Doc. No. P-00971177**

By Order entered June 23, 2000, at Docket No. P-00971177, the Pennsylvania Public Utility Commission (Commission) approved the request of 16 local exchange carriers for a 1-year extension of the suspension of interconnection obligations imposed by section 251(b) and (c) of the Telecommunications Act of 1996, 47 U.S.C.A. §§ 101, et seq. The companies granted relief were: Yukon Waltz Telephone Company; Venus Telephone Company; South Canaan Telephone Company; Pymatuning Independent Telephone Company; Pennsylvania Telephone Company; Palmerton Telephone Company; North Pittsburgh Telephone Company; North Penn Telephone Company; North-Eastern Pennsylvania Telephone Company; Marianna & Scenery Hill Telephone Company; Lackawaxen Telephone Company; Ironton Telephone Company; Hickory Telephone Company; Denver and Ephrata Telephone Company, d/b/a D&E Telephone Company; Armstrong Telephone Company-Pennsylvania; and Armstrong Telephone Company-North (Yukon Waltz, et al.).

On March 1, 2001, Yukon Waltz, et al. filed a request for a 1-year extension of the suspension to July 10, 2002. The Commission has determined that publication and comment on this petition is appropriate. Interested par-

ties must submit comments on the Yukon Waltz, et al. petition within 7 days of publication in the *Pennsylvania Bulletin*.

Copies of the petition may be obtained from the Commission, Secretary's Bureau, upon request. The contact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1106. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Petition of TDS Telecom/Mahanoy and Mahantango Telephone Company and TDS Telecom/Sugar Valley Telephone Company for Action Under Sections 251(f)(2) and 253(b) of the Telecommunications Act of 1996; Doc. Nos. P-00001792, P-00001793 and P-00971177**

By Order entered June 23, 2000, at Docket No. P-00971177, the Pennsylvania Public Utility Commission (Commission) granted TDS Telecom/Mahanoy and Mahantango, and TDS Telecom/Sugar Valley Telephone Companies' request for a 1-year extension of the suspension of interconnection obligations imposed by section 251(b) and (c) of the Telecommunications Act of 1996, 47 U.S.C.A. §§ 101, et seq.

On March 1, 2001, the TDS Telecom Companies filed a petition requesting an extension of the suspension to July 10, 2002. The Commission has determined that publication and comment on this petition is appropriate. Interested parties must submit comments on the TDS Telecom Companies' petition within 7 days of publication in the *Pennsylvania Bulletin*.

Copies of the petition may be obtained from the Commission, Secretary's Bureau, upon request. The contact person at the Commission is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1107. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Railroad  
With Hearing**

**A-00117083. Department of Transportation.** Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval to: (1) abolish the suspended at-grade crossing where SR 0119 crosses a single track owned by PA. Lines, LLC (AAR 529 106 R); and (2) alter the public at-grade crossing where SR 3011 crosses a single track owned by PA. Lines, LLC and operated on by Norfolk Southern Railway Company (AAR 545 124 A) by widening the roadway, installing a new high-type surface, installing new warning devices and providing preemption for the adjacent highway intersection in Burrell Township, Indiana County; and the allocation of costs incident thereto.

An Initial Hearing on this matter will be held Thursday, July 26, 2001, at 10 a.m. in the 11th floor hearing

room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1108. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Service 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 July 9, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00117375, F. 2. Karen L. Peters, t/d/b/a Snow White Dove** (312 Wendel Road, Irwin, Westmoreland County, PA 15642)—persons in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the counties of Armstrong, Indiana and Westmoreland, and from points in said counties and the county of Allegheny, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00112521, Folder 1, Am-A. Heron Respiratory Services, Inc., t/d/b/a Heron Quality Transportation** (691 Burmont Road, Drexel Hill, Delaware County, PA 19026), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Bucks, Chester, who are members of Heron Respiratory Service, Inc., t/d/b/a Heron Home Health Care, and who require in the same vehicle with them, escort by specially trained personnel, (other than physicians) provided by Heron Respiratory Service, Inc., t/d/b/a Heron Home Health Care, in geriatric care, infectious disease control, respiratory or pulmonary services, or licensed registered nurses, between points in the counties of Bucks, Chester, Delaware and Montgomery and the city and county of Philadelphia, and from points in said territory to points in Pennsylvania, and return; subject to the following condition: That all service shall be provided with 24 hour advanced reservations: *So as to Permit* the transportation of persons in paratransit service, between points in the counties of Berks, Clinton, Columbia, Lancaster, Lehigh, Luzerne, Lycoming, Monroe, Northumberland, Schuylkill and Wyoming, and from points in said territory, to points in Pennsylvania, and return.

**Notice of Motor Carrier Applications—Persons in Limousine Service**

The following applications for authority to transport persons in *limousine service between points in Pennsylvania* have been filed with the Pennsylvania Public Utility Commission. The applications will be considered without hearing in the absence of substantive protests limited to the issue of applicant fitness. Protests to these applications are due on or before July 9, 2001.

**A-00116736, F. 2. Tortorice Limousine, Inc.**, 1555 Washington Boulevard, Port Vue, PA 15133.

**Complaint**

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Charlotte Ceney; Doc. No. A-00107775C01

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Charlotte Ceney, respondent, maintains a principal place of business at Box 45C, McClelland Road, Finleyville, PA 15332.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00107775.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Secretary of the Commission revoke respondent's certificate of public convenience.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Secretary of the Commission revoke the certificate of public convenience held by Charlotte Ceney at Docket No. A-00107775, for failure to maintain current evidence of insurance on file with the Commission.

Respectfully submitted,  
George T. Mahan, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**Verification**

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to

prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
George T. Mahan

**Notice to Plead**

A. You must file an answer within twenty (20) days of the date of service. The date of service is the date of publication of this issue for this complaint and notice to plead. 52 PA Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 01-1109. Filed for public inspection June 15, 2001, 9:00 a.m.]

**Transfer by Sale  
Without Hearing**

**A-210097 and A-210035 F2000. Hamlin Associated Water Companies and Pocono Water Works Company, Inc.** Application of Hamlin Associated Water Companies and Pocono Water Works Company, Inc., for approval of 1) the transfer by sale of all the assets, real property and rights of Hamlin Associated Water Companies to Pocono Water Works Company, Inc.; 2) the right of Pocono Water Works Company to begin to offer or furnish water service to the public in Hamlin, Salem Township, Wayne County; and 3) the abandonment by Hamlin Associated Water Companies of all water service to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 2, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* Hamlin Associated Water Companies and Pocono Water Works Company, Inc.

*Through and By Counsel:* Frank Brommenschenkel, Frank B. and Associates, 134 Davis Street, Santa Paula, CA 93060.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1110. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Transfer of Stock Without Hearing

**A-311700 F5000 and A-310462 F5000. Lackawaxen Telecommunications Services, Inc.** Application of Lackawaxen Telecommunications Services, Inc. (formerly known as Lackawaxen Telephone Company), for approval of the creation of two holding company corporations, the exchange of all the outstanding common stock of Lackawaxen Telecommunications Services, Inc., for stock of LTC Communications, Inc., a newly formed first-tier holding company, with the subsequent transfer of said common stock to Lackawaxen Telecom, Inc., a newly formed second-tier holding company; and the Application of Lackawaxen Long Distance Company for approval of the transfer of all of the common stock of Lackawaxen Telecommunications Services, Inc., to Lackawaxen Telecom, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 2, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* Lackawaxen Telecommunications Services, Inc. and Lackawaxen Long Distance Company

*Through and By Counsel:* Patricia Armstrong, Esquire, D. Mark Thomas, Esquire, Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1111. Filed for public inspection June 15, 2001, 9:00 a.m.]

### Water and Wastewater Service Without Hearing

**A-210098 and A-230091. Pennsylvania Utility Company.** Application of Pennsylvania Utility Company for approval to begin to offer, render, furnish or supply water and wastewater service to the public in Lehman Township, Pike County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 2, 2001, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania Utility Company

*Through and By Counsel:* James P. Melia, Kirkpatrick and Lockhart, LLP, 240 North Third Street, Harrisburg, PA 17101-1507.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 01-1112. Filed for public inspection June 15, 2001, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 0134.1, Furnish & Install Two 12' x 12' Insulated Cargo Doors, Tioga Marine Terminal, until 2 p.m. on Thursday, July 5, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available June 19, 2001. The cost of the bid document is \$35 (includes 7% PA sales tax) which is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

A mandatory prebid job site meeting will be held Thursday, June 28, 2001, 10 a.m. at the job site, Delaware Ave. and Tioga St., Philadelphia, PA 19134.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 01-1113. Filed for public inspection June 15, 2001, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

July 23, 2001 Edward S. Rosenberg 1:30 p.m.  
(Disability)

Persons with a disability who wish to attend the previously-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Marilyn Fuller-Smith, Assis-

tant Executive should Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general

rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II, unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 01-1114. Filed for public inspection June 15, 2001, 9:00 a.m.]

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# 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

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

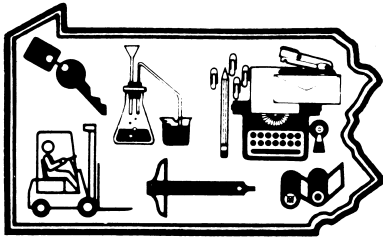


## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*



### Commodities

**B-14703** Vendor to provide to the State Correctional Inst. Graterford fiber optic supplies and any other related materials/equipment for security systems located throughout the Institution.

**Department:** Corrections  
**Location:** State Correctional Inst. Graterford, Box 246, Off Rt. 29, Graterford, PA 19426  
**Duration:** 1 Year (as needed)  
**Contact:** Kelly Richardson, (610) 489-4151

**10671010** Provide training on the most appropriate methods of managing a potential crisis. To include: assessment, prevention & intervention strategies utilizing techniques that have been accepted, approved & recognized locally and Statewide for handling potentially violent clients. Request bid packet #10671010 for detailed information.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401  
**Duration:** September 1, 2001 through August 31, 2002  
**Contact:** Sue Brown, Purchasing Agent, (610) 313-1026

**5850-01** Microcomputer, LAN Hardware & Peripherals. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Hardware & Peripherals, 5850-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5850-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**LBP-2000-45** Vendor to supply Tacilities Bed Pad and Wheelchair sensors as per bid specifications. To receive a copy of specification, please contact the Northeastern Veterans Center at (570) 961-4354 or by fax at (570) 961-4400.

**Department:** Military Affairs  
**Location:** Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** Within 4 weeks ARO  
**Contact:** Barbara Paryka, (570) 961-4354

**6350-03** Surveillance & Security Equipment & Supplies. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Surveillance & Security Equipment & Supplies, 6350-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**Elec-01/03** Miscellaneous electrical items for stock in the State Reservation Maintenance Warehouse. For a copy of the solicitation FAX your request to State Armory Board, (ELO) (717) 861-2932.

**Department:** Military Affairs  
**Location:** Fort Indiantown Gap, Annville, PA  
**Duration:** FY 00-01  
**Contact:** Eugene Ollar, (717) 861-2921

**5810-03** Microcomputer & Local Area Network (LAN) Software. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Software, 5810-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5810-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

**M1003** Geotextile—Class 4 Type B Extruded Polypropylene Biaxial Geogrid. Fasteners—Staples and hog tie rings. Bid package may be obtained by faxing request to (570) 387-4254, include contact name, company name and address and telephone number.

**Department:** Transportation  
**Location:** Material to be delivered to PennDOT stocking area, I-80 Exit 33, Danville, PA  
**Duration:** One time purchase  
**Contact:** Ken Bills, Asst. Manager, (570) 387-4250

**636** Electric Wheelchair.

**Department:** Public Welfare  
**Location:** Polk Center, P. O. Box 94, Polk, PA 16342  
**Duration:** 60 days after Receipt of Order  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0229

**6350-01 Security System Services.** During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Security System Services, 6350-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the "deadline"). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2000-01  
**Contact:** Vendor Services, (717) 787-2199

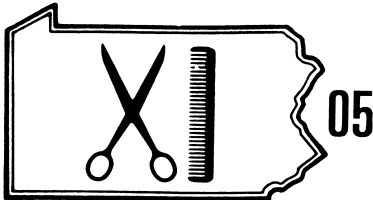
**PGC-2719 Caps—Baseball Style.** Summer weight, with direct embroidery; Lion Bros. Model C-91M, or approved equal—quantity: 1,400 (1,000 in Medium/Large size and 400 in XX-Large size); and winter weight, also with direct embroidery; Lion Bros. Model C-91, or approved equal—quantity: 1,200 (700 in Medium/Large size and 500 in XX-Large size). Configuration and color scheme of the direct embroidery will be provided with bid proposal. Bid to be awarded as one lot.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Contact:** Diane Shultz, (717) 787-6594

**1000-16749 Remington Tactical Model 870 P Shotgun**

**Department:** Corrections  
**Location:** 2520 Lisburn Road, Camp Hill, PA 17011  
**Contact:** Beth Procopio, (717) 975-4960

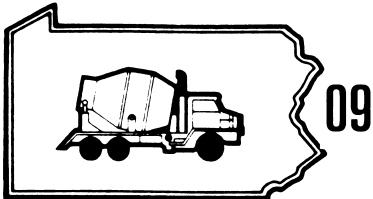
## SERVICES



### Barber Services

**SP-10879009 Barber Services;** approximately 9 hours per week; evenings and Saturday afternoons. Fax request for bid package to (570) 372-5675.

**Department:** Public Welfare  
**Location:** Selinsgrove Center Box 500, Route 522 Selinsgrove, PA 17870  
**Duration:** Estimated October 1, 2001 through June 30, 2006  
**Contact:** Arletta K. Ney, Purch. Agt., (570) 372-5670



### Construction & Construction Maintenance

**FDC-226-906.1 General Construction work** associated with the new Contact Station at Pymatuning State Park in Crawford County. Work also includes concrete, bituminous paving and landscaping. NOTE: Requests for Bid Documents may be made ON or AFTER June 18, 2001 at a cost of \$15.90.

**Department:** Conservation and Natural Resources  
**Location:** Jamestown Campground in West Shenango Township  
**Duration:** 180 Days  
**Contact:** Construction Management Section (717) 787-5055

**DGS A 509-108 REBID PROJECT TITLE:** Roof Replacement/Repair—Building No. 49. BRIEF DESCRIPTION: Preparation of all substrates, installation of new seamless silicone/polyurethane insulated roof system with roof granules in protective coating (repair of 5% of decking in areas #1). New 1/4" galvanized wire mesh around all drains, 2.5 lbs. galvanized wire lath at all perimeters and areas where roofs display elevational steps, as designated on drawing A1 of 1. ESTIMATED RANGE: Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. (717) 787-6556. Bid Date: WEDNESDAY, June 20, 2001 at 1 p.m.

**Department:** General Services  
**Location:** Norristown State Hospital, Norristown, Montgomery County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FDC-226-906.2 Mechanical work** associated with the new Contact Station at Pymatuning State Park in Crawford County (includes all HVAC and plumbing work). NOTE: Requests for Bid Documents may be made ON or AFTER June 18, 2001 at a cost of \$15.90.

**Department:** Conservation and Natural Resources  
**Location:** Jamestown Campground in West Shenango Township  
**Duration:** 180 Days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-226-906.4 Electrical work** associated with the new Contact Station at Pymatuning State Park in Crawford County (service entrance, wire & cable, conduit, switches, panelboards, circuit breakers, lighting, emergency lighting and communication system). NOTE: Requests for Bid Documents may be made ON or AFTER June 18, 2001 at a cost of \$15.90.

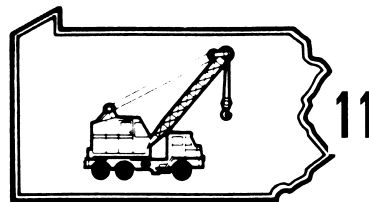
**Department:** Conservation and Natural Resources  
**Location:** Jamestown Campground in West Shenango Township  
**Duration:** 180 Days  
**Contact:** Construction Management Section, (717) 787-5055

**FDC-310-882.1R Renovations to Visitors Center** at Pine Grove Furnace State Park in Cumberland County. Work includes selective demolition, concrete work, steel stairs, replacement roofing sheathing (100 S.F.), sheet metal roof and painting. NOTE: Requests for Bid Documents may be made ON or AFTER June 20, 2001 at a cost of \$8.48.

**Department:** Conservation and Natural Resources  
**Location:** Cook Township  
**Duration:** 120 Days  
**Contact:** Construction Management Section, (717) 787-5055

**FBP-05-0019 & 22 Remove and replace 2 existing bridges** near the Alan Seeger Natural Area, approximately 2 miles north of Greenwood Furnace State Park. Work includes clearing, excavating, dewatering, rock lining, E&S measures, paving, traffic signs, guide rail, landscaping, architectural surface treatment, roadway gate, reinforced concrete, laminated wood beams and deck. NOTE: Requests for Bid Documents may be made ON or AFTER June 20, 2001.

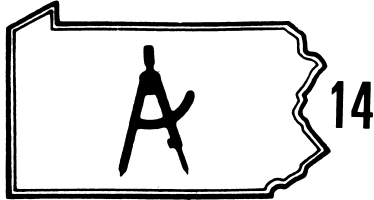
**Department:** Conservation and Natural Resources  
**Location:** Jackson Township  
**Duration:** Complete all work by October 31, 2002  
**Contact:** Construction Management Section, (717) 787-5055



### Demolition—Structural Only

**M-5546 DEMOLITION OF MODULAR HOUSING UNITS (34).** Removal of all structures, foundations and footers. Disposal of material and scrap. Clean-up debris.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823  
**Duration:** July 2, 2001—June 30, 2002  
**Contact:** Cheryl Crispell, Pur. Agt. 2, (814) 355-4874, ext. 206



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](mailto:www.dot2.state.pa.us)

**63-0165** West Chester University of Pennsylvania of the State System of Higher Education is issuing Request for Proposal 63-0165 for professional services for an Electrical System Upgrade. The selected professional shall provide design services to build upon the existing Electrical Capacity Review Study and the Penn State Electric System Upgrade study. This project is to improve the condition and capacity of the campus high voltage electric distribution system. The estimated construction cost is \$4,000,000. The selected professional is to produce construction design documents for bidding up to at least schematic design. If the project proceeds forward, the professional will provide full A/E services through construction. The selected firm will have completed at least three like projects within the last 10 years. The System encourages responses from small firms, minority firms, women-owned firms and firms which have not previously performed work for the System, and will consider joint ventures. The proposal is due no later than 3 p.m. on July 6, 2001. The proposal will be issued via e-mail from [jmarthinsen@wcupa.edu](mailto:jmarthinsen@wcupa.edu).

**Department:** State System of Higher Education  
**Location:** West Chester, PA  
**Duration:** Through October 2003  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705



### Financial and Insurance Consulting

**1801810060** PA Department of Revenue is seeking a qualified CPA or legal firms to assist in the technical evaluation and writing of instructions and supporting schedules for the Pennsylvania Individual Income Tax Return, PA-40.

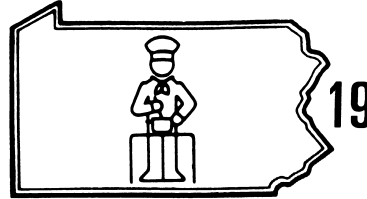
**Department:** Revenue  
**Location:** Department of Revenue, Bureau of Fiscal Management, 11th Floor, Strawberry Square, Harrisburg, PA 17128  
**Duration:** From effective date of contract through December 31, 2001. Extension to perform additional work may be available.  
**Contact:** Kevin Milligan, (717) 787-6737



### Firefighting Services

**SPC343900** Fire Extinguisher/Sprinkler System Services: The contractor shall provide services for the repair, maintenance, and testing of all fire suppression equipment to include portable extinguishers, fixed extinguisher system, SCUBA & SCBA cylinders, sprinkler system, fire hose, and hydrants at the PA DOC Training Academy. This service shall include all labor, repair, parts, materials, & equipment necessary to complete the job. The contractor will also perform yearly maintenance checks of each fire extinguisher & tag appropriately as per N.F.P.A. Code 10.

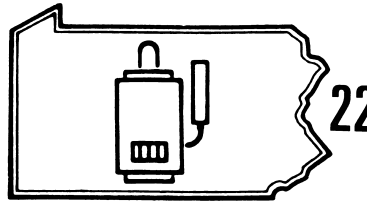
**Department:** Corrections  
**Location:** PA DOC Training Academy, 1451 North Market Street, Elizabethtown, PA 17022  
**Duration:** 3 years (07/01/01—06/30/04)  
**Contact:** Jack Hall, (717) 361-4340



### Food

**1509-03954** 28mm Collagen casing for fresh products.

**Department:** Corrections  
**Location:** Correctional Industries Meat Processing Plant, SCI-Camp Hill, 2500 Lisburn Road, Camp Hill, PA 17011  
**Duration:** 07/01/01 to 06/30/02  
**Contact:** Russ Ilgenfritz, (717) 975-4988



### HVAC Services

**SP1381011004** Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by the firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board by either calling, e-mailing at [vlengel@state.pa.us](mailto:vlengel@state.pa.us) or faxing a request to (717) 861-2932.

**Department:** Military Affairs  
**Location:** PAARNG Armory, R. D. 2 Rte. 15S, Lewisburg, PA 17837-0291  
**Duration:** DOA - 30 June 2003  
**Contact:** Vicky Lengel, (717) 861-8579

**PGC-2720** Designing and providing the materials, equipment and labor necessary to complete the installation of a central air conditioning system in the property (formerly the Fairfield Township Elementary School) the Game Commission has acquired for their new Southwest Regional Office.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Southwest Regional Office (formerly the Fairfield Twp. Elementary School), Route 711 North, Ligonier, PA 15658  
**Contact:** Diane Shultz or Linda Beaver, (717) 787-6594

**SP1381011005** HVAC Maintenance. Bid proposal forms used to submit bids are available from the State Armory Board by either calling, e-mailing at [vlengel@state.pa.us](mailto:vlengel@state.pa.us) or faxing request to (717) 861-2932.

**Department:** Military Affairs  
**Location:** PAARNG Armory, R. D. 4 Box 1133, School Road, Mt. Pleasant, PA 15666  
**Duration:** 1 October 2001—30 September 2004  
**Contact:** Vicky Lengel, (717) 861-8579



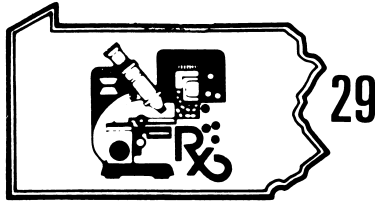
### Janitorial Services

**1381011003** Janitorial services. For a copy of the bid fax your request to (717) 861-2932.

**Department:** Military Affairs  
**Location:** PAARNG Armory, 826 Crane Ave., Pittsburgh, PA 15216-3012  
**Duration:** DOA—30 Jun 02  
**Contact:** Vicky Lengel, (717) 861-8579

**1381011002** Janitorial services. For a copy of the bid fax your request to (717) 861-2932.

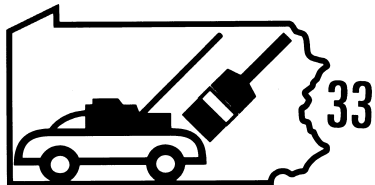
**Department:** Military Affairs  
**Location:** PAARNG Armory, 358 West Main St., Ligonier, PA 15658-1132  
**Duration:** DOA—30 Jun 02  
**Contact:** Vicky Lengel, (717) 861-8579



### Medical Services

**113-0439** Contractor shall provide comprehensive medical and rehabilitation services by licensed/certified professionals. Specifications of service available upon request.

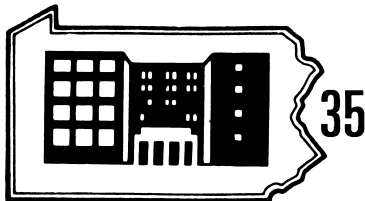
**Department:** Military Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Dr., Pittsburgh, PA 15206  
**Duration:** October, 2001 to June, 2004  
**Contact:** Ken Wilson, (412) 665-6727



### Property Maintenance

**SP13451011012** Scope of work will include building of three custom award cabinets and capping of alcove walls in either Oak, Cherry, or Walnut. For information, contact Joan Butchen, (610) 948-2492.

**Department:** Military Affairs  
**Location:** Southeastern Veterans' Center, 1 Veterans' Center, Spring City, PA 19475  
**Duration:** Estimated starting date of August 1, 2001. Estimated end date of October 31, 2001  
**Contact:** Joan A. Gutchen, PA3, (610) 948-2492



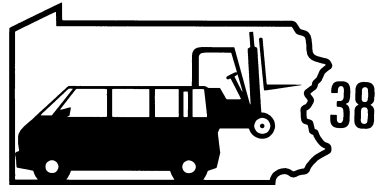
### Real Estate Services

**92166** The Commonwealth of Pennsylvania, Department of Labor and Industry is interested in Subleasing an office within Mifflin County. Office name and location is Juanita Valley Job Center, 25 Rothermel Drive, Yeagertown, PA 17099. There are 6,825 usable square feet at the cost of \$14.34 per square foot. Parking also available for 84 vehicles on site.

**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Property Management Division, Room 221, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120  
**Duration:** July 1, 2001 through June 30, 2007 with one (1) five (5) year renewal option.  
**Contact:** Michael Peterson/Kay Wealand, (717) 787-2787

**91611** The Commonwealth of Pennsylvania, Department of Labor and Industry is interested in Subleasing an office within Allegheny County. Office name and location is Pittsburgh North Job Center, 1122 Western Avenue, Pittsburgh, PA 15233. There are 11,180 usable square feet at the cost of \$14.72 per square foot. Parking also available for 45 vehicles on site plus 10 spaces in the rear parking lot.

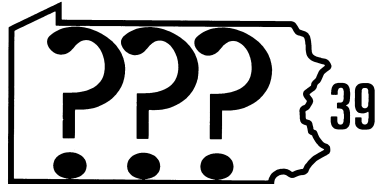
**Department:** Labor and Industry  
**Location:** Department of Labor and Industry, Property Management Division, Room 221, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120  
**Duration:** From present to 02/28/05 with one (1) five (5) year renewal option.  
**Contact:** Michael Peterson/Kay Wealand, (717) 787-2787



### Vehicle, Heavy Equipment and Powered Machinery Services

**3881101001** Rental of (2) Caterpillar 312 Excavators or approved equivalent, Rental of (2) Caterpillar D-4 Bulldozers or approved equivalent for use by DCNR, Bureau of Forestry. The road projects are located in Clinton and Centre Counties on the following roads: Boone Road, Little Greenlick Road, Dehass Road. The excavator controls must be modified to conform with John Deere specifications. The projects will be approximately 6 weeks for each machine.

**Department:** Conservation and Natural Resources  
**Location:** DCNR, Bureau of Forestry, HCR 62, Box 90, Renovo, PA 17764  
**Duration:** 06/30/02  
**Contact:** Doug D'Amore, (570) 923-6011



### Miscellaneous

**08-370500** The Department of Transportation, Knowledge Center, is issuing a Request for Proposal to solicit contractors interested in supplying a subscription service to the PennDOT library. This will include renewals, claims, and reporting PennDOT Knowledge Center Periodical subscriptions. Base amount of contract covers publisher price of subscriptions. Service Charge—%bid is for percent of service charge, not total contract amount since subscription publisher prices are paid and award will be based on lowest % of service. One annual billing except for price adjustments by publisher and new orders. Reports needed by title (including mailing addresses for each title). Interested contractors may request a copy of the RFP by FAXING their name, company name, address, telephone number and FAX number to Cheryl Bodan at (717) 705-1558. Please reference RFP # 08-370500 on your request.

**Department:** Transportation  
**Location:** Throughout the Commonwealth of Pennsylvania  
**Duration:** 5 years  
**Contact:** Cheryl Bodan, (717) 787-6527

**040141** Complete operation, maintenance, and testing of wastewater and drinking water systems at two safety rest areas on I-84 between exits 6 and 7 in Pike County. Specifications may be obtained from the District Roadside Unit by faxing your request to (570) 963-4245, Attn: Roadside Unit or by phoning (570) 963-4048 between the hours of 8 a.m. and 3 p.m. Monday through Friday.

**Department:** Transportation  
**Location:** I-84 Roadside Rest  
**Duration:** Two years with one renewal  
**Contact:** Martha Spaide, (570) 963-4048

**040142** The Pennsylvania Department of Transportation District 4-0 requires the planting of evergreens, shade and ornamental trees, and the preparation and planting of shrub beds in lower Luzerne County. Specifications may be obtained from the District Roadside Unit by faxing your request to (570) 963-4245 Attn: Roadside Unit or by phoning (570) 963-4048 between the hours of 8 a.m. and 3 p.m. Monday through Friday.

**Department:** Transportation  
**Location:** Lower Luzerne County  
**Duration:** Two years  
**Contact:** Martha Spaide, (570) 963-4048

**RFP 00-07-10** The Pennsylvania Department of Health (Department), Division of Maternal and Child Health, Genetic Services Program is interested in contracting with providers in the Commonwealth for the provision of education to primary care physicians and other health professionals regarding genetic services; education to four Family Planning Councils regarding genetic risk and genetic counseling services; and the provision of genetic counseling services in the four family planning councils by certified genetic counselor who will attend family planning clinics to provide a genetic education and counseling to patients identified at risk for a genetic condition.

**Department:** Health  
**Location:** Statewide  
**Duration:** Three years  
**Contact:** Jana Burdge, (717) 783-8143

**RFP 2001-1** The Pennsylvania Municipal Retirement System (PMRS) has issued a Request for Proposal (RFP 2001-1) for actuarial consulting services. Parties interested in receiving a copy of the RFP must submit a request in writing to PMRS at P. O. Box 1165, Harrisburg, PA 17108-1165. Requests can also be sent by fax to (717) 783-8363 or by e-mail to kgibboney@state.pa.us. Proposals are due at the PMRS offices no later than July 13, 2001 at 3 p.m. Questions or requests for further information or clarification regarding the issuance of this RFP must be submitted in writing no later than June 25, 2001, and should be addressed to Kristine M. Gibboney, Membership and Municipal Services Division.

**Department:** State Municipal Retirement System  
**Location:** Suite 301, Eastgate Center, 1010 North 7th Street, Harrisburg, PA 17102  
**Duration:** September 18, 2001 through June 30, 2006  
**Contact:** Kristine M. Gibboney (717) 787-2065

**040140** Furnish and apply seed, soil supplements and mulch to areas disturbed through excavation associated with maintenance activities within Engineering District 4-0. Requests for bids may be received by fax at (570) 963-4245 "Attn: Roadside Unit" or by phoning (570) 963-4048 between the hours of 8 a.m. and 3 p.m. Monday through Friday.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Wayne, Wyoming, and Susquehanna Counties  
**Duration:** Two years with one renewal  
**Contact:** Martha Spaide, (570) 963-4048

[Pa.B. Doc. No. 01-1115. Filed for public inspection June 15, 2001, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
0038-02	06/05/01	Boyer Printing & Binding	219,816.50
0038-02	06/05/01	Digital-Ink	141,229.00
0038-02	06/05/01	Pemcor Sowers LLC	215,400.50
9150-01	06/01/01	American Agip	172,270.10
9150-01	06/01/01	Jack Rich Inc.	22,451.90
9150-01	06/01/01	Lubeco Inc.	12,605.60
9150-01	06/01/01	PPC Lubricants	109,081.30

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1003151-01	06/05/01	Ameritherm Inc.	22,650.00
1564350-01	06/05/01	Aspen Licensing International	23,750.00
8057610-01	06/05/01	G A Blanco & Sons	43,372.00
8252620-01	06/05/01	M-B Co. Inc. of Wisconsin	31,750.00

GARY E. CROWELL,  
*Secretary*

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